



City of Nedlands

Minutes

Special Council Meeting

10 April 2012

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.

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City of Nedlands

Minutes of a special meeting of Council held in the Council chambers, Nedlands on Tuesday 10 April 2012 at 5.30 pm for the purpose of rescinding Council's decision of Item D65.11 of the Council meeting of 13 December 2011 in relation to No. 13 (Lot 11194) Bedbrook Place, Shenton Park and considering an alternative motion.

Declaration of Opening

The Presiding Member declared the meeting open at 5.30 pm and drew attention to the disclaimer below.

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

Present and Apologies and Leave Of Absence (Previously Approved)

Councillors	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor K E Collins	Coastal Districts Ward
	Councillor L J McManus	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 K Walker	Hollywood Ward
	Councillor T James	Melvista Ward
	Councillor N Shaw	Melvista Ward
	Councillor M L Somerville-Brown	Melvista Ward

Staff	Ms D Blake	Acting Chief Executive Officer
	Mr R Senathirajah	Acting Director Corporate & Strategy
	Ms G Poczyn A/	Director Planning & Development Services
	Mr A Melville	A/ Director Sustainable Infrastructure
	Ms N Borowicz	Executive Assistant

Guest	Mr Craig Slarke	McLeods Barristers & Solicitors
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Public There were 4 members of the public present.

Press The Post Newspaper and Western Suburbs Weekly representatives.

Leave of Absence Nil.
(Previously Approved)

Apologies	Councillor N B J Horley	Coastal Districts Ward
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Absent

Councillor B G Hodsdon

Hollywood Ward

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the City of Nedlands during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City of Nedlands. The City of Nedlands warns that anyone who has any application lodged with the City of Nedlands must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the City of Nedlands in respect of the application.

The City of Nedlands wishes to advise that any plans or documents contained within this agenda may be subject to copyright law provisions (*Copyright Act 1968, as amended*) and that the express permission of the copyright owner(s) should be sought prior to their reproduction.

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1. Public Question Time

None.

2. Addresses by Members of the Public

Mr D Caddy, 65 Meriwa Street, Nedlands
(spoke in support of the proposal)

The Presiding Member granted Mr Caddy a further 2 minutes.

3. Disclosures of Financial Interest

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

There were no disclosures of financial interest.

4. Disclosures of Interests Affecting Impartiality

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

There were no disclosures affecting impartiality.

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

Nil.

6. Matters for Which the Meeting May Be Closed

In accordance with Standing Orders and for the convenience of the public, it is proposed that the meeting will be closed to the public under section 5.23 (2)(d) for the following items.

Closure of Meeting to the Public

Moved – Councillor Porter

Seconded - Councillor Collins

That the meeting be closed to the public in accordance with Section 5.23 (d) of the Local Government Act 1995 to allow confidential discussion on the following Items.

Amendment

Moved – Councillor McManus
Seconded - Councillor Binks

That the meeting be closed to the public in accordance with Section 5.23 (d) of the Local Government Act 1995 to allow questions to be asked of Mr Slarke on the following item and then re-open the meeting to members of the public.

**CARRIED 7/4
(Against: Crs. Collins Porter Walker & James)**

The substantive motion was put and

**CARRIED 10/1
(Against: Cr. Collins)**

The meeting was closed to members of the public at 5.48 pm.

Opening of Meeting to the Public

Moved - Councillor Binks
Seconded - Councillor Argyle

That the meeting be re-opened to members of the public and the press.

Lost 3/8
(Against: Mayor Hipkins Crs. Collins McManus Hassell
Porter Walker Shaw & Somerville-Brown)

Opening of Meeting to the Public

Moved - Councillor Hassell
Seconded - Councillor McManus

That the meeting be re-opened to members of the public and the press.

**CARRIED 10/1
(Against: Cr. Porter)**

The meeting was re-opened to members of the public and press at 6.43 pm.

The Presiding Member adjourned the meeting for dinner.

The meeting adjourned at 6.43 pm and reconvened at 7.04 pm with the following people in attendance:

Councillors	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor K E Collins	Coastal Districts Ward
	Councillor L J McManus	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
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	Councillor M L Somerville-Brown	Melvista Ward

Staff	Ms D Blake	Acting Chief Executive Officer
	Mr R Senathirajah	Acting Director Corporate & Strategy
	Ms G Poczyn A/	Director Planning & Development Services
	Mr A Melville	A/ Director Sustainable Infrastructure
	Ms N Borowicz	Executive Assistant

Public There were 6 members of the public present.

Press The Post Newspaper and Western Suburbs Weekly representatives.

7. D65.11 - No. 13 (Lot 11194) Bedbrook Place, Shenton Park – Industrial-light (Pathology, Collection & Infusion Centres) within a Two-Storey Building

Moved – Councillor Argyle

Seconded – Councillor Hassell

That pursuant to section 31 of the State Administrative Tribunal Act, Council sets aside its decision of 13 December 2011 with regard to item D65.11 - No. 13 (Lot 11194) Bedbrook Place, Shenton Park – Industrial-light (Pathology, Collection & Infusion Centres) within a Two-Storey Building; and substitutes the following decision:

Council approves an application for a use not listed in the scheme (Diagnostic laboratory with associated collection & infusion centres) within a Two-Storey Building at No.13 (Lot 11194) Bedbrook Place, Shenton Park, in accordance with the application and plans dated 16 November 2011 with the following conditions:

- 1. The four (4) existing mature trees identified on the site plan shall be retained and maintained to the satisfaction of the City;**
- 2. The existing remnant vegetation located within 4.5 m of the rear boundary shall be retained, and the area of existing unvegetated land within this 4.5 m area shall be revegetated, to the satisfaction of the Council, for the purpose of creating a biodiversity corridor;**
- 3. The existing trees and areas of remnant vegetation to be retained shall be protected prior to, and during demolition and construction (refer to advice note 2);**
- 4. Prior to the commencement of clearing of the land, a detailed landscape plan shall be submitted for approval by the City. The landscape plan shall:**
 - a. identify the four (4) existing mature trees to be retained;**
 - b. identify the existing remnant vegetation within 4.5 m of the rear boundary;**
 - c. identify any other remnant vegetation that will be maintained on the site, especially in areas surrounding the existing mature trees which are to be retained;**
 - d. identify other areas of landscaping in accordance with landscape plan submitted with the application;**

- e. **consider suitable fencing and other treatments (ie tunnels) to facilitate the linkage of the biodiversity corridor to adjacent lots; and**
 - f. **no clearing of the land may be commenced until the detailed landscape plan is approved by the City and development must thereafter comply with the approved plan.**
5. **All landscaping and revegetation shall be carried out in conjunction with, and to the satisfaction of the City, using best practice principles for landscaping and revegetation (refer to advice note 3);**
 6. **The landscaping is to be established prior to the development being first occupied and thereafter maintained the satisfaction of the City throughout the life of the development;**
 7. **The verge parking spaces may be constructed to Council's specifications by the applicant/owner and at the applicant/owner's cost;**
 8. **The parapet wall shall be finished to a quality finish and to a professional standard to the satisfaction of the City;**
 9. **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;**
 10. **All stormwater from building, paved areas and driveways shall be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 10 year recurrent storm event; and soak-wells shall be a minimum capacity of 1 m³ for every 80 m² of paved or roofed surface on the property; and**
 11. **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

- 1. It is the Applicant's responsibility to obtain all required State and Federal environmental approvals, including DEC Clearing Permits;**
- 2. In relation to condition 3, it is expected that fencing be used to protect the existing remnant vegetation during construction and the area around the trees be fenced off at least 1 m beyond the drip line (area directly located under the outer circumference of the tree branches, (i.e. the canopy)) to protect the tiny rootlets that take up water for the tree;**
- 3. In relation to condition 5, best practice principles and techniques shall include:**
 - a. undertaking initial weed control where required to reduce a weed seed bank;**
 - b. translocate topsoil and leaf litter layer to the cleared area to prevent soil movement, maintain leaf litter cover for reptile movement, and transfer seed bank to assist with revegetation;**
 - c. a combination of planting and direct seeding may be required dependent on species available for planting;**
 - d. use of local endemic plant species where possible;**
 - e. if direct seeding, then use local provenance seed only (collected from local bushland areas such as Shenton Park);**
 - f. maintain the cover and structure of existing remnant vegetation:**
 - i. upper (trees), Mid (shrubs) and Low (understorey) layers;**
 - ii. achieve density similar to that of surrounding remnant vegetation (could take up to five (5) years); and**
 - iii. Provide maintenance to ensure plant survival and prevent weed encroachment.**

4. **The site has special environmental qualities of a local and regional nature, specifically that it is an ecological linkage between larger sites in the immediate vicinity with high quality remnant vegetation. Although an eco-link has been provided to some degree, the City strongly encourages the applicant to reconsider at least a minimum 10 m wide eco-link along the western side of the lot;**
5. **Following a referral to the Water Corporation (ie: the odour buffer), the following advice note is provided:**
 - a. **the primary use of the development is to remain of a laboratory nature.**
6. **Following a referral to the EPA, the following advice note is provided:**
 - a. **the EPA expects that the proposal will be implemented in an environmentally responsible way.**

**CARRIED 9/2
(Against: Mayor Hipkins & Cr. Walker)**

Council Resolution

That pursuant to section 31 of the State Administrative Tribunal Act, Council sets aside its decision of 13 December 2011 with regard to item D65.11 - No. 13 (Lot 11194) Bedbrook Place, Shenton Park – Industrial-light (Pathology, Collection & Infusion Centres) within a Two-Storey Building; and substitutes the following decision:

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- 1. The four (4) existing mature trees identified on the site plan shall be retained and maintained to the satisfaction of the City;**
- 2. The existing remnant vegetation located within 4.5 m of the rear boundary shall be retained, and the area of existing unvegetated land within this 4.5 m area shall be revegetated, to the satisfaction of the Council, for the purpose of creating a biodiversity corridor;**
- 3. The existing trees and areas of remnant vegetation to be retained shall be protected prior to, and during demolition and construction (refer to advice note 2);**
- 4. Prior to the commencement of clearing of the land, a detailed landscape plan shall be submitted for approval by the City. The landscape plan shall:**
 - a. identify the four (4) existing mature trees to be retained;**
 - b. identify the existing remnant vegetation within 4.5 m of the rear boundary;**
 - c. identify any other remnant vegetation that will be maintained on the site, especially in areas surrounding the existing mature trees which are to be retained;**
 - d. identify other areas of landscaping in accordance with landscape plan submitted with the application;**
 - e. consider suitable fencing and other treatments (ie tunnels) to facilitate the linkage of the biodiversity corridor to adjacent lots; and**

- f. no clearing of the land may be commenced until the detailed landscape plan is approved by the City and development must thereafter comply with the approved plan.**
- 5. All landscaping and revegetation shall be carried out in conjunction with, and to the satisfaction of the City, using best practice principles for landscaping and revegetation (refer to advice note 3);**
- 6. The landscaping is to be established prior to the development being first occupied and thereafter maintained the satisfaction of the City throughout the life of the development;**
- 7. The verge parking spaces may be constructed to Council's specifications by the applicant/owner and at the applicant/owner's cost;**
- 8. The parapet wall shall be finished to a quality finish and to a professional standard to the satisfaction of the City;**
- 9. 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;**
- 10. All stormwater from building, paved areas and driveways shall be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 10 year recurrent storm event; and soak-wells shall be a minimum capacity of 1 m³ for every 80 m² of paved or roofed surface on the property; and**
- 11. 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

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- 2. In relation to condition 3, it is expected that fencing be used to protect the existing remnant vegetation during construction and the area around the trees be fenced off at least 1 m beyond the drip line (area directly located under the outer circumference of the tree branches, (i.e. the canopy)) to protect the tiny rootlets that take up water for the tree;**
- 3. In relation to condition 5, best practice principles and techniques shall include:**
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 - b. translocate topsoil and leaf litter layer to the cleared area to prevent soil movement, maintain leaf litter cover for reptile movement, and transfer seed bank to assist with revegetation;**
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 - v. achieve density similar to that of surrounding remnant vegetation (could take up to five (5) years); and**
 - vi. Provide maintenance to ensure plant survival and prevent weed encroachment.**

- 4. The site has special environmental qualities of a local and regional nature, specifically that it is an ecological linkage between larger sites in the immediate vicinity with high quality remnant vegetation. Although an eco-link has been provided to some degree, the City strongly encourages the applicant to reconsider at least a minimum 10 m wide eco-link along the western side of the lot;**
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 - a. the primary use of the development is to remain of a laboratory nature.**
- 6. Following a referral to the EPA, the following advice note is provided:**
 - a. the EPA expects that the proposal will be implemented in an environmentally responsible way.**

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 7.55 pm.