



City of Nedlands

Minutes

Council Committee Meeting

9 July 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.

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City of Nedlands

Minutes of a meeting of the Council Committee held in the Council Chambers, Nedlands on Tuesday 9 July 2013 at 7 pm.

Declaration of Opening

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

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

Present and Apologies and Leave Of Absence (Previously Approved)

Councillors	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor K E Collins	Coastal Districts Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor S J Porter (from 7.04 pm)	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor J Wetherall	Hollywood Ward
	Councillor T James	Melvista Ward
	Councillor N Shaw	Melvista Ward
	Councillor M L Somerville-Brown	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 Panayotou	Manager Community Services Centres
	Mrs N Ceric	Executive Assistant

Public There were 9 members of the public present.

Press The Post Newspaper representative.

Leave of Absence (Previously Approved) Councillor R M Binks Hollywood Ward

Apologies Councillor W R Hassell Dalkeith Ward

Absent Nil.

Disclaimer

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

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

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

Ms K Jacobs, 32 Brisbane Terrace, Perth
(spoke in support of the recommendation) Report PD29.13

Mr S Harper, 7 Thomas Street, Nedlands
(spoke in support of the recommendation) Report PD30.13

Mr C Glasson, 40 Golf View Street, Yokine
(spoke in support of the recommendation) Report PD31.13

Mr P Evans, 3/318 Oxford Street, Leederville
(spoke in opposition to the recommendation) Report PD31.13

Ms C Sands, 27 Tyrell Street, Nedlands
(spoke in relation to parking issues) Report TS10.13

2. 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.

3. 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.

3.1 Councillor James – TS10.13 - Parking Restrictions Surrounding Stirling Highway

Councillor James disclosed an impartiality interest in Item TS10.13 - Parking Restrictions Surrounding Stirling Highway. She disclosed that she lives near the area, and as a consequence, there may be a perception that her impartiality on the matter may be affected. She declared that she would consider this matter on its merits and vote accordingly.

3.2 Councillor Somerville-Brown – TS10.13 - Parking Restrictions Surrounding Stirling Highway

Councillor Somerville-Brown disclosed an impartiality interest in Item TS10.13 - Parking Restrictions Surrounding Stirling Highway. He disclosed that he lives in the area and has an interest in common, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

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

Nil.

5. Confirmation of Minutes

5.1 Committee Meeting 11 June 2013

Moved – Councillor Shaw
Seconded – Councillor Collins

The minutes of the Council Committee held 11 June 2013 are confirmed.

CARRIED UNANIMOUSLY 10/-

6. Matters for Which the Meeting May Be Closed

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

Nil.

7. Divisional Reports

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

7.1 Planning & Development Report No's PD29.13 to PD31.13

Planning & Development Report No's PD29.13 to PD31.13 to be dealt with at this point (copy attached yellow cover sheet).

PD29.13No. 110 (Lot 153) Stirling Hwy, Nedlands – Proposed Office Additions (Ground and Upper Floors)

Committee	09 July 2013
Council	23 July 2013
Applicant	JUO
Owner	Cherry Field Pty Ltd
Officer	Laura Sabitzer – Planning Officer
Director	Peter Mickleson – Director Planning & Development
File Reference	DA12/463 : ST6/110
Previous Item	Nil

Non-Elector

Moved – Councillor Hodsdon

Seconded – Councillor James

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

CARRIED UNANIMOUSLY 10/-

Ms K Jacobs, 32 Brisbane Terrace, Perth
(spoke in support of the recommendation)

Report PD29.13

Councillor Porter joined the meeting at 7.04 pm.

Mr G Trevaskis, CEO left the room at 7.04 pm and returned at 7.09 pm.

Regulation 11(da) – Councillors agreed to allow the proposed road reservation area for car bays. Administration will prepare suitable conditions for the approval for Council’s consideration.

Moved – Councillor Shaw

Seconded – Councillor McManus

Council approves an application for proposed office additions (ground and upper floors) at No. 110 (Lots 153) Stirling Hwy, Nedlands in accordance with the application received 21 November 2012 and the plans received 21 May 2013.

CARRIED 8/-

(Abstained: Mayor Hipkins Crs. Porter & Somerville-Brown)

Committee Recommendation

Council approves an application for proposed office additions (ground and upper floors) at No. 110 (Lots 153) Stirling Hwy, Nedlands in accordance with the application received 21 November 2012 and the plans received 21 May 2013.

Recommendation to Committee

Council refuses an application for proposed office additions (ground and upper floors) at No. 110 (Lots 153) Stirling Hwy, Nedlands in accordance with the application received 21 November 2012 and the plans received 21 May 2013 for the following reasons:

1. an insufficient number of car bays are provided for the office – professional use. The car bays in the proposed road reservation area cannot be included in the calculation of car parking requirements under schedule III of the City of Nedlands Town Planning Scheme No.2;
2. the external appearance of the proposed addition will negatively impact the amenity of the surrounding area and does not satisfy the clause 5.5.1 of the City of Nedlands Town Planning Scheme No.2; and
3. the proposal is not orderly and proper planning.

PD30.13	No.7 (Lot 76) Thomas St, Nedlands - Proposed Three Storey Additions & Pool
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Committee	9 July 2013
Council	23 July 2013
Applicant	Stephen Harper
Owner	Stephen Harper
Officer	Elle O'Connor – Planning Officer
Director	Peter Mickleson – Director Planning & Development
File Reference	TH5/7: DA2013/134: M13/16432
Previous Item	Nil

Mr S Harper, 7 Thomas Street, Nedlands
(spoke in support of the recommendation)

Report PD30.13

Regulation 11(da) – Councillors agreed to approve the application due to non-objection from neighbours, but increased the rear setback to 6 metres. Administration will prepare conditions for approval for Council’s consideration.

Moved – Councillor McManus
Seconded – Councillor Wetherall

Council approves an application for three storey additions located at No.7 (76) Thomas Street, Nedlands in accordance with the application and plans dated 10 April 2013.

Amendment

Moved - Councillor James
Seconded - Councillor Horley

That the rear set back is increased to 6 metres (West).

**AMENDMENT CARRIED 6/2
(Against: Crs. McManus & Argyle)
(Abstained: Crs. Shaw Wetherall & Collins)**

The substantive motion was put and

**CARRIED 4/3
(Against: Mayor Hipkins Crs. McManus & Argyle)
(Abstained: Crs. Collins Porter Shaw & Somerville-Brown)**

Committee Recommendation

Council approves an application for three storey additions located at No.7 (76) Thomas Street, Nedlands in accordance with the application and plans dated 10 April 2013 with the following condition:

- 1. That the rear set back is increased to 6 metres (West).**

Recommendation to Committee

Council refuses an application for three storey additions located at No.7 (76) Thomas Street, Nedlands in accordance with the application and plans dated 10 April 2013 for the following reasons:

1. the overall bulk and scale of the proposed development in relation to the adjoining boundaries and surrounding area is considered to cause an adverse affect on the amenity of the adjoining owners;
2. the external appearance of the development and cumulative effect of all the variations will have an adverse impact on the amenity of the surrounding area; and
3. the proposal will not be orderly and proper planning.

PD31.13	Sand Volley Australia Pty Ltd – Sublease of “old bowling green” from Hollywood Subiaco Bowling Club, Smyth Road Nedlands and Variation of Lease with Hollywood Subiaco Bowling Club Inc.
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Committee	09 July 2013
Council	23 July 2013
Applicant	City of Nedlands
Owner	City of Nedlands – Head Lessor; Hollywood Subiaco Bowling Club Inc – Sublessor
Officer	Rebecca Boley – Property Management Officer
Director	Peter Mickleson – Director Planning & Development
File Reference	M13/16436; IFM/426-07
Previous Items	Item PD 26.13 25 June 2013 Item PD 53.12 27 November 2012 Item C148.97 23 September 1997 Item F27.97 25 February 1997

Councillor Somerville-Brown left the room at 8.03 pm.

Non-Elector

Moved – Councillor Hodsdon
Seconded – Councillor Collins

That Mr Glasson, a non-elect of the City be permitted to address the meeting.

CARRIED UNANIMOUSLY 10/-

Mr C Glasson, 40 Golf View Street, Yokine
Representing the Sand Volley Australia Pty Ltd.
(spoke in support of the recommendation)

Report PD31.13

Non-Elector

Moved – Councillor Hodsdon
Seconded – Councillor Collins

That Mr Evans, a non-elect of the City be permitted to address the meeting.

CARRIED UNANIMOUSLY 10/-

Mr P Evans, 3/318 Oxford Street, Leederville
Representing the Hollywood Subiaco Bowling Club Inc.
(spoke in opposition to the recommendation)

Report PD31.13

Councillor Somerville-Brown returned to the room at 8.05 pm.

Regulation 11(da) – Councillors referred this matter back to enable further discussion with the Bowling Club.

Moved – Councillor James
Seconded – Councillor Collins

Refer back to enable meeting with the Bowling Club.

**CARRIED 92
(Against: Crs. Porter & Somerville-Brown)**

Committee Recommendation

Refer back to enable meeting with the Bowling Club.

Recommendation to Committee

Council:

1. approves the CEO and Mayor to execute the Deed of Sublease for a term with expiry on 30 April 2018 and on the terms as per Attachment 1 (the Sublease);
2. approves the provision of the Sublease to allow for Sand Volley Australia Pty Ltd (Sand Volley) to apply for and have a liquor licence if granted by the Department of Racing Gaming and Liquor;
3. approves the provision of the Sublease which requires that any conduct at the premises be in accordance with any Development Approval received for the premises;
4. authorises the CEO to finalise the content of the provision in Annexure 2 of the Sublease relating to the list of works and associated time frame in accordance with the Development Approval resolved by Council on 25 June 2013;
5. approves the CEO and Mayor to execute the Deed of Variation of Lease with the Hollywood Subiaco Bowling Club (the Bowling Club) to vary the rental from peppercorn to a portion equal to 47% of the Sublease rental from Sand Volley as per Attachment 2; and

6. Requires a further provision in the Deed of Sublease to be executed by the Mayor and CEO as follows:

The Sublessee and Sublessor agree that any functions held on the Premises may only occur:

- a. in accordance with any conditions of a development approval in respect of the land; and
 - b. only with the prior written consent of the City, which consent the City may withhold in its absolute discretion.
7. Requires the definition for “functions” to be included in the Deed of Sublease to be executed by the Mayor and CEO as follows:

“a gathering of people at which there is likely to be consumption of alcohol and for a purpose outside Sand Volley’s main operation of a Sand Volleyball and Netball competition”.

7.2 Technical Services Report No's TS09.13 to TS10.13

Technical Services Report No's TS09.13 to TS10.13 to be dealt with at this point (copy attached blue cover sheet).

Moved – Councillor Somerville-Brown
 Seconded – Councillor James

That Item TS10.13 be brought forward

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

TS10.13	Parking Restrictions Surrounding Stirling Highway
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Committee	9 July 2013
Council	23 July 2013
Applicant	City of Nedlands
Director	Mark Goodlet – Director Technical Services
File Reference	TPN/152
Previous Item	2011 Council Minutes – 13 December – T18.11 2011 Traffic Management Committee – 5 April – Item 7.6 2011 Traffic Management Committee – 1 March – Item 7.5

Councillor Somerville-Brown – Impartiality Interest

It was noted that Councillor Somerville-Brown had previously declared an impartiality interest as advised earlier in the meeting at item 3.

Councillor James – Impartiality Interest

It was noted that Councillor James had previously declared an impartiality interest as advised earlier in the meeting at item 3.

Ms C Sands, 27 Tyrell Street, Nedlands
 (spoke in relation to parking issues)

Report TS10.13

Regulation 11(da) – Councillor agreed to reinstating parking restriction at the corner of Stirling Hwy and Archdeacon Street.

Moved – Councillor James

Seconded – Councillor Somerville-Brown

That the Recommendation to Committee is adopted subject to:

Reinstating historical parking times from the corner of Stirling Hwy and Archdeacon St West side to number 1 Archdeacon St.

That is, change 2 hour parking back to 1 hour parking and have no parking on the West side of Archdeacon St in this 1 hour parking zone, opposite the driveway to the apartments on the corner of Stirling Hwy and Archdeacon St.

Councillor McManus left the room at 8.38 pm and returned at 8.40 pm.

Councillor Porter left the room at 8.43 pm and returned at 8.46 pm.

Councillor Hodsdon & Councillor Shaw left the room at 8.47 pm and returned at 8.48 pm.

**CARRIED 8/1
(Against: Cr. Argyle)
(Abstained: Crs. Hodsdon & Shaw)**

Committee Recommendation / Recommendation to Committee

Council:

- 1. Approves the implementation of permanent parking restrictions as per the trial restrictions (Attachment 1); with the following amendments:
 - a. reinstate 2 hour parking back to 1 hour parking (from the corner of Stirling Hwy and Archdeacon Street West side to number 1 Archdeacon Street); and**
 - b. no parking on the West side of Archdeacon Street in this 1 hour parking zone, opposite the driveway to the apartments on the corner of Stirling Hwy and Archdeacon Street.****
- 2. Approved the implementation of additional parking restrictions to Bruce Street, Archdeacon Street, Tyrell Street, Thomas Street and Webster Street (refer to attachment 2);**
- 3. Approves the implementation of additional parking bays near the intersections of Stirling Highway as part of the ongoing capital roads program;**
- 4. Agrees to support line marking delineation for residential driveways near parking generating facilities in accordance with the Chief Executive Officer's existing delegated traffic management authority;**
- 5. Agrees to create a reserve fund entitled 'Cash in Lieu of Parking' for setting aside of these funds from development applications where the Council has approved cash in lieu of parking;**
- 6. Agrees to provide in-principle support for some four hour parking near businesses on Stirling Highway, subject to consultation, design and in accordance with the Chief Executive Officer's existing delegated traffic management authority and subject to budget approval; and**
- 7. Authorises the amendment of the short term parking on Weld St, near Stirling Highway, from half an hour to one hour parking restriction.**

TS09.13	Black Spot Project 2012/2013 – Stirling Highway & Vincent Street, Nedlands
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Committee	9 July 2013
Council	23 July 2013
Applicant	City of Nedlands
Officer	Wayne Mo – Design Engineer
Director	Mark Goodlet – Director Technical Services
File Reference	ST6-09, TEC/009-03, D11/16109
Previous Item	Nil.

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor Porter

Seconded – Councillor Somerville-Brown

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council approves the construction of the traffic island on Stirling Highway as approved under the Main Roads WA Black Spot Program (refer to attachment 2).

Please note this item was brought forward (see page 14).

TS10.13	Parking Restrictions Surrounding Stirling Highway
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Committee	9 July 2013
Council	23 July 2013
Applicant	City of Nedlands
Officer	
Director	Mark Goodlet – Director Technical Services
File Reference	TPN/152
Previous Item	2011 Council Minutes – 13 December – T18.11 2011 Traffic Management Committee – 5 April – Item 7.6 2011 Traffic Management Committee – 1 March – Item 7.5

7.3 Corporate & Strategy Report No's CPS23.13

Report No's CPS23.13 to CPS24.13 to be dealt with at this point (copy attached green cover sheet).

CPS23.13	List of Accounts Paid – May 2013
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Committee	9 July 2013
Council	23 July 2013
Applicant	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate & Strategy
File Reference	Fin/072-18
Previous Item	Nil

Regulation 11(da) – Not applicable Recommendation adopted.

Moved – Councillor Collins
 Seconded – Councillor Hodsdon

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

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

CPS24.13	Updated Schedule of Fees and Changes – Planning and Development (Local Government Planning Fees) Regulations 2009
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Committee	9 July 2013
Council	23 July 2013
Applicant	City of Nedlands
Officer	Rajah Senathirajah, Manager Finance
Director	Michael Cole, Director Corporate and Strategy
File Reference	ORN/116-04
Previous Item	Nil

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor Shaw
 Seconded – Councillor Collins

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

CARRIED 10/-
(Abstained: Cr. Hodsdon)

Committee Recommendation / Recommendation to Committee

Council adopts the amended schedule of fees and charges for Planning and Development as per the attachment.

CITY OF NEDLANDS
AMENDED SCHEDULE OF FEES & CHARGES - PLANNING SERVICES
For the year ending 30 June 2014

Development / Planning		Current Year		Amended Fee
Particulars		Fees \$	GST Yes / No	
Development Application Fees (excluding an Extractive Industry)*				
Estimated Cost Of Development				
Not more than \$50,000		139.00	No	147.00
				0.32% of the estimated cost of development
More than \$50,000 but not more than \$500,000		0.32% of the estimated cost of development	No	147.00
				\$1,700 + 0.257% for every \$1 in excess of \$500,000
More than \$500,000 but not more than \$2.5 million		\$1,600 + 0.257% for every \$1 in excess of \$500,000	No	\$1,700 + 0.257% for every \$1 in excess of \$500,000
				\$7,161 + 0.206% for every \$1 in excess of \$2.5 million
More than \$2.5 million but not more than \$5 million		\$6,740 + 0.206% for every \$1 in excess of \$2.5 million	No	\$7,161 + 0.206% for every \$1 in excess of \$2.5 million
				\$12,633 + 0.123% for every \$1 in excess of \$5 million
More than \$5 million but not more than \$21.5 million		\$11,890 + 0.123% for every \$1 in excess of \$5 million	No	\$12,633 + 0.123% for every \$1 in excess of \$5 million
More than \$21.5 million		32,185.00	No	34,196.00
Provision of a Subdivision Clearance (incl. Strata Survey)*				
Not more than 5 Lots	Per lot	69.00	No	73.00
More than 5 Lots but not more than 195 Lots	Per lot for the first 5 lots Each subsequent lot - per lot	69.00	No	73.00
		35.00	No	35.00
More than 195 Lots		6,959.00	No	7,393.00
Scheme Amendments, Structure Plans and Outline Development Plans				
Based on estimated actual costs at the following Statutory Rates				
As deposit on lodgement - Scheme Amendment		2,400.00	Yes	2,500.00
As deposit on lodgement - Structure Plan/Outline Development Plan		15,000.00	Yes	15,000.00
Note: Deposit on lodgement are estimates only, subject to complexity of application and at discretion of the City				
Director/Council Planner	Per hour	83.00	Yes	88.00
Manager/Senior Planner	Per hour	63.00	Yes	66.00
Planning Officer	Per hour	34.70	Yes	36.86
Other Staff e.g. Environmental Health	Per hour	34.70	Yes	36.86
Secretarial/Administrative	Per hour	28.40	Yes	30.20
Other Planning Fees*				
Section 40 Certificate		110.00	No	115.00
Issue of Zoning Certificate		69.00	No	73.00
Property Settlement Questionnaire response		69.00	Yes	73.00
Issue of Written Planning Advice		69.00	Yes	73.00
Change of Use/Continuation of Non Conforming Use		280.00	No	295.00

CITY OF NEDLANDS
AMENDED SCHEDULE OF FEES & CHARGES - PLANNING SERVICES
For the year ending 30 June 2014

Development / Planning				
Particulars		Current Year		Amended Fee
		Fees \$	GST Yes / No	
	Determining a retrospective application for a change of use/continuation of non conforming use *	840.00	No	885.00
Home Business	Initial application where home business has not commenced	209.00	No	222.00
	Determining a retrospective application for home occupation *	627.00	No	666.00
	Renewal where application is made before the approval expires (Per Annum)	69.00	No	73.00
	Renewal where application is made after the approval has expired *	207.00	No	219.00
Publications	Town Planning Scheme Text	60.00	Yes	62.50
	Town Planning Scheme Maps	110.00	Yes	115.00

* Retrospective Planning Fees are the usual fees for the application plus, by way of penalty, twice the fees. In other words 3 times the fees.

8. Reports by the Chief Executive Officer

Nil.

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

Nil.

10. Confidential Items

Nil.

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 9.14 pm.