



City of Nedlands

Minutes

Council Committee Meeting

14 October 2014

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

Notice of a meeting of the Council Committee held in the Council Chambers on Tuesday 14 October at 7.00pm.

Council Committee Minutes

Declaration of Opening

The Presiding Member will declare the meeting open at 7.00pm and drew attention to the disclaimer below:

(Note: At the Ordinary Meeting held on 24 August 2014, Council resolved that should the meeting time reach 11.00pm, the meeting is to consider an adjournment motion to reconvene the next day).

Councillors	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor T James	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K Smyth	Coastal Districts Ward
	Councillor W R Hassell	Dalkeith Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor S J Porter	Dalkeith Ward
	Councillor R M Binks	Hollywood Ward
	Councillor J Wetherall	Hollywood 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
	Mrs A Sunderland	Executive Assistant

Public There were 2 members of the public present.

Press The Post Newspaper representative.

Leave of Absence (Previously Approved) Councillor N Shaw Melvista Ward

Apologies Councillor G Hay Melvista Ward
Ms M Granich, Manager Community Development

Absent Councillor B G Hodsdon Hollywood Ward

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 a Council's position. For example, by reference to the Confirmed Minutes of a Council Meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

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1. Public Question Time

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

The order in which the Chief Executive Officer 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.

There were no questions received.

2. Address by Members of the Public (only items listed on the Agenda)

Addresses by members of the public who have completed the Intention to Address Council Forms will be invited to address Council as their item is discussed by the Committee.

Mr B Rudd, 45 Langham Street, Nedlands
(Spoke against the recommendation regarding the car port, and for the recommendation regarding the front fence)

PD41.14

3. Disclosures of Financial Interest

The Presiding Member will remind Councillors and Staff of the requirements of Section 5.65 of the *Local Government Act (1995)* to disclose any interest during the meeting when the matter is discussed.

There were no declarations of Financial Interest received

4. Disclosures of Interests Affecting Impartiality

The Presiding Member is to remind Councillors and Staff of the requirements of the Council's *Code of Conduct* in accordance with Section 5.103 of the *Local Government Act (1995)*.

There were no Disclosures of Interest Affecting Impartiality received.

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

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

6. Confirmation of Minutes

6.1 Committee Meeting 9 September 2014

Moved – Councillor Argyle

Seconded – Councillor McManus

The Minutes of the Council Committee Meeting held on 9 September 2014 be confirmed.

**CARRIED 9/
(Abstained: Cr: Hassell)**

7. Matters for Which the Meeting May Be Closed

In accordance with Standing Order Local Law and for the convenience of the public, the Committee is to identify any matter which is to be discussed behind closed doors.

Nil.

8. Divisional Reports

Note:

Regulation 11(da) of the *Local Government Act (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. Not a decision to only note the matter or to return the recommendation for further consideration.

8.1 Planning and Development Report No's PD41.14 to PD42.14

Planning & Development Report No's PD10.14 to PD13.14 to be dealt with at this point (copy attached yellow cover sheet).

PD41.14	(Lot 34) No. 45 Langham Street Nedlands – Proposed Additions (Double Carport, Front Fence, Retaining Walls and Associated Site Works) to Single House
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Committee	14 October 2014
Council	28 October 2014
Applicant	Mr B J Rudd
Landowner	Mr B J Rudd & Ms H Cole
Officer	Andrew Gizariotis – Planning Consultant
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2014/302 – LA3/45

Mr B Rudd, 45 Langham Street, Nedlands
(Spoke against the recommendation regarding the car port, and for the recommendation regarding the front fence)

PD41.14

Mr Trevaskis departed the Chambers at 7.07pm and returned at 7.12pm.

Regulation 11(da) – Not applicable – Recommendation adopted

Moved – Councillor James

Seconded – Councillor Wetherall

Council:

1. Approves the application for additions (front fence, retaining walls and associated site works) to a single house at (Lot 34) No. 45 Langham Street Nedlands, in accordance with the application received on 27 May 2014 and amended plans received on 12 August 2014, subject to the following conditions:
 - a. This planning approval only pertains to the following (as marked in red on the plans):
 - i. The front fence; and
 - ii. Retaining walls and associated site works and carport.
 - b. This planning approval does pertain to the double carport (as marked in red on the plans).
 - c. The development shall at all times comply with the approved plans, as modified by any conditions.

- d. Front walls and fences in the primary street setback area, shall be:
 - i. A maximum height of 1.8m above Natural Ground Level at the base of the wall;
 - ii. Visually Permeable above 1.2m in accordance with the Residential Design Codes 2013 and Council Policy; and
 - iii. Truncated or reduced to no higher than 750mm within 1.5m of where walls and fences adjoin vehicle access points, including neighbouring properties.
- e. The crossover is not to be modified without separate approval from the City's Engineering Department.
- f. All footings and structures to retaining walls and fences are to be constructed wholly inside the site boundaries of the Certificate of Title.

Advice Notes specific to this proposal:

- a. The landowner is advised to limit construction noise and hours as per the Environmental Protection (Noise) Regulations 1997.
 - b. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. Approves the application for additions (double carport) to a single house at (Lot 34) No. 45 Langham Street Nedlands, in accordance with the application received on 27 May 2014 and amended plans received on 12 August 2014.

DECLARED LOST 4/4 on Mayor's Casting vote
(Against: Crs. Mayor Smyth Porter Horley)
(Abstained: Crs. Hassell Binks)

Mr Cole departed the Chambers at 7.12pm and returned at 7.13pm.

Substantive Motion

Moved – Councillor Porter
Seconded – Councillor Binks

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

CARRIED 5/4
(Against: Crs. James, McManus, Argyle & Wetherall)
(Abstained: Crs. Hassell)

Recommendation to Committee / Committee Recommendation

Council:

1. Approves the application for additions (front fence, retaining walls and associated site works) to a single house at (Lot 34) No. 45 Langham Street Nedlands, in accordance with the application received on 27 May 2014 and amended plans received on 12 August 2014, subject to the following conditions:
 - a. This planning approval only pertains to the following (as marked in red on the plans):
 - i. The front fence; and
 - ii. Retaining walls and associated site works.
 - b. This planning approval does not pertain to the double carport (as marked in red on the plans).
 - c. The development shall at all times comply with the approved plans, as modified by any conditions.
 - d. Front walls and fences in the primary street setback area, shall be:
 - i. A maximum height of 1.8m above Natural Ground Level at the base of the wall;
 - ii. Visually Permeable above 1.2m in accordance with the Residential Design Codes 2013 and Council Policy; and
 - iii. Truncated or reduced to no higher than 750mm within 1.5m of where walls and fences adjoin vehicle access points, including neighbouring properties.
 - e. The crossover is not to be modified without separate approval from the City's Engineering Department.
 - f. All footings and structures to retaining walls and fences are to be constructed wholly inside the site boundaries of the Certificate of Title.

Advice Notes specific to this proposal:

- a. The landowner is advised to limit construction noise and hours as per the Environmental Protection (Noise) Regulations 1997.
 - b. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.
2. Refuses the application for additions (double carport) to a single house at (Lot 34) No. 45 Langham Street Nedlands, in accordance with the application received on 27 May 2014 and amended plans received on 12 August 2014, for the following reasons:
 - a. This planning refusal does not pertain to the following (as marked in red on the plans):
 - i. The front fence; and
 - ii. Retaining walls and associated site works.

- b. This planning refusal only pertains to the double carport (as marked in red on the plans).**
- c. The proposed double carport does not meet the intended purpose of Local Planning Policy 6.23 – Carports and minor structures forward of the primary street setback, as the proposed setback is inconsistent with the established character and setback pattern within Langham Street.**
- d. The proposed double carport does not satisfy the amenity considerations of cl. 5.5.1 of Town Planning Scheme No. 2, as the external appearance of the double carport adversely impacts on the streetscape in terms of building bulk.**
- e. The proposed double carport does not represent orderly and proper planning, in accordance with cl. 6.5.1 of Town Planning Scheme No. 2.**

PD42.14	Proposed Scheme Amendment No. 203 of Town Planning Scheme No. 2 - Re-zone Lot 96 (No. 61) Aberdare Road from R10 to R25.
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Committee	14 October 2014
Council	28 October 2014
Applicant	City of Nedlands
Owner	Pearlfield Pty Ltd
Officer	Holly White – Strategic Planning Officer
Director	Peter Mickleson – Director Planning & Development
File Reference	PLAN-PA-00001 : PLAN-002884
Previous Item	Council Meeting 10 December 2013 C13/166

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

Moved – Councillor Wetherall
 Seconded – Councillor Binks

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

CARRIED UNANIMOUSLY 10/-

Recommendation to Committee / Committee recommendation

That Council:

- 1. Initiates the proposed scheme amendment to change the zoning of Lot 96 (No. 61) Aberdare Road, Nedlands from “Residential R10” to “Residential R25.”**
- 2. Instructs administration to progress the scheme amendment in accordance with requirements of the relevant legislation.**

8.2 Technical Services Report No TS16.14

Technical Services Report No TS16.14 to be dealt with at this point (blue cover sheet attached)

TS16.14	Tender No. 2013/14.30 – Provision of Street Sweeping
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Committee	14 October 2014
Council	28 October 2014
Applicant	City of Nedlands
Officer	Nathan Brewer – Purchasing and Tenders Coordinator
Director	Mark Goodlet – Director Technical Services
File Reference	TS-PRO-00017
Previous Item	Nil.

Regulation 11(da) – Not applicable – Recommendation adopted

Moved – Councillor Binks
Seconded – Councillor James

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

CARRIED UNANIMOUSLY 10/-

Mr Mickleson departed the Chambers at 7.35pm.

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

- 1. Agrees to award tender no. 2013/14.30 to Environmental Waste Water Catchment Service trading as Envirosweep for the provision of street sweeping 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.**

8.3 Community & Organisational Development Reports

Nil reports.

8.4 Corporate & Strategy's Report No's CPS32.14 to CPS34.14

Corporate & Strategy's Report No's CPS32.14 to CPS34.14 to be dealt with at this point (green cover sheet attached)

CPS32.14	List of Accounts Paid – August 2014
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Committee	14 October 2014
Council	28 October 2014
Applicant	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate & Strategy
File Reference	Fin/072-17
Previous Item	Nil

Mr Mickleson returned to the Chambers at 7.37pm.

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

Moved – Councillor McManus
Seconded – Councillor Hassell

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 10/-

Recommendation to Committee / Committee recommendation

Council receives the List of Accounts Paid for the month of August 2014 (Refer to Attachment).

CPS33.14	Public Places and Local Government Property Local Law 2014
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Committee	14 October 2014
Council	28 October 2014
Applicant	City of Nedlands
Officer	Phoebe Huigens, Policy & Projects Officer
Director	Michael Cole, Director Corporate & Strategy
File Reference	CS-000785
Previous Item	Nil

Please note that under section 3.12(2) of the *Local Government Act 1995*, the Presiding Member is to 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 local government property and activities conducted on local government property.

The effect of the local law is to establish a system regulating activities on council property with which persons wishing to conduct such activity must observe.

Regulation 11(da) – Councillors agreed to defer the decision on this item until the Ordinary Meeting of Council to discuss the proposed local law at a Councillor Briefing.

Moved – Councillor James
Seconded – Councillor Argyle

Committee Recommendation

That Council defers the proposed *City of Nedlands Public Places and Local Government Local Law 2014* as contained in Attachment 1 for further discussion at a Councillor Briefing prior to advertisement.

CARRIED UNANIMOUSLY 10/-

Recommendation to Committee

Council agrees to advertise the proposed *City of Nedlands Public Places and Local Government Local Law 2014* as contained in Attachment 1.

ABSOLUTE MAJORITY REQUIRED

CPS34.14	Post-Audit Changes to 2014/15 Budget
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Committee	14 October 2014
Council	28 October 2014
Applicant	City of Nedlands
Officer	Rajah Senathirajah – Manger Finance
Director	Michael Cole - Director Corporate & Strategy
File Reference	FIN/003-15
Previous Item	Nil

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

Moved – Councillor James
 Seconded – Councillor Hassell

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

CARRIED UNANIMOUSLY 10/-

Recommendation to Committee / Committee Recommendation

Council:

1. **Receives and adopts the changes to the 2014/15 adopted Budget following the audit of the Annual Financial Statements for the 2013/14 financial year;**
2. **Notes the additional brought forward surplus from 2013/14 financial year of \$1,488,842 includes the following:**
 - a. **\$1,204,884 of unutilised funding for capital works approved in 2013/14 but carried forward for completion in 2014/15; and**
 - b. **\$18,072 of unspent operating grants to be utilised in the current year.**
3. **Approves the inclusion in the 2014/15 Capital Works Budget the brought forward capital works, as listed in Attachment 1 and totalling \$1,392,987; and**
4. **approves the revised Rate Setting Statement incorporating the above adjustments, with the reduced deficit at the end of this financial year of \$61,446 (this amount being subject to the Mid-year budget Review in January 2015).**

ABSOLUTE MAJORITY REQUIRED

9. Reports by the Chief Executive Officer

Nil.

10. Urgent Business Approved by the Presiding Member or by Decision

Nil.

11. Confidential Items

Nil.

Declaration of Closure

There being no further business, the Presiding Member will declare the meeting closed at 8.02pm.