



City of Nedlands

# ***Minutes***

## ***Council Committee***

***13 October 2015***

### **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 to be held in the Council Chambers on Tuesday 13 October at 7.00pm.

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#### Declaration of Opening

The Presiding Member declared the meeting open at 7.00pm and drew your 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).

<b>Councillors</b>	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor T P James	Melvista Ward
	Councillor G A R Hay	Melvista Ward
	Councillor N B J Horley	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 B G Hodsdon	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward

<b>Staff</b>	Mr G K Trevaskis	Chief Executive Officer
	Mr M R Cole	Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Ms J M Scott	Acting Director Technical Services
	Miss D J Maxwell	Executive Assistant

**Public** There were 7 members of the public present.

**Press** No representatives from the Press

**Leave of Absence (previously approved)** Councillor K A Smyth Coastal Ward

**Apologies** Councillor N W Shaw Melvista Ward  
Mr M A Goodlet Director Technical Services

**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.

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**

Nil

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

Mr Aaron Lohman  
Rowe Group, Level 3, 369 Newcastle Street Northbridge  
(Spoke in support for the recommendation)

PD42.15

**3. Disclosures of Financial Interest**

Nil

**4. Disclosures of Interests Affecting Impartiality**

Nil

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

Nil

**6. Confirmation of Minutes**

**6.1 Committee Meeting 8 September 2015**

Moved – Councillor Binks  
Seconded – Councillor Argyle

**The Minutes of the Council Committee held on the 8 September 2015, be confirmed.**

**CARRIED 9/-  
(Abstained: Crs. Hassell & Wetherall)**

**7. Matters for Which the Meeting May Be Closed**

The CEO informed the Meeting that the scheduled item for discussion behind closed doors had been withdrawn at the request of the proponents.

**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 & Development Report No's PD42.15 TO PD43.15**

<b>PD42.15</b>	<b>(Lot 579) No. 17 Viking Road, Dalkeith – Three Storey Single House</b>
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<b>Committee</b>	13 October 2015
<b>Council</b>	27 October 2015
<b>Applicant</b>	Milankov Designs and Project Management Pty Ltd
<b>Owner</b>	H Indra
<b>Officer</b>	Kate Bainbridge – Senior Statutory Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	DA14/514
<b>Previous Item</b>	PD35.15 – 8 September 2015 Withdrawn by applicant

Mr Aaron Lohman, Rowe Group  
Level 3, 369 Newcastle Street, Northbridge  
(Spoke in support of the recommendation)

PD42.15

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

Moved – Councillor Hassell  
Seconded – Councillor Argyle

**Committee Recommendation / Recommendation to Committee**

**Council approves the application for a Three Storey Single House at (Lot 579) No. 17 Viking Road, Dalkeith, in accordance with the application received on 16 October 2014 and amended plans received on 31 August 2015, subject to the following conditions:**

- 1. The development shall at all times comply with the approved plans.**
- 2. Amended plans shall be submitted and approved by the City prior to the lodgement of a building permit demonstrating all fencing within the front setback is no higher than 1.2m above natural ground level. This includes the fencing along the eastern and western side boundaries within the front setback.**
- 3. The use of the basement level shall be restricted to uses of plant and equipment, storage, toilets and/or the parking of wheeled vehicles. Prior to occupation of the dwelling / development, the owner shall execute and**

provide to the City a notification pursuant to s. 70A of the *Transfer of Land Act 1893* to be registered on the title to the land as notification to prospective purchasers that the use of the basement level is subject to the restriction set out above.

4. Front walls and fences in the primary street setback area shall be:
  - a) A maximum height of 1.2m above natural ground level at the base of the wall; and
  - b) All structures are truncated or reduced to no higher than 750mm within 1.5m of where walls and fences adjoin vehicle access points, including neighbouring properties.
5. The following windows of the ground floor shall be constructed with obscure material and not able to be opened or if an awning window, not able to be opened more than 0.3m:
  - a) The study window of the western façade
  - b) The study window of the northern façade
  - c) The wet kitchen of the eastern façade
  - d) The guest window of the eastern façade
  - e) The guest window of the southern façade
  - f) The living room window of the eastern façade
6. All existing and proposed fencing, visual privacy screens and obscure glass panels to Major Openings and Active Habitable Spaces shown on the approved drawings, shall prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes 2013* (R-Codes). The screens shall ensure spacing does not permit overlooking and all structure(s) shall be installed upon practicable completion of the house and remain in place permanently, unless otherwise approved by the City.
7. All footings and structures to retaining walls, fences and parapet walls shall be constructed wholly inside the site boundaries of the Certificate of Title.
8. All street trees in the verge shown for retention are to be retained and shall not be damaged and shall not be removed without prior written approval from the Manager Parks Services.
9. 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.
10. 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.

11. 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 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development.

Advice notes specific to this approval:

1. A grated channel strip-drain shall be constructed across the driveway, aligned with and wholly contained within the property boundary, and the discharge from this drain to be run to a soak-well situated within the property.
2. 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.
3. 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.
4. 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.
5. The swimming pool fencing installed is to comply with the *Building Act 2011*, the *Building Regulations 2012* and Australian Standard S 1926.1-1992.
6. 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, at least 1.8m from the boundary of the block.
7. The applicant is advised to consult the City's *Visual and Acoustic Privacy Advisory Information* in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.

Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at [www.fairair.com.au](http://www.fairair.com.au) and use this as a guide to prevent noise affecting neighbouring properties.

Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.



- 8. It is recommended that an anti-graffiti protective coating be applied to the whole of the fence structure, to the satisfaction of the City.**
- 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. 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.**

**CARRIED 10/-  
(Abstained: Cr. Porter)**

<b>PD43.15</b>	<b>Nedlands Child Health Clinic – 152 Melvista Avenue Nedlands Reserve 21657 - Lease by Department of Health (Child and Adolescent Community Health)</b>
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<b>Committee</b>	13 October 2015
<b>Council</b>	27 October 2015
<b>Applicant</b>	Department of Health – Child & Adolescent Health Service
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rebecca Boley – Leased Assets Co-ordinator
<b>Director</b>	Peter Mickleson – Planning & Development
<b>File Reference</b>	CAP-LB-00058
<b>Previous Item</b>	CPS07.15 on 24 March 2015

**Regulation 11(da) - Not applicable – Alternative Recommendation Adopted**

Moved – Councillor James

Seconded – Councillor

Recommendation to Committee

Council;

1. Requires that the Department of Health enter into a formal lease of the Nedlands Child Health Clinic at 152 Melvista Avenue, Nedlands – Reserve 21657 on the City’s standard terms of lease for community groups.
2. Requests that the Department of Health assume responsibility for capital items of maintenance and replacement at the premises, noting its current condition, in return for a peppercorn rental
3. If the Department of Health declines to formalise the Lease on the required terms, reluctantly requests they vacate the premises, giving three months’ notice.

**LAPSED FOR WANT OF A SECONDER**

Moved – Councillor Hassell  
Seconded – Councillor Binks

**Council;**

- 1. Agrees to consider the budget item necessary to undertake works at the Nedlands Child Health Clinic at 152 Melvista Avenue, Nedlands, to restore the building to an acceptable condition.**
- 2. Agrees to enter into a Lease arrangement with the Department of Health for premises at Reserve 21657 on the basis that the lessee is responsible for all running costs of the building (including utilities, cleaning and consumables required) and routine maintenance and the City is responsible for capital works onsite. Rental will be charged at a rate sufficient to recover costs of capital works and ongoing maintenance.**
- 3. Agrees to give consideration in its ongoing annual budget to allocating sufficient funds to a 'sinking fund' to provide for necessary capital works onsite.**

**CARRIED 9/-  
(Abstained: Crs. James & Porter)**

**8.2 Technical Services Report No's TS23.15 To TS26.15**

<b>TS23.15</b>	<b>Brockway Road Easement Request</b>
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<b>Committee</b>	13 October 2015
<b>Council</b>	27 October 2015
<b>Applicant</b>	Christ Church Grammar School
<b>Officer</b>	Mark Goodlet – Director Technical Services
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>File Reference</b>	TS-008753

**Regulation 11(da) - Not applicable – Recommendation Adopted**

Moved – Councillor Binks

Seconded – Councillor Hassell

**Council consents to the creation of a lot and easement in Brockway Road shown on the preliminary deposited plan 406539 (Attachment 2 of this report) to the benefit of Christ Church Grammar School for the specified purpose of the provision of pipe services, subject to the following conditions:**

- 1. The easement being for non-exclusive use of the land subject to the easement.**
- 2. The City of Nedlands retaining the right to carry out works on the easement land at its own discretion.**
- 3. That should the pipe become redundant then Christ Church Grammar School shall arrange for the removal of the easement within two years of the pipe's redundancy.**
- 4. All costs associated with the creation, changes to, or removal of the easement on the title being the responsibility of Christ Church Grammar School.**
- 5. Inclusion of conditions 1) to 3) above on the Certificate of Title or as section 70A notification on the Certificate of Title.**

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

<b>TS24.15</b>	<b>Tender No.2014/15.24 Supply and Laying of Hot Asphalt Road Surfacing</b>
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<b>Committee</b>	13 October 2015
<b>Council</b>	27 October 2015
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Nathan Brewer – Purchasing and Tenders Coordinator
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>File Reference</b>	TS-PRO-00084
<b>Previous Item</b>	Nil

**Regulation 11(da) - Not applicable – Recommendation Adopted**

Moved – Councillor Horley  
 Seconded – Councillor Binks

**Council;**

- 1. Agrees to award tender no. 2014/15.24 to Roads 2000 Pty Ltd for the supply and laying of hot asphalt road surfacing 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.**

**CARRIED 9/-  
 (Abstained: Crs. Hay & Hodsdon)**

<b>TS25.15</b>	<b>Underground Power</b>
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<b>Committee</b>	13 October 2015
<b>Council</b>	27 October 2015
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Nathan Brewer – Purchasing and Tenders Coordinator
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>File Reference</b>	TS-PRJ-00003
<b>Previous Item</b>	Ordinary Meeting of Council 28 July 2015, Item 14.1

**Regulation 11(da) – The Committee agreed with payment for preparation of a more detailed estimate but wishes to discuss the proposal at a Councillor Briefing Session to clarify options/costings.**

Moved – Councillor Wetherall  
Seconded – Councillor Binks

**Council:**

1. **Agrees to pay \$8,000 to Western Power to prepare a +/-10% detailed estimate and a formal Relocation Works Contract for construction and commissioning works.**
2. **Other aspects of this matter be referred back for an opportunity for Councillors to attend a Briefing Session to clarify details, options and costs.**

**CARRIED UNANIMOUSLY 11/-**

Recommendation to Committee

1. Agrees to pay \$8,000 to Western Power to prepare a +/-10% detailed estimate and a formal Relocation Works Contract for construction and commissioning works.
2. Agrees to seek clarification on Western Power maintenance offset project discounts, taxation liability and exclusions.
3. Agrees to include in the advice notes, the following or similar wording on all new development applications in areas where underground power is yet to be provided; *“the owner/applicant should install attachment points and conduit for underground power on site (to facilitate the placing of power lines underground in street)”*.
4. Agrees to further investigate Options 1 and 2 in detail, which provide for a 50/50 lot owner/City shared costing for the underground power project, including assessing cash flow, detailed payment provisions by lot owners.
5. Agrees to appoint a qualified project manager to this project with an initial borrowing of \$150,000 to undertake detailed project costings and management for 2015/16.

<b>TS26.15</b>	<b>Tender No. 2015/16.03 Stormwater Drainage Construction</b>
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<b>Committee</b>	13 October 2015
<b>Council</b>	27 October 2015
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Nathan Brewer – Purchasing and Tenders Coordinator
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>File Reference</b>	TS-PRO-00071
<b>Previous Item</b>	Item TS15.15 – Council Minutes – 28 July 2015

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

Moved – Councillor Binks  
 Seconded – Councillor Hassell

**Council;**

1. **Agrees to award tender no. 2015/16.03 to Allwest Plant Hire Pty Ltd for the provision of stormwater drainage construction services 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.**

**CARRIED UNANIMOUSLY 11/-**

### **8.3 Community & Organisational Development**

Nil Reports



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**8.4 Corporate & Strategy's Report No's CPS23.15 to CPS26.15**

<b>CPS23.15</b>	<b>List of Accounts Paid – August 2015</b>
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<b>Committee</b>	13 October 2015
<b>Council</b>	27 October 2015
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Kim Chua – Manager Finance
<b>Director</b>	Michael Cole – Director Corporate & Strategy
<b>File Reference</b>	Fin/072-17
<b>Previous Item</b>	Nil

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

Moved – Councillor Binks  
 Seconded – Councillor Hay

**Council receives the List of Accounts Paid for the month of August 2015  
 (Refer to Attachment).**

**CARRIED UNANIMOUSLY 11/-**

<b>CPS24.15</b>	<b>Policy Review</b>
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<b>Committee</b>	13 October 2015
<b>Council</b>	27 October 2015
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Pollyanne Fisher - Policy & Projects Officer
<b>Director</b>	Michael Cole - Director Corporate & Strategy
<b>File Reference</b>	PP-PR-00010
<b>Previous Item</b>	Not Applicable

*7.40pm Cr Argyle left the room and returned at 7.42pm*

**Regulation 11(da) – Not applicable**

Moved – Councillor Wetherall  
 Seconded – Councillor Binks

**Council approves the following policies:**

- a) Nature Strip (Verge) Parking Adjacent to Vacant Lots; and
- b) Street Trees

**Subject to the following alterations to the Street Tree Policy:**

The following be included on page 6 to replace the wording in the first paragraph after .... community benefit:-

“Council will only consider an issue with street trees will be referred to Council for resolution when the proprietor and Administration cannot agree and the issue concerns safety and well-being issues, significant inconvenience or changes that would result in significant enhancement of the streetscape.

Council will not be asked to decide requests for street tree removals that rely solely on the following reasons:

- i.) Leaf, flower, nut or bark falling or accumulating or being blown by the wind;
- ii.) Enhancement or protection of views;
- iii.) Reduction or eradication or shading to gardens, lawns, pools or dwellings; or
- iv.) Requests for the planting of alternative species on the basis of individual preference or a desire to re-landscape.

In the interests of public safety, removal is only to be undertaken by personnel authorised by the City of Nedlands.”

## **Amendment**

Moved – Councillor Hipkins  
Seconded – Councillor Wetherall

**That the following references be removed from the draft policy:**

### **Removal**

- “It being of a species having an association with an elevated risk of establishing as an environmental weed.”

**CARRIED 5/5**  
**Passed on the Casting Vote of the Presiding Officer**  
**(Against: Crs. Binks, Porter, Argyle, Horley & Hodsdon)**  
**(Abstained: Cr. Hassell)**

### **Preservation**

- “Where deemed beneficial, the City may water adjacent street trees during the period of development if not done so by the property owner.”

**CARRIED 9/2**  
**(Against: Crs. Horley & McManus)**

### **Pruning**

- “Private pruning of street trees can be considered where the pruning is regarded minor and would not result in diminishing public tree management standards.”

**CARRIED 9/2**  
**(Against: Crs. McManus & Wetherall)**

### **Planting**

- “When new trees are planted on the south side of an east/west street, consideration is to be given to ensuring residents are consulted in regard to their winter solar access requirements.”

**LOST 4/7**  
**(Against: Crs. Wetherall, James, McManus, Argyle, Porter, Binks & Hodsdon)**

**The approved parts to the Amendment were  
incorporated and became the Substantive Motion.**

**THE SUBSTANTIVE MOTION WAS PUT AND WAS CARRIED 11/-**

**CPS25.15      Monthly Financial Report – August 2015**

<b>Council</b>	27 October 2015
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Kim Chua – Manager Finance
<b>Director</b>	Michael Cole
<b>File Reference</b>	FIN-FS-00005
<b>Previous Item</b>	Nil

**Regulation 11(da) - Not applicable – Recommendation adopted**

Moved – Councillor McManus  
Seconded – Councillor Hodsdon

**Council receives the Monthly Financial Report for August 2015.**

**CARRIED UNANIMOUSLY 11/-**

<b>CPS26.15</b>	<b>Investment Report – August 2015</b>
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<b>Council</b>	27 October 2015
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Kim Chua – Manager Finance
<b>Director</b>	Michel Cole
<b>File Reference</b>	FIN-FS-00005
<b>Previous Item</b>	Nil

**Regulation 11(da) - Not applicable – Recommendation adopted**

Moved – Councillor Binks  
 Seconded – Councillor Argyle

**Council receives the Investment Report for the period ended 31 August 2015.**

**CARRIED UNANIMOUSLY 11/-**

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

Nil reports

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

Nil reports

**11. Confidential Items**

**11.1. Request for Option to Purchase 75 Doonan Road**

(Confidential Report has been separately circulated to Councillors)

A request has been received from the proposed purchaser to defer this item to the Council Meeting on the 24 November 2015.

**Item Deferred.**

**Declaration of Closure**

There being no further business, the Presiding Member declared the meeting closed at 8.08pm.