



City of Nedlands

# Minutes

## Council Committee Meeting

13 October 2020

### **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 online via Teams and livestreamed for the public and onsite in the Ellis Room at the Bendat Basketball Centre, 201 Underwood Avenue, Floreat on Tuesday 13 October 2020 at 7.00 pm.**

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### **Declaration of Opening**

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

### **Present and Apologies and Leave of Absence (Previously Approved)**

<b>Councillors</b>	Deputy Mayor L J McManus	(Presiding Member)
	Councillor N B J Horley	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor F J O Bennett	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor N R Youngman	Dalkeith Ward
	Councillor B G Hodsdon (until 11.40 pm)	Hollywood Ward
	Councillor P N Poliwka	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan (from 7.03 pm)	Melvista Ward
	Councillor G A R Hay	Melvista Ward
	Councillor R Senathirajah	Melvista Ward

<b>Staff</b>	Mr P L Mickleson	Acting Chief Executive Officer
	Mrs L M Driscoll	Director Corporate & Strategy
	Mr J Duff	Director Technical Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

**Public** There were 14 members of the public present and 1 online.

**Press** The Post Newspaper representative.

**Leave of Absence (Previously Approved)** Mayor C M de Lacy

**Apologies** Mr M A Goodlet Chief Executive Officer

## **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**

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.

Nil.

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

Addresses by members of the public who have completed Public Address Session Forms will be invited to be made as each item relating to their address is discussed by the Committee.

Councillor Coghlan joined the meeting at 7.03 pm.

Mr Andrew James, 60 Philip Road, Dalkeith PD46.20  
(spoke in opposition to the recommendation)

Ms Katie Bourke, 14 Loftus Street, Nedlands PD47.20  
(statement read on behalf of Ms Bourke in opposition to the recommendation)

Mr Steve Kerr, 39 Strickland Street, Mt Claremont PD52.20  
(spoke in opposition to the recommendation)

Mr Stuart Brown, 38 Strickland Street, Mt Claremont PD52.20  
(spoke in opposition to the recommendation)

Mr David Joseph, 37 Strickland Street, Mt Claremont PD52.20  
(spoke in support of the recommendation)

Ms Fiona Argyle, 39 Kinninmont Street, Nedlands PD47.20  
(spoke in opposition to the recommendation)

Moved – Councillor Youngman  
Seconded – Councillor Mangano

**That Standing Order 3.4(4) be suspended to allow the following additional public addresses.**

**CARRIED 11/1  
(Against: Cr. Wetherall)**

Ms Elizabeth Gibson, 41 Louise Street, Nedlands PD47.20  
(spoke in opposition to the recommendation)

Mr Richard Hodge, 36 Quintilian Road, Mt Claremont TS16.20  
(spoke support of the recommendation)

Mr Ian Long, 28 Quintilian Road, Mt Claremont TS16.20  
(spoke support of the recommendation)

### **3. Disclosures of Financial and/or Proximity 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.

There were no disclosures of financial interest.

### **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*.

#### **4.1 Councillor Smyth – 9.2 - Responsible Authority Report Car Park addition to existing Hospital Use at 101 Monash Avenue, Nedlands**

Councillor Smyth disclosed an impartiality interest in Item 9.2 - Responsible Authority Report Car Park addition to existing Hospital Use at 101 Monash Avenue, Nedlands. Councillor Smyth disclosed that she is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 20<sup>th</sup> October 2020. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Smyth advised she would not stay in the room and debate the item, or vote on the matter.

**4.2 Councillor Bennett – 9.2 – Responsible Authority Report Car Park addition to existing Hospital Use at 101 Monash Avenue, Nedlands**

Councillor Bennett disclosed an impartiality interest in Item 9.2 - Responsible Authority Report Car Park addition to existing Hospital Use at 101 Monash Avenue, Nedlands. Councillor Bennett disclosed that he is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 20<sup>th</sup> October 2020. As a consequence, there may be a perception that his impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Bennett advised he would not stay in the room and debate the item, or vote on the matter.

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

Nil.

**6. Confirmation of Minutes**

**6.1 Committee Meeting 8 September 2020**

Moved – Councillor Coghlan  
Seconded – Councillor Hay

**The Minutes of the Council Committee held 8 September 2020 be confirmed.**

**CARRIED 11/1  
(Against: Cr. Smyth)**

**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.

Nil.

## **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 PD46.20 to PD52.20**

Planning & Development Report No's PD44.20 to PD45.20 to be dealt with at this point (copy attached yellow cover sheet).

<b>PD46.20</b>	<b>No. 60 Philip Road, Dalkeith – Residential - Single House and Ancillary Dwelling</b>
<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Applicant</b>	Andrew James
<b>Landowner</b>	Sarah James
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Report Type</b>  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.
<b>Reference</b>	DA20-48864
<b>Previous Item</b>	Nil
<b>Delegation</b>	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 this application.
<b>Attachments</b>	1. Applicant Justification Letter
<b>Confidential Attachments</b>	1. Plans 2. Submissions 3. Assessment Sheet 4. Average Setback of Dwellings Map

Moved – Councillor Mangano  
Seconded – Councillor Hay

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

Lost 5/7  
(Against: Deputy Mayor McManus Crs. Horley Smyth Youngman  
Hodsdon Wetherall Senathirajah)

**Regulation 11(da) - Council determined that approving the development contrary to the provisions of LPS3 was justified due to the personal circumstances of the applicant.**

Moved – Councillor Youngman  
Seconded – Deputy Mayor McManus

### **Committee Recommendation**

**That Council resolves to:**

**Approves the development application dated 4 June 2020 for a Single House and Ancillary Dwelling at Lot 312 (No. 60) Philip Road, Dalkeith with the standard planning conditions to be provided by Administration.**

**CARRIED 7/5**

**(Against: Crs. Bennett Mangano Poliwka Coghlan & Hay)**

### Recommendation to Committee

Council resolves to:

Refuse the development application dated 4 June 2020 for a Single House and Ancillary Dwelling at Lot 312 (No. 60) Philip Road, Dalkeith for the following reasons:

1. The proposed development does not comply with Clause 26 (a) of the Scheme whereby Clause 5.1.2 (Street Setback) of the R Codes is modified by replacing deemed to comply requirement C2.1 I with (i) a minimum of 9 metres.
2. The proposed development does not comply with the City of Nedlands Local Planning Policy – Residential Development: Single and Grouped Dwellings as it seeks to vary the primary street setback requirement for dwellings and garages on properties zoned under R15. This does not satisfy the objectives of this policy and would be inconsistent with the established street setbacks along Philip Road. (refer to Advice Note a))
3. The development does not satisfy Clause 9(a) and (b) – Aims of Scheme under the Local Planning Scheme No. 3 as the reduced setback of less than 9.0m proposed for the dwelling and garage will not protect and enhance the local character and amenity of the area nor protect the established streetscape of Philip Road which is characterised by properties with generous primary street setbacks .
4. The development does not satisfy the Residential Zone objectives to protect and maintain the desired and established character and streetscape of residential areas in accordance with Clause 16(b) and (d) – Residential Zone Objectives.

Advice Note:

- a. In regard to Point 2, there does not appear to be any reasonable impediment to the achievement of a compliant 9.0m primary street setback. However, that notwithstanding, the applicant has chosen to provide a 7.5m primary street setback for the dwelling and 8.28m setback for the garage.

<b>PD47.20</b>	<b>Scheme Amendment No. 4 – Fast Food Outlets</b>
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<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Reference</b>	Nil
<b>Previous Item</b>	PD24.20 – OCM 26 May2020
<b>Attachments</b>	1. Justification Report – Scheme Amendment No. 4 2. Summary of Submissions
<b>Confidential Attachments</b>	1. Full Submissions 2. Community Petition

**Regulation 11(da) - Council determined that an effective “blanket” ban on Fast Food outlets was appropriate for Nedlands.**

Moved – Councillor Youngman

Seconded – Councillor Bennett

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

1. clause 3 be amended to read as follows:
  3. instruct the CEO to prepare a new Scheme Amendment that prohibits (“X” use) Fast Food Outlets in all zones within the City except the Urban Development Zone.; and
2. deletes clause 4.

**CARRIED 10/2**  
(Against: Crs. Poliwka & Wetherall)

### **Committee Recommendation**

**Council:**

1. in accordance with Section 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* does NOT support Scheme Amendment No. 4 to Local Planning Scheme No. 3 as detailed in Attachment 1 for the following reason:
  - a) The amendment proposes inconsistencies within LPS3 between Table 3 – Zoning Table and the Scheme text. This inconsistency weakens the position of LPS3 and undermines its status in a judicial setting.

2. in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* section 53(1) submit 2 copies of the proposed Scheme Amendment 4 to the West Australian Planning Commission.
3. instruct the CEO to prepare a new Scheme Amendment that prohibits (“X” use) Fast Food Outlets in all zones within the City except the Urban Development Zone.; and

## Recommendation to Committee

Council:

1. in accordance with Section 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* does NOT support Scheme Amendment No. 4 to Local Planning Scheme No. 3 as detailed in Attachment 1 for the following reason:
  - a) The amendment proposes inconsistencies within LPS3 between Table 3 – Zoning Table and the Scheme text. This inconsistency weakens the position of LPS3 and undermines its status in a judicial setting.
2. in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* section 53(1) submit 2 copies of the proposed Scheme Amendment 4 to the West Australian Planning Commission.
3. instruct the CEO to prepare a new Scheme Amendment that incorporates the following:
  - a) Prohibit (‘X’ use) Fast Food Outlets in the Mixed-Use Zone within Table 3 – Zoning table of LPS3; and
  - b) Create an Additional Use (A10) in Table 4 – Specified additional uses for zoned land in Scheme area of LPS3 and specify particular sites on Stirling Highway where ‘Fast Food Outlet’ shall be included as an Additional Use.
4. instruct the CEO to prepare a Local Planning Policy - Fast Food Outlets to provide guidance for development on those sites applicable under the proposed A10 provisions, with respect to built form and general amenity.

<b>PD48.20</b>	<b>Scheme Amendment No. 9 – Deep Soil Planting Requirements for Single and Grouped Dwellings</b>
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<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Reference</b>	Nil
<b>Previous Item</b>	PD05.20 – OCM March 2020 NOM 14.2 – OCM May 2020
<b>Attachments</b>	1. Scheme Amendment No. 9 Justification Report 2. Scheme Amendment No. 9 Schedule of Submissions
<b>Confidential Attachments</b>	1. Scheme Amendment No. 9 Full Submissions

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

Moved – Councillor Bennett

Seconded – Councillor Poliwka

**That the Recommendation to Committee be adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 12/-**

**Committee Recommendation / Recommendation to Committee**

**Council:**

1. Pursuant to section 75 of the *Planning and Development Act 2005* and in accordance with section 50(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015* supports without modification Scheme Amendment No. 9 to amend Local Planning Scheme No. 3 as follows:
  - a) As detailed in Attachment 1 – Scheme Amendment No. 9 Justification Report
2. In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* section 53(1) submit 2 copies of the proposed Scheme Amendment No. 9 to the West Australian Planning Commission.

<b>PD49.20</b>	<b>Local Planning Scheme 3 – Amendments to Local Planning Policy Short Term Accommodation – Final Adoption</b>
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<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Reference</b>	Nil
<b>Previous Item</b>	PD30.20 – OCM 23 June 2020
<b>Attachments</b>	1. Draft amended version - Short Term Accommodation LPP 2. Summary of Submissions
<b>Confidential Attachments</b>	1. Full Submissions

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

Moved – Councillor Wetherall  
Seconded – Councillor Senathirajah

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

**CARRIED 8/4**  
**(Against: Crs. Horley Bennett Mangano & Coghlan)**

**Committee Recommendation / Recommendation to Committee**

Council proceeds to adopt the amendments to the Short Term Accommodation - Local Planning Policy, with modifications as set out in Attachment 1 in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4(3)(b)(ii).

<b>PD50.20</b>	<b>Local Planning Scheme 3 – Draft Local Planning Policy - Melvista East Transition Zone</b>
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<b>Committee Date</b>	13 October 2020
<b>Council Date</b>	27 October 2020
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Reference</b>	Nil
<b>Previous Item</b>	Nil
<b>Attachments</b>	1. Draft LPP – Melvista East Transition Zone

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

Moved – Councillor Senathirajah

Seconded – Councillor Coghlan

**That the Recommendation to Committee be adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 12/-**

**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, Local Planning Policy – Melvista East Transition Zone.



<b>PD51.20</b>	<b>Local Planning Scheme 3 – Local Planning Policy Community Engagement on Planning Proposals</b>
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<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Previous Item</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Draft Local Planning Policy – Community Engagement on Planning Proposals</li> <li>2. Local Planning Policy – Consultation of Planning Proposals with tracked changes</li> <li>3. Summary of other amendments to the Local Planning Policy – Consultation of Planning Proposals</li> </ol>

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

Moved – Councillor Smyth  
 Seconded – Councillor Wetherall

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

**CARRIED ON THE CASTING VOTE 6/6**  
**(Against: Crs. Bennett Mangano Youngman Poliwka Wetherall & Hay)**

**Committee Recommendation / Recommendation to Committee**

Council proceeds with the draft modified Local Planning Policy – Community Engagement on Planning Proposals, Attachment 1, 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(2).

<b>PD52.20</b>	<b>No. 37 Strickland Street, Mount Claremont – Holiday House (Short Term Accommodation)</b>
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<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Applicant</b>	David Joseph
<b>Landowner</b>	David Joseph and Christine Joseph
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Report Type</b>  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.
<b>Reference</b>	DA20/48595
<b>Previous Item</b>	Nil
<b>Delegation</b>	In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to objections being received.
<b>Attachments</b>	1. Applicant’s Justification Report
<b>Confidential Attachments</b>	1. Plans 2. Management Plan 3. Submissions 4. Assessment

**Regulation 11(da) – Not Applicable - minor amendment to the Administration recommendation reducing the approval from 12 to 6 months.**

Moved – Councillor Youngman  
Seconded – Deputy Mayor McManus

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

**condition 2 be amended by replacing “12 months” with “6 months” and adding the words “after which time the matter will be brought back to council for review” at the end.**

**CARRIED ON THE CASTING VOTE 6/6  
(Against: Crs. Horley Smyth Bennett Mangano Coghlan & Hay)**

## **Committee Recommendation**

**Council approves the retrospective development application dated 27 May 2020 for a Holiday House at Lot 96 (No. 37) Strickland Street, Mount Claremont, subject to the following conditions and advice notes:**

- 1. This approval is for a Holiday House. Development shall be in accordance with the land use as defined within Local Planning Scheme No. 3, the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot.**
- 2. The approval period for the Holiday House is limited to 6 months (1 year) from the date of this decision letter.**
- 3. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 4. The proposed use complying with the Holiday House definition stipulated under the City's Local Planning Scheme No. 3 (refer to advice note 1).**
- 5. A maximum of 6 guests are permitted on the reside at the Holiday House at any one time.**
- 6. Each booking for the Holiday House must be for a minimum stay of 2 consecutive nights.**
- 7. A maximum of 2 guest vehicles for guests of the Holiday House are permitted on the premises at any given time. (from standard conditions)**
- 8. The Management Plan forms part of this approval and is to be complied with at all times to the City's satisfaction.**
- 9. All vehicles (for the owners of the property and the guests of the Holiday House) shall be parked within the property boundaries of the subject site. No guest parking is permitted on the verge or street.**

**Advice Notes specific to this proposal:**

- 1. With regard to condition 1, the applicant and landowner are advised that the use Holiday House is defined as the following in accordance with the City of Nedlands Local Planning Scheme No. 3 and the City of Nedlands Short Term Accommodation Local Planning Policy:**

**'Holiday House means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast'.**

- 2. In relation to Condition 2, the applicant is advised that if the applicant wishes to continue the use of the land for the Holiday House, an Amendment Development Application must be submitted to the City's Planning Department for assessment prior to the completion of the 6 month temporary approval period. The applicant is advised to contact the City's Planning Services closer to the expiry date for assistance in lodging an Amendment Development Application and the required fees for the application after which time the matter will be brought back to council for review.**
- 3. A separate development application is required to be submitted to and approved by the City prior to increasing the maximum number of guests at the Holiday House.**
- 4. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency**
- 5. This planning decision is confined to the authority of the Planning and Development Act 2005, the City of Nedlands' Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.**
- 6. Noise levels are to comply with the *Environmental Protection (Noise) Regulations 1997*.**
- 7. Compliance with the assigned noise levels of the *Environmental Protection (Noise) Regulations 1997*, when received at neighboring noise sensitive receivers (in all day and time categories).**
- 8. The applicant is advised that any increase to the number of guests at the Holiday House will require further Development approval by the City of Nedlands.**
- 9. The applicant is advised that any increase to the number of guest vehicles which are parked at the Holiday House will require further Development approval by the City of Nedlands.**
- 10. All solid waste and refuse and waste to be managed so as to not create a nuisance to neighbours (in accordance with City requirements).**

- 11. 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.**
- 12. Emergency exits and safety of premises to be assessed for adequacy by the Department of Fire and Emergency Services (DFES).**
- 13. Should the occupancy capacity of the proposal exceed 6 persons (exclusive of the property owners) the proposal will require reassessment as a “lodging house” under the *Health (Miscellaneous Provisions) Act 1911* and the *City of Nedlands Health Local Laws 2017*.**
- 14. Where applicable the applicant shall upgrade the premises to comply with the relevant provisions applicable for a Class 1b Building, please contact the City’s Building Services for further advice.**

## Recommendation to Committee

Council approves the retrospective development application dated 27 May 2020 for a Holiday House at Lot 96 (No. 37) Strickland Street, Mount Claremont, subject to the following conditions and advice notes:

1. This approval is for a Holiday House. Development shall be in accordance with the land use as defined within Local Planning Scheme No. 3, the approved plan(s), any other supporting information and conditions of approval. It does not relate to any other development on the lot.
2. The approval period for the Holiday House is limited to 12 months (1 year) from the date of this decision letter.
3. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
4. The proposed use complying with the Holiday House definition stipulated under the City’s Local Planning Scheme No. 3 (refer to advice note 1).
5. A maximum of 6 guests are permitted on the reside at the Holiday House at any one time.
6. Each booking for the Holiday House must be for a minimum stay of 2 consecutive nights.
7. A maximum of 2 guest vehicles for guests of the Holiday House are permitted on the premises at any given time. (from standard conditions)

8. The Management Plan forms part of this approval and is to be complied with at all times to the City's satisfaction.
9. All vehicles (for the owners of the property and the guests of the Holiday House) shall be parked within the property boundaries of the subject site. No guest parking is permitted on the verge or street.

Advice Notes specific to this proposal:

1. With regard to condition 1, the applicant and landowner are advised that the use Holiday House is defined as the following in accordance with the City of Nedlands Local Planning Scheme No. 3 and the City of Nedlands Short Term Accommodation Local Planning Policy:  
  
'Holiday House means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast'.
2. In relation to Condition 2, the applicant is advised that if the applicant wishes to continue the use of the land for the Holiday House, an Amendment Development Application must be submitted to the City's Planning Department for assessment prior to the completion of the 12 month temporary approval period. The applicant is advised to contact the City's Planning Services closer to the expiry date for assistance in lodging an Amendment Development Application and the required fees for the application.
3. A separate development application is required to be submitted to and approved by the City prior to increasing the maximum number of guests at the Holiday House.
4. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency
5. This planning decision is confined to the authority of the *Planning and Development Act 2005*, the City of Nedlands' Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
6. Noise levels are to comply with the *Environmental Protection (Noise) Regulations 1997*.
7. Compliance with the assigned noise levels of the *Environmental Protection (Noise) Regulations 1997*, when received at neighboring noise sensitive receivers (in all day and time categories).

8. The applicant is advised that any increase to the number of guests at the Holiday House will require further Development approval by the City of Nedlands.
9. The applicant is advised that any increase to the number of guest vehicles which are parked at the Holiday House will require further Development approval by the City of Nedlands.
10. All solid waste and refuse and waste to be managed so as to not create a nuisance to neighbors (in accordance with City requirements).
11. 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.
12. Emergency exits and safety of premises to be assessed for adequacy by the Department of Fire and Emergency Services (DFES).
13. Should the occupancy capacity of the proposal exceed 6 persons (exclusive of the property owners) the proposal will require reassessment as a "lodging house" under the *Health (Miscellaneous Provisions) Act 1911* and the *City of Nedlands Health Local Laws 2017*.
14. Where applicable the applicant shall upgrade the premises to comply with the relevant provisions applicable for a Class 1b Building, please contact the City's Building Services for further advice.

## 8.2 Technical Services Report No's TS16.20 to TS17.20

Technical Services Report No's TS16.20 to TS17.20 to be dealt with at this point (copy attached blue cover sheet).

<b>TS16.20</b>	<b>Quintilian Road Traffic Calming, Parking and Shared Path</b>
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<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Jim Duff – Director Technical Services
<b>Attachments</b>	1. Concept Design - Option 1 2. Concept Design - Option 2 3. Concept Design - Option 3
<b>Confidential Attachments</b>	Nil.

**Regulation 11(da) – Not Applicable - Minor amendment to the Administration recommendation.**

Moved – Councillor Hay  
Seconded – Councillor Wetherall

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

- 1. Clause 3 being replaced with “the consultation area be extended to Mt Claremont.”; and**
- 2. clause 4 be deleted.**

Councillor Senathirajah left the meeting at 10.08 pm and returned at 10.11 pm.

### Amendment

Moved - Councillor Smyth  
Seconded - Councillor Mangano

**That clause 2 be amended to read as follows:**

- 2. requests following the public consultation process, a further report be provided to Council noting the outcomes prior to implementation.**



**The AMENDMENT was PUT and was**

**CARRIED 9/3  
(Against: Crs. Hodsdon Poliwka & Wetherall)**

Councillor Mangano & Councillor Coghlan left the meeting at 10.39 pm.

Councillor Mangano returned to the meeting at 10.42 pm.

Councillor Bennett left the meeting at 10.42 pm.

Councillor Coghlan returned to the meeting at 10.43 pm.

Councillor Bennett returned to the meeting at 10.45 pm.

**The Substantive Motion was PUT and was**

**CARRIED 9/3  
(Against: Crs. Bennett Mangano & Coghlan)**

### **Committee Recommendation**

**Council:**

- 1. approves to undertake community consultation on Option 1;**
- 2. following the public consultation process, a further report be provided to Council noting the outcomes prior to implementation; and**
- 3. the consultation area be extended to Mt Claremont.**

### **Recommendation to Committee**

**Council:**

- 1. approves to undertake community consultation on Option 1;**
- 2. approves, following a successful outcome of the public consultation process, to implement interim traffic calming measures on Quintilian Road in line with the available 2020/21 budget;**

3. approves to include the outstanding work from Option 1 in the Five-Year Capital Works Program prioritisation review in February 2021; and
4. approves, following the Five-Year Capital Works Program prioritisation review in February 2021, to seek WA Bicycle Network grant approval from the Department of Transport.

**The Presiding Member granted a recess for the purposes of a refreshment break.**

The meeting adjourned at 10.50 pm and reconvened at 10.55 pm with the following people in attendance:

<b>Councillors</b>	Deputy Mayor McManus	(Presiding Member)
	Councillor N B J Horley	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor F J O Bennett	Dalkeith Ward
	Councillor N R Youngman	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor P N Poliwka	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor G A R Hay	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
<b>Staff</b>	Mr P L Mickleson	Acting Chief Executive Officer
	Mrs L M Driscoll	Director Corporate & Strategy
	Mr J Duff	Director Technical Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

<b>TS17.20</b>	<b>Hampden Road Project – Budget Variation</b>
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<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Jim Duff – Director Technical Services
<b>Attachments</b>	Nil.

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

Moved – Councillor Wetherall  
 Seconded – Councillor Senathirajah

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

**CARRIED 9/3**  
**(Against: Crs. Bennett Mangano & Coghlan)**

**Committee Recommendation / Recommendation to Committee**

**Council approves the reallocation of \$114,377 of the \$145,726 budget for the Alfred Road (Narla to West Coast Highway) project to the Hampden Road project and directs the surplus to general revenue.**

**8.3 Community Development Report No's CM07.20 to CM08.20**

Community Development Report No's CM07.20 to CM08.20 to be dealt with at this point (copy attached orange cover sheet).

<b>CM07.20</b>	<b>Swanbourne Tigers Junior Football Club – Floodlight Upgrade Allen Park Lower Oval</b>
<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Director</b>	Lorraine Driscoll – Director Corporate and Strategy
<b>Attachments</b>	1. Letter from Swanbourne Tigers Junior Football Club
<b>Confidential Attachments</b>	Nil

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

Moved – Deputy Mayor McManus  
Seconded – Councillor Hay

**That the Recommendation to Committee be adopted.**

(Printed below for ease of reference)

**CARRIED 10/2**  
**(Against: Crs. Bennett & Coghlan)**

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

1. agrees to repayment plan for Swanbourne Tigers Junior Football Club (STJFC) as an extension of credit terms to facilitate the Clubs cashflow for installed floodlighting as follows:
  - \$40,000 – 2020
  - \$20,000 – 2021
  - \$20,000 – 2022;
2. notes the upgrade of lights to game standard 100 lux, as recommended in Allen Park Master Plan;

- 3. agrees to manage the procurement and installation of game standard lighting, providing STJFC accepts 100% of project costs and payment is made to the City on completion of project;**
- 4. approves the request to allow the Club to install a plaque acknowledging project donors on a floodlight pole, providing any necessary statutory approvals are obtained by STJFC.**

<b>CM08.20</b>	<b>Draft Strategic Recreation Plan 2020-2030</b>
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<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Director</b>	Lorraine Driscoll – Director Corporate and Strategy
<b>Attachments</b>	1. Draft Strategic Recreation Plan 2020-2030
<b>Confidential Attachments</b>	Nil

**Regulation 11(da) – Not Applicable – deferred to Councillor Briefing.**

Moved – Councillor Mangano

Seconded – Councillor Horley

### **Committee Recommendation**

**That the item be deferred to a Councillor Briefing.**

**CARRIED UNANIMOUSLY 12/-**

### Recommendation to Committee

Council endorses the draft Strategic Recreation Plan 2020 - 2030 to be released for public comment.

**8.4 Corporate & Strategy Report No's CPS22.20 to CPS29.20**

Report No's CPS22.20 to CPS29.20 to be dealt with at this point (copy attached green cover sheet).

<b>CPS22.20</b>	<b>List of Accounts Paid – August 2020</b>
<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	1. Creditor Payment Listing – August 2020; and 2. Credit Card and Purchasing Card payments – August 2020 (28 Jul – 27 Aug).
<b>Confidential Attachments</b>	Nil.

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

Moved – Councillor Wetherall  
Seconded – Councillor Coghlan

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

**CARRIED UNANIMOUSLY 12/-**

**Committee Recommendation / Recommendation to Committee**

**Council receives the List of Accounts Paid for the month of August 2020 as per attachments.**



<b>CPS23.20</b>	<b>UPDATE – Implications of COVID-19 on the City’s Tenancy Portfolio</b>
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<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	1. Proposed Amendments – Hardship Provisions Policy.
<b>Confidential Attachments</b>	Nil.

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

Moved – Councillor Coghlan

Seconded – Councillor Youngman

**That the Recommendation to Committee be adopted.**

(Printed below for ease of reference)

**CARRIED 10/2**  
**(Against: Crs. Horley & Hodsdon)**

**Committee Recommendation / Recommendation to Committee**

**Council:**

- 1. authorises Administration to:**
  - a. recommence ‘normal’ pre-COVID-19 Hardship Provisions management of the City’s Tenancy Portfolio in line with obligations under each agreement, including charging rent as of 1 July 2020; and**
  - b. amend Clauses 3, 5(c) and 5(d) of the Hardship Provisions Policy to reflect this decision; and**
- 2. requests a further item be presented to Council, should the State suffer the effects of a ‘second-wave’ of infection and government restrictions on human movement and interaction are re-tightened to Phase 3, 2 or 1.**

<b>CPS24.20</b>	<b>Future of Nedlands Child Health Clinic – 152 Melvista Avenue, Nedlands</b>
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<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	1. Draft Management Licence – Department of Health 2. Building Maintenance Inspection – May 2020 3. Asset Management Inspection – May 2020
<b>Confidential Attachments</b>	Nil.

**Regulation 11(da) – Not Applicable – Referred to Councillor Briefing.**

Moved – Councillor Mangano  
Seconded – Councillor Youngman

### **Committee Recommendation**

**That this item be deferred to a Councillor Briefing.**

**CARRIED 9/3  
(Against: Deputy Mayor McManus Crs. Wetherall & Hay)**

### Recommendation to Committee

Council:

1. a) endorses the draft Management Licence Agreement as contained in Attachment 1, and accepts the variances requested by the Department of Health, with the exclusion of the request to reduce the Licence Fee to \$5,000 per annum; and
- b) instructs the CEO to advise the Department of Health that the City's final offer for a Licence Fee will remain at \$10,000 per annum.
- c) should the Department of Health accept the City's terms, approves the Mayor and CEO to execute the agreement and apply the City's common seal.

- d) should the Department of Health decline to accept the City's terms, instruct the CEO to request the Department vacate the premises, giving 3 months' notice and request Administration investigate possible cost-neutral or revenue generating options for the facility, including detail and cost implications surrounding demolition of the facility and provide a further report to Council.

OR

- 2. a) endorses the draft Management Licence Agreement as contained in Attachment 1, and accepts the variances requested by the Department of Health, including the request to reduce the Licence Fee to \$5,000 per annum; and
- 2. b) Approves the Mayor and CEO to execute the agreement and apply the City's common seal.

OR

- 3. a) Instructs the CEO to request the Department vacate the premises, giving 3 months' notice; and
- b) Requests Administration investigate possible cost-neutral or revenue generating options for the facility, including detail and cost implications surrounding demolition of the facility and provide a further report to Council.

<b>CPS25.20</b>	<b>Future use of Haldane House, 109 Montgomery Avenue, Mt Claremont</b>
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<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	Nil.
<b>Confidential Attachments</b>	Nil.

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

Moved – Councillor Coghlan  
 Seconded – Councillor Horley

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

**CARRIED 10/2**  
**(Against: Crs. Bennett & Mangano)**

**Committee Recommendation / Recommendation to Committee**

**Council:**

- 1. notes that Haldane House is currently vacant.**
- 2. instructs the CEO to commence an investigation into the feasibility of moving the operations of the Nedlands Community Care Service to Haldane House.**
- 3. requests a further report to Council outlining the results of the investigation and a recommendation on whether the movement of the Nedlands Community Care Service is viable.**

<b>CPS26.20 Land Investment Strategy and Policy</b>	
<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Schedule of City Freehold Land Portfolio;</li> <li>2. Current 'Disposal and Acquisition of Land' Policy</li> <li>3. Current 'Disposal and Acquisition of Land' Policy with Track Changes</li> <li>4. Proposed Updated 'Retention, Acquisition, Improvement and Disposal of Land' Policy;</li> <li>5. 12x Identified Projects for Possible Investigation; and</li> <li>6. Anticipated Timeline.</li> </ol>
<b>Confidential Attachments</b>	Nil.

**Please note - Due to the time the Presiding Member suspended debate on this item during the seconds (Councillor Senathirajah) speech and item 9.2 was brought forward.**

Councillor Smyth & Councillor Bennett left the meeting at 11.36 pm.

**Please note this item is continued on page 49.**

**Please note this item was brought forward see page 56.**

**9.2 Responsible Authority Report – Car Park addition to existing Hospital Use at 101 Monash Avenue, Nedlands**

<b>Committee</b>	13 October 2020
<b>Applicant</b>	David Read, element advisory Pty Ltd
<b>Landowner</b>	Ramsay Hospital Holdings Pty Ltd
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Report Type</b>	Item provided to Council for information purposes.
<b>Reference</b>	DA20-51250 (DAP/20/01825)
<b>Previous Item</b>	Nil
<b>Delegation</b>	Not applicable – Joint Development Assessment Panel application.
<b>Attachments</b>	Responsible Authority Report and Attachments – available at: <a href="https://www.dplh.wa.gov.au/about/development-assessment-panels/daps-agendas-and-minutes">https://www.dplh.wa.gov.au/about/development-assessment-panels/daps-agendas-and-minutes</a>

**Councillor Smyth – Impartiality Interest**

Councillor Smyth disclosed that she is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 20<sup>th</sup> October 2020. As a consequence, there may be a perception that her impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Smyth advised she would not stay in the room and debate the item, or vote on the matter.

**Councillor Bennett – Impartiality Interest**

Councillor Bennett disclosed that she is a Ministerial appointee and paid member of the MINJDAP that will be considering this item at a meeting scheduled for 20<sup>th</sup> October 2020. As a consequence, there may be a perception that his impartiality on the matter may be affected. In accordance with recent legal advice from McLeods released to the local government sector in relation to a recent Supreme Court ruling, Councillor Bennett advised he would not stay in the room and debate the item, or vote on the matter.

**Regulation 11(da) - Administration's recommendation was adopted with an addition to deal with matters during construction.**

Moved – Councillor Coghlan

Seconded – Councillor Wetherall

**Council Resolution**

**That Council:**

- 1. notes the Responsible Authority Report for the proposed Car Park Development addition to existing Hospital use at Lot 564 (No. 101) Monash Avenue, Nedlands;**
- 2. supports approval of the development; and**
- 3. instructs the CEO to negotiate with Hollywood Private Hospital in regard to parking during construction and utilising the Hollywood Bowling Club Carpark at a cost.**

Councillor Hodsdon retired from the meeting at 11.40 pm.

**CARRIED UNANIMOUSLY 9/-**

Councillor Smyth & Councillor Bennett returned to the meeting at 11.45 pm.

**Recommendation to Committee**

**That Council:**

1. notes the Responsible Authority Report for the proposed Car Park Development addition to existing Hospital use at Lot 564 (No. 101) Monash Avenue, Nedlands;
2. agrees to appoint Councillor (insert name) and Councillor (insert name) to coordinate the Council's submission and presentation to the Metro Inner-North JDAP;
3. does/does not (remove one) support approval of the development; and
4. provides the following reasons for the Council's position on the application:
  - a. ..

## **1.0 Executive Summary**

In accordance with the Planning and Development (Development Assessment Panels) Regulations 2011, Administration have prepared a Responsible Authority Report (RAR) in relation to the car park development at Lot 564 (No. 101) Monash Avenue, Nedlands (the subject site) received on 17 July 2020.

Revised plans were received on 18 September 2020 and 2 October 2020 addressing swept paths and ramp gradients for the car park.

The purpose of this report is to inform Council of Administration's recommendation to the JDAP.

## **2.0 Background**

The City received the JDAP application Lot 564 (No. 101) Monash Avenue, Nedlands on 17 July 2020. The subject lot is zoned 'Special Use 1 (SU1)' and is referred to as Hollywood Private Hospital. The following permitted uses are prescribed in Table 5 – 'Special use zones in Scheme Area' by the City's Local Planning Scheme No. 3 (the Scheme) as follows:

- (i) Hospital
- (ii) Incidental uses associated with the hospital are not permitted unless the local government has exercised its discretion by granting development approval.

During the assessment period, Administration raised issues/requested further information regarding a number of matters. The applicant prepared amended plans and revised technical documents, which were provided on 18 September 2020 and 1 and 2 October 2020.

The City submitted the Responsible Authority Report (RAR) on 9 October 2020, recommending that the JDAP approve the application. A copy of the RAR and associated documents are attached to this report.

Consideration of the RAR by the JDAP is scheduled for 20 October 2020.

## **3.0 Application Details**

The proposal seeks development approval for the construction of a four storey multi-deck car park to be located on the current at-grade staff parking area situated in the north-east corner of the subject site adjacent to Verdun Street and the Queen Elizabeth II Medical Centre (QEIIIMC). The development comprises of:



### **Demolition works**

- Demolition of the existing site stores buildings, removal of 138 existing staff car parking bays and the driveway adjacent to Verdun Street.

### **Ground Level 0**

- A total of 147 car bays proposed at ground level (130 car bays located in the car park and 17 off road parking bays).
- A new driveway wrapping around the northern and eastern sides of the new car park development.
- Entrance and exit opening via the eastern side of the car park development.
- Ground level area is proposed to be 4,133m<sup>2</sup>.

### **Level 1 and 2**

- 129 car bays proposed on each level.
- Each floor area is proposed to be 3,970m<sup>2</sup>.

### **Level 3**

- 133 car bays proposed.
- Level 3 floor area is proposed to be 3,745m<sup>2</sup>.

### **Summary**

- A total of 538 car bays are proposed and intended to be used by staff.
- The proposed car park will be accessed from the Verdun Street staff entrance and the Monash Avenue public entrance through the existing internal road system and a system of boom-gates.
- The proposed car park is four storeys and at a maximum height of 10.0m from natural ground level.
- The development is setback 12.28m from Verdun Street and 17.80m from the eastern lot boundary (abutting QEIIIMC).
- Fire escape stairways are provided on each corner of the car park development.
- The development façade will feature undulating vertical aluminium battens finished in a bronze powder-coat finish for a contemporary design on the northern, eastern, and western elevations only.

## **4.0 Consultation**

The application was advertised in accordance with the requirements of a 'Complex' application as per City's Local Planning Policy - Consultation of Planning Proposals which included the following:

- 491 letters were sent to all City of Nedlands landowners and occupiers within a 200m radius of the site;
- A sign on site was installed on the Verdun Street and Monash Avenue frontage of the subject site for the advertising period;
- An advertisement was uploaded to the City's website with all documents relevant to the application made available for viewing during the advertising period;
- An advertisement was placed in the Post newspaper;

- A notice was affixed to the City's Noticeboard at the City's Administration Offices; and
- A community information session was held on 24 August 2020 and attended by 5 residents.

At the conclusion of advertising, the City received 31 submissions. A total of 28 submissions objected to the proposal, two (2) submissions provided support but raised concerns and one (1) submission was received in support of the proposal.

A comprehensive list of issues raised during advertising including an officer and applicant response, is contained as Attachment 1.

## **5.0 Recommendation to JDAP**

The proposed 4 storey car park development is predominantly compliant with the provisions of the City's Scheme No.3 for the Special Use Zone and the City's Local Planning Policies, with which the development is consistent. For this reason, Administration is recommending the application be approved subject to conditions.

## **6.0 Conclusion**

Administration have prepared a RAR to the Metro Inner-North Joint Development Assessment Panel recommending conditional approval for the four storey Car Park Development at Lot 564 (No. 101) Monash Avenue, Nedlands.

Council may wish to make a submission on the application to the Panel. This submission will be presented to the Panel for consideration at its meeting on 20 October 2020.

**Please note this item was brought forward from page 56.**

**9.1 Review of Wards and Councillor Numbers**

<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>CEO</b>	Mark Goodlet
<b>Attachments</b>	1. A Review of Wards and Representation for the City of Nedlands - Options and Discussion

**Regulation 11(da) – Not Applicable – Item deferred.**

Moved – Deputy Mayor McManus  
 Seconded – Councillor Wetherall

**Committee Recommendation**

**That the item be deferred to an informal Councillor discussion.**

**CARRIED UNANIMOUSLY 11/-**

**Recommendation to Committee**

Council:

1. endorses the Ward Review and Councillor Numbers Discussion Paper for the purposes of seeking public submissions; and
2. instructs the Chief Executive Officer to give local public notice of its intention to carry out a review of Wards and Councillor numbers and invites submissions as required under Clause 6(1) of Schedule 2.2 of the Local Government Act 1995.

**Executive Summary**

Local Governments are required to assess Wards and Councillors numbers every eight years. This report commences this process and recommends public consultation be undertaken.

## Discussion/Overview

The City of Nedlands has four wards; Coastal, Hollywood, Melvista and Dalkeith.

The City of Nedlands has 12 councillors and a Mayor. Three councillors are elected from each ward.

**Table: City of Nedlands elector to Councillor ratios - current situation**

Ward	Number of Electors <sup>1</sup>	Number of Councillors	Councillor/ Elector Ratio	% Ratio Deviation
Coastal	4,320	3	1:1,440	+12.16%
Hollywood	4,046	3	1:1,349	+5.04%
Melvista	3,508	3	1:1,169	-8.92%
Dalkeith	3,533	3	1:1,178	-8.28%
<b>Total</b>	<b>15,407</b>	<b>12</b>	<b>1:1,284</b>	Not applicable

1. Number of electors at close of roll for the 19 October 2019 ordinary election.

The current local government reform process is considering prescribing councillor numbers to population though this has no legal standing presently. It would likely reduce the number of councillors in the City of Nedlands if it went forward.

### Key Relevant Previous Council Decisions:

The most recent ward and councillor numbers assessment was carried out in 2012. No changes were made to the ward boundaries or councillor numbers at that time.

### The Review Process

The review process involves a number of steps:

- The Council resolves to undertake the review (this report)
- Public submission period opens
- Information provided to the community for discussion
- Public submission period closes
- The Council considers all submissions and relevant factors and makes a decision
- The Council submits a report to the Local Government Advisory Board (the Board) for its consideration
- If a change is proposed, the Board submits a recommendation to the Minister for Local Government (the Minister).

Any changes approved by the Minister will be in place for the next ordinary election where possible.

## **Assessment of the Options**

Attachment 1 provides a discussion paper on the following options:  
Ward Numbers

- 4 Wards
- 2 Wards
- No Wards

Councillor Numbers

- 12 Councillors
- 8 Councillors
- 6 Councillors (not suitable for a 4 Ward system. All other options are available)

The public consultation process will also provide for submission of other proposals for Ward and Councillor numbers.

## **Implementation of Proposed Changes**

The local government can indicate to the Board when it prefers the implementation of proposed changes to take place. In most cases this will be at the next ordinary elections day however, there may be some instances where proposed changes to representation (e.g. a reduction in the number of offices of councillor created by a vacancy can take place the day after the date of gazettal) occur as soon as possible.

When offices of councillor are to be redistributed into new wards, or there is a reduction or increase in the number of offices of councillor, the implementation method should give consideration to clauses 1 and 2 of Schedule 4.2 of the *Local Government Act 1995*. As near as practical to half of the total number of councillors are to retire every two years and as near as practical to half of the councillors representing each ward are to retire every two years.

## **Consultation**

Consultation will be carried out following approval to do so by Council.

## **Strategic Implications**

**How well does it fit with our strategic direction?**

Not Applicable

**Who benefits?**

The community.

**Does it involve a tolerable risk?**

Yes.

**Do we have the information we need?**

Yes.

**Budget/Financial Implications**

**Can we afford it?**

How well does the option fit within our Long Term Financial Plan? What do we need to do to manage the costs over the lifecycle of the asset / project / service?

The direct impact of Councillor number reductions are discussed in the options paper in Attachment 1. It is not possible to quantify indirect financial impacts of different ward or Councillor numbers in terms of decision-making and strategic direction.

**How does the option impact upon rates?**

The direct impact of Councillor number reductions are discussed in the options paper in Attachment 1.

# **A Review of Wards and Councillor Numbers for the City of Nedlands**

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Options and Discussion

October 2020

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**This document has been prepared by the Department of Local Government, Sport and Cultural Industries (the Department) for the review of ward boundaries and for the description of the role of councillors. City of Nedlands specific information is also included for assessment of its wards and Councillor numbers.**

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## Background

The City of Nedlands is undertaking a review of its ward system to comply with the requirements of the *Local Government Act 1995* (the Act).

Schedule 2.2 of the Act requires local governments with wards to carry out reviews of the ward boundaries and the number of councillors for each ward from time to time so that no more than eight years elapse between successive reviews.

The last review of wards in the City of Nedlands was undertaken in 2012 and it is now due to carry out another review.

## Current situation

Currently the City of Nedlands has twelve (12) councillors elected from four (4) wards as follows:

**Table: City of Nedlands elector to Councillor ratios - current situation**

Ward	Number of Electors <sup>1</sup>	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation
Coastal	4,320	3	1:1,440	+12.16%
Hollywood	4,046	3	1:1,349	+5.04%
Melvista	3,508	3	1:1,169	-8.92%
Dalkeith	3,533	3	1:1,178	-8.28%
<b>Total</b>	<b>15,407</b>	<b>12</b>	<b>1:1,284</b>	Not applicable

1. Number of electors at close of roll for the 19 October 2019 ordinary election.

## Review process

The review process involves a number of steps:

- The Council resolves to undertake the review
- Public submission period opens
- Information provided to the community for discussion
- Public submission period closes
- The Council considers all submissions and relevant factors and makes a decision
- The Council submits a report to the Local Government Advisory Board (the Board) for its consideration
- If a change is proposed, the Board submits a recommendation to the Minister for Local Government (the Minister).

Any changes approved by the Minister will be in place for the next ordinary election where possible.

## **Factors to be considered**

When considering changes to wards and representation, Schedule 2.2 of the Act specifies five factors that must be taken into account by a local government as part of the review process:

1. Community of interest
2. Physical and topographic features
3. Demographic trends
4. Economic factors
5. Ratio of Councillors to Electors in the various wards.

The Board offers the following interpretation of these factors.

### **1. Community of interest**

The term community of interest has a number of elements. These include a sense of community identity and belonging, similarities in the characteristics of the residents of a community and similarities in the economic activities. It can also include dependence on the shared facilities in a district as reflected in the catchment areas of local schools and sporting teams, or the circulation areas of local newspapers. Neighbourhoods, suburbs and towns are important units in the physical, historical and social infrastructure and often generate a feeling of community and belonging.

### **2. Physical and topographic features**

These may be natural or man-made features that will vary from area to area. Water features such as rivers and catchment boundaries may be relevant considerations. Coastal plain and foothills regions, parks and reserves may be relevant as may other man-made features such as railway lines and freeways.

### **3. Demographic trends**

Several measurements of the characteristics of human populations, such as population size, and its distribution by age, sex, occupation and location provide important demographic information. Current and projected population characteristics will be relevant as well as similarities and differences between areas within the local government. Further information on the demographics of the City of Nedlands is available at the Australian Bureau of Statistics website at the following link <https://www.abs.gov.au/>.

### **4. Economic factors**

Economic factors can be broadly interpreted to include any factor that reflects the character of economic activities and resources in the area. This may include the industries that occur in a local government area (or the release of land for these) and the distribution of community assets and infrastructure such as road networks.

## 5. Ratio of Councillors to Electors in the various wards

This matter has two distinct components. The first is the ratio of councillors to electors. The second is the overall number of councillors.

### Ratio of councillors to electors

On the first component, it is expected that each local government will have similar ratios of electors to councillors across the wards of its district. Intuitively it is easy to see that under a ward system it is only fair that electors receive equal representation by ward councillors. This safeguards against deliberate or inadvertent ward bias by Council. The only other matter that arises here is whether to abolish wards. Without wards all councillors represent all electors equally, in principle.

### Number of councillors

A review of councillor numbers should consider the effectiveness and efficiency of the councillor in both their individual and collective Council roles as defined by the Local Government Act 1995, s2.10.

#### 2.10. Role of councillors

A councillor —

- a) represents the interests of electors, ratepayers and residents of the district; and
- b) provides leadership and guidance to the community in the district; and
- c) facilitates communication between the community and the council; and
- d) participates in the local government's decision-making processes at council and committee meetings; and
- e) performs such other functions as are given to a councillor by this Act or any other written law.

Performing the role of the Councillors and Council, is about being able to successfully meeting the objectives, roles and functions ascribed to them in the Local Government Act 1995 (the Act), its subsidiary legislation (Regulations and Local Laws) and other legislation that requires the local government to play a part. The measure of successful here is about considering whether there is an ideal number of councillors by which the City can meet these councillor and Council objectives, roles and functions. In addressing this matter, the various roles of the councillor are discussed below, and are based on information provided by the Department of Local Government, Sport and Cultural Industries at the following link.

<https://www.dlgsc.wa.gov.au/local-government/local-governments/council-elections/the-role-of-a-council-member>

## Representation

Representation refers to the act of speaking on behalf of someone. The more councillors per resident the greater the likelihood that representation is able to occur. One of the benefits of a large number of councillors is that the distribution of views across the councillors is more likely to be representative of the community itself. This does not take into account demographic differences but goes to the notion that a higher sample population (of councillors) will be more statistically representative of the main population, the electors.

Councillors represent the community's interests in many ways. They can pass on electors' views, support initiatives, and report complaints and problems they perceive, by informing the CEO or raising such matters in Council meetings. The representation of electors' views is complicated in Councils that operate under a ward system. Here, the councillor has both a duty to present the views of electors in his or her ward and to consider the good of the district as a whole when making a decision.

In terms of representation effectiveness there can be too many councillors. The more councillors the better the representation effectiveness.

An "**effectiveness**" a ratio of one councillor to 200 electors provides better representation than one councillor per 1000 electors. This works two ways. The councillors are more able to make direct contact with the electors and provide the representation, leadership, guidance and communication roles of a councillor, under section 2.10 of the Act. Collectively also, when in a Council or committee meeting, the higher the number of Councillors, the more likely it becomes statistically, that the views of the electors are reflected in the decisions of Council or committee.

In terms of "**efficiency**" representation is about whether the number of councillors, either too many or too few, leads to an inefficient decision-making process, or an unnecessary cost burden to the ratepayer. This can be affected by the systems and committees set up to support Council.

As a starting point the table below shows the population per councillor across all Western Australian local governments, in comparison to the City of Nedlands.

AREA	Population per Councillor
City of Nedlands	1,732
Western Australia	1,675
Inner Metropolitan Area	3,888
Inner + Outer Metropolitan Area	5,323
Metropolitan Lowest (Peppermint Grove)	244
Metropolitan Highest (Stirling)	15,713

The graph below shows the City of Nedlands as the 7th lowest population per Councillor for the Perth Inner and Outer Metropolitan local government districts.

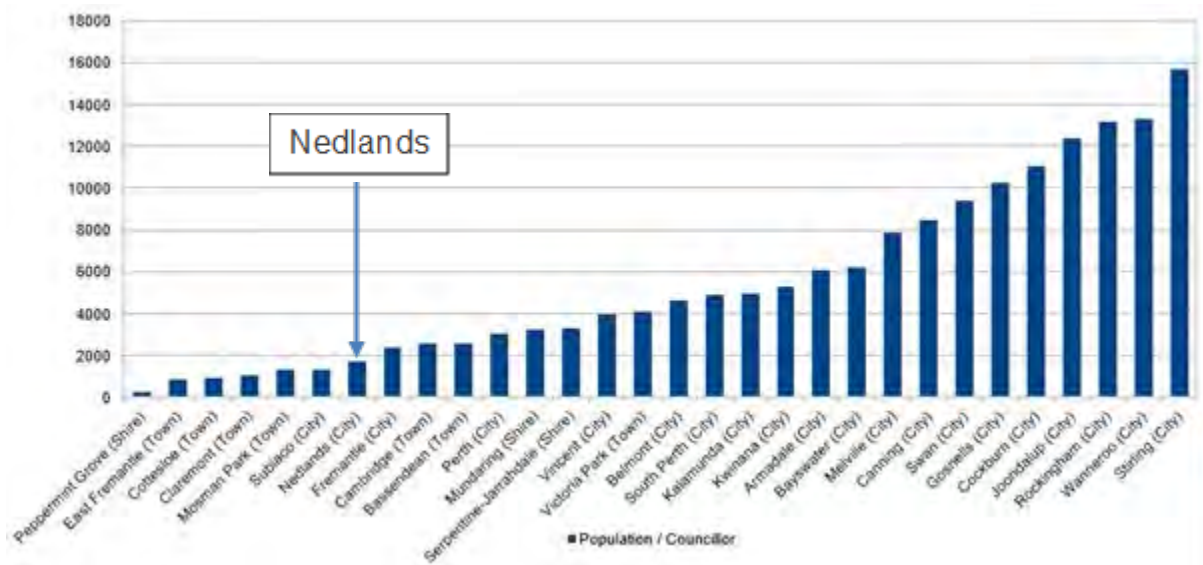


Figure 1. Graph of Population per Councillor for the Perth Inner and Outer Metropolitan Local Government Districts

### The Cost of Representation

The fees, allowances and expenses paid to each councillor totals \$31,898. With 12 councillors this is \$382,416.

A reduction from 12 to 8 councillors would yield \$127,472 in savings.

A reduction from 12 to 6 councillors would yield \$191,208 in savings.

The administrative productivity yield for such a reduction would occur although noting some transfer of responsibility to remaining councillors and not all overheads are reduced (e.g. depreciation).

The question of cost and representation is one that may be a question best answered by community feedback, as it is the ratepayer who ultimately foots the bill for representation.

### Representation KPIs

Representation is effective
Representation is efficient
Representation is cost efficient.

### Providing leadership and guidance to the community

The Act doesn't provide specific information on how leadership and guidance are to be implemented in a local government by councillors, though civic leadership by the Mayor is well understood.

People often look to their elected representatives to provide leadership and guidance. This can be done by highlighting directions that could be followed, putting forward options, and presenting arguments or possible solutions to a problem at community forums and council meetings.

Developing a vision for the community and deciding what needs to be done to achieve that vision is an important role for council members. Convincing the community to endorse and follow that vision (and associated plans) requires leadership.

It is important to recognise that the most fundamental task is trying to achieve a strong sense of shared purpose and commitment. The needs and desires of the community are constantly changing and evolving. Councillors must be prepared to initiate new policies and activities in response to these changes.

The matters to be considered for the number of members of a board are summarised by the Australian Institute of Company Directors (AID) in the following link.

[https://aicd.companydirectors.com.au/~media/cd2/resources/director-resources/director-tools/pdf/05446-3-1-mem-director-tools-gr-number-of-directors\\_a4-web.ashx](https://aicd.companydirectors.com.au/~media/cd2/resources/director-resources/director-tools/pdf/05446-3-1-mem-director-tools-gr-number-of-directors_a4-web.ashx)

**Leadership and Guidance KPIs**

Options are put forward and well considered.
Council has a clear vision
The Community has a strong shared purpose and commitment.
New policies are initiated and implemented in response to change

**Facilitating communication between the community and the council**

To be effective, councillors need to understand the views of the people they represent. Communication is a multi-faceted process that needs to flow both ways to be effective. Councillors provide information to the community about the policies and decisions of council, and the community relays its desires, concerns and opinions to the council through the councillors.

To represent both electors and the council effectively, a councillor needs to be a good communicator and keep in touch with the local community.

Councillors can keep in touch with electors in a variety of ways including:

- attending meetings of local organisations;
- being available and responding to residents who wish to raise issues or concerns;
- attending events arranged by the local government;
- participating in functions held in the local area;
- communicating with the community via a newsletter, email or website; and
- reading the local newspaper.

## Communication KPIs

Attending meetings of local organisations
Being available and responding to residents who wish to raise issues or concerns
Attending events arranged by the local government
Participating in functions held in the local area
Communicating with the community via a newsletter, email or website
Reading the local newspaper

## Decision making

Decision making occurs across a range of matters for councillors in committee and Council meetings, including:

- Policy making and review;
- Planning for the future (Integrated Strategic Planning)
- Managing assets in the Corporate Business Plan, Asset Management Plans and in budgetting;
- Finances;
- Strategic and Statutory Planning

## Decision-making KPIs

Determining and reviewing policy and local laws
Planning for the future
Managing Assets
Finances
Strategic and Statutory planning

## Other Duties - Attending meetings

Council members have a duty to attend all council meetings to ensure that electors are adequately represented. Committee meeting attendance is also necessary where councillors are nominated to these.

Many local governments operate using a system of committees to reduce the work at council meetings. These committees are established to consider specific aspects of a local government's operation such as finance, works, community services or planning. Each committee usually includes a small number of councillors who generally make recommendations to full council. Many councils also operate using committees which include non-elected members such as employees, consultants or community members.



The number of meetings a councillor must attend each month will vary according to the frequency of council meetings and the number of committees on which the elected member sits. (Most local governments have monthly, or fortnightly council meetings and committee meetings may be held several days prior to the full council meeting or on the same day.)

Some local governments have other types of meetings outside the formal council meeting framework which allow councillors and officers to meet and discuss matters.

**Other Duties KPIs.**

Council meetings
Committee meetings
Other meetings

**Other matters raised by the Department on the Number of Councillors**

The preferred number of councillors for a local government is a matter for the local government. There is a diverse range of councillor/elector ratios across Western Australia reflecting sparsely populated remote areas and the highly populated urban areas. The size and structure of a local government will impact on the deliberations involved in determining the number of elected members needed to service the local government.

The **advantages** of a reduction in the number of elected members may include the following:

- The decision-making process may be more effective and efficient if the number of elected members is reduced. It is more timely to ascertain the views of a fewer number of people and decision making may be easier. There is also more scope for team spirit and cooperation amongst a smaller number of people.
- The cost of maintaining elected members is likely to be reduced.
- Consultation with the community can be achieved through a variety of means in addition to individuals and groups contacting their local elected member.
- A reduction in the number of elected members may result in an increased commitment and interest and participation in Council’s affairs by elected members generally.
- Fewer elected members are more readily identifiable to the community.
- Fewer positions on Council may lead to greater interest in elections with contested elections and those elected obtaining a greater level of support from the community.
- There is a State wide trend in reductions in the number of elected members and many local governments have found that fewer elected members has improved their decision making process.

The **disadvantages** of a reduction in the number of elected members may include the following:

- A smaller number of elected members may result in an increased workload for incumbent members and may reduce efficiency and effectiveness.
- There is the potential for dominance in the Council by a particular interest group.
- A reduction in the number of elected members may limit the diversity of interests around the Council table.
- Opportunities for community participation in Council's affairs may be reduced if there are fewer elected members for the community to contact.

## Options to consider

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Council will consider the following options and members of the community may suggest others.

The Options for Wards are as follows:

- Option 1: Four wards (current)**
- Option 2: Two wards**
- Option 3: No wards**

The Options for Councillor numbers are as follows:

- Option A: 12 councillors (current)**
- Option B: 8 councillors**
- Option C: 6 councillors**

Note that for 4 wards 6 councillors is not an option. All other combinations are available.

**Submissions on alternative Ward and Councillor Numbers, not considered here, can be made.**

These tables are working sheets and can be used to compare Ward Numbers and to compare Councillor Numbers.

<b>WARD NUMBERS</b>					
<b>Option No.: Description</b>	<b>Community of interest</b>	<b>Physical and topographic features</b>	<b>Demographic trends</b>	<b>Economic factors</b>	<b>Ratio % Deviation of Councillors to Electors</b>
<b>1: Four Wards (Current)</b>					
<b>2: Two Wards</b>					
<b>3: No Wards</b>					

<b>NUMBER OF COUNCILLORS (ranking 1 = best; 3 = worst: based on KPI outcomes)</b>								
<b>Option. Number of councillors</b>	<b>Represent ation Effectiven ess</b>	<b>Represent ation Efficiency</b>	<b>Cost</b>	<b>Leadership &amp; Guidance</b>	<b>Facilitating Communic ation</b>	<b>Decision Making</b>	<b>Other Duties</b>	<b>TOTAL</b>
<b>A: 12</b>								
<b>B: 8</b>								
<b>C: 6</b>								

## WARD NUMBER OPTIONS

The three ward number options are discussed below.

### OPTION 1 – Maintain current ward boundaries

The following is an assessment of the current situation against the factors.

A ward boundary adjustment to balance elector numbers would need to adjust all inter-ward boundaries, given the higher number of electors to councillor imbalance is in both the Coastal and Hollywood wards. It is not readily obvious, given that the existing boundaries are lined up along main roads how the realignment would occur given that a realignment may impact on other considerations such as community of interest, demographics and economic factors.

A map showing the current ward boundaries is shown below.



**Current Ward Features and Landmarks (not exhaustive)**

<b>COASTAL WARD</b>
<b>Feature / Landmark</b>
Swanbourne Beach
Allen Park
Allen Park Heritage Precinct (buildings)
Graylands Hospital
Mt Claremont Library
Mt Claremont Community Centre
Swanbourne Primary School
Swanbourne Army Complex including Campbell Barracks
HBF / Challenge Stadium
John XX111 College
Cottesloe Golf Course
McGillvray Ovals
Light Industrial Area – John 23 <sup>rd</sup> Ave and Brockway
Asquith Village Precinct

<b>HOLLYWOOD WARD</b>
<b>Feature / Landmark</b>
Hollywood Hospital
Aged Care Precinct
Irwin Barracks
Karakatta Cemetery
Carrington St Commercial Precinct
Lemnos Precinct Light Industrial Area and Not For Profit Area
Perth War Cemetery (Commonwealth War Graves), (West Australian Garden of Remembrance), (Dutch War Graves)
Hollywood Primary School
Shenton Park Bush Land Reserve
Highview Park and Hollywood Bowling Club
Lawler Park
Hamden Road Commercial Area
CSIRO Research Facility
Subiaco Wastewater Facility
Railway Line
Stirling Highway Mixed Use Area

<b>MELVISTA WARD</b>
<b>Feature / Landmark</b>
Melvista Park
College Park
Drabble House
City Administration Centre
Peace Memorial Rose Garden
Tresillian Community Centre
Nedlands Public Library

Windsor Theatre
Nedlands Primary School
Loreto Primary School
Stirling Highway Mixed Use Area

<b>DALKEITH WARD</b>
<b>Feature / Landmark</b>
Gallop House
Sunset Site
(former) Tawarri Site
All Abilities Play Space
Dalkeith Gunners Memorial Birdwood Parade
Melvista Reserve
Waratah Village Precinct
Point Resolution Reserve
David Cruikshank Reserve
Masons Gardens
Dalkeith Hall
Carmelite Monastery
Nedlands Yacht Club and Flying Squadron Yacht Club
Nedlands Foreshore
Nedlands Golf Course

**Advantages** of this option include:

1. Community of Interest. All wards share a common community of interest overall as a residential, village-based community. A ward system allows for specific focus on the ward based community of interest factors.
2. Physical and topographical features. There is some variability in the physical and topographical features. There is a simple and clearly delineated ward boundary.
3. Demographic Trends. Nil.
4. Economic Factors. The wards are economically diverse with light industrial/commercial areas, large education facilities and large areas set aside for state and federal government purposes. A ward system allows for specific focus on the ward based economic factors.
5. Ratio of councillors to electors. Nil.

**Disadvantages** of this option include:

1. Community of Interest. Nil.
2. Physical and topographical features. Nil.
3. Demographic Trends. The wards have disparate demographic impacts due to the Local Planning Scheme 3 infill.
4. Economic Factors. Nil.
5. Ratio of councillors to electors is more than 10% Ratio Deviation maximum recommended by the Department.

This is unaffected by the number of councillors and will remain the same whether there are 6, 8 or 12 councillors. 12 councillors is used below for illustration purposes.

**Option 1 Table: City of Nedlands elector to councillor ratios - current situation**

Ward	Number of Electors <sup>1</sup>	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation
Coastal	4,320	3	1:1,440	+12.16%
Hollywood	4,046	3	1:1,349	+5.04%
Melvista	3,508	3	1:1,169	-8.92%
Dalkeith	3,533	3	1:1,178	-8.28%
<b>Total</b>	<b>15,407</b>	<b>12</b>	<b>1:1,284</b>	Not applicable

1. Number of electors at close of roll for the 19 October 2019 ordinary election.

The % ratio deviation gives a clear indication of the % difference between the average councillor/elector ratio for the whole local government and the councillor/elector ratio for each ward.

It can be seen that there is some imbalance in representation with the Coastal Ward being underrepresented by more than 12.16%. A balanced representation would be reflected in the % ratio deviation being within plus or minus 10%.

Under normal circumstances an imbalance of greater than 10% would prompt a ward boundary realignment. However, the 2019 adoption of the new Local Planning Scheme 3 will put infill development into the Melvista and Hollywood Wards and to a lesser extent into the Dalkeith Ward followed by a small amount in the Coastal Ward. Based on current surge in development applications (about 120 currently with the City) the changes in Ward elector numbers will start to occur in the next year as developments are built.

The Coastal Ward deviation ratio is may decrease and fall within the 10 % range in coming years. The Hollywood and Melville Wards deviation ratios will trend upward and to a lesser extent, so might Dalkeith, although this depends on the pace of development in each ward.

## OPTION 2: Two Wards

In this option the Coastal Hollywood wards are combined to become the "Coast" or "North" Ward and the Melvista and Dalkeith wards are combined to become the "River" or "South" Ward, so named due to proximity their adjacent water bodies. The boundary is Stirling Highway.

**Advantages** of this option include:

1. Community of Interest. Both wards share a common community of interest overall as a residential, village-based community. A ward system allows for specific focus on the ward-based community of interest factors.



2. Physical and topographical features. Both wards have a defining and attractive water feature boundary, the ocean to the west and the river to the east. There is a simple and clearly delineated ward boundary.
3. Demographic Trends. Both wards share a family led demographic. Both wards share the Local Planning Scheme 3 infill, including along a common boundary. This creates a unifying effect for Council as it deals with the issues associated with infill.
4. Economic Factors. The wards are economically diverse with light industrial/commercial areas, large education facilities and large areas set aside for state and federal government purposes. A ward system allows for specific focus on the ward based economic factors, although to a lesser extent than a four-ward system.
5. Ratio of councillors to electors is less than 10% Ratio Deviation maximum recommended by the Department. This is unaffected by the number of councillors and will remain the same whether there are 6, 8 or 12 councillors. 8 councillors is used below for illustration purposes.

**Option 2 Table: Two Wards % Ratio Deviation**

Ward	Number of Electors <sup>1</sup>	Number of Councillors	Councillor/Elector Ratio	% Ratio Deviation
Coast (North)	8,366	4	1:2,092	+8.60%
River (South)	7,041	4	1:760	-8.60%
<b>Total</b>	<b>15,407</b>	<b>8</b>	<b>1:1,926</b>	Not applicable

**Disadvantages** of this option include:

1. Community of Interest. Nil.
2. Physical and topographical features. Nil.
3. Demographic Trends. Nil.
4. Economic Factors. Nil.
5. Ratio of councillors to electors. Nil.

**OPTION 3: No Wards**

In this option the ward system is abolished.

**Advantages** of this option include:

1. Community of Interest. Nil.
2. Physical and topographical features. Nil.
3. Demographic Trends. The City shares a family led demographic. The impact of Local Planning Scheme 3 will not cross ward boundaries.
4. Economic Factors. Nil.
5. Ratio of councillors to electors is no longer an issue as all councillors represent all areas of the City.



Additional factors for consideration are discussed below in support of a no ward system.

- Elected members are elected by the whole community not just a section of it.
- Knowledge and interest in all areas of the Council's affairs would result broadening the views beyond the immediate concerns of those in a ward.
- Members of the community who want to approach an elected member can speak to any elected member.
- Social networks and communities of interest are often spread across a local government and elected members can have an overview of these.
- Elected members can use their specialty skills and knowledge for the benefit of the whole local government.
- There is balanced representation with each elected member representing the whole community.
- The election process is much simpler for the community to understand and for the Council to administer.
- Elected members can become too focused on their wards and less focused on the affairs of other wards and the whole local government.
- An unhealthy competition for resources can develop where electors in each ward come to expect the services and facilities provided in other wards, whether they are appropriate or not.
- The community and elected members may regard the local government in terms of wards rather than as a whole community.
- Ward boundaries may appear to be placed arbitrarily and may not reflect the social interaction and communities of interest of the community.
- Balanced representation across the local government may be difficult to achieve, particularly if the local government area is not homogenous.

**Disadvantages** of this option include:

1. Community of Interest. While there are commonalities in the community of interest across the City, Council may lose some ability to specifically focus on the specific differences in the communities of interest across the City.
2. Physical and topographical features. Council may lose some ability to specifically focus on the specific differences in the physical and topographical features across the City.
3. Demographic Trends. Nil.
4. Economic factors. The City is economically diverse geographically with light industrial/ commercial areas, large education facilities and large areas set aside for state and federal government purposes. A no ward system may lead to local government imbalance in outcomes.
5. Ratio of councillors to electors. Nil.

Many local governments have a ward system and find that it works well for them. Having a ward system may include:

- Different sectors of the community can be represented ensuring a good spread of representation and interests amongst elected members.
- There is more opportunity for elected members to have a greater knowledge and interest in the issues in the ward.
- It may be easier for a candidate to be elected if they only need to canvass one ward.
- Electors may feel that they are not adequately represented if they don't have an affinity with any of the elected members.
- Elected members living in a certain area may have a greater affinity and understanding of the issues specific to that area.
- There is potential for an interest group to dominate the Council.
- Elected members may feel overwhelmed by having to represent all electors and may not have the time or opportunity to understand and represent all the issues.
- It may be more difficult and costly for candidates to be elected if they need to canvass the whole local government area.

**Please note this item was brought forward from page 55.**

<b>CPS29.20</b>	<b>Request for Tender RFT 2020-21.02 – Waste Management Services</b>
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<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	Nil.
<b>Confidential Attachments</b>	1. RFT 2020-21.02 Tender Evaluation and Recommendation Report

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

Moved – Councillor Wetherall  
 Seconded – Councillor Coghlan

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

**CARRIED 8/3**  
**(Against: Crs. Smyth Bennett & Hay)**

**Committee Recommendation / Recommendation to Committee**

**Council:**

- 1. approves the award of the contract for Waste Management Services to Suez Pty Ltd in accordance with the City’s Request for Tender number RFT 2020-21.02 and comprising of that request, the City’s Conditions of Contract, the Suez tender submissions inclusive of the Schedule of Rates and all post tender clarifications and negotiations;**
- 2. instructs the CEO to arrange for a Letter of Acceptance and a Contract document to be sent to Suez Pty Ltd to be executed; and**
- 3. Instructs the CEO to arrange for all other tender respondents to be advised of the tender outcome.**

The Presiding Member adjourned the meeting at 11.53 pm and reconvened on Thursday 15 October 2020 at 8 pm with the following people in attendance:

<b>Councillors</b>	Deputy Mayor McManus	(Presiding Member)
	Councillor N B J Horley	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor F J O Bennett	Dalkeith Ward
	Councillor W R B Hassell	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor G A R Hay	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
<b>Staff</b>	Mr P L	Acting Chief Executive Officer
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

<b>CPS26.20 Land Investment Strategy and Policy</b>	
<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Schedule of City Freehold Land Portfolio;</li> <li>2. Current ‘Disposal and Acquisition of Land’ Policy</li> <li>3. Current ‘Disposal and Acquisition of Land’ Policy with Track Changes</li> <li>4. Proposed Updated ‘Retention, Acquisition, Improvement and Disposal of Land’ Policy;</li> <li>5. 12x Identified Projects for Possible Investigation; and</li> <li>6. Anticipated Timeline.</li> </ol>

**Regulation 11(da) – Council agreed further discussion on the matter was required prior to approving the use of a consultant and agreed that the amount of funds to be allocated would be decided at the midyear budget review.**

Moved – Councillor Wetherall  
 Seconded – Councillor Senathirajah

**That the Recommendation to Committee be adopted subject to clause 2b being replaced with the following:**

**2b. acknowledges there will be costs associated with the preparations of the Land Investment Strategy and agrees to allocate funds in the forthcoming budget review to facilitate the Land Investment Strategy following a briefing to Council to be held prior to the forthcoming midyear budget review in December 2020;**

**Amend clause 1 to read as follows:**

**1. adopts the proposed changes to the City’s ‘Disposal of Land’ Policy including the additional words ‘environmental value’ after each of 3 occurrence of the words ‘financial value’ and ‘social value’ in the policy, with the policy to be known as the ‘Retention, Acquisition, Improvement and Disposal of Land’ Policy for the purpose of public comment; and**

**CARRIED 7/5**  
**(Against: Horley Crs. Bennett Mangano Youngman & Coghlan)**

## **Committee Recommendation**

### **Council:**

- 1. adopts the proposed changes to the City's 'Disposal of Land' Policy including the additional words 'environmental value' after each of 3 occurrence of the words 'financial value' and 'social value' in the policy, with the policy to be known as the 'Retention, Acquisition, Improvement and Disposal of Land' Policy for the purpose of public comment; and**
- 2a. authorises administration to commence the undertaking of a formal 'Land Investment Strategy', to be presented to Council by June 2021, with the strategy to include detail surrounding the identification of potential projects and the due process for investigation and consultation with the community and Council; and**
- 2b. acknowledges there will be costs associated with the preparations of the Land Investment Strategy and agrees to allocate funds in the forthcoming budget review to facilitate the Land Investment Strategy following a briefing to Council to be held prior to the forthcoming midyear budget review in December 2020;**
- 3a. approves the \$40,000 currently budgeted to prepare a business case detailing the options considered and whole-of-life cost/benefit analysis for relocation of Broome Street Depot be reallocated to the 'Land Investment Strategy' as part of a holistic approach to land investment; and**
- 3b. notes that the business case into the potential relocation of the Broome Street Depot is to be re-captured at a later date in line with the prioritisation of the potential 'Land Investment Strategy' projects;**
- 4. approves the CEO to commence the 56 Dalkeith Road Sump Project and in particular project investigation into the 'best and highest use' of the site, undertake community and stakeholder consultation and provide a report to Council for consideration; and**
- 5. notes that these recommendations are consistent with the CEO's Key Result Areas in particular;**

### ***5.3 Improved Asset and Wealth Management,***

#### ***5.3.1 Develop an Asset, Investment and Wealth Management Policy and Guidelines for Council Adoption***

***5.3.2 Review the City's tangible assets with the intention of enhancing services, reducing costs and debt, and where possible increasing rate of return generated by assets.***

## Recommendation to Committee

### Council:

1. adopts the proposed changes to the City's 'Disposal of Land' Policy, with the policy to be known as the 'Retention, Acquisition, Improvement and Disposal of Land' Policy for the purpose of public comment; and
- 2a. authorises administration to commence the undertaking of a formal 'Land Investment Strategy', to be presented to Council by June 2021, with the strategy to include detail surrounding the identification of potential projects and the due process for investigation and consultation with the community and Council; and
- 2b. approves a budget request of \$100,000 which is to be used in the current financial year to resource the development and implementation of the 'Land Investment Strategy' and to secure external expert advice to review and make recommendations on the future use of the City's land asset portfolio; and
- 3a. approves the \$40,000 currently budgeted to prepare a business case detailing the options considered and whole-of-life cost/benefit analysis for relocation of Broome Street Depot be reallocated to the 'Land Investment Strategy' as part of a holistic approach to land investment; and
- 3b. notes that the business case into the potential relocation of the Broome Street Depot is to be re-captured at a later date in line with the prioritisation of the potential 'Land Investment Strategy' projects;
4. approves the CEO to commence the 56 Dalkeith Road Sump Project and in particular project investigation into the 'best and highest use' of the site, undertake community and stakeholder consultation and provide a report to Council for consideration; and
5. notes that these recommendations are consistent with the CEO's Key Result Areas in particular;

### *5.3 Improved Asset and Wealth Management,*

#### *5.3.1 Develop an Asset, Investment and Wealth Management Policy and Guidelines for Council Adoption*

*5.3.2 Review the City's tangible assets with the intention of enhancing services, reducing costs and debt, and where possible increasing rate of return generated by assets.*

<b>CPS27.20</b>	<b>Request for Funding to Engage a Consultant to Assess the need for Childcare Services</b>
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<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	Nil.
<b>Confidential Attachments</b>	Nil.

**Regulation 11(da) – Council agreed that to bring this item in line with Council’s Resolution of 22 September 2020 that the consult review the operations of PRCC and report to Council on the future sustainability as per the current operating model or with changes.**

Moved – Councillor Senathirajah  
 Seconded – Councillor Hay

**That the Recommendation to Committee be adopted subject to clause one being replaced with the following:**

- 1. approves funding of up to \$40,000 for the engagement of a consultant to undertake the necessary research and stakeholders consultations, and provide to Council a report on:**
  - a. the future demand and suitable sites for Childcare Services in the City of Nedlands south of Stirling Highway; and**
  - b. the desirability and financial sustainability of the City continuing to manage the provision of Childcare Services at Point Resolution Childcare Centre compared to the privatisation of the provision of services at that site; and**

**CARRIED 8/4**  
**(Against: Crs. Smyth Poliwka Wetherall & Coghlan)**



## **Committee Recommendation**

### **Council:**

- 1. approves funding of up to \$40,000 for the engagement of a consultant to undertake the necessary research and stakeholders consultations, and provide to Council a report on:
  - a. the future demand and suitable sites for Childcare Services in the City of Nedlands south of Stirling Highway; and**
  - b. the desirability and financial sustainability of the City continuing to manage the provision of Childcare Services at Point Resolution Childcare Centre compared to the privatisation of the provision of services at that site; and****
- 2. instructs the CEO to arrange for quotations for the provision of these services and to appoint a consultant who demonstrates best value for money and the ability to deliver the requirements.**

## Recommendation to Committee

### Council:

1. approves funding of \$40,000 for the engagement of a consultant to review and provide a report on the need for Childcare Services in the area south of Stirling Highway; and
2. instructs the CEO to arrange for quotations for the provision of these services and to appoint a consultant who demonstrates best value for money and the ability to deliver the requirements.

<b>CPS28.20</b>	<b>Corporate Business Plan - Review</b>
<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	1. Corporate Business Plan Review
<b>Confidential Attachments</b>	Nil.

Councillor Youngman left the meeting at 8.56 pm.

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

Moved – Councillor Wetherall  
 Seconded – Councillor Poliwka

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

Councillor Youngman returned the meeting at 8.58 pm.

Councillor Bennett left the meeting at 8.58 pm and returned at 9 pm.

**CARRIED 8/4**  
**(Against: Crs. Horley Bennett Mangano & Coghlan)**

**Committee Recommendation / Recommendation to Committee**

**Council receive the report on the progress towards “Nedlands 2023 – Making it Happen”, the Corporate Business Plan.**

**Please note this item was brought forward see page 47.**

<b>CPS29.20</b>	<b>Request for Tender RFT 2020-21.02 – Waste Management Services</b>
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<b>Committee</b>	13 October 2020
<b>Council</b>	27 October 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	Nil.
<b>Confidential Attachments</b>	2. RFT 2020-21.02 Tender Evaluation and Recommendation Report

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

**9.1 Review of Wards and Councillor Numbers**

**Please note this item was brought forward see page 43.**

**9.2 Responsible Authority Report – Car Park addition to existing Hospital Use at 101 Monash Avenue, Nedlands**

**Please note this item was brought forward see page 38.**

**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 9.12 pm.