



City of Nedlands

Minutes

Council Meeting

22 October 2013

ATTENTION

These minutes are subject to confirmation.

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

Table of Contents

| | |
|--|-----------|
| Declaration of Opening..... | 4 |
| Present and Apologies and Leave Of Absence (Previously Approved) | 4 |
| 1. Public Question Time..... | 5 |
| 2. Addresses by Members of the Public | 5 |
| 3. Requests for Leave of Absence..... | 6 |
| 4. Petitions | 6 |
| 5. Disclosures of Financial Interest..... | 6 |
| 6. Disclosures of Interests Affecting Impartiality..... | 6 |
| 7. Declarations by Members That They Have Not Given Due Consideration to Papers..... | 7 |
| 8. Confirmation of Minutes | 7 |
| 8.1 Ordinary Council meeting 24 September 2013 | 7 |
| 8.2 Special Council meeting 1 October 2013..... | 7 |
| 9. Announcements of the Presiding Member without discussion | 8 |
| 10. Members Announcements Without Discussion..... | 9 |
| 10.1 Councillor Binks..... | 9 |
| 10.2 Councillor Argyle | 9 |
| 11. Matters for Which the Meeting May Be Closed..... | 9 |
| 14.1 Councillor Hodsdon – Weed Control..... | 10 |
| 12. Divisional reports and minutes of Council committees and administrative liaison working groups | 13 |
| 12.1 Minutes of Council Committees | 13 |
| 12.2 Planning & Development Report No's PD44.13 to PD48.13 (copy attached)..... | 14 |
| PD44.13 No. 20 (Lot 6) Swansea Street, Swanbourne – Two (2) Storey Single House | 14 |
| 13.5 Provision of Child Care Services | 27 |
| PD45.13 No. 94 (Lot 1667) Birdwood Parade, Dalkeith (Sunset Hospital) – Proposed Partial Change of Use (from Hospital) to Office Professional..... | 33 |
| PD46.13 Metro West JDAP Applicatoin – No. 2 (Lot 60) Milyarm Rise, Swanbourne – Proposed Multiple Dwellings (205 Residential Units) | 36 |
| PD47.13 Local Hubs Framework | 37 |
| PD48.13 Updated Schedule of Fees and Charges – Cat Act 2011 and Dog Act 1976 | 38 |
| 12.3 Technical Services Report No's TS17.13 to TS18.13 (copy attached)..... | 39 |
| TS17.13..... Tender No. 2013/14.03 – Construction of Concrete Footpaths | 39 |
| TS18.13 Tender No. 2013/14.04 – Bitumen Supply and Repair..... | 40 |
| 12.4 Corporate & Strategy Report No's CPS32.13 to CPS34.13 (copy attached)..... | 41 |
| CPS32.13 List of Accounts Paid – August 2013 | 41 |
| CPS33.13 Policy Review..... | 42 |
| CPS34.13 Site Erosion and Sand Drift Local Law 2013..... | 44 |
| 13. Reports by the Chief Executive Officer..... | 45 |
| 13.1 Common Seal Register Report – September 2013..... | 45 |

| | | |
|------|--|----|
| 13.2 | List of Delegated Authorities – September 2013..... | 46 |
| 13.3 | Monthly Financial Report – September 2013 | 47 |
| 13.4 | Monthly Investment Report – September 2013..... | 52 |
| 13.5 | Provision of Child Care Services | 55 |
| 14. | Elected Members Notices of Motions of Which Previous Notice Has Been Given..... | 60 |
| 14.1 | Councillor Hodsdon – Weed Control..... | 60 |
| 15. | Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 26 November 2013 | 63 |
| 16. | Urgent Business Approved By the Presiding Member or By Decision. | 63 |
| 17. | Confidential Items..... | 63 |
| | Declaration of Closure | 63 |

City of Nedlands

Minutes of an ordinary meeting of Council to be held in the Council chambers, Nedlands on Tuesday 22 October 2013 at 7 pm.

Declaration of Opening

The Presiding Member declared the meeting open at 7.00 pm and drew attention to the disclaimer below.

Present and Apologies and Leave Of Absence (Previously Approved)

| | | |
|--------------------|--------------------------------------|------------------------|
| Councillors | His Worship the Mayor, R M Hipkins | (Presiding Member) |
| | Councillor N B J Horley | Coastal Districts Ward |
| | Councillor L J McManus | Coastal Districts Ward |
| | Councillor K Smyth | Coastal Districts Ward |
| | Councillor I S Argyle | Dalkeith Ward |
| | Councillor W R Hassell | Dalkeith Ward |
| | Councillor S J Porter | Dalkeith Ward |
| | Councillor R M Binks | Hollywood Ward |
| | Councillor B G Hodsdon (til 8.35 pm) | Hollywood Ward |
| | Councillor J Wetherall | Hollywood Ward |
| | Councillor T James | Melvista Ward |
| | Councillor G A R Hay | Melvista Ward |
| | Councillor N Shaw | Melvista Ward |

| | | |
|--------------|----------------|---------------------------------|
| Staff | Mr G Trevaskis | Chief Executive Officer |
| | Mr M Cole | Director Corporate & Strategy |
| | Mr P Mickleson | Director Planning & Development |
| | Mr M Goodlet | Director Technical Services |
| | Ms P Huigens | Policy & Projects Officer |

Public There were 15 members of the public present.

Press The Post Newspaper representatives.

Leave of Absence (Previously Approved) Nil.

Apologies Nil.

Absent Nil.

Disclaimer

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

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

1. Public Question Time

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

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

Ms P Best, 18 Swansea Street, Swanbourne

Question 1

Why does the proposed building at 20 Swansea Street, Swanbourne not comply with the R-codes.

Answer 1

The Mayor responded that the proposal does comply with the R-codes but not the Town Planning Scheme No.2.

2. Addresses by Members of the Public

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

Ms S Lyndon, 4/53 Gardner Street, Como
(spoke in opposition of the recommendation)

Report PD44.13

Non-Elector

Moved – Councillor Hassell

Seconded – Councillor James

That Ms Lyndon, a non-electror of the City be permitted to address the meeting.

CARRIED UNANIMOUSLY 13/-

Ms N Leaversuch, 22 Swansea Street
(spoke in opposition of the recommendation) Report PD44.13

Mr P Corner, 20 Swansea Street
(spoke in support of the recommendation) Report PD44.13

Ms G Ryan, 8 Ord Street, Nedlands
(spoke in support of the recommendation) Item 14.1

Moved: Cr Hodsdon
Seconded: Cr Wetherall

That Ms P Best be allowed to address Council.

CARRIED UNANIMOUSLY 13/-

Ms P Best, 18 Swansea Street, Swanbourne
(spoke in opposition of the recommendation) Report PD44.13

3. Requests for Leave of Absence

Nil.

4. Petitions

Nil.

5. Disclosures of Financial Interest

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

There were no disclosures of Financial Interest.

6. Disclosures of Interests Affecting Impartiality

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

There were no disclosures Affecting Impartiality.

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

Nil.

8. Confirmation of Minutes

8.1 Ordinary Council meeting 24 September 2013

Moved – Councillor Hodsdon
Seconded – Councillor Argyle

The minutes of the ordinary Council meeting held 24 September 2013 are confirmed.

**CARRIED 12/1
(Against: Cr. Smyth)**

8.2 Special Council meeting 1 October 2013

Moved – Councillor Hodsdon
Seconded – Councillor McManus

The minutes of the ordinary Council meeting held 1 October 2013 are confirmed.

**CARRIED 12/1
(Against: Cr. Smyth)**

9. Announcements of the Presiding Member without discussion

Functions where the Mayor represented the City since the last Council meeting on 24 September 2013:

| | | |
|-------------------|---------------------------------|--|
| 25 September 2013 | QEI Medical Centre | PathWest Laboratory Opening |
| 25 September 2013 | City of Nedlands | Meeting with Mayor of Cambridge re residential codes |
| 26 September 2013 | Sir Charles Gairdner Hospital | Biennial Art Award & Exhibition |
| 27 September 2013 | City of Nedlands | Meeting with local MLA, Hon. Bill Marmion |
| 27 September 2013 | City of Nedlands | Meeting with D-G Planning, Eric Lumsden, re TPS2 changes |
| 28 September 2013 | Royal Agricultural Society | President's Cocktail Party to open the 2013 Royal Show |
| 2 October 2013 | Local Govt Planners Association | McLeods legal briefing |
| 2 October 2013 | City of Nedlands | Meeting with local MLC, Hon. Peter Collier |
| 2 October 2013 | Dadour Group | Meeting re amalgamations |
| 9 October 2013 | Committee for Eco Development | Road Congestion Seminar |
| 10 October 2013 | Department of Planning | R Codes Briefing |
| 10 October 2013 | Metropolitan Cemeteries Board | Launch of Karrakatta Cemetery Historical & Heritage Walk |
| 10 October 2013 | City Vision | City as Cultural Hub Q & A |
| 11 October 2013 | Sunset Heritage Association | AGM |
| 14 October 2013 | RAC | Seminar – What can Perth learn from New York? |
| 14 October 2013 | City of Nedlands | Meeting with residents re Christ Church Playing Fields |
| 15 October 2013 | UWA | Launch of New Century Campaign |
| 16 October 2013 | WA Library | Seminar: The Walkability Mandate |
| 17 October 2013 | Local Govt Planners Association | Phase 2 Planning Reform |
| 21 October 2013 | Shenton Christian Council | Cheque Presentation |

10. Members Announcements Without Discussion

10.1 Councillor Binks

Councillor Binks advised he had attended the Waterwise Garden Competition Awards to present 2x awards to Hollywood Primary School on Thursday 17th October 2013. Excellent presentation, and he recommends that any Councillor who has the opportunity to attend a future such event should do so. The competition was an outcome of the Sustainable Nedlands Committee.

10.2 Councillor Argyle

Councillor Argyle referred to a POST newspaper report on the waste of invalid votes.

He tabled a letter regarding conditions to prevent demolition that created vacant blocks, without replacement home plans being lodged and approved.

Attended the RSL luncheon on behalf of the Mayor. Was asked to speak at Remembrance Day 11/11/13 service.

11. Matters for Which the Meeting May Be Closed

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

Nil.

Moved – Councillor Hodsdon
Seconded – Councillor Porter

That Item 14.1 be brought forward.

CARRIED UNANIMOUSLY 13/-

PLEASE NOTE THIS ITEM HAS BEEN BROUGHT FORWARD

14.1 Councillor Hodsdon – Weed Control

At the Council meeting on 23 July 2013 Councillor Hodsdon gave notice of his intention to move the following motion.

At its meeting on 27 August 2013 Council resolved that this item be referred to the next Council Meeting.

At its meeting on 24 September 2013 Council resolved that this item be deferred to the next Council Meeting.

Councillor McManus left the room at 8.18pm and returned at 8.19 pm.

Moved – Councillor Hodsdon
Seconded – Councillor Horley

That the City reinstates the non-chemical (steam) control of weeds on hard surfaces (Streets and paths).

**Lost 6/7
(Against: Crs. Wetherall Binks Porter Hassell Argyle James Shaw)**

Councillor Hodsdon retired from the meeting at 8.35pm.

Supporting Comments

1. Reduces the long term accumulation of chemicals in our environment.
2. Medical and scientific reports of the risk of harm from the chemicals being used, including a recent 4 Corners programme (22 July) warning of dioxin contamination in pesticides. There may be serious harm to the long term health of our residents.
3. That chemical spraying occurs outside homes and residents have no choice but to cross these contaminated areas in the process of coming and going from their homes.
4. The use of these chemicals infringes the rights of individuals to live in a chemical free area (at least avoid).
5. The city should be a leader in this area and it has been for at least 10 years.

Administration Comment

The Australian Pesticides and Veterinary Medicines Authority (APVMA) is the Australian Government's regulatory authority of pesticides in Australia. On 6 August 2013 they released the following statement with respect to glyphosate. The statement below has a link which provides further detail on the matter.

Chemicals in the News: Glyphosate - Updated 6 August 2013 Roundup and birth defects: Is the public being kept in the dark?

Glyphosate [N-(phosphonomethyl)glycine] is a broad-spectrum systemic herbicide used to kill weeds, especially annual broadleaf weeds and grasses known to compete with commercial crops grown around the globe. The first product came onto the market in the 1970s under the trade name 'Roundup'.

Glyphosate is the most widely used herbicide worldwide in agriculture, the home garden, and industrial/commercial applications. Some crops have been genetically engineered to be resistant to glyphosate, allowing farmers to use it to control weeds without affecting the growing crops.

In 2011 Earth Open Source (EOS) published a review of glyphosate titled *Roundup and birth defects: Is the public being kept in the dark?* [EOS \(external site\)](#) is "a not-for-profit organization dedicated to assuring the sustainability, security, and safety of the global food system". The EOS review claimed that glyphosate was a reproductive and developmental toxicant, as well as having genotoxic, carcinogenic, neurotoxic, and endocrine-disrupting potential, with these effects occurring at concentrations lower than those used in OECD- and GLP-compliant studies reviewed by the European Union (EU) when glyphosate was first approved. A selection of published literature, predominantly using *in vitro* testing methods, was cited as supporting these conclusions.

The APVMA contracted an external toxicology consultant to prepare a [detailed review of the EOS report \(PDF, 1Mb\)](#) | [\(RTF, 2.7Mb\)](#) and relevant recent studies. The overarching conclusions from this review can be found on pages 12 and 13 of the document.

The toxicological studies reviewed do not indicate a need to revise the current Australian Acceptable daily Intake (ADI) of 0.3 mg/kg bw/d for glyphosate. The available evidence suggests that there are very wide margins between the ADI and the actual intake of glyphosate via food and from exposure while preparing and applying glyphosate products. Nevertheless, the APVMA will continue to monitor the literature for significant new studies on glyphosate and will consider any new information that might emerge from US and Canadian reviews.

Conclusions

1. The APVMA currently has no data before it suggesting that glyphosate products registered in Australia and used according to label instructions present any unacceptable risks to human health, the environment and trade.
2. The weight and strength of evidence shows that glyphosate is not genotoxic, carcinogenic, or neurotoxic.
3. Glyphosate causes malformations in toad and chicken embryos treated by incubation and/or injection, but these findings are not predictive of a developmental hazard to humans because of the routes of administration used. Studies in birds and/or rats have reported that some glyphosate-based herbicide formulations (GBHFs) cause foetal skeletal abnormalities, toxicity to the male reproductive system and interference with the maturation of the male reproductive organs during puberty. However, the relevant studies were affected by flawed design, methodology and / or reporting, and the claimed effects on puberty have been inconsistent in different studies.
4. Glyphosate is not a teratogen in rats and rabbits treated via oral administration and has not shown reproductive toxicity in multi-generation dietary studies in rats. Epidemiological studies have found no consistent or convincing evidence of reproductive dysfunction in human populations reportedly exposed to glyphosate. Glyphosate is therefore extremely unlikely to cause reproductive or developmental toxicity in humans under normal conditions of exposure.
5. The potential for glyphosate to cause endocrine disruption will be clarified by the current review under the US EPA's Endocrine Disruptor Screening Program. In studies published so far, glyphosate has shown a lack of activity in the Hershberger and uterotrophic assays in rats or in tests for interaction with oestrogen and androgen receptors, inhibition of steroidogenesis, or interference with metamorphosis in amphibians. At present, there is no scientific justification for classifying glyphosate as an endocrine disruptor.
6. Surfactants present in the test GBHFs may have confounded the results of in vitro studies of their effects on hormonal regulation and cellular toxicity. Furthermore, the relevance of some test systems to human hazard and risk assessment is unproven.
7. Most studies with GBHFs have not identified which of their chemical constituents caused the reported effects on cells and laboratory animals, or characterised their mode of action.
8. The toxicological studies cited by EOS do not demonstrate a need to revise the current Australian ADI of 0.3 mg/kg bw/d for glyphosate. The available evidence indicates that there are very wide margins between the ADI and the actual intake of glyphosate via food and from exposure while preparing and applying glyphosate products.

9. The APVMA will monitor the US and Canadian reviews of glyphosate and consider any new information that emerges.

The City's use of glyphosate is carried out to the requirements of the Department of Health and the manufacturer's recommendations contained in the product label. Should the APVMA recommend cessation of use of glyphosate Administration would recommend this to Council.

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

12.1 Minutes of Council Committees

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

Moved - Councillor Binks
Seconded – Councillor Shaw

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

Council Committee

8 October 2013

Unconfirmed, Circulated to Councillors on 16 October 2013

CARRIED UNANIMOUSLY 12/-

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

En Bloc

Moved - Councillor Binks
Seconded – Councillor James

That all Committee Recommendations relating to Reports under items 12.2, 12.3, 12.4 and 12.5 with the exception of Report Nos. PD44.13, PD45.13, & CPS34.13 are adopted en bloc.

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

12.2 Planning & Development Report No's PD44.13 to PD48.13 (copy attached)

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

**PD44.13 No. 20 (Lot 6) Swansea Street, Swanbourne –
Two (2) Storey Single House**

| | |
|-----------------------|---|
| Committee | 08 October 2013 |
| Council | 22 October 2013 |
| Applicant | Peter Corner & Brigitte Corner |
| Owner | Peter Corner & Brigitte Corner |
| Officer | Thomas Geddes – Planning Officer |
| Director | Peter Mickleson – Director Planning & Development |
| File Reference | M13/26407 SW2/20 |
| Previous Item | Nil |

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

Moved – Councillor Shaw
Seconded – Councillor Binks (Pro-forma)

That the Recommendation to Committee is adopted.

Lost 5/7
(Against: Mayor, Crs. Wetherall Binks Horley McManus Porter Smyth)

Mr M Cole, Director Corporate & Strategy left the room at 9.09pm and returned at 9.12 pm.

Moved – Councillor Binks
Seconded – Councillor McManus

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

Amendment

Moved - Councillor James

Seconded - Councillor Hay

Add condition (16): To require a rear set back of 4m.

Councillor Hassell left the room at 9.17pm.

Mr G Trevaskis, Chief Executive Officer left the room at 9.17pm.

Councillor Hassell returned to the room at 9.19pm

Mr G Trevaskis, Chief Executive Officer returned to the room at 9.22 pm.

AMENDMENT Lost 4/8
(Against: Crs. Shaw Horley McManus Argyle
Hassell Porter Binks & Wetherall)

The motion was put and

**Carried 9/3
(Against: Crs. James Shaw Argyle)**

Council Resolution/Revised Administration Recommendation

Approves an application for a two storey single house at No. 20 (Lot 6) Swansea Street, Swanbourne in accordance with the application and the plans received 6 August 2013, subject to the following conditions:

- 1. The development shall at all times comply with the approved plans and the conditions outlined below;**
- 2. The primary street setback shall be a minimum of 7.1m;**
- 3. The landowner shall have the property re-pegged and lodge a re-survey certificate and site sketch prepared by a licensed practicing land surveyor depicting all boundaries and angles in accordance with the title specifications, prior to commencement of construction;**

- 4. The two windows within 2m of the southern end of the western side of the living room shall be obscured with aluminium louvers for their full height;**
- 5. The western side of the porch shall be screened or obscured to a height of 1.6m from finished floor level;**
- 6. All visual privacy screens and/or obscure glass panels to major openings and/or active habitable spaces shown on the approved drawings, shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes of WA. The structures shall be installed and remain in place permanently, unless otherwise approved by the City;**
- 7. All crossovers to the street shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision onsite, prior to commencement of works;**
- 8. The existing crossover shall be removed and the nature-strip / verge reinstated with grass or landscaping in accordance with Council's Nature-Strip / Verge Development Policy;**
- 9. Any construction in the nature-strip / verge (including footpaths) will require a Nature-Strip / Verge Licence application to be lodged with, and approved by, the City's Engineering section, prior to construction;**
- 10. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development;**
- 11. A further planning application and approval from the City is required for any fill or retaining walls on the lot, other than that shown on the approved plans;**
- 12. Dividing fences behind the front setback line, height no greater than 1.8m above approved levels and complying with the provisions of the City of Nedlands Fencing Local Law 2007 are deemed to comply with the Scheme and do not require further planning approval. A further planning application and approval is required for other fencing, including heights greater than 1.8m**

above approved ground levels and/or forward of the front setback line;

13. All footings and structures to retaining walls, fences and parapet walls shall be constructed wholly inside the site boundaries of the Certificate of Title;
14. The use of bare or painted metal building materials is permitted on the basis that, if during or following the erection of the development the Council forms the opinion that glare which is produced from the building / roof has or will have a significant detrimental effect upon the amenity of neighbouring properties, the Council may require the owner to treat the building / roof to reduce the reflectivity to a level acceptable to Council; and
15. Any additional development, which is not in accordance with the original application or conditions of approval as outlined above, will require further approval by Council.

Advice Notes specific to this approval:

1. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.
2. All swimming pool waste water shall be disposed of into an adequately sized, dedicated soak-well located on the same lot. Soak-wells shall not be situated closer than 1.8m to any boundary of a lot, building, septic tank or other soak-well.
3. All downpipes from guttering shall be connected so as to discharge into drains which shall empty into a soak-well and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.
4. The applicant is advised to consult the City's Visual and Acoustic Privacy Advisory Information in relation to selecting and locating any air-conditioner or swimming pool or spa mechanical equipment such that noise, vibration and visual impact on neighbours is mitigated. The City does not recommend installing any equipment near a property boundary where it is likely noise in these locations will intrude on neighbouring properties.

Prior to selecting a location to install an air-conditioner, applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as a guide on air-conditioner placement so as to prevent noise affecting neighbouring properties. Prior to installing an air-conditioner or swimming pool or spa mechanical equipment, the applicant is advised to consult residents of neighbouring properties and if necessary take measures to suppress noise.

5. The landowner is advised to limit construction noise and hours as per the Environmental Protection (Noise) Regulations 1997.
6. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

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

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

7. All swimming pools, whether retained, partially constructed or finished, shall be kept dry during the construction period. Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.

Recommendation to Committee

Council approves an application for a two (2) storey single house at No. 20 (Lot 6) Swansea Street, Swanbourne in accordance with the application and the plans received 6 August 2013, subject to the following conditions:

1. the development shall at all times comply with the approved plans;
2. the western side of the porch and the western side windows of the rear living room (as marked in red on the approved plans) shall be screened or obscured to a height of 1.6m from finished floor level;
3. all visual privacy screens and / or obscure glass panels to major openings and/or active habitable spaces shown on the approved drawings, shall prevent overlooking in accordance with the visual privacy requirements of

the Residential Design Codes of WA. The structures shall be installed and remain in place permanently, unless otherwise approved by the City;

4. all crossovers to the street shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision onsite, prior to commencement of works;
5. the existing crossover shall be removed and the nature-strip / verge reinstated with grass or landscaping in accordance with Council's Nature-Strip / Verge Development Policy;
6. any construction in the nature-strip / verge (including footpaths) will require a Nature-Strip / Verge Licence application to be lodged with, and approved by, the City's Engineering section, prior to construction;
7. all stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development;
8. a further planning application and approval from the City is required for any fill or retaining walls on the lot, other than that shown on the approved plans;
9. dividing fences behind the front setback line, height no greater than 1.8m above approved levels and complying with the provisions of the City of Nedlands Fencing Local Law 2007 are deemed to comply with the Scheme and do not require further planning approval. A further planning application and approval is required for other fencing, including heights greater than 1.8m above approved ground levels and/or forward of the front setback line;
10. all footings and structures to retaining walls, fences and parapet walls shall be constructed wholly inside the site boundaries of the Certificate of Title;
11. the use of bare or painted metal building materials is permitted on the basis that, if during or following the erection of the development the Council forms the opinion that glare which is produced from the building / roof has or will have a significant detrimental effect upon the amenity of neighbouring properties, the Council may require the owner to treat the building / roof to reduce the reflectivity to a level acceptable to Council; and
12. any additional development which is not in accordance with the original application or conditions of approval as outlined above, will require further approval by Council.

Advice Notes specific to this approval:

1. all internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second;
2. all swimming pool waste water shall be disposed of into an adequately sized, dedicated soak-well located on the same lot. Soak-wells shall not be situated closer than 1.8m to any boundary of a lot, building, septic tank or other soak-well;
3. all downpipes from guttering shall be connected so as to discharge into drains which shall empty into a soak-well and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block;
4. the applicant is advised to consult the City's Visual and Acoustic Privacy Advisory Information in relation to selecting and locating any air-conditioner or swimming pool or spa mechanical equipment such that noise, vibration and visual impact on neighbours is mitigated. The City does not recommend installing any equipment near a property boundary where it is likely noise in these locations will intrude on neighbouring properties.

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

Prior to installing an air-conditioner or swimming pool or spa mechanical equipment, the applicant is advised to consult residents of neighbouring properties and if necessary take measures to suppress noise;

5. the landowner is advised to limit construction noise and hours as per the Environmental Protection (Noise) Regulations 1997;
6. prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

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

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

7. all swimming pools, whether retained, partially constructed, or finished, shall be kept dry during the construction period. Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.

Committee Recommendation

Council approves an application for a two (2) storey single house at No. 20 (Lot 6) Swansea Street, Swanbourne in accordance with the application and the plans received 6 August 2013, subject to the following conditions:

1. the development shall at all times comply with the approved plans;
2. the western side of the porch and the western side windows of the rear living room (as marked in red on the approved plans) shall be screened or obscured to a height of 1.6m from finished floor level;
3. all visual privacy screens and / or obscure glass panels to major openings and/or active habitable spaces shown on the approved drawings, shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes of WA. The structures shall be installed and remain in place permanently, unless otherwise approved by the City;
4. all crossovers to the street shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision onsite, prior to commencement of works;
5. the existing crossover shall be removed and the nature-strip / verge reinstated with grass or landscaping in accordance with Council's Nature-Strip / Verge Development Policy;
6. any construction in the nature-strip / verge (including footpaths) will require a Nature-Strip / Verge Licence application to be lodged with, and approved by, the City's Engineering section, prior to construction;
7. all stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development;

8. a further planning application and approval from the City is required for any fill or retaining walls on the lot, other than that shown on the approved plans;
9. dividing fences behind the front setback line, height no greater than 1.8m above approved levels and complying with the provisions of the City of Nedlands Fencing Local Law 2007 are deemed to comply with the Scheme and do not require further planning approval. A further planning application and approval is required for other fencing, including heights greater than 1.8m above approved ground levels and/or forward of the front setback line;
10. all footings and structures to retaining walls, fences and parapet walls shall be constructed wholly inside the site boundaries of the Certificate of Title;
11. the use of bare or painted metal building materials is permitted on the basis that, if during or following the erection of the development the Council forms the opinion that glare which is produced from the building / roof has or will have a significant detrimental effect upon the amenity of neighbouring properties, the Council may require the owner to treat the building / roof to reduce the reflectivity to a level acceptable to Council;
12. any additional development which is not in accordance with the original application or conditions of approval as outlined above, will require further approval by Council; and
13. front setback to be a minimum 9m.

Advice Notes specific to this approval:

8. all internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second;
9. all swimming pool waste water shall be disposed of into an adequately sized, dedicated soak-well located on the same lot. Soak-wells shall not be situated closer than 1.8m to any boundary of a lot, building, septic tank or other soak-well;
10. all downpipes from guttering shall be connected so as to discharge into drains which shall empty into a soak-well and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block;
11. the applicant is advised to consult the City's Visual and Acoustic Privacy Advisory Information in relation to selecting and locating any air-conditioner or swimming pool or spa mechanical equipment such that

noise, vibration and visual impact on neighbours is mitigated. The City does not recommend installing any equipment near a property boundary where it is likely noise in these locations will intrude on neighbouring properties.

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

Prior to installing an air-conditioner or swimming pool or spa mechanical equipment, the applicant is advised to consult residents of neighbouring properties and if necessary take measures to suppress noise;

12. the landowner is advised to limit construction noise and hours as per the Environmental Protection (Noise) Regulations 1997;
13. prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

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

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

14. all swimming pools, whether retained, partially constructed, or finished, shall be kept dry during the construction period. Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.

Recommendation to Committee

Council approves an application for a two (2) storey single house at No. 20 (Lot 6) Swansea Street, Swanbourne in accordance with the application and the plans received 6 August 2013, subject to the following conditions:

13. the development shall at all times comply with the approved plans;
14. the western side of the porch and the western side windows of the rear living room (as marked in red on the approved plans) shall be screened or obscured to a height of 1.6m from finished floor level;

15. all visual privacy screens and / or obscure glass panels to major openings and/or active habitable spaces shown on the approved drawings, shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes of WA. The structures shall be installed and remain in place permanently, unless otherwise approved by the City;
16. all crossovers to the street shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision onsite, prior to commencement of works;
17. the existing crossover shall be removed and the nature-strip / verge reinstated with grass or landscaping in accordance with Council's Nature-Strip / Verge Development Policy;
18. any construction in the nature-strip / verge (including footpaths) will require a Nature-Strip / Verge Licence application to be lodged with, and approved by, the City's Engineering section, prior to construction;
19. all stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development;
20. a further planning application and approval from the City is required for any fill or retaining walls on the lot, other than that shown on the approved plans;
21. dividing fences behind the front setback line, height no greater than 1.8m above approved levels and complying with the provisions of the City of Nedlands Fencing Local Law 2007 are deemed to comply with the Scheme and do not require further planning approval. A further planning application and approval is required for other fencing, including heights greater than 1.8m above approved ground levels and/or forward of the front setback line;
22. all footings and structures to retaining walls, fences and parapet walls shall be constructed wholly inside the site boundaries of the Certificate of Title;
23. the use of bare or painted metal building materials is permitted on the basis that, if during or following the erection of the development the Council forms the opinion that glare which is produced from the building / roof has or will have a significant detrimental effect upon the amenity of neighbouring properties, the Council may require the owner to treat the building / roof to reduce the reflectivity to a level acceptable to Council; and

24. any additional development which is not in accordance with the original application or conditions of approval as outlined above, will require further approval by Council.

Advice Notes specific to this approval:

8. all internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second;
9. all swimming pool waste water shall be disposed of into an adequately sized, dedicated soak-well located on the same lot. Soak-wells shall not be situated closer than 1.8m to any boundary of a lot, building, septic tank or other soak-well;
10. all downpipes from guttering shall be connected so as to discharge into drains which shall empty into a soak-well and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block;
11. the applicant is advised to consult the City's Visual and Acoustic Privacy Advisory Information in relation to selecting and locating any air-conditioner or swimming pool or spa mechanical equipment such that noise, vibration and visual impact on neighbours is mitigated. The City does not recommend installing any equipment near a property boundary where it is likely noise in these locations will intrude on neighbouring properties.

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

Prior to installing an air-conditioner or swimming pool or spa mechanical equipment, the applicant is advised to consult residents of neighbouring properties and if necessary take measures to suppress noise;

12. the landowner is advised to limit construction noise and hours as per the Environmental Protection (Noise) Regulations 1997;
13. prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

Removal and disposal of ACM shall be in accordance with Health (Asbestos) Regulations 1992, Regulations 5.43 - 5.53 of the Occupational Safety and Health Regulations 1996, Code of Practice for the Safe Removal of Asbestos 2nd Edition, Code of Practice for the Management

and Control of Asbestos in a Workplace and any Department of Commerce Worksafe requirements.

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

14. all swimming pools, whether retained, partially constructed, or finished, shall be kept dry during the construction period. Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.

Moved – Councillor Wetherall
Seconded – Councillor Porter

That Item 13.5 be brought forward.

CARRIED UNANIMOUSLY 12/-

13.5 Provision of Child Care Services

| | |
|-----------------------|--|
| Council | 22 October 2013 |
| Applicant | City of Nedlands |
| Officer | Phoebe Huigens, Policy & Projects Officer |
| Director | Michael Cole, Director Corporate and Strategy |
| File Reference | CRS/011-09 |
| Previous Item | Confidential item 10.1, meeting of Council 12 March 2013 |

Moved – Councillor Porter
 Seconded – Councillor Wetherall

That two speakers be permitted to address Council.

CARRIED UNANIMOUSLY 12/-

Ms N Eagling, 73 Bruce Street Nedlands
 (spoke in opposition of the recommendation)

Item 13.5

Ms K Chisholm, 28 Williams Road, Nedlands
 (spoke in opposition of the recommendation)

Item 13.5

Regulation 11(da) – Councillors wanted a thorough investigation undertaken in conjunction with users on the users' willingness to pay fees which would make the service break even.

Moved – Councillor Porter
 Seconded – Councillor Horley

Council:

- 1. authorises administration under section 3.58(3) of the *Local Government Act 1995* to give local public notice that the City proposes to lease 64-66 Melvista Avenue, Dalkeith to Kidz Galore Pty Ltd for the purposes of child care services; and**
- 2. authorises administration to conduct a thorough investigation with the users of the Jutland Parade site regarding their willingness to pay fees which would make it break even.**

Ms S Turner from Kidz Galore Pty Ltd addressed the Council.

Moved – Councillor Binks
Seconded – Councillor McManus

That the motion be put

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

The motion was put and

CARRIED UNANIMOUSLY 12/-

Council Resolution

Council:

- 1. authorises administration under section 3.58(3) of the *Local Government Act 1995* to give local public notice that the City proposes to lease 64-66 Melvista Avenue, Dalkeith to Kidz Galore Pty Ltd for the purposes of child care services; and**
- 2. authorises administration to conduct a thorough investigation with the users of the Jutland Parade site regarding their willingness to pay fees which would make it break even.**

Recommendation to Council

Council authorises administration under section 3.58(3) of the *Local Government Act 1995* to give local public notice that the City proposes to dispose of 53 Jutland Parade, Dalkeith and 64-66 Melvista Avenue, Dalkeith, by lease to Kidz Galore Pty Ltd.

Executive Summary

At its meeting of 26 March 2013, Council resolved to call for expressions of interest for an external provider to run a child care service at Melvista Pre-School and/or Point Resolution Child Care Centre. Administration ran an expression of interest period between August and September 2013. Seven submissions were received. Administration recommends Council accept 'in principle' the proposal for lease of both 64-66 Melvista Avenue Dalkeith and 53 Jutland Parade Dalkeith as submitted by Kidz Galore Pty Ltd..

Strategic Plan

KFA: Governance and Civic Leadership

The City demonstrates good governance and civic leadership with sound financial decisions which are in the best interests of the community, whilst maintaining the City's high level of service delivery.

Background

Point Resolution Child Care was established in 1983 to provide occasional care services to residents and ratepayers of the City of Nedlands. The centre has provided a much loved and valued service to the Nedlands community since its establishment. Due to licensing and legislation changing over the years, the centre is no longer cost neutral, and ratepayers of Nedlands are effectively subsidising the cost of the service for the roughly 100 families who utilise the service.

The Point Resolution Child Care Centre is currently licensed for 22 children at any one time, and provides care for any one child for up to 2.5 days per week. Qualified and unqualified child care workers provide care to children aged 0-6 years of age. The centre is open from 8.30am to 4.30pm Monday to Friday, and is closed for two weeks over the Christmas period and public holidays.

The City previously investigated moving the child care service to the Melvista Site, 64-66 Melvista Avenue in Dalkeith. The Melvista site was seen to offer more space, be able to increase licensing from 22 children to 24, and have the ability to increase the maximum number of days per child from 2.5 to 3 days per week. The Melvista site would require a number of modifications, which in 2012 were estimated at approximately \$38,200.

Even with moving the Child Care service to Melvista, the City would be unable to fully cover the costs of running the service. In addition to continuing to subsidise the child care service, the City would be liable for the costs of the building modifications.

Key Relevant Previous Council Decisions:

Confidential item 10.1, meeting of Council 12 March 2013

Council approves:

1. administration calling for Expressions of Interest (EOI) for an external child care provider, to be located at the Melvista Pre-School site and PROCC site (with a proviso that Point Resolution Occasional Child Care (PROCC) staff and the currently registered children are included in the service);
2. the services provided by Point Resolution Occasional Child Care (PROCC) to cease, if opening of an approved external child care service at the Melvista Pre-School;
3. relocating PROCC child care services to the vacant Melvista Pre School site, should the EOI be unsuccessful in finding a suitable provider; with City staff making the required operational changes to child care services, to assist with the application for Child Care Benefit;

4. the allocation of \$38,200 in the Mid Year Budget Review to cover modification costs of the Melvista site, for PROCC child care; and
5. investigation of the relocation of the Positive Ageing programme to the vacated PROCC site, should it become available.

Consultation

Required by legislation: Yes No
Required by City of Nedlands policy: Yes No

In accordance with Section 3.58 of the *Local Government Act 1995* before disposing of property a local government must give local public notice of the proposed disposition:

- (i) describing the property concerned
- (ii) giving details of the proposed disposition
- (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given.

The local government must then consider any submissions, and record the reasons for any decisions it makes in the meeting at which the decision was made.

“Dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not.

Legislation / Policy

Section 3.58 of the *Local Government Act 1995*, as described above.

Budget/Financial Implications

Within current approved budget: Yes No
Requires further budget consideration: Yes No

The Point Resolution Child Care Centre currently runs an operating budget of \$461,200 per annum. The Centre generates \$336,000 per annum. The City’s ratepayers are therefore subsidising the service \$125,200 per year. The service is currently being utilised by approximately 125 families.

By outsourcing the service, the City can remove this loss, as well as generate a rental income of \$68,000 + GST. The ongoing capital costs in relation to maintaining and servicing the two buildings would also no longer be Council’s responsibility.

Risk Management

The current clients of Point Resolution Child Care value the service they are receiving. There is a risk to Council that the clients of Point Resolution Child Care would feel that they may receive a reduced service with the City outsourcing the child care service. Administration feels that the EOI process has resulted in a provider that will provide an equal or better service to the City of Nedlands community.

Council's Administration is of the opinion that the proposed provider will deliver a service that is similar to the program currently offered at PRCC by the City. Additional benefits are identified such as better professional development opportunities for staff and opportunities for long day care for clients.

Discussion

At its meeting of 26 March 2013, Council resolved to call for expressions of interest for an external provider to run a child care service at Melvista Pre-School and/or Point Resolution Child Care Centre.

A valuation of the two centres was undertaken in June of 2013 by AVP valuers. The results were as follows:

- 53 Jutland Parade, Dalkeith \$22,000 per annum net plus GST and all outgoings
- 64-66 Melvista Avenue, Dalkeith \$46,200 per annum net plus GST and all outgoing.

Rental will increase each year by CPI. Administration prepared an Expression of Interest (EOI) document and accepted submissions between 30 August 2013 and 27 September 2013. A compulsory briefing/site inspection was held. The City received a total of seven submissions.

The EOIs were assessed by a panel of three administration staff members. These assessments were then weighted as per the criteria published in the EOI document. The results are shown in Table 1.

Provider A was scored significantly higher than the other six providers. Provider A proposes to lease both sites for a maximum of 21 years, and commit to an initial investment of \$105,000 in to the buildings. The provider currently has 3 other child care centres, and employs 60 staff. They currently run a centre in a similar arrangement as the City of Nedlands proposes, with the City of Vincent.

| Provider | Score |
|----------|--------|
| A | 11.704 |
| B | 10.812 |
| C | 10.35 |
| D | 9.946 |
| E | 9.7605 |
| F | 9.0345 |
| G | 8.246 |

Table 1 EOI scores

A confidential schedule is provided in relation to the names and further details of the seven submissions which were received, as well as a submission from City staff in relation to this matter.

Provider A proposes the following service:

- Open 6.30am to 6.30pm, Monday to Friday, at both centres
- Places are offered for 1-5 days per week per child
- Point Resolution would provide child care for 0-2 year olds, while Melvista would provide child care for 3-6 year olds
- 30 child capacity at PRCC, 39 child capacity at Melvista
- All existing staff will be offered a place with the new provider
- If no PRCC staff remain, the provider has sufficient current staff to run centre immediately
- All existing clients will be offered places with the new provider

The service that the new provider is proposing is complementary of the service currently offered by the City.

Provider A is Kidz Galore, and Administration recommends Council accept their proposal.

Conclusion

Administration recommends that Council accepts 'in principle' the proposal for lease of both 64-66 Melvista Avenue Dalkeith and 53 Jutland Parade Dalkeith as submitted by Kidz Galore Pty Ltd. Council will confirm the proposed lease arrangements at the next meeting of Council following consideration of any public submissions received.

Attachments

Nil.

| | |
|----------------|---|
| PD45.13 | No. 94 (Lot 1667) Birdwood Parade, Dalkeith (Sunset Hospital) – Proposed Partial Change of Use (from Hospital) to Office Professional |
|----------------|---|

| | |
|-----------------------|--|
| Committee | 08 October 2013 |
| Council | 22 October 2013 |
| Applicant | Australian Children's Trust |
| Owner | Department of Finance, Building Management & Works |
| Officer | Matt Stuart – Senior Statutory Planning Officer |
| Director | Peter Mickleson – Director Planning & Development |
| File Reference | BI1/94 : DA13/299 : M13/26317 |
| Previous Item | Nil. |

Mr M Cole, Director Corporate & Strategy left the room at 10.08pm.

Councillor James left the room at 10.10pm.

Councillor James returned to the room at 10.12pm.

Mr M Cole, Director Corporate & Strategy returned to the room at 10.13pm.

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

Moved – Councillor Binks

Seconded – Councillor Wetherall

That the Recommendation to Council is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 12/-

Council Resolution / Committee Recommendation

Council recommends the WAPC approves an application for a temporary use of part of one (1) of the existing buildings for an office at No. 94 (Lot 1667) Birdwood Parade, Dalkeith (Sunset Hospital), in accordance with the application and plans received on 19 July 2013 subject to the following conditions:

- 1. this approval only pertains to part of 'Building Q', for the purposes of refurbishment and restoration as shown on the approved plans;**

- 2. the car parking bays shall be marked onsite as indicated on the approved site plan, in order to comply with Australian Standards. Such marking shall be subsequently maintained so that the delineation of bays remains clearly visible at all times;**
- 3. any additional development, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by the WAPC; and**
- 4. the development shall at all times comply with the approved plans.**

Advice Notes specific to this proposal:

- 1. all internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second;**
- 2. adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia; and**
- 3. a sanitary convenience shall not have an entrance opening from a habitable room, a room used for the manufacture or storage of food for human consumption or a room used as a factory workshop or workplace, except through an airlock which has a floor area of at least 1.85m² and direct ventilation to open air.**

Amended Administration Recommendation

Council recommends the WAPC approves an application for a 'Temporary Use' (from 'Hospital') to 'Office-Professional' at No. 94 (Lot 1667) Birdwood Parade, Dalkeith (Sunset Hospital), in accordance with the application and plans received on 19 July 2013 subject to the following conditions:

1. this approval only pertains to part of 'Building Q', as shown on the approved plans;
2. the car parking bays shall be marked onsite as indicated on the approved site plan, in order to comply with Australian Standards. Such marking shall be subsequently maintained so that the delineation of bays remains clearly visible at all times;
3. any additional development, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by the WAPC; and
4. the development shall at all times comply with the approved plans.

Advice Notes specific to this proposal:

1. all internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second;
2. adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia; and
3. a sanitary convenience shall not have an entrance opening from a habitable room, a room used for the manufacture or storage of food for human consumption or a room used as a factory workshop or workplace, except through an airlock which has a floor area of at least 1.85m² and direct ventilation to open air.

Recommendation to Committee

Council recommends the WAPC approves an application for a 'Partial Change of Use' (from 'Hospital') to 'Office-Professional' at No. 94 (Lot 1667) Birdwood Parade, Dalkeith (Sunset Hospital), in accordance with the application and plans received on 19 July 2013 subject to the following conditions:

1. this approval only pertains to part of 'Building Q', as shown on the approved plans;
2. the car parking bays shall be marked onsite as indicated on the approved site plan, in order to comply with Australian Standards. Such marking shall be subsequently maintained so that the delineation of bays remains clearly visible at all times;
3. any additional development, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by the WAPC; and
4. the development shall at all times comply with the approved plans.

Advice Notes specific to this proposal:

1. all internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second;
2. adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia; and

3. a sanitary convenience shall not have an entrance opening from a habitable room, a room used for the manufacture or storage of food for human consumption or a room used as a factory workshop or workplace, except through an airlock which has a floor area of at least 1.85m² and direct ventilation to open air.

PD46.13 Metro West JDAP Application – No. 2 (Lot 60) Milyarm Rise, Swanbourne – Proposed Multiple Dwellings (205 Residential Units)

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|-----------------------|---|
| Committee | 08 October 2013 |
| Council | 22 October 2013 |
| Applicant | Blackburn Property Group |
| Owner | Alfred Developments Pty Ltd |
| Officer | Laura Sabitzer – Planning Officer |
| Director | Peter Mickleson – Director Planning & Development |
| File Reference | DA13/295 : MI4/2 |
| Previous Item | Nil |

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

Moved – Councillor Binks
 Seconded – Councillor James

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

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

Council Resolution / Committee Recommendation / Recommendation to Committee

Council recommends the DAP refuses an application for Multiple Dwellings (204 Residential Units) at No. 2 (Lot 6) Milyarm Rise, Swanbourne in accordance with the application (dated 18 July 2013) and amended plans (dated 27 September 2013), as per the recommendation in the DAP Responsible Authority Report (dated 03 October 2013).

| | |
|----------------|-----------------------------|
| PD47.13 | Local Hubs Framework |
|----------------|-----------------------------|

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|-----------------------|---|
| Committee | 08 October 2013 |
| Council | 22 October 2013 |
| Applicant | City of Nedlands |
| Owner | City of Nedlands |
| Officer | Jason Moore – Strategic Planning Officer |
| Director | Peter Mickleson – Director Planning & Development |
| File Reference | TPN/159 |
| Previous Item | Nil |

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

Moved – Councillor Binks
 Seconded – Councillor James

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

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

Council Resolution / Committee Recommendation / Recommendation to Committee:

Council endorses the Draft Local Hubs Framework.

| | |
|----------------|--|
| PD48.13 | Updated Schedule of Fee and Charges – Cat Act 2011 and Dog Act 1976 |
|----------------|--|

| | |
|-----------------------|---|
| Committee | 08 October 2013 |
| Council | 22 October 2013 |
| Applicant | City of Nedlands |
| Officer | Mellanie Culhane – Senior Ranger |
| Director | Peter Mickleson – Director Planning & Development |
| File Reference | M13/20859 |
| Previous Item | Nil |

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

Moved – Councillor Binks
 Seconded – Councillor James

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

CARRIED EN BLOC 11/1
(Against: Cr. Smyth)

Council Resolution / Committee Recommendation / Recommendation to Committee

Council adopts the amended schedule of fees and charges for Cat and Dog registrations as per the Cat Amendment Regulations (No.2) 2013 and Dog Amendment Regulations 2013.

12.3 Technical Services Report No's TS17.13 to TS18.13 (copy attached)

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

| | |
|----------------|---|
| TS17.13 | Tender No. 2013/14.03 – Construction of Concrete Footpaths |
|----------------|---|

| | |
|-----------------------|---|
| Committee | 8 October 2013 |
| Council | 22 October 2013 |
| Applicant | City of Nedlands |
| Officer | Jacqueline Scott – Manager Technical Services |
| Director | Mark Goodlet – Director Technical Services |
| File Reference | TEN416 |
| Previous Item | No applicable |

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

Moved – Councillor Binks
Seconded – Councillor James

That the Recommendation to Council is adopted.

(Printed below for ease of reference)

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

Council Resolution / Committee Recommendation / Recommendation to Committee

Council:

1. agrees to award tender no. 2013/14.03 to Techsand Pty Ltd for the provision of Bitumen Supply and Repair for 12 months to 22 October 2014 as per the schedule of rates (Attachment 1) submitted; and
2. authorises the Chief Executive Officer to sign an acceptance of offer for this tender.

| | |
|----------------|--|
| TS18.13 | Tender No. 2013/14.04 – Bitumen Supply and Repair |
|----------------|--|

| | |
|-----------------------|---|
| Committee | 8 October 2013 |
| Council | 22 October 2013 |
| Applicant | City of Nedlands |
| Officer | Jacqueline Scott – Manager Technical Services |
| Director | Mark Goodlet – Director Technical Services |
| File Reference | TEN418 |
| Previous Item | No applicable |

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

Moved – Councillor Binks
 Seconded – Councillor James

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

CARRIED EN BLOC 11/1
(Against: Cr. Smyth)

Council Resolution / Committee Recommendation / Recommendation to Committee

Council:

1. agrees to award tender no. 2013/2014.04 to D&T Asphalt for the provision of Bitumen Supply and Repair for 12 months to 22 October 2014 as per the schedule of rates (Attachment 1) submitted; and
2. authorises the Chief Executive Officer to sign an acceptance of offer for this tender.

12.4 Corporate & Strategy Report No's CPS32.13 to CPS34.13 (copy attached)

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

| | |
|-----------------|--|
| CPS32.13 | List of Accounts Paid – August 2013 |
|-----------------|--|

| | |
|-----------------------|--|
| Committee | 8 October 2013 |
| Council | 22 October 2013 |
| Applicant | City of Nedlands |
| Officer | Rajah Senathirajah – Manager Finance |
| Director | Michael Cole – Director Corporate & Strategy |
| File Reference | Fin/072-17 |
| Previous Item | Nil |

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

Moved – Councillor Binks
Seconded – Councillor James

That the Recommendation to Council is adopted.

(Printed below for ease of reference)

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

Council Resolution / Committee Recommendation / Recommendation to Committee

**Council receives the List of Accounts Paid for the month of August 2013
(Refer to Attachment).**

| |
|------------------------------------|
| CPS33.13 Policy Review |
|------------------------------------|

| | |
|-----------------------|---|
| Committee | 8 October 2013 |
| Council | 22 October 2013 |
| Applicant | City of Nedlands |
| Officer | Phoebe Huigens, Policy & Projects Officer |
| Director | Michael Cole, Director Corporate & Strategy |
| File Reference | IFM/417 |
| Previous Item | |

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

Moved – Councillor Binks
 Seconded – Councillor James

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

CARRIED EN BLOC 11/1
(Against: Cr. Smyth)

Council Resolution / Committee Recommendation

Council approves the following policies:

- a. **Payments to Employees in Addition to Contract or Award;**
- b. **Freemen of the City;**
- c. **Inspection of Planning Documents; and**
- d. **Council Provided Grants, Subsidies and Donations**
- e. **Traffic Management; and**
- f. **Corner Truncations**

Recommendation to Committee

Council:

1. approves the following policies:
 - a. Payments to Employees in Addition to Contract or Award;
 - b. Freeman of the City;
 - c. Inspection of Planning Documents; and
 - d. Council Provided Grants, Subsidies and Donations

2. revokes the following policies:
 - a. Traffic Management; and
 - b. Corner Truncations

| | |
|-----------------|---|
| CPS34.13 | Site Erosion and Sand Drift Local Law 2013 |
|-----------------|---|

| | |
|-----------------------|---|
| Committee | 8 October 2013 |
| Council | 22 October 2013 |
| Applicant | City of Nedlands |
| Officer | Phoebe Huigens, Policy & Projects Officer |
| Director | Michael Cole, Director Corporate and Strategy |
| File Reference | IFM/417 |
| Previous Item | Nil |

Councillor James returned to the room at 10.12pm.

Councillor McManus left the room at 10.13pm.

Please note that under section 3.12(2) of the *Local Government Act 1995*, the Presiding Member read aloud the purpose and effect of the proposed local law.

The purpose of the local law is to provide for the regulation, control and management of site erosion and sand on land within the district so as to protect the amenity of the area.

The effect of the local law is to establish requirements for the management and control of site erosion and sand on land within the district.

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

Moved – Councillor Shaw

Seconded – Councillor Binks

That the Recommendation to Council is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council advertises the proposed City of Nedlands Site Erosion and Sand Drift Local Law 2013 as contained in Attachment 1 for public comment.

ABSOLUTE MAJORITY REQUIRED

13. Reports by the Chief Executive Officer

13.1 Common Seal Register Report – September 2013

Moved – Councillor Binks
Seconded – Councillor SHaw

The attached Common Seal Register Report for the month of September 2013 is received.

CARRIED UNANIMOUSLY 12/-

13.2 List of Delegated Authorities – September 2013

Moved – Councillor Binks
Seconded – Councillor James

The attached List of Delegated Authorities for the month of September 2013 is received.

CARRIED UNANIMOUSLY 12/-

13.3 Monthly Financial Report – September 2013

| | |
|-----------------------|--------------------------------------|
| Council | 22 October 2013 |
| Applicant | City of Nedlands |
| Officer | Rajah Senathirajah – Manager Finance |
| CEO | Greg Trevaskis |
| File Reference | Fin/072-19 |
| Previous Item | Nil |

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

Moved – Councillor Binks
 Seconded – Councillor Shaw

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

CARRIED UNANIMOUSLY 12/-

Council Resolution / Recommendation to Council
Council receives the Monthly Financial Report for September 2013.

Executive Summary

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

Strategic Plan

KFA: Governance and Civic Leadership

This report will ensure the City meets its statutory requirements.

Background

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

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

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

Discussion

This report covers the first three months of the 2013/14 financial year.

The operating revenue at the end of September 2013 was \$ 24.36 million, which is marginally below the year-to-date Budget, and consists largely of the annual rates and sanitation charges which were levied in July.

The total operating expense at the end of the first three months was \$ 6.66 million. This is lower than the year-to-date Budget, and this is to be expected in the early months of the new financial year.

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

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

Governance

Expenditure: Unfavourable variance of \$ 98,100
Revenue: Unfavourable variance of \$ 2,800

The unfavourable expenditure variance is mainly due to unanticipated expenses – legal advice on the proposed Metro Councils Reform and the

increase in Councillors' meeting fees and entitlements. The latter was approved by Council after the Budget was adopted and will be addressed in the Post-Audit Budget Review adjustments to be presented to Council in November 2013.

The unfavourable revenue variance is not material.

Corporate and Strategy

Expenditure: Favourable variance of \$ 102,200
Revenue: Unfavourable variance of \$ 295,700

The favourable expenditure variance is mainly due to timing difference – the payment for software licences and interest payments on loans.

The unfavourable revenue variance is due partly to the difference between the rates modelling used in developing the revenue Budget and the annual rates levied in July, and the lower interest rates available on the City's investment of surplus cash. Another significant contributor to the revenue variance is the reduced grant from the WA Grants commission. The funding in this financial year has been reduced as a result of the distribution in June of half of the grant designated for 2013/14 financial year. An adjustment to the Budget to reflect this will be recommended as part of the Post-Audit Review.

Community Development

Expenditure: Favourable variance of \$ 150,400
Revenue: Favourable variance of \$ 95,200

The favourable expenditure variance is due to the timing difference in the distribution of community grants, as well as savings in employee costs due to unfilled vacancies and in the provision of HACC services.

The favourable revenue variance is mainly due to the receipt of increased grant amount from HACC for Nedlands Community Care, and increased revenue the Point Resolution Child Care.

Planning and Development

Expenditure: Favourable variance of \$ 94,800
Revenue: Favourable variance of \$ 63,200

The favourable expenditure variance is due to the delay in commencing Strategic Town Planning projects and Sustainability projects.

The favourable revenue variance is due partly to the receipt of high value Development Applications and the increase in annual swimming pool inspection fees.

Technical Services

Expenditure: Favourable variance of \$ 442,424
Revenue: Unfavourable variance of \$ 46,229

The favourable expenditure variance is mainly due to the slow start in maintenance programs in the first quarter of the financial year, together with some unfilled staff positions and late receipt of invoices.

The relatively small unfavourable revenue variance is due to the profit on disposal of vehicles not being brought to account in September, and a drop in revenue from the lease of Council properties.

Capital Works Programme

At the end of September the expenses on new capital works were \$1,023,900. This is in line with previous years when the first quarter of the financial year is mainly associated with the development of detailed designs for approved projects, and the mobilisation of resources for implementing the projects.

There are a number of projects that were carried over from 2012/13, for which there is no budget allocated this financial year. The necessary adjustments will be presented to Council for consideration as part of the Post-Audit Budget Review.

Consultation

Required by legislation: Yes No
Required by City of Nedlands policy: Yes No

Legislation / Policy

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

Budget/Financial Implications

As outlined in the Monthly Financial Report.

Risk Management

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

Conclusion

The financial statements to the end of September 2013 indicate that the operating expenses are under the Budget, while revenue is marginally under the Year-to-Date Budget. This is to be expected at the end of the first quarter of the new financial year, and it is too early to identify any significant trends.

Attachments

1. Statement of Financial Activity by Directorates as at 30 September 2013
2. Net Current Assets as at 30 September 2013
3. Financial Summary (Operating) by Business Units as at 30 September 2013
4. Capital Works & Acquisitions as at 30 September 2013

13.4 Monthly Investment Report – September 2013

| | |
|-----------------------|--------------------------------------|
| Council | 22 October 2013 |
| Applicant | City of Nedlands |
| Officer | Rajah Senathirajah – Manager Finance |
| CEO | Greg Trevaskis |
| File Reference | FIN/071-09 |
| Previous Item | Nil |

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

Moved – Councillor Binks
 Seconded – Councillor Shaw

That the Recommendation to Council is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 12/-

Council Resolution / Recommendation to Council

Council receives the Investment Report for the period ended 30 September 2013.

Executive Summary

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

Strategic Plan

KFA5: Governance

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

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

Background

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

Discussion

The Investment Summary shows that as at 30 September 2013 the City held the following funds in investments:

| | |
|-----------------|-------------------------|
| Municipal Funds | \$ 14,671,939.37 |
| Reserve Funds | \$ 3,849,443.71 |
| Adelma Interest | \$ <u>1001.80</u> |
| Total | \$ <u>18,522,384.90</u> |

The total interest earned from investments for the three months was \$121,662.46.

Following Council's decision in May 2012, all investments are placed with the 'big four' banks.

The Investment Portfolio comprises holdings in the following institutions:

| Financial Institution | Funds Invested | Interest Rate | Proportion of Portfolio |
|-----------------------|-------------------------|---------------|-------------------------|
| NAB | \$ 5,521,768.88 | 4.48% - 3.80% | 29.81% |
| Westpac | \$ 5,087,091.94 | 3.89% - 3.39% | 27.46% |
| ANZ | \$ 3,302,865.13 | 4.12% - 3.65% | 17.83% |
| CBA | \$ 4,610,658.95 | 4.10% - 3.74% | 24.89% |
| Total | \$ 18,522,384.90 | | 100.00% |

Consultation

Required by legislation:

Yes

No

Required by City of Nedlands policy:

Yes

No

Legislation / Policy

Not applicable.

Budget/Financial Implications

Investment income is less than the year to date budget due to the lower interest rates provided by the banks.

Risk Management

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

Conclusion

The Investment Report is presented to Council.

Attachments

1. Investment Report for the period ended 30 September 2013

PLEASE NOTE: This item was brought forward (see page 24).

13.5 Provision of Child Care Services

| | |
|-----------------------|--|
| Council | 22 October 2013 |
| Applicant | City of Nedlands |
| Officer | Phoebe Huigens, Policy & Projects Officer |
| Director | Michael Cole, Director Corporate and Strategy |
| File Reference | CRS/011-09 |
| Previous Item | Confidential item 10.1, meeting of Council 12 March 2013 |

Recommendation to Council

Council authorises administration under section 3.58(3) of the *Local Government Act 1995* to give local public notice that the City proposes to dispose of 53 Jutland Parade, Dalkeith and 64-66 Melvista Avenue, Dalkeith, by lease to Kidz Galore Pty Ltd.

Executive Summary

At its meeting of 26 March 2013, Council resolved to call for expressions of interest for an external provider to run a child care service at Melvista Pre-School and/or Point Resolution Child Care Centre. Administration ran an expression of interest period between August and September 2013. Seven submissions were received. Administration recommends Council accept 'in principle' the proposal for lease of both 64-66 Melvista Avenue Dalkeith and 53 Jutland Parade Dalkeith as submitted by Kidz Galore Pty Ltd..

Strategic Plan

KFA: Governance and Civic Leadership

The City demonstrates good governance and civic leadership with sound financial decisions which are in the best interests of the community, whilst maintaining the City's high level of service delivery.

Background

Point Resolution Child Care was established in 1983 to provide occasional care services to residents and ratepayers of the City of Nedlands. The centre has provided a much loved and valued service to the Nedlands community since its establishment. Due to licensing and legislation changing over the years, the centre is no longer cost neutral, and ratepayers of Nedlands are effectively subsidising the cost of the service for the roughly 100 families who utilise the service.

The Point Resolution Child Care Centre is currently licensed for 22 children at any one time, and provides care for any one child for up to 2.5 days per week. Qualified and unqualified child care workers provide care to children aged 0-6 years of age. The centre is open from 8.30am to 4.30pm Monday to Friday, and is closed for two weeks over the Christmas period and public holidays.

The City previously investigated moving the child care service to the Melvista Site, 64-66 Melvista Avenue in Dalkeith. The Melvista site was seen to offer more space, be able to increase licensing from 22 children to 24, and have the ability to increase the maximum number of days per child from 2.5 to 3 days per week. The Melvista site would require a number of modifications, which in 2012 were estimated at approximately \$38,200.

Even with moving the Child Care service to Melvista, the City would be unable to fully cover the costs of running the service. In addition to continuing to subsidise the child care service, the City would be liable for the costs of the building modifications.

Key Relevant Previous Council Decisions:

Confidential item 10.1, meeting of Council 12 March 2013

Council approves:

1. administration calling for Expressions of Interest (EOI) for an external child care provider, to be located at the Melvista Pre-School site and PROCC site (with a proviso that Point Resolution Occasional Child Care (PROCC) staff and the currently registered children are included in the service);
2. the services provided by Point Resolution Occasional Child Care (PROCC) to cease, if opening of an approved external child care service at the Melvista Pre-School;
3. relocating PROCC child care services to the vacant Melvista Pre School site, should the EOI be unsuccessful in finding a suitable provider; with City staff making the required operational changes to child care services, to assist with the application for Child Care Benefit;
4. the allocation of \$38,200 in the Mid Year Budget Review to cover modification costs of the Melvista site, for PROCC child care; and
5. investigation of the relocation of the Positive Ageing programme to the vacated PROCC site, should it become available.

Consultation

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

In accordance with Section 3.58 of the *Local Government Act 1995* before disposing of property a local government must give local public notice of the proposed disposition:

- (i) describing the property concerned
- (ii) giving details of the proposed disposition
- (iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given.

The local government must then consider any submissions, and record the reasons for any decisions it makes in the meeting at which the decision was made.

“Dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not.

Legislation / Policy

Section 3.58 of the *Local Government Act 1995*, as described above.

Budget/Financial Implications

| | | |
|--|---|-----------------------------|
| Within current approved budget: | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Requires further budget consideration: | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

The Point Resolution Child Care Centre currently runs an operating budget of \$461,200 per annum. The Centre generates \$336,000 per annum. The City’s ratepayers are therefore subsidising the service \$125,200 per year. The service is currently being utilised by approximately 125 families.

By outsourcing the service, the City can remove this loss, as well as generate a rental income of \$68,000 + GST. The ongoing capital costs in relation to maintaining and servicing the two buildings would also no longer be Council’s responsibility.

Risk Management

The current clients of Point Resolution Child Care value the service they are receiving. There is a risk to Council that the clients of Point Resolution Child Care would feel that they may receive a reduced service with the City outsourcing the child care service. Administration feels that the EOI process has resulted in a provider that will provide an equal or better service to the City of Nedlands community.

Council’s Administration is of the opinion that the proposed provider will deliver a service that is similar to the program currently offered at PRCC by the City. Additional benefits are identified such as better professional development opportunities for staff and opportunities for long day care for clients.

Discussion

At its meeting of 26 March 2013, Council resolved to call for expressions of interest for an external provider to run a child care service at Melvista Pre-School and/or Point Resolution Child Care Centre.

A valuation of the two centres was undertaken in June of 2013 by AVP valuers. The results were as follows:

| | |
|---------------------------------|---|
| 53 Jutland Parade, Dalkeith | \$22,000 per annum net plus GST and all outgoings |
| 64-66 Melvista Avenue, Dalkeith | \$46,200 per annum net plus GST and all outgoing. |

Rental will increase each year by CPI.

Administration prepared an Expression of Interest (EOI) document and accepted submissions between 30 August 2013 and 27 September 2013. A compulsory briefing/site inspection was held. The City received a total of seven submissions.

The EOIs were assessed by a panel of three administration staff members. These assessments were then weighted as per the criteria published in the EOI document. The results are shown in Table 1.

| Provider | Score |
|----------|--------|
| A | 11.704 |
| B | 10.812 |
| C | 10.35 |
| D | 9.946 |
| E | 9.7605 |
| F | 9.0345 |
| G | 8.246 |

Provider A was scored significantly higher than the other six providers. Provider A proposes to lease both sites for a maximum of 21 years, and commit to an initial investment of \$105,000 in to the buildings. The provider currently has 3 other child care centres, and employs 60 staff. They currently run a centre in a similar arrangement as the City of Nedlands proposes, with the City of Vincent.

Table 2 EOI scores

A confidential schedule is provided in relation to the names and further details of the seven submissions which were received, as well as a submission from City staff in relation to this matter.

Provider A proposes the following service:

- Open 6.30am to 6.30pm, Monday to Friday, at both centres
- Places are offered for 1-5 days per week per child
- Point Resolution would provide child care for 0-2 year olds, while Melvista would provide child care for 3-6 year olds
- 30 child capacity at PRCC, 39 child capacity at Melvista

- All existing staff will be offered a place with the new provider
- If no PRCC staff remain, the provider has sufficient current staff to run centre immediately
- All existing clients will be offered places with the new provider

The service that the new provider is proposing is complementary of the service currently offered by the City.

Provider A is Kidz Galore, and Administration recommends Council accept their proposal.

Conclusion

Administration recommends that Council accepts 'in principle' the proposal for lease of both 64-66 Melvista Avenue Dalkeith and 53 Jutland Parade Dalkeith as submitted by Kidz Galore Pty Ltd. Council will confirm the proposed lease arrangements at the next meeting of Council following consideration of any public submissions received.

Attachments

Nil.

14. Elected Members Notices of Motions of Which Previous Notice Has Been Given

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

PLEASE NOTE: This item was brought forward (see page 10).

14.1 Councillor Hodsdon – Weed Control

At the Council meeting on 23 July 2013 Councillor Hodsdon gave notice of his intention to move the following motion.

At its meeting on 27 August 2013 Council resolved that this item be referred to the next Council Meeting.

At its meeting on 24 September 2013 Council resolved that this item be deferred to the next Council Meeting.

Supporting Comments

1. Reduces the long term accumulation of chemicals in our environment.
2. Medical and scientific reports of the risk of harm from the chemicals being used, including a recent 4 Corners programme (22 July) warning of dioxin contamination in pesticides. There may be serious harm to the long term health of our residents.
3. That chemical spraying occurs outside homes and residents have no choice but to cross these contaminated areas in the process of coming and going from their homes.
4. The use of these chemicals infringes the rights of individuals to live in a chemical free area (at least avoid).
5. The city should be a leader in this area and it has been for at least 10 years.

Administration Comment

The Australian Pesticides and Veterinary Medicines Authority (APVMA) is the Australian Government's regulatory authority of pesticides in Australia. On 6 August 2013 they released the following statement with respect to glyphosate. The statement below has a link which provides further detail on the matter.

Chemicals in the News: Glyphosate - Updated 6 August 2013 Roundup and birth defects: Is the public being kept in the dark?

Glyphosate [N-(phosphonomethyl)glycine] is a broad-spectrum systemic herbicide used to kill weeds, especially annual broadleaf weeds and grasses known to compete with commercial crops grown around the globe. The first product came onto the market in the 1970s under the trade name 'Roundup'.

Glyphosate is the most widely used herbicide worldwide in agriculture, the home garden, and industrial/commercial applications. Some crops have been genetically engineered to be resistant to glyphosate, allowing farmers to use it to control weeds without affecting the growing crops.

In 2011 Earth Open Source (EOS) published a review of glyphosate titled *Roundup and birth defects: Is the public being kept in the dark?* [EOS \(external site\)](#) is "a not-for-profit organization dedicated to assuring the sustainability, security, and safety of the global food system". The EOS review claimed that glyphosate was a reproductive and developmental toxicant, as well as having genotoxic, carcinogenic, neurotoxic, and endocrine-disrupting potential, with these effects occurring at concentrations lower than those used in OECD- and GLP-compliant studies reviewed by the European Union (EU) when glyphosate was first approved. A selection of published literature, predominantly using *in vitro* testing methods, was cited as supporting these conclusions.

The APVMA contracted an external toxicology consultant to prepare a [detailed review of the EOS report \(PDF, 1Mb\)](#) | [\(RTF, 2.7Mb\)](#) and relevant recent studies. The overarching conclusions from this review can be found on pages 12 and 13 of the document.

The toxicological studies reviewed do not indicate a need to revise the current Australian Acceptable daily Intake (ADI) of 0.3 mg/kg bw/d for glyphosate. The available evidence suggests that there are very wide margins between the ADI and the actual intake of glyphosate via food and from exposure while preparing and applying glyphosate products. Nevertheless, the APVMA will continue to monitor the literature for significant new studies on glyphosate and will consider any new information that might emerge from US and Canadian reviews.

Conclusions

1. The APVMA currently has no data before it suggesting that glyphosate products registered in Australia and used according to label instructions present any unacceptable risks to human health, the environment and trade.
2. The weight and strength of evidence shows that glyphosate is not genotoxic, carcinogenic, or neurotoxic.

3. Glyphosate causes malformations in toad and chicken embryos treated by incubation and/or injection, but these findings are not predictive of a developmental hazard to humans because of the routes of administration used. Studies in birds and/or rats have reported that some glyphosate-based herbicide formulations (GBHFs) cause foetal skeletal abnormalities, toxicity to the male reproductive system and interference with the maturation of the male reproductive organs during puberty. However, the relevant studies were affected by flawed design, methodology and / or reporting, and the claimed effects on puberty have been inconsistent in different studies.
4. Glyphosate is not a teratogen in rats and rabbits treated via oral administration and has not shown reproductive toxicity in multi-generation dietary studies in rats. Epidemiological studies have found no consistent or convincing evidence of reproductive dysfunction in human populations reportedly exposed to glyphosate. Glyphosate is therefore extremely unlikely to cause reproductive or developmental toxicity in humans under normal conditions of exposure.
5. The potential for glyphosate to cause endocrine disruption will be clarified by the current review under the US EPA's Endocrine Disruptor Screening Program. In studies published so far, glyphosate has shown a lack of activity in the Hershberger and uterotrophic assays in rats or in tests for interaction with oestrogen and androgen receptors, inhibition of steroidogenesis, or interference with metamorphosis in amphibians. At present, there is no scientific justification for classifying glyphosate as an endocrine disruptor.
6. Surfactants present in the test GBHFs may have confounded the results of in vitro studies of their effects on hormonal regulation and cellular toxicity. Furthermore, the relevance of some test systems to human hazard and risk assessment is unproven.
7. Most studies with GBHFs have not identified which of their chemical constituents caused the reported effects on cells and laboratory animals, or characterised their mode of action.
8. The toxicological studies cited by EOS do not demonstrate a need to revise the current Australian ADI of 0.3 mg/kg bw/d for glyphosate. The available evidence indicates that there are very wide margins between the ADI and the actual intake of glyphosate via food and from exposure while preparing and applying glyphosate products.
9. The APVMA will monitor the US and Canadian reviews of glyphosate and consider any new information that emerges.

The City's use of glyphosate is carried out to the requirements of the Department of Health and the manufacturer's recommendations contained in the product label. Should the APVMA recommend cessation of use of glyphosate Administration would recommend this to Council.

15. Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 26 November 2013

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

Notices of motion for consideration at the Council Meeting to be held on 26 November 2013 to be tabled at this point in accordance with Clause 3.9(2) of Council's Local Law Relating to Standing Orders.

15.1 Cr Horley - Rochdale Road

Councillor to provide details of her motion in due course.

Mr M Cole, Director Corporate & Strategy left the room at 10.15pm.

15.2 Councillor Wetherall

Council instructs administration to review ways and means to compensate properties on southern side of Aberdare Road.

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

Nil.

17. Confidential Items

Nil.

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 10.16 pm.