



City of Nedlands

Agenda

Council Meeting

17 December 2019

Dear Council member

The next Ordinary Meeting of the City of Nedlands will be held on Tuesday 17 December 2019 in the Council Chambers at 71 Stirling Highway Nedlands commencing at 7 pm.

Mark Goodlet
Chief Executive Officer
13 December 2019

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City of Nedlands

Notice of an Ordinary Meeting of Council to be held in the Council Chambers, Nedlands on Tuesday 17 December 2019 at 7 pm.

Council Agenda

Declaration of Opening

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

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

Present and Apologies and Leave of Absence (Previously Approved)

list

Leave of Absence (Previously Approved)	Councillor B G Hodsdon	Hollywood Ward
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Apologies None as at distribution of this agenda.

Disclaimer

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

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

1. Public Question Time

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

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

2. Addresses by Members of the Public

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

3. Requests for Leave of Absence

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

4. Petitions

Petitions to be tabled at this point.

5. Disclosures of Financial Interest

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

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

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

6. Disclosures of Interests Affecting Impartiality

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

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

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

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

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

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

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

8. Confirmation of Minutes

8.1 Special Council Meeting 5 November 2019

The Minutes of the Special Council Meeting held 5 November 2019 are to be confirmed.

8.2 Ordinary Council Meeting 26 November 2019

The Minutes of the Ordinary Council Meeting held 26 November 2019 are to be confirmed.

9. Announcements of the Presiding Member without discussion

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

10. Members announcements without discussion

Written announcements by Councillors to be tabled at this point.

Councillors may wish to make verbal announcements at their discretion.

11. Matters for Which the Meeting May Be Closed

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

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

12.1 Minutes of Council Committees

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

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

Audit & Risk Committee **14 November 2019**
Unconfirmed, Circulated to Councillors on 20 November 2019

Arts Committee **18 November 2019**
Unconfirmed, Circulated to Councillors on 26 November 2019

Council Committee **3 December 2019**
Unconfirmed, Circulated to Councillors on 10 December 2019

Note: As far as possible all the following reports under items 12.2, 12.3, 12.4, 12.5 and 13.3 will be moved en-bloc and only the exceptions (items which Councillors wish to amend) will be discussed.

12.2 Planning & Development Report No's PD48.19 to PD56.19 (copy attached)

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

PD48.19	No. 3 Circe Circle, Dalkeith – Additions to a Single House (Carport and Primary Street Fencing)
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Committee	3 December 2019
Council	17 December 2019
Applicant	Alex and Ruth Temelcos
Landowner	Alex and Ruth Temelcos
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA19/36044
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	1. Applicant Submission in Support of the Development Proposal 1. Plans (Confidential) 2. Assessment (Confidential) 3. Submission (Confidential)

Committee Recommendation / Recommendation to Committee

Council approves the development application dated 20 May 2019, to install a carport within the front setback area at No. 3 (Lot 749) Circe Circle, Dalkeith, subject to the following conditions and advice/for the following reasons:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
2. This development approval only pertains to the addition of a carport to a single dwelling, as indicated on the plans attached.
3. Revised drawings shall be submitted with the Building Permit application, to the satisfaction of the City, incorporating the following modifications as shown in red on the approved plans:
 - a) The proposed primary street fencing is to provide a minimum 1.5m visual truncation area in accordance with Clause 5.2.5 of the R-Codes (Sight Lines), where the driveway/crossover intersects with the proposed primary street fencing.
4. The carport shall remain open on all sides and shall not accommodate a door.
5. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
6. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.

Advice Notes specific to this proposal:

1. Any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Improvement Application and/or a Crossover Permit to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing.
2. All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved under the Nature Strip Development approval.
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. 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.
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.

PD49.19	No. 2 Burwood Street, Nedlands – Additions to a Single House (Ancillary Dwelling and Carport)
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Committee	3 December 2019
Council	17 December 2019
Applicant	Michael Cardinale
Landowner	John Edwards
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA19/37053
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to the City's Administration recommending refusal for elements of this application.
Attachments	<ol style="list-style-type: none"> 1. Landowner Justification Letter 1. Alternate Recommendation (Confidential) 2. Plans (Confidential) 3. Assessment Sheet (Confidential)

Committee Recommendation / Recommendation to Committee

Council:

1. **refuses the proposed installation a carport within the front setback area for the following reasons:**
 - a. **The City of Nedlands Draft Residential Development Policy varies the primary street setback requirement for carports on properties zoned R15 or less from 9.0m to a minimum of 3.5m (Clause 4.2). The applicant can provide a complaint 3.5m primary street setback, however, has proposed a 1.5m primary street setback which is inconsistent with this policy.**

- b. The proposed carport does not meet the objectives of the Draft Residential Development Policy or the objectives of the Residential Zone as outlined in LPS3. The proposed carport development is not considered to be appropriate in scale, bulk or setbacks as viewed from the street.**
- 2. approves the proposed garage conversion to an ancillary dwelling subject to the following conditions and advice notes be observed for the partial approval:**

Conditions

- 1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 2. This development approval only pertains to a garage conversion to an ancillary dwelling and the installation of a carport as indicated on the plans attached.**
- 3. All footings and shall be constructed wholly inside the site boundaries of the property's Certificate of Title.**
- 4. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**

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, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.**
- 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. 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.**

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.

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.

- 4. 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.

- 5. A sewage treatment and effluent disposal system or greywater reuse or treatment system shall not be installed unless an Approval to Construct or Install an Apparatus for the Treatment of Sewage has been issued by the City beforehand.**
- 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.**

PD50.19	No. 85 Clifton St, Nedlands – Change of Use (Residential to Short Term Accommodation, Holiday House)
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Committee	3 December 2019
Council	17 December 2019
Applicant	Karen Morris
Landowner	Karen Morris
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA19/38823
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	1. Management Plan 2. Applicant Justification 1. Assessment Sheet (Confidential) 2. Submissions (Confidential)

Please note: There was no Committee Recommendation made.

Recommendation to Committee

Council approves the retrospective development application dated 16 August 2019 for short term accommodation at 85 Clifton St, Nedlands, subject to the following conditions and advice notes:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
2. This development approval only pertains to the use of 85 Clifton St, Nedlands as short-term accommodation.

3. A maximum of 6 guests are permitted on the premises at any one time.
4. The Management Plan forms part of this approval and is to be complied with at all times to the City's satisfaction.
5. All car parking associated with the short-term accommodation being contained on site.
6. The proposed use complying with the Holiday House definition stipulated under the City's Local Planning Scheme No. 3 (refer to advice note 1).
7. No materials and/or equipment being stored externally on the property, which is visible from off site, and/or obstructs vehicle manoeuvring areas, vehicle access ways, pedestrian access ways, parking bays and/or (un)loading bays.
8. Service and/or delivery vehicles are not to service the premises before 7.00 am or after 7.00 pm Monday to Saturday, and/or before 9.00 am or after 7.00 pm on Sundays and Public Holidays unless otherwise approved by the City beforehand.

Advice Notes specific to this proposal:

1. With regard to condition 6, the applicant and landowner are advised that the use Holiday House is defined as the following in accordance with Local Planning Scheme No. 3:

'Holiday House means a single dwelling on one lot used to provide short-term accommodation for persons other than the owner of the lot'.
2. This decision does not obviate rights and responsibilities of strata owners under the Strata Titles Act 1985, which may require additional consultation and/or permissions from the stratum, prior to the commencement of works.
3. Noise levels are to comply with the Environmental Protection (Noise) Regulations 1997.

PD51.19	No. 7 Nidjalla Loop, Swanbourne – Additions to a Single House (Privacy Screen)
Committee	3 December 2019
Council	17 December 2019
Applicant	Niche Living
Landowner	Halina and Paul Bitdorf
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA19/38434
Previous Item	DA16/307
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	1. Applicants Justification 1. Assessment (Confidential) 2. Plans (Confidential) 3. Submission (Confidential)

Committee Recommendation / Recommendation to Committee

1. **Council refuses the development application dated 9 August 2019 to install a privacy screen at No. 7 (Lot 12) Nidjalla Loop, Swanbourne for the following reasons:**
 - a) **The proposed screen is classified as 'building on boundary' and is not compliant with State Planning Policy 7.3 Residential Design Codes in terms of scale and setback requirements.**
 - b) **The proposed privacy screen does not meet the objectives of the City's Fill and Fencing Policy, clauses 2.0 and 9.0.**

Advice Notes

2. **The applicant is advised that the City deems the screen to be unnecessary due to the screen obscuring non-habitable rooms, and therefore those rooms are not subject to visual privacy provisions as described by State Planning Policy 7.3, Residential Design Codes Volume 1.**

PD52.19	Local Planning Scheme 3 - Local Planning Policy - Residential Development: Single and Grouped Dwellings
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Committee	3 December 2019
Council	17 December 2019
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Previous Item	Item 6 – 2 May 2019 - Special Council Meeting PD27.19 – 23 July 2019 – Ordinary Council Meeting PD40.19 – 24 September 2019 – Ordinary Council Meeting
Attachments	1. Draft Residential Development: Single and Grouped Dwellings LPP - tracked changes 2. Draft Residential Development: Single and Grouped Dwellings LPP 3. Submission 4. Fill and Fencing LPP – Comparison Table

Committee Recommendation

Council:

1. proceeds to adopt the Residential Development: Single and Grouped Dwellings Local Planning Policy, with modifications as set out in Attachment 2, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4(3)(b)(ii);
2. refers the Residential Development: Single and Grouped Dwellings Local Planning Policy to the Western Australian Planning Commission for final approval in accordance with State Planning Policy SPP7.3, Residential Design Codes Volume 2 – Apartments 2019 Clause 1.2.3 and the City’s Local Planning Scheme No 3 Clause 32.4(5);
3. revokes the current Fill and Fencing Local Planning Policy in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 6; and
4. reviews the Residential Development: Single and Grouped Dwellings Local Planning Policy in 12 months.

Recommendation to Committee

Council:

1. proceeds to adopt the Residential Development: Single and Grouped Dwellings Local Planning Policy, with modifications as set out in Attachment 2, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4(3)(b)(ii);
2. refers the Residential Development: Single and Grouped Dwellings Local Planning Policy to the Western Australian Planning Commission for final approval in accordance with State Planning Policy SPP7.3, Residential Design Codes Volume 2 – Apartments 2019 Clause 1.2.3 and the City's Local Planning Scheme No 3 Clause 32.4(5); and
3. revokes the current Fill and Fencing Local Planning Policy in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 6.

PD53.19	Local Planning Scheme 3 – Local Planning Policy Waste Management and Guidelines
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Committee	3 December 2019
Council	17 December 2019
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Previous Item	PD38.19 – OCM 24 September 2019
Attachments	1. Draft Waste Management LPP 2. Draft Waste Management Guidelines

Committee Recommendation

Council prepares, and advertises for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4, the Waste Management and Guidelines Local Planning Policy (refer to Attachments 1 & 2) with the deletion of clause 17.1.

Recommendation to Committee

Council prepares, and advertises for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4, the Waste Management and Guidelines Local Planning Policy (refer to Attachments 1 & 2).

PD54.19	Local Planning Scheme 3 – Residential Aged Care Facilities
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Committee	3 December 2019
Council	17 December 2019
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Previous Item	Nil
Attachments	<ol style="list-style-type: none"> 1. Draft Residential Aged Care Facilities LPP 2. WAPC Draft Position Statement Residential Aged Care

Committee Recommendation / Recommendation to Committee

Council prepares, and advertises for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4, the Residential Aged Care Facilities Local Planning Policy (Attachment 1).

PD55.19	Mt Claremont North-East Structure Plan Investigation
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Committee	3 December 2019
Council	17 December 2019
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Previous Item	OCM 26 June 2018 – 14.4 PD53.18 – 23 October 2018
Attachments	<ol style="list-style-type: none"> 1. Mt Claremont subject site map 2. Mt Claremont subject site map with zoning 3. Letter from the City to the DPLH 4. Response letter from the DPLH

Committee Recommendation

Council resolves to instruct the CEO to cease current work on the Mt Claremont Structure Plan Investigation and commence work on a Master Plan for the area as per the WAPC advice.

Recommendation to Committee

Council resolves to instruct the CEO to cease current work on the Mt Claremont Structure Plan Investigation until such time as critical priorities of developing Local Precinct Plans can be resolved and when a Statutory Planning Mechanism can be established over the land of concern.

PD56.19	Local Planning Scheme 3 – Local Planning Policy Waratah Village Laneway Requirements
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Committee	3 December 2019
Council	17 December 2019
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Previous Item	Nil
Attachments	1. Draft Waratah Village Laneway Requirements Local Planning Policy (LPP)

Committee Recommendation / Recommendation to Committee

Council prepares, and advertises for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4, the Waratah Village Laneway Requirements Local Planning Policy (Attachment 1).

12.3 Technical Services Report No's TS24.19 (copy attached)

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

TS24.19 Montgomery Avenue – Leaning Wall

Committee	3 December 2019
Council	17 December 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Jim Duff
Attachments	<ol style="list-style-type: none"> 1. Mount Claremont Subdivision Drawings – Stage 7 2. Temporary Footpath Drawing 3. Legal Advice from McLeods (CONFIDENTIAL)

Committee Recommendation**Council:**

1. approves construction of a temporary alternative footpath to address safety issues for pedestrians and school children on bikes;
2. approves funding of the \$10,000 cost for the temporary footpath construction from Technical Services Operational budget;
3. requests the CEO to seek appropriate recovery of costs excluding by the landowners for the temporary footpath required due to the ongoing unsafe boundary wall at Montgomery Avenue, Mt Claremont; and
4. approves Administration waiving the city component of the Development Application and Building Application fees associated with the demolition and reconstruction of the section of boundary wall.

Recommendation to Committee

Council:

1. approves construction of a temporary alternative footpath to address safety issues for pedestrians and school children on bikes;
2. approves funding of the \$10,000 cost for the temporary footpath construction from Technical Services Operational budget;
3. requests the CEO to seek appropriate recovery of costs for the temporary footpath required due to the ongoing unsafe boundary wall at Montgomery Avenue, Mt Claremont; and
4. approves Administration waiving the city component of the Development Application and Building Application fees associated with the demolition and reconstruction of the section of boundary wall.

12.4 Community & Organisational Development Report No's CM07.19 to CM09.19 (copy attached)

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

CM07.19	Defibrillator Mt Claremont Community Centre
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Committee	3 December 2019
Council	17 December 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	Nil.

Committee Recommendation / Recommendation to Committee

Council:

1. receives the information on the Western Suburbs Branch of the National Seniors Organisation's request for a defibrillator at the Mt Claremont Community Centre; and
2. requests the CEO to include \$3,500 for the item listed above, for Council consideration in the 2019/20 midyear budget review.

CM08.19	Shared Satellite Depot at Nedlands Golf Club
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Committee	3 December 2019
Council	17 December 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Lorraine Driscoll – Director Corporate and Strategy
Attachments	Nil.

Committee Recommendation

Council:

- 1. notes that the City has considered the possibility of a shared depot facility on Melvista Reserve that would meet the needs of both the Nedlands Golf Club and the City of Nedlands;**
- 2. established that the City has no need for such a facility; and**
- 3. requests the CEO to enter into discussion with the Nedlands Golf Club to consider funding requirements for a new shed.**

Recommendation to Committee

Council:

1. notes that the City has considered the possibility of a shared depot facility on Melvista Reserve that would meet the needs of both the Nedlands Golf Club and the City of Nedlands; and
2. established that the City has no need for such a facility.

CM09.19	Jo Wheatley All Abilities Play Space Food Trucks
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Committee	3 December 2019
Council	17 December 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Lorraine Driscoll
Attachments	Nil

Committee Recommendation / Recommendation to Committee

Council approves:

1. splitting the annual Street Trading fee of \$1,580 equally between the selected food vendors at the Jo Wheatley All Abilities Play Space; and
2. the annual fee to be applied on a pro rata basis.

12.5 Corporate & Strategy Report No's CPS20.19 (copy attached)

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

CPS20.19 List of Accounts Paid – October 2019
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Committee	3 December 2019
Council	17 December 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	4. Creditor Payment Listing October 2019 5. Purchasing Card Payments October 2019 (30 September 2019 – 27 October 2019)

Committee Recommendation / Recommendation to Committee

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

13. Reports by the Chief Executive Officer

13.1 Common Seal Register Report – November 2019

The attached Common Seal Register Report for the month of November 2019 is to be received.

November 2019

SEAL NUMBER	DATE SEALED	DEPARTMENT	MEETING DATE / ITEM NO.	REASON FOR USE
932	18 November 2019	Planning & Development	Council Meeting 18 December 2018 PD75.18	Seal Certification - Seal No. 932 - Deed of Surrender of Lease: Portion of Reserve 7804 (in triplicate) between City of Nedlands & West Australian Bridge Club Incorporated.
933	18 November 2019	Planning & Development	Council Meeting 18 December 2018 PD75.18	Seal Certification - Seal No. 933 - Deed of Lease: Portion of Reserve 7804 (in triplicate) between City of Nedlands & West Australian Bridge Club Incorporated.
934	26 November 2019	Planning & Development	Council Meeting 22 October 2019 CPS17.19	Seal Certification - Seal No. 934 - Execution of caveat removal to allow for re-lodgement for transfer of property ownership at Lot 15 (No. 30) the Avenue, Nedlands.
935	26 November 2019	Planning & Development	Council Meeting 22 October 2019 CPS17.19	Seal Certification - Seal No. 934 - Execution re-lodgement of caveat to allow transfer of property ownership at Lot 15 (No. 30) the Avenue, Nedlands.

SEAL NUMBER	DATE SEALED	DEPARTMENT	MEETING DATE / ITEM NO.	REASON FOR USE
936	29 November 2019	Technical Services	Council Meeting 22 October 2019 TS21.19	Seal Certification - Seal No. 936 - Contract of Sale between the Water Corporation & the City of Nedlands for Lot 50 Dalkeith Road, Nedlands (in triplicate)
937	29 November 2019	Technical Services	Council Meeting 22 October 2019 TS21.19	Seal Certification - Seal No. 936 - Grant of Easement to the Water Corporation and the City of Nedlands over Lot 1 on Diagram 24967, Swanbourne (in triplicate)
938	29 November 2019	Technical Services	Council Meeting 22 October 2019 TS21.19	Seal Certification - Seal No. 936 - Grant of Easement to the Water Corporation and the City of Nedlands over Lot 116 on Diagram 231114, Dalkeith (in triplicate)

13.2 List of Delegated Authorities – November 2019

The attached List of Delegated Authorities for the month of November 2019 is to be received.

Date of use of delegation of authority	Title	Position exercising delegated authority	Act	Section of Act	Applicant / CoN / Property Owner / Other
Month Year					
1/11/2019	BA53249 - Certified Building Permit - Amendment to BA44529	A/Manager Building Services	Building Act 2011	S20.1	Lucy & Ervin Herczeg
1/11/2019	BA52421 - Certified Building Permit - 4 Grouped Dwellings	A/Manager Building Services	Building Act 2011	S20.1	Ian Collins Homes Pty Ltd
4/11/2019	(APP) - DA19-40243 - 6 Weld Street, Nedlands - Additions (Storage) to Single House	Manager Planning	Planning and Development (Local Planning Schemes) Regulations 105	Regulation 82	Axis Building Approvals
4/11/2019	BA52595 - Uncertified Building Permit - Carport	A/Manager Building Services	Building Act 2011	S20.1	Samantha Lynch - Foslyn Consulting
4/11/2019	BA52774 - Certified Building Permit - Child Care Centre Additions	A/Manager Building Services	Building Act 2011	S20.1	Macri Builders Pty Ltd

4/11/2019	BA44936 - Certified Building Permit - Dwelling, Ancillary Dwelling & Retaining Walls	A/Manager Building Services	Building Act 2011	S20.1	Professional Built Group
5/11/2019	BA53206 - Certified Building Permit - Shed	A/Manager Building Services	Building Act 2011	S20.1	Struan Richards
5/11/2019	BA52957 - Uncertified Building Permit - Patio	A/Manager Building Services	Building Act 2011	S20.1	Great Aussie Patios
5/11/2019	BA52923 - Certified Building Permit - Alfresco & Decking	A/Manager Building Services	Buildign Act 2011	S20.1	Seabreeze Outdoor
6/11/2019	BA53491 - Demolition Permit - Dwelling Demo	A/Manager Building Services	Building Act 2011	S21.1	Coogee Contracting Pty Ltd
7/11/2019	BA53481 - Certified Building Permit - Alterations & Additions	A/Manager Building Services	Building Act 2011	S20.1	Rod Tyres
8/11/2019	BA53090 - Demolition Permit - Partial demolition of dwelling	A/Manager Building Services	Building Act 2011	S20.1	Maxbay Pty Ltd
11/11/2019	BA53507 - Certificate of Building Compliance - slab & footings	A/Manager Building Services	Building Act 2011	S58.1	Macri Builders Pty Ltd
12/11/2019	(APP) - DA19-41707 - 6 Campsie St, Nedlands - Pool Fence	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Freedom Pools & Spas
12/11/2019	(APP) - DA19-38488 - 15 Kirwan St, Floreat - Single House	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Highbury Homes
12/11/2019	BA53366 - Certified Building Permit - Fences	A/Manager Building Services	Building Act 2011	S20.1	Peter James Esselmont

12/11/2019	BA53336 - Certified Building Permit - Dwelling, Screen Walls & Retaining Walls	A/Manager Building Services	Building Act 2011	S20.1	Capella Constructions Pty Ltd
12/11/2019	BA53735 - Demolition Permit - Demolition & Clearance of Site	A/Manager Building Services	Building Act 2011	S21.1	Civil Con Holdings Pty Ltd
13/11/2019	(APP) - DA19-41621 - 8 Viewway, Nedlands - Pool Fence	Manager Urban Planning		Regulation 82	Aquatic Leisure Technologies - Sapphire Pools
13/11/2019	BA53825 - Verge Materials Permit - 40 Doonan	A/Manager Building Services	Local Government (Uniform Local Provisions) Regulations 1996	6.1	Kershaw COstruction WA Pty Ltd
13/11/2019	BA53462 - Certified Building Permit - Amendment to BA47115	A/Manager Building Services	Building Act 2011	S20.1	MScope Pty Ltd
4/11/2019	(APP) - DA19-40243 - 6 Weld Street, Nedlands - Additions (Storage) to Single House	Manager Planning	Planning and Development (Local Planning Schemes) Regulations 105	Regulation 82	Axis Building Approvals
14/11/2019	3043282 - Withdrawn Parking Infringement Notice - Other Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	9.20/6.12(1)	Beverly Williamson
14/11/2019	3040552 - Withdrawn Parking Infringement Notice - Other Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	9.20/6.12(1)	Amit Khetani

14/11/2019	3041495 - Withdrawn Parking Infringement Notice - Other Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	9.20/6.12(1)	Stephanie Boyle
14/11/2019	3041449 - Withdrawn Parking Infringement Notice - Other Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	9.20/6.12(1)	Jesse Doherty
14/11/2019	BA53832 - Demolition Permit - Full site clearance	A/Manager Building Services	Building Act 2011	S21.1	BJF Holdings
14/11/2019	BA53061 - Uncertified Building Permit - Pool Barrier	A/Manager Building Services	Buildign Act 2011	S20.1	Mitchell Stone
15/11/2019	(APP) - DA19-40514 - 12 Colin St, Dalkeith - Addition (Cabana) to Single Dwelling	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Australian Outdoor Living
15/11/2019	(APP) - DA19-41978 - 77 Thomas St, Nedlands - Pool Fence	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Scott & Katherine Bailey
15/11/2019	BA53690 - Demolition Permit - Clearance of site	A/Manager Building Services	Building Act 2011	S21.1	Di Trento Demolition
15/11/2019	BA53791 - Certified Building Permit - Dwelling, fences & retaining walls	A/Manager Building Services	Building Act 2011	S20.1	Summit Homes Pty Ltd
19/11/2019	(APP) - DA19-38945 - 6 Leura St, Nedlands - Change of Use (to Shop)	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Sarah Pemberton

19/11/2019	(APP) - DA19-38055 - 59 Thomas St, Nedlands - Addition (Carport) to Single Dwelling	Manager Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Complete Approvals
20/11/2019	(APP) - DA19-40528 - 7 Pimelea Cr, Mt Claremont - Addition (Screen wall) to Single Dwelling	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Dale Alcock Home Improvement
21/11/2019	(APP) - DA19-38853 - 53 Browne Ave, Dalkeith - Addition (Cabana) to Single Dwelling	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Mr G J & Mrs M A Brennan
22/11/2019	(APP) - DA19-41046 - 55 Waratah Ave, Dalkeith - Single House	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Webb & Browne Neaves
22/11/2019	BA54031 - Certified building permit - Amendments	Manager Building Services	Building Act 2011	s20.1	Plunkett Homes
22/11/2019	BA53983 - Certified building permit - Patio	Manager Building Services	Building Act 2011	s20.1	Screenstyle WA Pty Ltd
22/11/2019	BA53040 - Uncertified building permit - Patio	Manager Building Services	Building Act 2011	s20.1	T Williams
25/11/2019	BA53670 Certified building permit - Addition	Manager Building Services	Building Act 2011	s20.1	Jan Kolbusz
19/11/2019	(APP) - DA19-38945 - 6 Leura St, Nedlands - Change of Use (to Shop)	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Sarah Pemberton

19/11/2019	(APP) - DA19-38945 - 6 Leura St, Nedlands - Change of Use (to Shop)	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Sarah Pemberton
19/11/2019	(APP) - DA19-38055 - 59 Thomas St, Nedlands - Addition (Carport) to Single Dwelling	Manager Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Complete Approvals
21/11/2019	(APP) - DA19-38853 - 53 Browne Ave, Dalkeith - Addition (Cabana) to Single Dwelling	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Mr G J & Mrs M A Brennan
22/11/2019	(APP) - DA19-41046 - 55 Waratah Ave, Dalkeith - Single House	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Webb & Browne Neaves
22/11/2019	BA54031 - Certified building permit - Amendments	Manager Building Services	Building Act 2011	s20.1	Plunkett Homes
22/11/2019	BA53983 - Certified building permit - Patio	Manager Building Services	Building Act 2011	s20.1	Screenstyle WA Pty Ltd
22/11/2019	BA53040 - Uncertified building permit - Patio	Manager Building Services	Building Act 2011	s20.1	T Williams
25/11/2019	BA53670 Certified building permit - Addition	Manager Building Services	Building Act 2011	s20.1	Jan Kolbusz
21/11/2019	(APP) - DA19-38853 - 53 Browne Ave, Dalkeith - Addition (Cabana) to Single Dwelling	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Mr G J & Mrs M A Brennan

22/11/2019	BA54031 - Certified building permit - Amendments	Manager Building Services	Building Act 2011	s20.1	Plunkett Homes
22/11/2019	BA53983 - Certified building permit - Patio	Manager Building Services	Building Act 2011	s20.1	Screenstyle WA Pty Ltd
22/11/2019	BA53040 - Uncertified building permit - Patio	Manager Building Services	Building Act 2011	s20.1	T Williams
25/11/2019	BA53670 Certified building permit - Addition	Manager Building Services	Building Act 2011	s20.1	Jan Kolbusz
26/11/2019	(APP) - DA19-41096 - 99 Grovedale Rd, Floreat - Single House	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Ben Caine
26/11/2019	(APP) - DA19-41764 - 28 Bruce St, Nedlands - Pool Fence	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Aquatic Leisure Technologies - Sapphire Pools
26/11/2019	(APP) - DA19-40790 - 4 Lambeth Mews, Mt Claremont - Additions (Alfresco & Cabana) to Single Dwelling	Manager Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Dale Alcock Home Improvement
26/11/2019	BA53700 Demolition Permit - Dwelling	Manager Building Services	Building Act 2011	s21.1	Brajkovich Demolition & Salvage Pty Ltd
26/11/2019	BA50434 Certified building permit - Patio	Manager Building Services	Building Act 2011	s20.1	Australian Outdoor Living (WA) Pty Ltd

27/11/2019	(APP) - DA19-37869 - 8 Bishop Rd, Dalkeith - Single House	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Ecotect Architects
28/11/2019	BA53593 Certified building permit - Boundary Wall	Manager Building Services	Building Act 2011	s20.1	Kostadin Kapinkoff
29/11/2019	3041077 - Withdrawn Parking Infringement Notice - Other Compassionate	Manager Health and Compliance	Local Government Act 1995	9.20/6.12(1)	Mia Palmer
29/11/2019	3041064 - Withdrawn Parking Infringement Notice - Other Compassionate Grounds	Manager Health and Compliance		9.20/6.12(1)	Sam Hondros

13.3 Options for Advancing Smart Cities

Committee	3 December 2019
Council	17 December 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	N/A
CEO	Mark Goodlet
Attachments	Nil

Committee Recommendation / Recommendation to Committee

Council, while acknowledging the successful outcomes and practice with respect to local innovation within the City, requests the CEO, Mayor and Councillor Smyth investigate regional opportunities for Smart Cities by;

- 1. presenting the concept of a Smart Cities focus or group to the WESROC local governments, the Town of Cambridge, the City of Perth, the City of Fremantle, the City of Stirling and the City of Vincent, for discussion; and**
- 2. report their findings back to Council.**

Executive Summary

This report considers appropriate Council and community representation for Smart City matters including options of a formal committee, advisory group or other mechanisms, and proposed Terms of Reference.

The City has a strong history and ongoing practice of successful innovation at a local level. With the likelihood that a Smart Cities group has the potential to be most successful in attracting funding through a regional focus, it is recommended that this concept be presented to the neighbouring local governments to ascertain their interest.

Discussion/Overview

Key Relevant Previous Council Decisions:

Special Meeting of Council – 5 November 2019

“Council instructs the Chief Executive Officer to provide a report to Council in December 2019 which considers appropriate Council and community representation for Smart City matters including options of a formal committee, advisory group or other mechanisms, and proposed Terms of Reference.”

History of Smart Cities

“Smart Cities” is a term that has been used since the 1990s. It is based on the concept that technological solutions can improve and will continue to improve lives and Cities.

Federal Government Smart Cities Plan

Smart Cities has been picked up by the Federal Government in it's the Smart Cities Plan. This plan has three (3) pillars – Smart Investment, Smart Policy and Smart Technology. It appears that Smart Cities has broadened as a concept to emphasize that well-considered strategic thinking is needed and should be applied to investment and policy as well as to technology. This then integrates finance, strategy and solutions.

“We will become smarter investors in our cities’ infrastructure”

“We will prioritise projects that meet broader economic and city objectives such as accessibility, jobs, affordable housing and healthy environments. We will treat infrastructure funding as a long-term investment not a grant and get involved early to ensure projects create opportunities for urban renewal and raise private capital. By drawing on innovative financing approaches—including value capture—we will leverage our balance sheet and deliver more essential infrastructure sooner.”

“We will coordinate and drive smarter city policy”

“We will work across all levels of government to develop City Deals that unlock public and private investment in key economic centres. By incentivising reforms, we will generate additional benefits for the economy making cities better places to live in and do business.”

“We will collect and analyse data about the performance of our cities, so we can measure our policies’ success and respond to new needs.”

“We will drive the take up of smart technology, to improve the sustainability of our cities and drive innovation”

“We will embrace new technology with the potential to revolutionise how cities are planned, function, and how our economy grows. Disruptive new technology in transport, communications and energy efficiency are becoming a reality—we will position our cities to take full advantage. We will leverage real time open data driven solutions and support investment in sectors commercialising new innovations to grow Australian's economy.”

The Federal Government has a City Deals funding program that align with Smart Cities. “City Deals are the key mechanism for delivering on the Smart Cities Plan. They are a genuine partnership between the three levels of government and the community to work towards a shared vision for productive and liveable cities.”

City Deals targets large multi-agency projects which are of significance to a whole metropolitan area or a large part of one.

Strategic Alignment

The Strategic Community Plan (SCP) does not use the phrase “Smart City” or the word “innovation” and this is not a formal priority of this Plan.

The Strategic Community Plan does refer to innovative leadership, under the Values heading of Great Governance and Civic Leadership.

A value of the City is that it is “Great for Business. Our City has a strong economic base with renowned Centres of Excellence and is attractive to entrepreneurs and start-ups.” A focus on innovation and Smart Cities may be an ally to this value, although it is noted that no specific actions or priorities are assigned to this value in the Strategic Community Plan.

A priority of the Strategic Community Plan is “working with neighbouring Councils to achieve the best outcomes for the western suburbs as a whole”.

Options to Deliver Smart City Innovation

Option 1 - Current Approach

The current approach works within the existing organisation structure. It relies on information received by the organisation through formal and informal industry affiliations and various government sources of information. Elected members are part of this information gathering through their attendance at conferences and industry contacts.

Individual proposals are considered by the organisation and by Council then implemented as per approved budgets.

The organisation, including the elected members, has formal email network updates for when grant funding is available. As opportunities come through, they are assessed against the pipeline of future work at the City, or as a new community benefit solution.

This approach has delivered a number of innovative projects and continues to do so. Examples include, smart irrigations, asset management with predictive capabilities, smart street lighting, advanced cyber security, Currently the City is assessing smart engagement tools through mobile phone data acquisition and 3D planning assessment software.

If the aim is to provide the organisation with ideas for implementation then a group or committee is not warranted, as the City already follows up on as many ideas as it has the need for and the capacity to deliver.

The current approach will still have a place alongside any other group / committee, but would ideally sit as the local approach, alongside option 4 – the regional approach.

Pros	Cons
No extra cost.	Does not actively attract and use City of Nedlands talent.
The going it alone approach is more agile and less commitment to outside partners.	Makes it very difficult to attract funding at a City Deals scale.
At a City of Nedlands level this approach has been successful historically.	
Provides very good transparency and accountability by using the Council reporting and decision-making process.	

Option 2 – Internal Committee

This option instigates a formal committee with or without delegations to advance the Smart Cities concept.

The purpose of a committee under the Local Government Act 1995 is to “assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees”.

The operative idea is here is to assign some of Council’s work to the committee. Committees are primarily to take some of the workload of Council, making for efficient decision-making in the discharge of its duties. Delegation of duties to a committee is a key mechanism for achieving this.

The committee structure provides for the same level of transparency and accountability as exists for Council itself.

Pros	Cons
If Council wishes Smart Cities to be a priority, then a committee structure provides this prominence.	Cost is in the order of \$7,000 per meeting including report preparation and meeting time. This doesn’t include the value of the Committee members’ time.
Targets local Smart Cities initiatives.	With delegation this committee will need additional administrative support to implement any actions that it has budget for. It is assumed that Council would not intend to provide additional resourcing to carry out any projects of the committee and that they would be programmed within existing resources.
Can add significant value by including community expertise from within the City.	Cannot easily target regional Smart Cities initiatives or access federal funding.
Community may feel they are more involved/engaged in the process.	Significantly slows down progress of action through a minimum seven (7)

	week committee to Council reporting and approval cycle. Delegation would assist this only for projects less than \$150,000 and not subject to tender approval provisions, so delegation may have limited value in creating efficiency.
Provides very good transparency and accountability	

Option 3 – Internal Advisory Group

The internal Advisory Group is like a committee; however, it cannot have any delegation and must report any proposals through to Council for approval.

This is a way of elevating the Smart Cities into prominence for the City of Nedlands.

Pros	Cons
If Council wishes Smart Cities to be a priority, then an Advisory Group structure provides this prominence.	Cost is in the order of \$7,000 per meeting including report preparation and meeting time. This doesn't include the value of the Advisory Group members' time.
Targets local Smart Cities initiatives.	No delegation can be made to an Advisory Group and all ideas must come back to Council for approval.
Community may feel they are more involved/engaged in the process.	Less agile and slower than the current approach.
Provides good transparency and accountability.	

Option 4 – Regional Smart Cities Group

Under this option the City would team up with neighbouring local governments, potentially under the WESROC banner to explore and develop Smart Cities options. A similar group, the WESROC environmental committee, meets to deliver regional wide environmental initiative.

A regional group could include community expertise from within the participating local governments.

Pros	Cons
If Council wishes Smart Cities to be a priority, then a Regional Advisory Group structure provides this prominence.	Cost is in the order of \$7,000 per meeting including report preparation and meeting time. This doesn't include the value of the Advisory Group members' time.
Targets large regional Smart Cities initiatives with access to significant funding.	No delegation can be made to an Advisory Group and all ideas must come back to Council for approval.

Community may feel they are more involved/engaged in the process.	Less agile and slower than the current approach, and slower than a local group or committee.
Provides good transparency and accountability.	A City Deal will be expensive to develop and implement and must be carefully assessed for return on investment.
Aligns with the SCP's priority to "with neighbouring Councils to achieve the best outcomes for the western suburbs as a whole".	A City Deal, if done poorly, has the potential to fail financially and must be accompanied by thorough risk assessment and must bring appropriate expertise to the chosen project.
Shared funding would enable cost efficiencies of administrative assistance and actions.	
This structure is familiar to western suburbs local governments.	
Currently individual Council reporting and approval process would still apply meaning control and individual autonomy of the Councils is not sacrificed.	
A City Deal has the potential to provide a large return on investment.	

Terms of Reference

In addition to standard operating parameters the Terms of Reference for a Smart Cities Advisory Group or Committee should address the following matters

1. Whether it will be primarily addressing local or regional initiatives, as this will shape the stakeholder participation, and direct the efforts of the group;
2. What the key deliverables will be and how the performance will be measured. Without these there is a risk that the group or committee will have little value to the City;
3. Development of assessment, selection and implementation criteria for smart technologies that ensure a positive return to the City;
4. Included of appropriate risk appetite provisions;
5. Development of measures that assess new technologies' risk appropriately.
6. Selection criteria for suitably qualified and experienced members.

7. Whether the Advisory Group's role is to generate ideas, assess ideas, or both.

Relevant Legislation

Local Government Act 1995, section 5.8 – Establishment of Committees

“A local government may establish committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.”

Risk

The most significant Smart Cities strategic risk is investment in technologies that fail.

An example within the City of Nedlands is its early adoption of parking enforcement technology using character recognition to read car number plates. The technology was not sophisticated enough to decipher between car number plates and other writing, leading to significant human intervention to manually review all the data it provided.

At a regional level the DiCom technology at the Western Metropolitan Regional Council failed to meet expectations despite years of endeavour. The City of Nedlands assessed its participation in this Council and elected not to participate.

On the other hand, the City's deployment of smart streetlights with sensor capabilities has been a success having met functional requirements, running more efficiently with lower maintenance costs going forward, and with the ability to add functionality in the future. It is worth noting that the City explored this option for the Adam Armstrong pavilion car park just three years earlier, however, at that time it was evident that the costs were too high, and the concept was shelved. This is an example therefore of successful deployment at the right time.

In order to mitigate risk related to new technology it is appropriate that:

- Council's risk appetite be enunciated and included in the terms of reference should this progress to a formal group/committee stage; and
- That assessment, selection and implementation criteria be developed as part of the terms of reference for any group or committee dealing with this.

Budget/Financial Implications

Option 1 – no additional cost for the business as usual option.

Option 2 – The following are some indicative costs for the preparation of a Committee agenda assuming 3 reports per agenda. This is the additional governance cost per meeting. It excludes the value of the committee members time.

				Hrs	\$
Activity	No. off	Hrly/rate	Rate	Amount	Amount
Report Preparation	3	15.2	\$100	45.6	\$4,560
Report Proof, edit, finalize	3	2	\$ 80	6	\$480
Report Approval	3	1	\$150	3	\$450
Agenda Preparation	1	2	\$80	2	\$160
Public Notice	1	1	\$180		\$180
Meeting Setup and dismantle	1	1	\$ 80	1	\$80
Meeting Attendance Minute taker	1	2	\$80	2	\$160
Meeting Attendance Senior Officer	1	2	\$100	2	\$200
Meeting Attendance Report Officer	1	2	\$150	2	\$300
Drafting Minutes	1	1	\$80	1	\$80
Minutes Approval	1	0.5	\$150	0.5	\$75
Minutes Distribution	1	0.5	\$ 80	0.5	\$40
Minutes through Council	1	1.5	\$100	1.5	\$150
			Total	67.1	\$6,915

Option 3 – Costs would be similar to option 2 in that reports would have to be prepared for the Advisory Group to consider; however, additional costs would be facilitator and meeting venue costs. There is possibly a saving in meeting advertising costs if members of the public were excluded from the meetings.

Option 4 – Costs would be similar to option 2, except that these costs would be divided over the stakeholder local governments. In the case of WESROC committee this equates to the City of Nedlands contributing about 15% of costs.

Consultation

No consultation has occurred in relation to this report.

It is recommended that the neighbouring local governments be consulted in relation to a Smart Cities focus or group.

Conclusion

Innovation has been a strong outcome for the City in delivery of a number of projects over the years. Importantly, knowing when not to move into new technologies has been part of the learning journey for the City. On the whole the organisation captures Smart City ideas as it has the capacity to deliver projects and it is not short of ideas.

The City has many talented and capable experts living within its borders and harnessing this capacity is an attractive proposition for the sake of collaboration with the community and the direct benefit their expertise will bring.

With the focus of grant funding being in the regional sphere it is considered that the City should seek the views of its neighbouring local governments to advancing Smart Cities as a collective, using its local talent.

13.4 Monthly Financial Report – November 2019

Council	17 December 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act	Nil
Director	Lorraine Driscoll – Director Corporate & Strategy
CEO	Mark Goodlet
Attachments	<ol style="list-style-type: none"> 1. Financial Summary (Operating) by Business Units – 30 November 2019 2. Capital Works & Acquisitions – 30 November 2019 3. Statement of Net Current Assets – 30 November 2019 4. Statement of Financial Activity – 30 November 2019 5. Borrowings – 30 November 2019 6. Statement of Financial Position – 30 November 2019 7. Operating Income & Expenditure by Reporting Activity – 30 November 2019 8. Operating Income by Reporting Nature & Type – 30 November 2019

Executive Summary

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

Recommendation to Council

Council receives the Monthly Financial Report for 30 November 2019.

Discussion/Overview

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

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

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

The operating revenue at the end of November 2019 was \$30.7 M which represents \$129k favourable variance compared to the year-to-date budget.

The operating expense at the end of November 2019 was \$12.3 M, which represents \$287k unfavourable variance compared to the year-to-date budget.

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

Governance

Expenditure:	Favourable variance of	\$ 314,097
Revenue:	Unfavourable variance of	\$ (89,002)

The favourable expenditure variance is mainly due to special projects and professional fees of \$239k and WESROC cost of \$82,331 not incurred yet. Other employee costs and staff recruitment cost in HR are lower by \$61k which are offset by higher insurance cost of \$46k, both of which are due to timing differences and will even out during the year.

The unfavourable revenue variance is due to timing difference of WESROC Invoice to other Western Suburbs.

Corporate and Strategy

Expenditure:	Favourable variance of	\$ 411,621
Revenue:	Favourable variance of	\$ 208,465

Favourable expenditure variance is mainly due to timing difference in professional fees of \$72k and ICT Expenses of \$211k. Customer service and ICT salaries are lower by \$118k due vacancies not back filled and timing differences and will even out during the year.

Favourable revenue variance is due to timing difference of rates income of \$197k mainly arising from higher instalment interest and administration charges of \$138k. The annual budget for Rates is \$24.477m compared to Rates levied YTD is \$24.434m.

Community Development and Services

Expenditure:	Favourable variance of	\$ 95,117
Revenue:	Favourable variance of	\$130,456

The favourable expenditure variance is mainly due to expenses not expended yet for special projects of \$34k and Tresillian course tutor fees of \$37k.

Favourable expenditure variance is mainly due to increase in fees & charges income Tresillian, NCC, Positive Ageing and PRCC of \$115k.

Planning and Development

Expenditure:	Favourable variance of	\$ 164,518
Revenue:	Favourable variance of	\$ 158,906

The favourable expenditure variance is mainly due to expenses not expended yet for OPRL activities of \$30k. Salaries of Strategic planning and Building services are lower by \$111k mainly due to vacant positions not back filled.

Favourable revenue variance is due to higher income on fees and charges for Town Planning and Environmental Health of \$170K that partly offset by lower Environmental Health fines & penalties of \$20k.

Technical Services

Expenditure:	Unfavourable variance of	\$(1,272,561)
Revenue:	Unfavourable variance of	\$ (280,178)

The unfavourable expenditure variance mainly due to UGP refund from Western Power of \$842k budgeted in 2019/20. However, the refund has since been accrued in 2018/19 as the refund was confirmed in June 2019 and relates to expenses incurred in 2017/18 and 2018/19 and will be adjusted during the midyear budget review. Due to a lower level of capital works completed than budgeted year to-date, on cost of \$610k have also not been costed to projects. This will even out as the level of completed capital works increases.

Unfavourable revenue variance is due to lower Underground Power Service Charges of \$92k and timing difference of fees & charges of \$50k and grant operating, contribution & reimbursement income of \$106k.

Borrowings

At 30 November 2019, we have a balance of borrowings of \$6.5 M. There were no additional borrowings for the year in 2019/20 budget and the estimated loan balance as at 30 June 2020 is \$5.9 M.

Net Current Assets Statement

At 30 November 2019, net current assets were similar at \$20M compared to \$20M as at 30 November 2018. Current assets are higher by \$3.4M offset by higher liabilities \$3.2M.

Capital Works Programme

At the end of November, the expenditure on capital works were \$2M with further commitments of \$3.3 M which is 41% of a total budget of \$12.8 M. In November,

Budget Review

Council has approved some changes to capital works budget amounting to a reduction of \$29,320, thereby reducing the annual budgeted capital works to \$12,773,055 and increasing the surplus to \$53,854.

Employee Data

Description	Number
Number of employees (total of full-time, part-time and casual employees) as of the last day of the previous month	177
Number of contract staff (temporary/agency staff) as of the last day of the previous month	5
FTE (Full Time Equivalent) count as of the last day of the previous month	150.59
Number of unfilled staff positions at the end of each month	25

Conclusion

The statement of financial activity for the period ended 30 November 2019 indicates that operating expenses are above the year-to-date budget by 2.4% or \$287k, while revenue is above the Budget by 0.4% or \$129k.

Key Relevant Previous Council Decisions:

Nil.

Consultation

N/A

Budget/Financial Implications

As outlined in the Monthly Financial Report.

13.5 Monthly Investment Report – November 2019

Council	17 December 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
CEO	Mark Goodlet
Attachments	1. Investment Report for the period ended 30 November 2019

Executive Summary

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

Recommendation to Council

Council receives the Investment Report for the period ended 30 November 2019.

Discussion/Overview

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

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

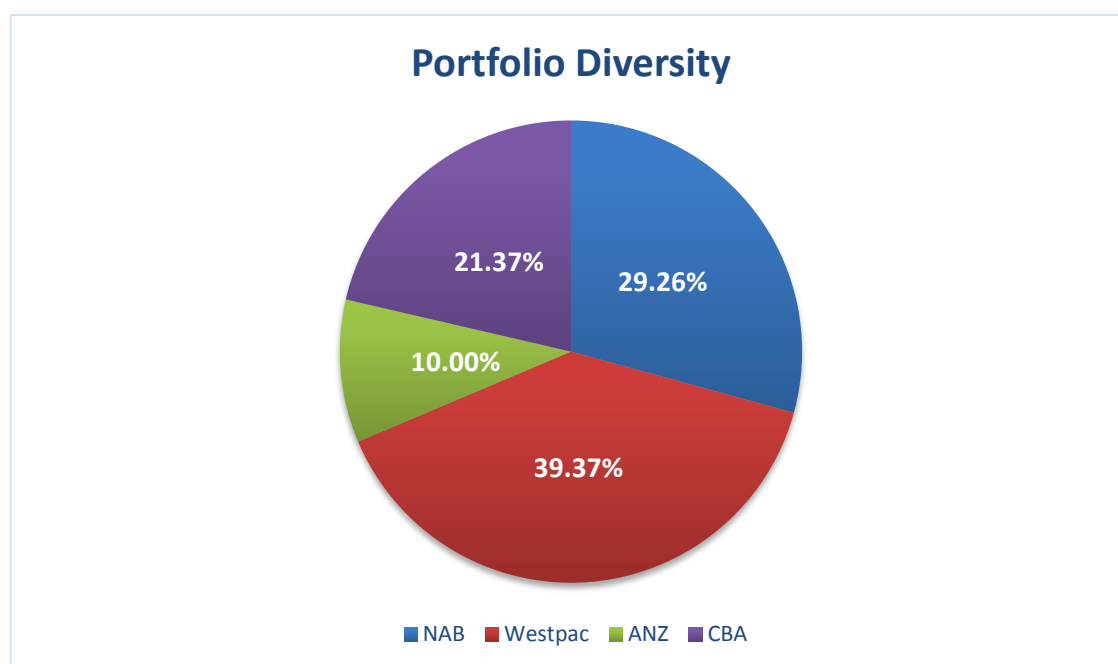
The Investment Summary shows that as at 30 November 2019 the City held the following funds in investments:

Municipal Funds	\$ 15,094,727.45
Reserve Funds	<u>\$ 6,794,125.30</u>
Total	<u>\$ 21,888,852.75</u>

The total interest earned from investments as at 30 November 2019 was \$108,081.84.

The Investment Portfolio comprises holdings in the following institutions:

Financial Institution	Funds Invested	Interest Rate	Proportion of Portfolio
NAB	\$6,405,000.91	1.40% - 2.73%	29.26%
Westpac	\$8,617,175.03	1.75% - 2.50%	39.37%
ANZ	\$2,188,025.23	1.64%-2.20%	10.00%
CBA	\$4,678,651.58	1.30% - 2.38%	21.37%
Total	\$21,888,852.75		100.00%



Conclusion

The Investment Report is presented to Council.

Key Relevant Previous Council Decisions:

Nil.

Consultation

Required by legislation:

Yes

No

Required by City of Redlands policy:

Yes

No

Budget/Financial Implications

Investment income is steady as per budget.

13.6 Annual Review of the City of Nedlands Register of Delegations

Committee	3 December 2019
Council	17 December 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Mark Goodlet
Attachments	<ol style="list-style-type: none"> 1. Register of Delegations – with track changes 2. Register of Delegated Authority – updated with proposed additional delegations with explanatory comments 3. Register of Delegated Authority – final version for adoption

Executive Summary

The City is required to review its Register of Delegations annually in accordance with section 5.46(2) of the Local Government Act 1995. This review has now been completed and is presented to Council for approval.

Recommendation to Committee**Council:**

1. **approves the delegations made to the Chief Executive Officer and Committees, as contained in the Register of Delegations, Attachment 3*; and**
2. **notes the sub-delegations from the Chief Executive Officer in the Register of Delegations, Attachment 3.**

***ABSOLUTE MAJORITY REQUIRED**

Discussion/Overview**Background**

At least once every financial year, delegations from the Local Government Act 1995 and the City of Nedlands Local Planning Scheme No. 3 are to be reviewed by the delegator, either Council or the Chief Executive Officer.

The last review was undertaken at the Ordinary Council Meeting on 23 April 2019 following gazettal of the City's Local Planning Scheme No. 3 where minor revisions were made and adopted by Council. The Annual review has now been completed by the Chief Executive Officer and the attached document was presented to Councillors at a briefing session on 17 September 2019 where the recommended changes were explained, discussed and feedback from Councillors was received.

Attachment 1 is the current Register of Delegations with track changes showing all items proposed to be removed and reasons are summarised below:

- All items noted '**Suitable for acting through**' are proposed to be removed as these are management type functions and exercisable by the Chief Executive Officer and therefore, there is no discretion in carrying out these functions. They are not required to be in register.
- All items noted '**Delegation Prohibited under the Local Government Act 1995 and Council is to perform the power of duty**' are proposed to be removed as these governing functions cannot be delegated and are brought to Council for a decision, and therefore not required to be in the register.
- All other minor changes i.e. correction or wording, conditions, duration etc are marked with track changes with comments included to explain reasons for proposed change.

Attachment 2 is the updated (new layout) Register of Delegations showing all existing delegations and proposed additional delegations with comments explaining reasons for additions.

Attachment 3 is the final updated Register of Delegations with all changes incorporated.

Key Relevant Previous Council Decisions:

Ordinary Council Meeting – 23 April 2019

Item 13.8 - Register of Delegated Authority and Authorisations – Amendments – Local Planning Scheme 3

That Council:

1. notes the review of delegations contained in the attached Register of Delegations in accordance with section 5.46(2) of the Local Government Act 1995; and
2. approves the amendments to the Register of Delegations as contained in the attached document.

Consultation

Councillor Briefing – 17 September 2019

Budget/Financial Implications

Nil.

Conclusion

The Chief Executive Officer has reviewed the Register of Delegations and is recommending the amendments as shown with track changes in the attached Register of Delegations be approved by Council.

13.7 Council Policies

Council	17 December 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Mark Goodlet
Attachments	<ol style="list-style-type: none"> 1. Payments to Employees in Addition to Contract or Award Policy - Existing 2. Disposal and Acquisition to Contract or Award Policy - Existing 3. Fireworks in the City Policy - Existing 4. Debt Recovery Policy - Existing 5. Investment of Council Funds Policy - Existing 6. Demolition and Disposal Policy - Existing 7. Freeman of the City Policy- Existing 8. Greenways Policy - Existing 9. Bee Keeping Policy - Existing 10. Natural Areas Management Policy – New 11. Debt Recovery Procedure 12. Freeman of the City Procedure 13. Greenways Procedure

Executive Summary

All Council policies are required to be reviewed regularly and approved by Council. This report contains policies that have been reviewed and require formal Council adoption with the addition of one new Council Policy for adoption – Natural Areas Management Policy.

Recommendation to Council

Council:

1. adopts the following updated policies;
 - a. Payments to Employees in Addition to Contract or Award;
 - b. Disposal and Acquisition of Land;
 - c. Fireworks in the City;
 - d. Debt Recovery;
 - e. Investment of Council Funds;
 - f. Demolition and Disposal of Materials;
 - g. Freeman of the City;
 - h. Greenways; and
 - i. Bee Keeping;
2. adopts the new Natural Areas Management Policy;

3. **requests the Chief Executive Officer investigate and report to Council on options to accelerate improvement of the Hollywood Nature Reserve; and**
4. **notes the following procedures:**
 - a. **Debt Recovery Procedure;**
 - b. **Freemen of the City Procedure; and**
 - c. **Greenways Procedure.**

Discussion/Overview

Council policies are reviewed periodically to ensure they reflect the strategic direction and responsibilities of Council and are kept up to date.

The procedure for policy reviews is as follows:

- Policies will be reviewed and updated by staff with any amendments due to changes in any Legislation, Local Laws, Regulations etc. and recommendations made to the Executive Management Team;
- Staff recommendations are reviewed by the Executive Management Team and amended as required and recommendations made to Council;
- Where there are major amendments to existing policies these policies are then presented at a Councillor Briefing for discussion prior to presentation to Council;
- Where a number of policies have common themes, these policies may be combined to establish a new policy. Redundant and old policies will be revoked where they are substantially changed, and a new replacement policy will be presented at a Councillor Briefing for discussion prior to presentation to Council; and
- Administration may at times recommend a policy be revoked with no Council Policy to replace it. This may occur when it has been identified that the policy is operational or covered under legislation and/or the responsibility of the Chief Executive Officer.

Policy statements should provide guidance for decision-making by Council and demonstrate the transparency of the decision-making process.

Payments to Employees in Addition to Contract or Award Policy

This policy was reviewed as required and it is recommended that the Payments to Employees in Addition to Contract or Award Policy (attachment 1) be approved with the following minor changes:

- removal of KFA (Key Focus Area) – Governance and Civic Leadership which was referenced in our previous Strategic Community Plan but is no longer referenced in our current Strategic Community Plan.
- Increase in gift from \$150 to \$200, to longest servicing staff at 20, 30 and 40 years;
- Inclusion of gift up to \$120 value for delivered flowers where there is a death or birth in the immediate family.

The Local Government Act section 5.50 requires a local government to prepare this policy where an employee is finishing their employment with the City.

A similar policy is required for elected members and in this circumstance the maximum gift value is \$100 per year. The City's policy position is \$50 per year of service for elected members.

Disposal and Acquisition of Land Policy

This policy was reviewed as required and it is recommended that the Disposal and Acquisition of Land Policy (attachment 2) be adopted with the following changes (as tracked in attachment 2):

- removal of KFA (Key Focus Area) – Governance and Civic Leadership which was referenced in our previous Strategic Community Plan but is no longer referenced in our current Strategic Community Plan;
- Modifications in red proposed to acknowledge free hold land value and the opportunities this brings; and
- Modifications in blue following Councillor Briefing on 10 December 2019 relating to acknowledge Community benefit from City land ownership.

Fireworks in the City Policy

This Policy was reviewed as required and it is recommended that the Fireworks in the City Policy (attachment 3) be adopted with one minor change (as tracked in attachment 3) being the removal of KFA (Key Focus Area) – Community Development which was referenced in our previous Strategic Community Plan but is no longer referenced in our current Strategic Community Plan.

Debt Recovery Policy

This policy was reviewed as required and no changes are proposed therefore it is recommended that the Debt Recovery Policy (attachment 4) be adopted.

Investment of Council Funds Policy

This policy was reviewed as required and it is recommended that the Investment of Council Funds Policy (attachment 5) be adopted with the changes (as tracked in attachment 5) for the following reasons:

- Changing the name of the policy to Investment of Operating Cash to better reflect the purpose of the policy.
- removal of KFA (Key Focus Area) – Governance and Civic Leadership which was referenced in our previous Strategic Community Plan but is no longer referenced in our current Strategic Community Plan.
- Investment in Term Deposits shall not be fixed longer than 36 months rather than 12 months to bring this policy in line with the updated Financial Management Regulations 1996.

Demolition and Disposal of Materials Policy

This policy was reviewed as required and it is recommended that the Demolition and Disposal of Materials Policy (attachment 6) be adopted with the changes (as tracked in attachment 6) to bring the policy up to date with legislation and regulations.

The removal of KFA (Key Focus Area) – Natural and Built Environment which was referenced in our previous Strategic Community Plan but is no longer referenced in our current Strategic Community Plan.

Freemen of the City Policy

This Policy was reviewed as required and it is recommended that the Freemen of the City Policy (attachment 7) be adopted with one minor change (as tracked in attachment 7) being the removal of KFA (Key Focus Area) – Community Development which was referenced in our previous Strategic Community Plan but is no longer referenced in our current Strategic Community Plan.

Greenways Policy

This Policy was reviewed as required and it is recommended that the Greenways Policy (attachment 8) be adopted with minor changes (as tracked in attachment 8) being:

- the removal of KFA (Key Focus Area) – Natural and Built Environment which was referenced in our previous Strategic Community Plan but is no longer referenced in our current Strategic Community Plan;
- Addition of the golf clubs; and
- Updating of maps.

Bee Keeping Council Policy

This Policy was reviewed as required and it is recommended that the Bee Keeping Policy (attachment 9) be adopted with changes (as tracked in attachment 9) to bring it line with the updated Health Local Law 2017 and the removal of KFA (Key Focus Area) – Community Development which was referenced in our previous Strategic Community Plan but is no longer referenced in our current Strategic Community Plan.

Natural Areas Management Policy

This is a new policy which provides Council's overall direction and position statement in relation to care of its natural areas. It informs the operational management plans.

While this policy provides the overall direction for natural bushland, it has been observed that Hollywood Nature Reserve in particular, has bushland restoration issues. It is recommended that further investigation of the potential options to accelerate restoration of this parcel of bush land be undertaken and presented to Council.

Key Relevant Previous Council Decisions

Nil.

Consultation

Policies were discussed at Councillor Briefing on 10 December 2019 prior to presentation to Council.

Budget/Financial Implications

Nil.