



City of Nedlands

Minutes

Council Committee Meeting

14 June 2016

ATTENTION

This is a Committee which has only made recommendations to Council. No action should be taken on any recommendation contained in these Minutes. The Council resolution pertaining to an item will be made at the next Ordinary Meeting of Council following this meeting.

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City of Nedlands

Minutes of a meeting of the Council Committee held in the Council Chambers, Nedlands on Tuesday 14 June 2016 at 7 pm.

Declaration of Opening

The Presiding Member declared the meeting open at 7 pm, and 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).

Present and Apologies and Leave Of Absence (Previously Approved)

Councillors	His Worship the Mayor, R M C Hipkins (Presiding Member)	
	Councillor G A R Hay	Melvista Ward
	Councillor T P James (until 9.19 pm)	Melvista Ward
	Councillor N W Shaw	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor W R B Hassell	Dalkeith Ward
	Councillor R M Binks	Hollywood Ward
	Councillor B G Hodsdon (until 10.00 pm)	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor L J McManus	Coastal Districts Ward

Staff	Mr G K Trevaskis	Chief Executive Officer
	Mrs L M Driscoll	Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Miss J M Scott	Acting Director Technical Services
	Ms P E Panayotou	Manager Community Service Centres
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

Public There were 21 members of the public present.

Press The Post Newspaper representative.

Leave of Absence (Previously Approved) Councillor S J Porter Dalkeith Ward

Apologies Nil.

Absent 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

1.1 Mr Gavin Nicholls, Department of Defence, Director Estate & Facilities Services Building 12, Leeuwin Barracks, Riverside Road, East Fremantle

In reference to agenda Item TS08.16 – Closure of Sayer Street

Question 1

What traffic modelling, risk and safety analysis has been done to support a decision to close Sayer Street?

Answer

The closure is not driven by traffic concerns, and a detailed traffic review was not considered necessary. A Cost Benefit Analysis has been completed on the diverted traffic and this is included in the report. A risk and safety analysis identified ongoing emergency access requirements as the major item, and this has been addressed through maintaining Sayer Street as an emergency access route.

Question 2

What opportunity is there to defer this decision in order to meet with Defence representatives and address the concerns as raised in the correspondence sent to the City of Nedlands on 30 May 2016?

Answer

If the decision was to be deferred then a delayed closure date would require that the statutory consultation under *Section 3.50* of the *Local Government Act 1995* be repeated for an alternative closure date.

2. Addresses By Members of the Public (only for items listed on the agenda)

Mr Andrew Boughton, 4/120 Broadway, Crawley PD27.16
(spoke in support of the application)

Dr Ash Mughal, 5 Bellevue Avenue, Dalkeith PD28.16
(spoke in support of the application)

Mr Roger Spiers, 7 Waratah Avenue, Dalkeith PD30.16
(spoke in support of the recommendation)

Mr G Knight, 13 Hobbs Avenue, Dalkeith PD30.16
(spoke in support of the application)

Mr Murray Casselton, TPG, Level 7, 182 St Georges Terrace, Perth PD32.16
(spoke in support of the recommendation)

Mr Gavin Nicholls, Department of Defence,
Director Estate & Facilities Services, Building 12,
Leeuwin Barracks, Riverside Road, East Fremantle TS08.16
(spoke in opposition to the recommendation)

Ms Lesley Shaw, 9 Greenville Street, Swanbourne TS08.16
(spoke in support of the recommendation)

Sam Vandongen, 4 Sayer Street, Swanbourne TS08.16
(spoke in support of the recommendation)

3. Disclosures of Financial Interest

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

3.1 Councillor James – PD26.16 - (Lot 2) No. 2A Archdeacon Street, Nedlands – Short Stay Accommodation – Request to Approve its Continuation

Councillor James disclosed a financial interest in Item PD26.16 - (Lot 2) No. 2A Archdeacon Street, Nedlands – Short Stay Accommodation – Request to Approve Its Continuation, her interest being that she lives next door. She advised that she would leave the meeting during this matter.

4. Disclosures of Interests Affecting Impartiality

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

There were no disclosures affecting impartiality.

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

Nil.

6. Confirmation of Minutes

6.1 Committee Meeting 10 May 2016

Moved – Councillor Hay
Seconded – Councillor Argyle

The minutes of the Council Committee held 10 May 2016 be confirmed.

CARRIED UNANIMOUSLY 12/-

7. Matters for Which the Meeting May Be Closed

In accordance with Standing Orders and for the convenience of the public, the Committee 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.

8. Divisional Reports

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.

8.1 Planning & Development Report No's PD25.16 to PD32.16

Planning & Development Report No's PD25.16 to PD32.16 to be dealt with at this point (copy attached yellow cover sheet).

PLEASE NOTE: This Item was withdrawn by the applicant.

PD25.16 (Lot 384) No. 99 Waratah Avenue, Dalkeith – Proposed Change of Use (From Office to Restaurant)	
Committee	14 June 2016
Council	28 June 2016
Applicant	TKO Office Fitouts
Owner	J and S Franetovich
Officer	Mr A D Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2016/84 – WA3/99
Previous Item	Nil
Attachments	<ol style="list-style-type: none"> 1. Site Plan (A3) 2. Floor Plan (A3) 3. Waratah Avenue Placemaking Strategy – Concept Plan (Adopted in November 2015)

PD26.16	(Lot 2) No. 2A Archdeacon Street, Nedlands – Short Stay Accommodation – Request to Approve its Continuation
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Committee	14 June 2016
Council	28 June 2016
Applicant	TPG Town Planning, Urban Design and Heritage
Landowner	A and B Giambazi
Officer	Mr A D Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2016/93
Previous Item	Item PD09.15 – February 2016
Attachments	<ol style="list-style-type: none"> 1. Strata Plan 2. Floor Plans 3. Management Plan (Approved on 25 May 2015)

Councillor James – Financial Interest

Councillor James disclosed a financial interest her interest being that she lives next door to this property. She advised that she would leave the meeting during this matter.

Councillor James left the room at 7.05 pm.

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

Moved – Councillor Shaw
 Seconded – Councillor Hassell

That the Recommendation to Committee be adopted.
 (Printed below for ease of reference)

CARRIED 9/2
(Against: Mayor Hipkins Cr. Hay)

Committee Recommendation / Recommendation to Committee

Council approves the application received on 22 March 2016 for the dwelling at (Lot 2) No. 2A Archdeacon Street, Nedlands, to continue to be used as short term accommodation, subject to the following conditions and advice:

- 1. The Management Plan approved by the City on 25 May 2015 being complied with at all times by those residing at the property.**

Advice Notes specific to this approval:

- 1. If more than 6 persons are to be accommodated the lodging house requirements stipulated under the *Health Act 1911* are to be complied with.**
- 2. Noise emissions are to comply with the *Environmental Protection (Noise) Regulations 1997*.**

Councillor James returned to the room at 7.10 pm.

PD27.16	(Lot 7) No. 32A Jutland Parade, Dalkeith – Additions and Alterations to Single House
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Committee	14 June 2016
Council	28 June 2016
Applicant	Boughton Architecture
Landowner	S S Fowell
Officer	Kate Bainbridge – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
File Reference	JU2/32A – DA16/55
Previous Item	Nil.
Attachments	<ol style="list-style-type: none"> 1. Site Survey Plan (1) 2. Site Survey Plan (2) 3. Site Plan 4. Level 1 5. Level 2 6. Level 3 7. Level 4 8. North Elevation 9. South Elevation 10. East Elevation 11. West Elevation 12. Section 1 13. Section 2 14. Site Photographs 15. Examples of Materials of Construction 16. Applicant justification

Mr Andrew Boughton, 4/120 Broadway, Crawley
(spoke in support of the application)

PD27.16

Regulation 11(da) – Approval was recommended due to the existing dwelling being compliant with relevant rules when it was constructed. The proposed development will enhance the amenity of its location and no objections to the proposal being received from any party.

Moved – Councillor Shaw
Seconded – Councillor Hassell

Committee Recommendation

Council approves the development application for Additions and Alterations to the existing Single House at (Lot 7) No. 32A Jutland Parade, Dalkeith, in accordance with the application received 19 February 2016 and amended plans received on 01 April and 06 May 2016, subject to the following conditions and advice notes:

Conditions:

- 1. The development shall at all times comply with the approved plans.**
- 2. Following a referral to the Swan River Trust, the following conditions are included:**
 - a) Prior to commencement of the development, the applicant shall submit and have approved plans detailing the modification of the existing boat store so that the structures are located wholly within Lot 7 on Diagram 21411 (32A) Jutland Parade, Dalkeith, to the satisfaction of the City of Nedlands and the specification of the Department of Parks and Wildlife.**
 - b) The development shall be implemented in accordance with the details approved under Condition 3 a).**
 - c) Should dewatering be required, the proponent shall prepare and submit a dewatering management plan to the Department of Parks and Wildlife. No works shall commence prior to the approval of the dewatering management plan by the Department of Parks and Wildlife.**
 - d) Stormwater drainage shall be contained on site, or connected to the local government stormwater drainage system.**
 - e) The development shall be connected to the reticulated sewerage system prior to first occupation.**
 - f) The applicant shall decommission, and backfill with clean material, any existing on-site effluent disposal systems.**
 - g) No wastewater/backwash from the swimming pool is to be discharged onto the land, into the river or the local government drainage system.**
 - h) No building materials, soil, rubbish or any other deleterious matter shall be placed on the Parks and Recreation reservation or be allowed to enter the river as a result of the works.**
- 3. All fencing, visual privacy screens and obscure glass panels to Major Openings and/or Active Habitable Spaces, shown on the approved drawings and/or required as per planning condition(s), shall be fixed in place and be made to prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes 2015 (R-Codes). The structure(s) shall be installed and remain in place permanently, unless otherwise approved by the City.**

- 4. All footings and structures to boundary walls, fences and retaining walls shall be constructed wholly inside the site boundaries of the Certificate of Title.**
- 5. This approval does not pertain to any works within the nature-strip/verge. Any works in the nature-strip/verge (including footpaths) will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City's Engineering section, prior to the commencement of any works on site or within the nature-strip/verge.**
- 6. All internal driveways (including circulation ramps) are to be designed to meet Australian Standards AS2890.1:2004.**
- 7. The void area is not permitted to be converted for use other than storage and/or plant and equipment storage in order to comply with Clause 5.11 i) of the City's Town Planning Scheme No. 2.**

Advice Notes

- 1. Prior to any construction, the applicant is required to obtain a building approval from the City of Nedlands.**
- 2. Proposed dividing fences which comply with the City's Town Planning Scheme No. 2 (no more than 1.8m above natural ground level) are compliant and do not require further planning approval.**
- 3. This approval does not authorise any works to the existing retaining walls or stairs located within the adjacent Crown Reserve 24959.**
- 4. The applicant is advised that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to destroy, pull up, cut back or injure any tree, shrub, aquatic plant or other perennial plant that is in the Riverpark or the Swan Canning Development Control Area.**
- 5. All swimming pool waste water shall be disposed of into an adequately sized, dedicated soak-well located on the same lot.**
- 6. All swimming pools, whether being removed, retained, partially constructed or finished, shall be kept dry during the construction period. Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.**
- 7. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to soak-wells of adequate capacity. 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.**

8. 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.
9. The landowner is advised to limit construction noise and hours as per the *Environmental Protection (Noise) Regulations 1997*.
10. 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 in accordance with *Health (Asbestos) Regulations 1992*, Regulations 5.43 - 5.53 of the *Occupational Safety and Health Regulations 1996*, *Code of Practice for the Safe Removal of Asbestos 2nd Edition*, *Code of Practice for the Management and Control of Asbestos in a Workplace*, and any Department of Commerce Worksafe requirements.
11. 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.

CARRIED 11/-
(Abstained: Cr. Horley)

Recommendation to Committee

Council resolves the following:

1. Refuses the application for Additions and Alterations to the existing Single House at (Lot 7) No. 32A Jutland Parade Dalkeith, in accordance with the application received on 19 February 2016 and amended plans received on 01 April and 06 May 2016, for the following reasons:
 - a) The proposed alterations are considered to be development which is not permitted within the 7.5m rear setback as per Clause 5.10.3 (b) of the City's Town Planning Scheme No. 2 and the Council does not have the discretion to consider variations.
2. Instructs administration to consider existing development within the 7.5m rear setback area in the Controlled Development Area in the preparation of the City's Local Planning Scheme No. 3.

PD28.16	(Lot 100) No. 5 Bellevue Avenue, Dalkeith – Retrospective Air Conditioning Unit
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Committee	14 June 2016
Council	28 June 2016
Applicant	A Mughal
Landowner	A and N Mughal
Officer	Andrew Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2016/101
Previous Item	Item PD03.16 – February 2016
Attachments	<ol style="list-style-type: none"> 1. Site Plan 2. Elevation 3. Photograph taken on 3 Bellevue Avenue of the air conditioning unit 4. Photograph of 3 Bellevue Avenue taken from the air conditioning unit's location 5. Photograph of the air conditioning unit as seen from the street

Dr Ash Mughal, 5 Bellevue Avenue, Dalkeith
(spoke in support of the application)

PD28.16

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

Moved – Councillor Hassell
Seconded – Councillor Hay

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED 10/2
(Against: Crs. Horley Smyth & Argyle)
(Abstained: Cr. Hodsdon)

Committee Recommendation / Recommendation to Committee

Council refuses the request received on 30 March 2015 to retain the air conditioning unit at Lot 100 (5) Bellevue Avenue, Dalkeith, without the requirement to screen or lower below the fence line, for the following reason:

- 1. The air conditioning unit not satisfying the design principles stipulated under Clause 5.4.4 (External Fixtures) of the Residential Design Codes by virtue of its visual impact on the neighbours' amenity.**

Advice Notes specific to this refusal:

- 1. The applicant is advised that the conditions and advice contained in Council's decision made on 23 February 2016 still apply.**
- 2. The applicant is advised that if the air conditioning unit is not screened within 28 days from the date of this decision, or by an alternative date agreed to in writing by the City, using a method(s) acceptable to the City, they will be issued with a Planning Infringement Notice. This carries an initial penalty of \$500.00 and can be issued on multiple occasions by the City prior to taking legal action.**

PD29.16	(Lot 46) No. 2A (Unit 3) Loch Street, Nedlands – Proposed Change of Use (From Light Industry to Shop)
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Committee	14 June 2016
Council	28 June 2016
Applicant	Robertson House Hair and Beauty
Owner	G J Johnson Group and Co Pty Ltd
Officer	Mr A D Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2016/52 – LO2/2A
Previous Item	Nil
Attachments	<ol style="list-style-type: none"> 1. Site Plan (A3) 2. Floor Plan (A4) 3. Proposed Signage (A4) 4. Photograph of 2A Loch Street (A4)

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

Moved – Councillor Wetherall

Seconded – Councillor Binks

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 12/-

Committee Recommendation / Recommendation to Committee

Council approves the application for the proposed change of use (from Light Industry to a Shop) at (Lot 46) No. 2A Loch Street, Nedlands, in accordance with the application received on 26 February 2016, subject to the following conditions and advice:

- 1. The development shall at all times comply with the approved plans.**
- 2. The operation complying with definition for the use ‘Shop’ stipulated under Town Planning Scheme No. 2 (refer to Advice Note 1).**

3. The shop only being permitted to operate at the following times:

Monday – Closed

Tuesday – 10.00am to 6.00pm

Wednesday – 10.00am to 6.00pm

Thursday – 11.00am to 8.00pm

Friday – 10.00am to 6.00pm

Saturday – 9.00am to 5.00pm

Sunday - Closed

Advice Notes specific to this proposal:

- 1. The applicant/landowner is advised that the use ‘Shop’ is defined as being the following under Town Planning Scheme No. 2:**

“Means any building wherein goods or services are exposed or offered for sale by retail and without limiting the generality of the foregoing shall include:

shops for the sale of foodstuffs generally, clothing, drapery, furniture and furnishings, footwear, hardware, electrical goods, sporting goods, toys and secondhand goods; jewellers, chemists, stationers, newsagents, variety stores, photographic studios and supplies, florists, dry-cleaning agencies, barbers and hairdressers; and liquor stores;

but shall not include a service office, a general office, a professional office or a market.”

- 2. A separate Planning application is required to be lodged and approved prior to the erection/installation of any signage on the lot which does not form part of this application.**
- 3. Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.**
- 4. Prior to commencing an Application for the Establishment of Hairdressing is to be submitted to and approved by the City. The application form and information sheets can be obtained from the City’s website: <http://www.nedlands.wa.gov.au/skin-penetration-hairdressing-and-beauty-therapy>**
- 5. Prior to commencing the premises shall receive an inspection from an Environmental Health Officer at the City and be approved by the City’s Environmental Health Section, prior to the business operating to determine compliance with *Hairdressing Establishment Regulations 1972*;**

- 6. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, lobby 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.**
- 7. Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.**
- 8. 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.**

PD30.16 (Lot 50) No. 13 Hobbs Avenue, Dalkeith – Proposed Increase to Height of Fencing to Laneways

Committee	14 June 2016
Council	28 June 2016
Applicant	Mr G and Mrs N Knights
Owner	Mr G and Mrs N Knights
Officer	Kate Bainbridge – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA16/61 and DA15/196
Previous Item	Nil.
Attachments	<ol style="list-style-type: none"> 1. Site Plan 2. Elevations 3. Applicant Justification 4. Applicant’s Site Photographs 5. Applicant’s 3D View of Proposed Fencing

Mr Roger Spiers, 7 Waratah Avenue, Dalkeith PD30.16
(spoke in support of the recommendation)

Mr G Knight, 13 Hobbs Avenue, Dalkeith PD30.16
(spoke in support of the application)

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

Moved – Councillor Shaw
Seconded – Councillor Hay

That the Recommendation to Committee be adopted.
(Printed below for ease of reference)

Put Motion
Moved – Councillor Smyth
Seconded – Councillor Hay

That the Motion be Put.

**PUT MOTION CARRIED 9/2
(Against: Crs. Wetherall & McManus)
(Abstained: Cr. Shaw)**

The Motion was PUT and CARRIED 8/3

**(Against: Crs. Wetherall McManus & Argyle)
(Abstained: Cr. Binks)**

Committee Recommendation / Recommendation to Committee

Council refuses the development application to construct 3.6m high fencing along the southern side and western rear boundaries at (Lot 50) No. 13 Hobbs Avenue, Dalkeith, for the following reasons:

- 1. The height of the fencing is considered to adversely affect the amenity of the surrounding area and therefore does not comply with Clause 5.5.1 of the City's Town Planning Scheme No. 3; and**
- 2. The height of the fencing exceeds the permitted height of 1.8m specified within the City's Fill and Fencing Policy and will therefore have a negative impact upon the laneway streetscapes and the amenity of neighbouring properties.**
- 3. The height of the fencing setting an undesirable precedent for the locality.**

PD31.16	Draft Landscaping Plans Local Planning Policy (LPP)
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Committee	14 June 2016
Council	28 June 2016
Applicant	City of Nedlands
Officer	Andrew Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
File Reference	PLAN-LPP-00003
Previous Item	Item PD06.16 – February 2016
Attachments	1. Draft Landscaping Plans Local Planning Policy

Regulation 11(da) – Not Applicable – Motion Deferred to Council Meeting.

*Moved – Mayor Hipkins
Seconded – Councillor Shaw*

That the Recommendation to Committee be adopted subject to the following additional amendments:

Under the heading Objectives:

- a) *To encourage the provision and maintenance of landscaping within all non-residential or residential development and grouped dwellings and/or multiple dwellings only development.*

Under the heading 1.0 Context:

- 1.2 *Landscaping plans are required to be provided as part of a development application for non-residential or residential development and grouped dwellings and/or multiple dwellings only.*

Under the heading 4.0 Landscaping Design Criteria:

4.1 Non-residential Development

- b) *One shade tree being provided for every 4 continuous open carparking bays.*
- c) *~~In cases where car parking bays are not located within the street setback area, at least one tree for every 10m across a lot's street frontage is to be provided, unless otherwise approved by the City.~~*

~~d) Plants being setback an adequate distance from driveways, crossovers, footpaths and truncations so as not to obstruct driver and/or pedestrian sightlines when they reach full maturity.~~

~~g) The use of a variety of landscaping to create interesting built environments.~~

Under the heading 6.0 Standard Condition and Advice Note:

6.1 *If a development application is approved which includes a landscaping plan, the following condition and advice note ~~may~~ shall be included on the approval, where applicable:*

It was agreed that this item be deferred to the Council Meeting.

Councillor Shaw left the room at 8.22 pm and returned at 8.24 pm.

Recommendation to Committee

Council adopts the draft Landscaping Plans Local Planning Policy with amendments. (as previously circulated) Attachment 1.

PD32.16	(Lot 114) No. 8 Jacaranda Avenue, Mount Claremont – Two Grouped Dwellings (Two Storey)
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Committee	14 June 2016
Council	28 June 2016
Applicant	Tascone Design Team
Owner	CKB Developments Pty Ltd
Officer	Kate Bainbridge – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
File Reference	JA1/8 DA15/441
Previous Item	Nil.
Attachments	<ol style="list-style-type: none"> 1. Site Survey Plan 2. Allotment Plan 3. Site Plan 4. Ground Floor Plan 5. Upper Floor Plan 6. Elevations 1, 2 and 5 7. Elevations 3,4 and 6 8. 3D Perspectives 9. Site Photographs 10. Applicant Justification 11. Applicant's Overshadowing cross sections 12. Applicant's Overshadowing plan 25%

Mr Murray Casselton, TPG, Level 7, 182 St Georges Terrace, Perth PD32.16
(spoke in support of the recommendation)

Moved – Councillor Shaw
Seconded – Councillor James

That the application be refused.

Councillor Hay left the room at 8.54 pm and returned at 8.55 pm.

LOST 3/9
(Against: Mayor Hipkins Crs. Binks Hodsdon Wetherall
Hay Horley McManus Argyle & Hassell)

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

Moved – Mayor Hipkins

Seconded – Councillor Hodsdon

That the Recommendation to Committee be adopted subject to the following:

That the words “and/or not being removed without prior written approval from the Manager Parks Services” be removed from clause 4 and an additional clause 8 be added as follows:

- 8. A landscaping plan is to be submitted in accordance with Council’s Planning Policy.**

**CARRIED 8/2
(Against: Crs. Binks & Shaw)
(Abstained: Crs. James & Smyth)**

Committee Recommendation

Council approves the development application to construct two grouped dwellings (two storey) at (Lot 114) No. 8 Jacaranda Avenue, Mount Claremont, in accordance with the application received on 03 December 2015 and amended plans received 13 May 2016 subject to the following conditions and advice notes:

Conditions:

- 1. The development shall at all times comply with the approved plans.**
- 2. All footings and structures to retaining walls shall be constructed wholly inside the site boundaries of the Certificate of Title.**
- 3. The existing redundant crossover to shall be removed and the verge reinstated to the City’s satisfaction**
- 4. Any construction in the verge will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City’s Technical Services, prior to construction. The following is to be demonstrated as part of the NSDA:**
 - a) All crossovers being constructed and drained to the City’s specifications;**
 - b) All street trees in the verge being retained; and**
 - c) All development in the verge complying with the Council’s Nature Strip / Verge Development Policy.**
- 5. All existing and proposed fencing, visual privacy screens and 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 2015 (R-Codes)*. The structure(s) shall be installed and remain in place permanently, unless otherwise approved by the City.

- 6. All privacy screening devices being installed within 14 days of the development's practicable completion and maintained thereafter by the landowner to the City's satisfaction.**
- 7. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.**
- 8. A landscaping plan is to be submitted in accordance with Council's Planning Policy.**

Advice notes:

- 1. Prior to any construction, the applicant is required to obtain a building approval from the City of Nedlands.**
- 2. Fencing within the front setback area (including along the side boundaries) which is compliant with the deemed to comply provisions of the R-Codes and dividing fencing not more than 1.8m above the existing natural ground level does not require planning approval.**
- 3. A grated channel strip-drain should be constructed across the driveway, aligned with and wholly contained within the property boundary, and the discharge from this drain to run to a soak-well situated within the property.**
- 4. All stormwater from the development, shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development. 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.**
- 5. 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.**

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

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

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

7. 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.
- i. Removal and disposal of ACM shall be in accordance with *Health (Asbestos) Regulations 1992*, Regulations 5.43 - 5.53 of the *Occupational Safety and Health Regulations 1996*, *Code of Practice for the Safe Removal of Asbestos 2nd Edition*, *Code of Practice for the Management and Control of Asbestos in a Workplace*, and any Department of Commerce Worksafe requirements.
 - ii. Where there is over 10m² of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.
8. 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 Committee

Council approves the development application to construct two grouped dwellings (two storey) at (Lot 114) No. 8 Jacaranda Avenue, Mount Claremont, in accordance with the application received on 03 December 2015 and amended plans received 13 May 2016 subject to the following conditions and advice notes:

Conditions:

1. The development shall at all times comply with the approved plans.
2. All footings and structures to retaining walls shall be constructed wholly inside the site boundaries of the Certificate of Title.
3. The existing redundant crossover to shall be removed and the verge reinstated to the City's satisfaction
4. Any construction in the verge will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City's Technical Services, prior to construction. The following is to be demonstrated as part of the NSDA:
 - a) All crossovers being constructed and drained to the City's specifications;
 - b) All street trees in the verge being retained and/or not being removed without prior written approval from the Manager Parks Services; and
 - c) All development in the verge complying with the Council's Nature Strip / Verge Development Policy.
5. All existing and proposed fencing, visual privacy screens and 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 2015* (R-Codes). The structure(s) shall be installed and remain in place permanently, unless otherwise approved by the City.
6. All privacy screening devices being installed within 14 days of the development's practicable completion and maintained thereafter by the landowner to the City's satisfaction.
7. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.

Advice notes:

1. Prior to any construction, the applicant is required to obtain a building approval from the City of Nedlands.

2. Fencing within the front setback area (including along the side boundaries) which is compliant with the deemed to comply provisions of the R-Codes and dividing fencing not more than 1.8m above the existing natural ground level does not require planning approval.
3. A grated channel strip-drain should be constructed across the driveway, aligned with and wholly contained within the property boundary, and the discharge from this drain to run to a soak-well situated within the property.
4. All stormwater from the development, shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development. 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.
5. 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.
6. The applicant is advised to consult the City's *Visual and Acoustic Privacy Advisory Information* in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.

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

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

7. 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.
 - i. Removal and disposal of ACM shall be in accordance with *Health (Asbestos) Regulations 1992*, Regulations 5.43 - 5.53 of the *Occupational Safety and Health Regulations 1996*, *Code of Practice for the Safe Removal of Asbestos 2nd Edition*, *Code of Practice for the Management and Control of Asbestos in a Workplace*, and any Department of Commerce Worksafe requirements.

- ii. Where there is over 10m² of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.
8. 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.

8.2 Technical Services Report No's TS08.16 to TS10.16

Technical Services Report No's TS08.16 to TS10.16 to be dealt with at this point (copy attached blue cover sheet).

TS08.16	Sayer Street Road Closure
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Committee	14 June 2016
Council	28 June 2016
Applicant	City of Nedlands
Officer	Jacqueline Scott
Director	Mark Goodlet - Director Technical Services
File Reference	TS-034330
Previous Item	22 September 2015: item 13.3 and 28 July 2015 Ordinary Meeting of Council: items 14.2 & 14.3.

Councillor James retired from the meeting at 9.19 pm.

Mr Gavin Nicholls, Department of Defence,
 Director Estate & Facilities Services, Building 12,
 Leeuwin Barracks, Riverside Road, East Fremantle TS08.16
 (spoke in opposition to the recommendation)

Mrs Lorraine Driscoll left the meeting at 9.24 pm and returned at 9.28 pm.

Ms Lesley Shaw, 9 Greenville Street, Swanbourne TS08.16
 (spoke in support of the recommendation)

Sam Vandongen, 4 Sayer Street, Swanbourne TS08.16
 (spoke in support of the recommendation)

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

Moved – Councillor Horley
Seconded – Councillor Hodsdon

That the Recommendation to Committee be adopted.
(Printed below for ease of reference)

Put Motion

Moved – Councillor Binks
Seconded – Councillor Shaw

That the Motion be put.

PUT MOTION CARRIED 9/2
(Against: Crs. McManus & Argyle)

The Motion was PUT and was CARRIED 7/1

(Against: Cr. Argyle)
(Abstained: Crs. Hay Shaw & Hassell)

Committee Recommendation / Recommendation to Committee

Council resolves to:

- 1. Proceed with the closure of Sayer Street on 26 July 2016 with the following conditions:**
 - a. that the closure shall be effected on a portion of Sayer Street between Jameson Street and the rear of 5 Horizon Court; and**
 - b. that emergency access on the closed portion complies with the requirements of the Department of Planning Guidelines for Planning in Bushfire Prone Areas.**
- 2. Consider funding of \$135,000 for the closure in the 2016/17 budget.**

TS09.16	Removal and Replacement of Street Trees Adjacent to 27 Leon Road, Dalkeith
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Committee	14 June 2016
Council	28 June 2016
Applicant	City of Nedlands
Officer	Andrew Dickson – Manager Parks Services
Director	Mark Goodlet – Director Technical Services
File Reference	PAR-009143
Previous Item	Council Minutes 27 October 2015 – item 12.4 report CPS24.15

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

Moved – Councillor Binks
 Seconded – Councillor Shaw

That the Recommendation to Committee be adopted.
 (Printed below for ease of reference)

Councillor Hodsdon retired from the meeting at 10.00 pm.

Councillor Argyle left the room at 10.03 pm and returned at 10.05 pm.

Councillor Horley left the room at 10.05 and returned at 10.13 pm.

CARRIED 8/1
(Against: Cr. Hay)
(Abstained: Cr. Horley)

Committee Recommendation / Recommendation to Committee

Council approves the removal of two (2) Hills Weeping Fig (*Ficus microcarpa var. hillii*) street trees adjacent to 27 Leon Road, Dalkeith subject to replacement by four (4) street trees of a species suitable for the location.

TS10.16	Aberdare Road, Railway Road, Shenton Park Busway Black Spot Project (City of Subiaco)
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Committee	14 June 2016
Council	28 June 2016
Applicant	City of Nedlands
Officer	Wayne Mo - Design Engineer
Director	Mark Goodlet - Director Technical Services
File Reference	TS-GRA-00007 (Note: this project is being driven by the City of Subiaco)
Previous Item	Nil.

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

Moved – Councillor Shaw
 Seconded – Councillor Binks

That the Recommendation to Committee be adopted.
 (Printed below for ease of reference)

Councillor McManus left the room at 10.21 pm and returned at 10.23 pm.

CARRIED 5/3
(Against: Mayor Hipkins Crs. Hay & Hassell)
(Abstained: Crs. Wetherall & Horley)

Committee Recommendation / Recommendation to Committee

Council supports option 2 – widening on the south side of Aberdare Road and associated street tree removals with the conditions:

- 1. The City of Subiaco seek additional or more suitable funding opportunities to deliver the project; and**
- 2. The City of Nedlands allocates an additional \$50,000 to the project in order to replace those street trees removed as part of the proposal.**

8.3 Corporate & Strategy Report No's CPS17.16 to CPS19.16

Report No's CPS17.16 to CPS19.16 to be dealt with at this point (copy attached green cover sheet).

CPS17.16	List of Accounts Paid – April 2016
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Committee	14 June 2016
Council	28 June 2016
Applicant	City of Nedlands
Officer	Kim Chau – Manager Finance
Director	Andrew Melville – Acting Director Corporate & Strategy
File Reference	Fin/072-17
Previous Item	Nil.

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

Moved – Councillor Shaw
 Seconded – Councillor Binks

That the Recommendation to Committee be adopted.
 (Printed below for ease of reference)

CARRIED UNANIMOUSLY 10/-

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of April 2016 (refer to attachment).

CPS18.16	Review of Council's Delegated Authorities
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Committee	14 June 2016
Council	28 June 2016
Applicant	City of Nedlands
Officer	Pollyanne Fisher – Policy & Projects Officer
Director	Andrew Melville – A/Director Corporate & Strategy
File Reference	PP-PPR-00018
Previous Item	Nil

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

Moved – Councillor Hay
 Seconded – Councillor Binks

That the Recommendation to Committee be adopted.
 (Printed below for ease of reference)

CARRIED UNANIMOUSLY 10/-

Committee Recommendation / Recommendation to Committee

Council approves the Register of Delegations of Authority as per Attachment 1.

ABSOLUTE MAJORITY REQUIRED

CPS19.16	Corporate Business Plan - Quarter 3 2015/16
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Committee	14 June 2016
Council	28 June 2016
Applicant	City of Nedlands
Officer	Pollyanne Fisher – Policy & Projects Officer
Director	Andrew Melville – A/Director Corporate & Strategy
File Reference	CS-BP-00002
Previous Item	CPS07.16 (Quarter 2 Report)

Councillor Binks left the room at 10.43 pm.

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

Moved – Councillor Shaw
 Seconded – Councillor McManus

That the Recommendation to Committee be adopted.
 (Printed below for ease of reference)

Councillor Binks returned to the room at 10.44 pm.

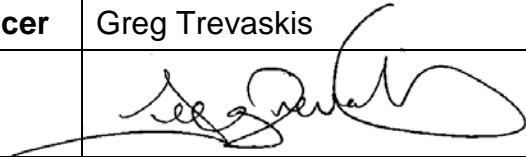
CARRIED UNANIMOUSLY 10/-

Committee Recommendation / Recommendation to Committee

Council receives the Quarter 3 2015/2016 report on progress towards “Nedlands 2023 – Making it Happen”, the Corporate Business Plan.

9. Reports by the Chief Executive Officer

9.1 City of Nedlands - Community Engagement Policy

Committee	14 June 2016
Council	28 June 2016
Applicant	City of Nedlands
Officer	Community Engagement Coordinator
Chief Executive Officer	Greg Trevaskis
CEO Signature	
File Reference	COM-014784
Previous Item	Nil.

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

Moved – Councillor Shaw
 Seconded – Councillor Binks

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

**CARRIED 8/-
 (Abstained: Crs. Hay & McManus)**

Committee Recommendation / Recommendation to Committee

Council approves the Community Engagement Policy.

Executive Summary

This report seeks approval for the Community Engagement Policy following a successful community engagement process.

A draft Community Engagement Policy was presented to the Council at its briefing on 5 April 2016 with advice that community engagement was being undertaken.

The responses were general in nature and supported the intentions of the Policy. As a result, it is recommended that the Council endorse the draft Policy as previously presented to the Council Briefing.

Attachment 1 contains the proposed City of Nedlands Community Engagement Policy.

Strategic Plan

KFA: Governance and Civic Leadership

Outcome 7 – Great governance and civic leadership commits the City to consult with the community on local issues, promotes openness and transparency and clearly communicates with its community.

Background

The development of this policy fulfils the desire to develop a Policy which sets out the City's community engagement intentions. Operationally, the policy will be supported by detailed operational procedures and guidelines. These will be reviewed following approval of the Policy by Council.

In developing the draft policy, research and analysis was undertaken on similar policies, and frameworks, including the requirements of the Local Government Act 1995.

The community profile, along with the City's current engagement practices, key corporate documents (e.g. 10-year Strategic Community Plan) was taken into account in developing the Policy along with ensuring the Policy met current best practice thinking as promoted by the International Association of Public Practitioners (IAP2) of which Council is a member.

It is planned following adoption of the Policy, that a brochure will be produced setting out the Policy and how the community can engage with the City.

Key Relevant Previous Council Decisions: Nil.

Consultation

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

Community engagement has now been undertaken. An overview follows:

- Period of engagement – 15 April to 9 May 2016 (24 days)
- The engagement activities included internal and external engagement
- Advertisements were placed in The Post (2) and the Western Suburbs (1)
- 'Your Voice Nedlands', the City's on-line community engagement hub hosted the engagement activities which consisted of three on-line forums in relation to the City's aspirations, the principles of engagement and engagement processes, along with tools to enable feedback and asking a question.

- There were 73 visits to the site, with 5 specific responses to the forums and feedback, 26 people read the engagement material and the remaining having a quick look.
- Responses received were supportive and general in nature.

Legislation / Policy

A requirement for Local government to have a Community Engagement Policy is not specifically stated in the Local Government Act 1995 (the Act). However, the Act does require the City to ensure that there is better decision-making as a result from greater community participation in the decisions and affairs of councils, and that there is greater accountability to communities with the aim of achieving increased efficiencies and effectiveness of local government.

This draft policy affirms the City's commitment to community and stakeholder engagement.

Budget/Financial Implications

Within current approved budget:

Yes

No

Requires further budget consideration:

Yes

No

Risk Management

The development of this Policy goes some way, in addressing two of the City's strategic risks of 'not meeting community expectations', and 'inadequate engagement with Community/stakeholders/elected members' by introducing a new control in how the City undertakes community engagement.

Discussion

The Council does not presently have a community engagement policy within its corporate policies. However it has a community engagement strategy and templates.

The development of this policy will fulfil the desire to develop a Policy which sets out the City's community engagement intentions.

In developing the draft policy, research and analysis was undertaken on similar policies, and frameworks, including the Local Government Act 1995 requirements. The 10-year Strategic Community Plan, the 4-year Corporate Business Plan and the strategic risks (Inadequate engagement with community, stakeholders, elected members; and not meeting community expectations) were also considered.

Current community engagement activities were also taken into account to ensure consistency with current practices along with ensuring that the draft

policy reflected the community profile. Currently, the City's engagement practices, in most instances use the 'inform' and 'consult' processes. Inform projects can include scheduled works for roads, parks, gardens, bushland and reserves and any building maintenance including the awarding of any grants. Consultation projects is where the City is seeking feedback, for example parking restrictions, making of local laws and policies, events and proposed road closures. Collaborate and involve projects are used less often, and in the past have been planning projects such as the local planning strategy, 2030 City Vision and 10-year strategic plan.

Conclusion

The Council, at its briefing on 5 April 2016 received a draft Community Engagement Policy along with advice that the Policy was being released to the community for feedback.

Community engagement was subsequently undertaken from 15 April to 9 May 2016, by placing advertisements in The Post and Western Suburbs newspapers. The City's new community engagement hub 'Your Voice Nedlands' attracted 73 visits to the engagement page with 5 actual responses received. The remaining visitors access the information, including the Policy.

The responses were positive but general in nature, and as a result, the draft policy as presented to the Council Briefing on 5 April 2016 remains unchanged.

Attachments

1. City of Nedlands Community Engagement Policy.

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

Nil.

11. Confidential Items

Nil.

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 10.56 pm.