



City of Nedlands

# ***Minutes***

## ***Council Committee Meeting***

***13 September 2016***

### **ATTENTION**

This is a Committee which has only made recommendations to Council. No action should be taken on any recommendation contained in these Minutes. The Council resolution pertaining to an item will be made at the next Ordinary Meeting of Council following this meeting.

## Table of Contents

Declaration of Opening .....	3
Present and Apologies and Leave Of Absence (Previously Approved) .....	3
1. Public Question Time .....	4
2. Addresses By Members of the Public (only for items listed on the agenda) .....	4
3. Disclosures of Financial Interest .....	5
4. Disclosures of Interests Affecting Impartiality .....	5
4.1 Councillor Shaw – PD43.16 - (Lot 735) No. 161 Broadway, Nedlands – Proposed Increase to Seating Area .....	5
4.2 Councillor Shaw – PD48.16 - No. 135 (Lot 601) Stirling Highway, Nedlands – Extension to Existing Restaurant .....	5
4.3 Councillor Argyle – PD48.16 - No. 135 (Lot 601) Stirling Highway, Nedlands – Extension to Existing Restaurant .....	5
5. Declarations by Members That They Have Not Given Due Consideration to Papers .....	5
6. Confirmation of Minutes .....	6
6.1 Committee Meeting 9 August 2016 .....	6
7. Matters for Which the Meeting May Be Closed .....	6
8. Divisional Reports .....	6
8.1 Planning & Development Report No's PD43.16 to PD48.16 .....	7
PD43.17 (Lot 735) No. 161 Broadway, Nedlands – Proposed Increase to Seating Area .....	7
PD44.16 (Lot 133) No. 58 Kirwan Street, Floreat – Additions to Dwelling .....	10
PD45.16 Proposed Scheme Amendment No. 210 – Rezone Lot 389 Carrington Street, Nedlands from 'Service Station' to 'Light Industry' .....	13
PD46.16 Draft Modified Neighbour Consultation Policy and the Revocation of the Inspection of Planning Documents Policy .....	15
PD47.16 Assignment of Lease of Tawarri Reception Centre – National Fine Catering & Cleaning Pty Ltd to UTSAVAM Pty Ltd .....	16
PD48.16 No. 135 (Lot 601) Stirling Highway, Nedlands – Extension to Existing Restaurant .....	18
8.2 Technical Services Report No's TS13.16 .....	23
TS13.16 Review of Administration Decision to Refuse Nature Strip Development Application .....	23
8.3 Corporate & Strategy Report No's CPS25.16 to CPS26.16 .....	25
CPS25.16 List of Accounts Paid – July 2016 .....	25
CPS26.16 Corporate Business Plan – Quarter 4 2015/16 .....	26
9. Reports by the Chief Executive Officer .....	27
10. Urgent Business Approved By the Presiding Member or By Decision .....	27
11. Confidential Items .....	27
11.1 Freeman of the City of Nedlands .....	27
Declaration of Closure .....	31

## City of Nedlands

### Minutes of a meeting of the Council Committee held in the Council Chambers, Nedlands on Tuesday 13 September 2016 at 7 pm.

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#### 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)

<b>Councillors</b>	Deputy Mayor W R B Hassell	(Presiding Member)
	Councillor G A R Hay	Melvista Ward
	Councillor T P James	Melvista Ward
	Councillor N W Shaw (until 8.51 pm)	Melvista Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor I S Argyle (until 9.17 pm)	Dalkeith Ward
	Councillor R M Binks	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor L J McManus	Coastal Districts Ward

<b>Staff</b>	Mr G K Trevaskis	Chief Executive Officer
	Mrs L M Driscoll	Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Mr A C Dickson	Acting Director Technical Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

**Public** There were 12 members of the public present.

**Press** The Post Newspaper representative.

**Leave of Absence (Previously Approved)** His Worship the Mayor, R M C Hipkins  
Councillor S J Porter, Dalkeith Ward

**Apologies** Councillor N B J Horley Coastal Districts Ward

**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 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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*The Presiding Member acknowledged the recent passing of two prominent citizens of Nedlands, Mr Wayne Negus and Mrs Peggy Blane.*

### **1. Public Question Time**

Nil.

### **2. Addresses By Members of the Public (only for items listed on the agenda)**

Mr Michael Walker & Mr Luke Walker, 21 Devon Road, Swanbourne PD43.16  
(spoke in opposition to the recommendation)

Mr Glen Parsons, 30 The Avenue, Nedlands PD43.16  
(spoke in opposition to the proposal)

Ms Caroline Hill, 58 Kirwan Street, Floreat PD44.16  
(spoke in opposition to the recommendation)

Mr Jeremy Hofland, Rowe Group PD48.16  
Level 3, 369 Newcastle Street, Northbridge  
(spoke in opposition to the recommendation)

Mr Paul Ghantais, PD48.16  
Transcore Engineering Consultant, 61 York Street, Subiaco  
(spoke in opposition to the recommendation)

Mr Ian Oldfield, 567 Hay Street, Daglish PD48.16  
(spoke in opposition to the recommendation)

Mr Denis Marshall, 56 Weld Street, Nedlands PD48.16  
(spoke in opposition to the recommendation)

Mrs Sharon & Mr Edward Goodchild, 13 Buxton Road, Wembley Downs TS13.16  
(spoke in opposition to the recommendation)

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

**4.1 Councillor Shaw – PD43.16 - (Lot 735) No. 161 Broadway, Nedlands – Proposed Increase to Seating Area**

Councillor Shaw disclosed an impartiality interest in Item PD43.15 - (Lot 735) No. 161 Broadway, Nedlands – Proposed Increase to Seating Area. He disclosed he is an occasional patron of this facility, 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.

**4.2 Councillor Shaw – PD48.16 - No. 135 (Lot 601) Stirling Highway, Nedlands – Extension to Existing Restaurant**

Councillor Shaw disclosed an impartiality interest in Item PD48.16 – No. 135 (Lot 601) Stirling Highway, Nedlands – Extension to Existing Restaurant. He disclosed he is an occasional patron of this facility, 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.

**4.3 Councillor Argyle – PD48.16 - No. 135 (Lot 601) Stirling Highway, Nedlands – Extension to Existing Restaurant**

Councillor Argyle disclosed an impartiality interest in Item PD48.16 - No. 135 (Lot 601) Stirling Highway, Nedlands – Extension to Existing Restaurant. He disclosed that he had been an acquaintance of Mr Marshall for many years, 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.

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

Nil.

**6. Confirmation of Minutes**

**6.1 Committee Meeting 9 August 2016**

Moved – Councillor Binks  
Seconded – Councillor Hay

**The minutes of the Council Committee held 9 August 2016 be confirmed.**

**CARRIED UNANIMOUSLY 9/-**

**7. 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.

**8. 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.

**8.1 Planning & Development Report No's PD43.16 to PD48.16**

Planning & Development Report No's PD43.16 to PD48.16 to be dealt with at this point (copy attached yellow cover sheet).

<b>PD43.16</b>	<b>(Lot 735) No. 161 Broadway, Nedlands – Proposed Increase to Seating Area</b>
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<b>Committee</b>	13 September 2016
<b>Council</b>	27 September 2016
<b>Applicant</b>	Little Way – Amelia Walker
<b>Owner</b>	Mr Z C & Mrs J J Norman
<b>Officer</b>	Kate Bainbridge – Senior Statutory Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	DA16/178
<b>Previous Item</b>	October 2015 – PD13.7
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Site Plan</li> <li>2. Seating Plan</li> <li>3. Floor Plan</li> <li>4. Applicant justification</li> <li>5. Applicant's response to submissions</li> </ol>

**Councillor Shaw – Impartiality Interest**

He disclosed he is an occasional patron of this facility, 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.

Mr Michael Walker & Mr Luke Walker, 21 Devon Road, Swanbourne PD43.16 (spoke in opposition to the recommendation)

Mr Glen Parsons, 30 The Avenue, Nedlands PD43.16 (spoke in opposition to the proposal)

**Regulation 11(da) – Due to no increase in seating Council agreed there would be no additional adverse effect on the surrounding area.**

Moved – Councillor Shaw

Seconded – Councillor Argyle

#### **Committee Recommendation**

**Council approves the development application to increase the dining area of the restaurant at (Lot 735) No. 161 Broadway, Nedlands, subject to the following conditions and advice:**

- 1. This development approval pertains to the extension of the dining area into the rear courtyard area only.**
- 2. The new dining area shall not exceed 65m<sup>2</sup>;**
- 3. The seating is limited to 120 seats in total, with no more than 24 being in the verge area adjacent to the subject property. Further increases to seating will require further planning approval (refer to Advice Note 1).**
- 4. The operating hours of the restaurant are restricted to Monday to Sunday 7:30am – 12 midnight.**

#### **Advice Notes specific to this approval:**

- 1. With regard to condition 3, the landowners/applicants are advised that should any further seats or seating be proposed to the restaurant, there will be a requirement for on-site car bays to be provided.**
- 2. Prior to using the rear dining area, all necessary approvals are obtained from the City's Environmental Health services.**
- 3. Noise from service and/or delivery vehicles should be mitigated and such vehicles should not service the premises before 7.00 am or after 7.00 pm Monday to Saturday, or before 9.00 am or after 7.00 pm on Sundays and Public Holidays in order to meet the *Environmental Protection (Noise) Regulations 1997*.**

**CARRIED 5/3  
(Against: Deputy Mayor Crs. Binks & Hay)  
(Abstained: Cr. Wetherall)**

Recommendation to Committee

Council refuses the development application to increase the seating area of the Restaurant at (Lot 735) No. 161 Broadway, Nedlands, for the following reasons:

1. The proposal does not comply with Clause 5.4.1.4 and Schedule III (car parking requirements) of the City's Town Planning Scheme No. 2, and as such has potential to exacerbate the car parking problems in the locality.
2. The proposal does not satisfy Clause 5.5.1 of the City's Town Planning Scheme No. 2 as the increase in car parking will have a detrimental impact on the amenity of the locality in terms of traffic congestion and safety.
3. The proposal does not comply with Clause 67 (s) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as there is inadequate access to the site and no arrangements for loading, unloading, manoeuvring and parking of vehicles.
4. Under the provisions of Clause 67 (b) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the requirement for orderly and proper planning is not observed as the proposal can be considered more holistically once the City has completed the Broadway Parking review to understand the current and future car parking situation of the locality.

<b>PD44.16</b>	<b>(Lot 133) No. 58 Kirwan Street, Floreat – Additions to Dwelling</b>
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<b>Committee</b>	13 September 2016
<b>Council</b>	27 September 2016
<b>Applicant</b>	C and J Hill
<b>Landowner</b>	C and J Hill
<b>Officer</b>	Andrew Bratley – Coordinator Statutory Planning
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	DA2016/161 – KI6/58
<b>Previous Item</b>	Nil.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Site Plan</li> <li>2. Front Elevation and Floor Plan</li> <li>3. West and Rear Elevations</li> <li>4. Photograph of 58 Kirwan Street from primary street</li> </ol>

Ms Caroline Hill, 58 Kirwan Street, Floreat  
(spoke in opposition to the recommendation)

PD44.16

**Regulation 11(da) – Council agreed that the applicant’s building bulk and location would have little impact on the streetscape.**

Moved – Councillor Wetherall  
Seconded – Councillor Binks

#### **Committee Recommendation**

**Council approves the development application to construct a garage, store, bedroom and verandah at (Lot 133) No. 58 Kirwan Street, Floreat, subject to the following conditions and advice:**

- 1. The development shall at all times comply with the approved plans.**
- 2. This development approval pertains to the garage, store, bedroom and verandah only.**
- 3. The parapet wall being finished to a professional standard within 14 days from its practicable completion and being maintained thereafter by the landowner to the satisfaction of the City.**
- 4. All footings and structures to retaining walls, fences and parapet walls, shall be constructed wholly inside the site boundaries of the Certificate of Title.**
- 5. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.**

**Advice Notes specific to this approval:**

- 1. 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.**
- 2. 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.**
  - a) 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 2<sup>nd</sup> Edition, Code of Practice for the Management and Control of Asbestos in a Workplace, and any Department of Commerce Worksafe requirements.***
  - b) Where there is over 10m<sup>2</sup> of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.**
- 3. 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 7/-  
(Abstained: Crs. James & Smyth)**

Recommendation to Committee

Council:

1. Refuses the garage and store component of the development application for (Lot 133) No.58 Kirwan Street, Floreat, received on 7 June 2016, for the following reasons:
  - a) The proposal not satisfying the design principles stipulated under clause 5.1.3 (Lot Boundary Setback) of the Residential Design Codes due to the proposed nil boundary setback of the garage and store not positively contributing to the streetscape and prevailing development context.
  - b) The proposal setting an undesirable precedence in terms of a boundary wall being visible from the primary street on a low density property.

- c) The garage and store boundary wall in the R10 zone does not represent the orderly and proper planning of the City and conflicts with cl. 6.5.1 of Town Planning Scheme No. 2.
  - d) The proposal not satisfying provisions (m) and (n) of the Planning and Development (Local Planning Schemes) Regulations 2015 cl.67, as the proposal for a boundary wall is incompatible with low density zone and will negatively impact the character of the locality.
2. Approves the bedroom and verandah component of the development application for (Lot 133) No.58 Kirwan Street, Floreat, received on 7 June 2016, subject to the following conditions and advice:
- a) The development shall at all times comply with the approved plans.
  - b) This development approval pertains to the proposed bedroom and verandah only.
  - c) All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.

Advice Notes specific to this approval:

1. 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.
2. 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.
  - a) 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 2<sup>nd</sup> Edition*, *Code of Practice for the Management and Control of Asbestos in a Workplace*, and any Department of Commerce Worksafe requirements.
  - b) Where there is over 10m<sup>2</sup> of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.
3. 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.

<b>PD45.16</b>	<b>Proposed Scheme Amendment No. 210 – Rezone Lot 389 Carrington Street, Nedlands from ‘Service Station’ to ‘Light Industry’</b>
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<b>Committee</b>	13 September 2016
<b>Council</b>	27 September 2016
<b>Applicant</b>	Rowe Group
<b>Landowner</b>	Lot 389 Carrington Street, Nedlands
<b>Officer</b>	Holly White – Strategic Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	PLAN-025404
<b>Previous Item</b>	Nil.
<b>Attachments</b>	1. Applicant Submission Scheme Amendment 210 – Carrington Street

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

Moved – Councillor Shaw

Seconded – Councillor Wetherall

**That the Recommendation to Committee be adopted.**

(Printed below for ease of reference)

Councillor Binks left the room at 7.55 pm.

**CARRIED 6/1  
(Against: Cr. Smyth)  
(Abstained: Cr. McManus)**

**Committee Recommendation / Recommendation to Committee**

**Council resolves:**

- 1. In accordance with *Planning and Development (Local Planning Schemes) Regulation 2015* r.35(1) not to adopt the proposed Scheme Amendment No. 210 to rezone Lot 389 Carrington Street, Nedlands from ‘Service Station’ to ‘Light Industry’.**
- 2. In accordance with *Planning and Development (Local Planning Schemes) Regulation 2015* r.35(2) the amendment is considered a Complex Amendment because the “(a) amendment is not consistent with a Local Planning Strategy for the Scheme that has been endorsed by the Commission” – cl. 34 *Complex Amendment*.**
- 3. In accordance with *Planning and Development (Local Planning Schemes) Regulation 2015* r.37, not to proceed to advertise an Amendment to Town Planning Scheme No. 2 to rezone Lots 389 Carrington Street, Nedlands from ‘Service Station’ to ‘Light Industry’ for the following reasons:**
  - a) Council resolved at its May 2015 Ordinary Meeting not to initiate further amendments to Town Planning Scheme No. 2 due to the preparation of Local Planning Scheme No. 3.**
  - b) The proposed amendment is not consistent with the draft Local Planning Strategy.**

<b>PD46.16</b>	<b>Draft Modified Neighbour Consultation Policy and the Revocation of the Inspection of Planning Documents Policy</b>
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<b>Committee</b>	13 September 2016
<b>Council</b>	27 September 2016
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Andrew Bratley – Coordinator Statutory Planning
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	PLAN-LPP-00003
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Existing Inspection of Planning Documents Council Policy (Adopted 22 October 2013) – To be Revoked</li> <li>2. Existing Neighbour Consultation Council Policy (Adopted 27 May 2014) – To be Modified</li> <li>3. Draft Modified Neighbour Consultation Council Policy</li> </ol>

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

Moved – Councillor Shaw

Seconded – Councillor Wetherall

**That the Recommendation to Committee be adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 8/-**

**Committee Recommendation / Recommendation to Committee**

**Council:**

- 1. Revokes the Inspection of Planning Documents Council Policy.**
- 2. Adopts the Draft Modified Neighbour Consultation Council Policy.**

<b>PD47.16</b>	<b>Assignment of Lease of Tawarri Reception Centre – National Fine Catering &amp; Cleaning Pty Ltd to UTSAVAM Pty Ltd</b>
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<b>Committee</b>	13 September 2016
<b>Council</b>	27 September 2016
<b>Applicant</b>	National Fine Catering & Cleaning Pty Ltd (Lessee)
<b>Landowner</b>	City of Nedlands
<b>Officer</b>	Rebecca Boley – Leased Assets Coordinator
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	CAP- 005623
<b>Previous Item</b>	28 May 1996 – C115.96 Tawarri Tender (Lease to Mr K Higgins) 23 May 2006 – Item 10.1 (Assignment to National Fine Catering & Cleaning Pty Ltd)
<b>Attachments</b>	1. Excerpt from Lease – Cl. 9.03

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

Moved – Councillor Shaw

Seconded – Councillor McManus

**That the Recommendation to Committee be adopted.**

(Printed below for ease of reference)

Councillor Binks returned to the room at 8.02 pm.

**CARRIED UNANIMOUSLY 9/-**

**Committee Recommendation / Recommendation to Committee**

**Council:**

- 1. Endorses the Assignment of Lease to UTSAVAM Pty Ltd for the unexpired residue of the term of Lease, until 30 June 2018;**
- 2. Does not agree to vary the terms of the lease to include in the Description of the Business “café and restaurant”**
- 3. Instructs the Chief Executive Officer to agree the terms of the Deed of Assignment to record the agreement above, and requiring provision for a personal guarantee by the company’s directors to be included in the Deed;**
- 4. Delegates to the Chief Executive Officer and Mayor authority to sign and seal the Deed of Assignment; and**
- 5. Requires that prior to execution of the Assignment, in accordance with Section 18 of the Land Administration Act 1997, the Minister for Lands approval is first obtained.**

<b>PD48.16</b>	<b>No. 135 (Lot 601) Stirling Highway, Nedlands – Extension to Existing Restaurant</b>
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<b>Committee</b>	13 September 2016
<b>Council</b>	27 September 2016
<b>Applicant</b>	Denat Enterprises Pty Ltd and Wenat Pty Ltd
<b>Landowner</b>	Denat Enterprises Pty Ltd and Wenat Pty Ltd
<b>Officer</b>	Andrew Bratley – Coordinator Statutory Planning
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	DA2016/147
<b>Previous Item</b>	Council Report Item 11.27 May 2001
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Photograph of the restaurant as seen from Stirling Highway</li> <li>2. Photograph of the restaurant's car parking area as seen from Weld Street</li> <li>3. Site Plan</li> <li>4. Floor Plan</li> <li>5. Elevations</li> <li>6. Applicant's Parking Assessment Report dated August 2016</li> <li>7. Vehicle Movement Plan</li> <li>8. Main Roads Advice</li> </ol>

#### **Councillor Shaw – Impartiality Interest**

He disclosed he is an occasional patron of this facility, 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.

#### **Councillor Argyle – Impartiality Interest**

He disclosed that he had been an acquaintance of Mr Marshall for many years, 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.

Councillor Shaw left the room at 8.05 pm.

Moved – Councillor McManus  
 Seconded – Councillor Argyle

**That all four speakers be allowed to speak.**

**CARRIED 5/3**

**(Against: Deputy Mayor Crs. Hay & James)**

Councillor Shaw returned to the room at 8.07 pm.

Mr Jeremy Hofland, Rowe Group PD48.16  
Level 3, 369 Newcastle Street, Northbridge  
(spoke in opposition to the recommendation)

Mr Paul Ghantous, PD48.16  
Transcore Engineering Consultant, 61 York Street, Subiaco  
(spoke in opposition to the recommendation)

Mr Ian Oldfield, 567 Hay Street, Daglish PD48.16  
(spoke in opposition to the recommendation)

Mr Denis Marshall, 56 Weld Street, Nedlands PD48.16  
(spoke in opposition to the recommendation)

**Regulation 11(da) – Council agreed that the increased impact of the parking shortfall would be minimal and could therefore exercise its discretion to approve the application.**

Moved – Councillor Argyle

Seconded – Councillor Shaw

**Committee Recommendation**

**Council approves the development application to extend the restaurant at (Lot 601) No. 135 Stirling Highway, Nedlands, subject to the following conditions and advice:**

- 1. The development shall at all times comply with the approved plans.**
- 2. Prior to the lodgement of a building permit for the approved development, an easement or other suitable instrument, to the satisfaction of the City, shall be placed on the Certificate of Titles for (Lot 601) 135 and (Lot 600) 139 Stirling Highway, Nedlands, allowing for shared vehicular and pedestrian access between the properties.**
- 3. This development approval pertains to the extension of the restaurant only.**
- 4. A minimum of 7 car bays being available on the subject property.**
- 5. The car-parking bays, vehicular access way and boundary wall being maintained by the landowner to the City's satisfaction.**

- 6. The proposed boundary wall being finished to a professional standard prior to the extension's practicable completion, to the City's satisfaction.**
- 7. The redundant vehicle crossover is to be removed and the kerbing, verge, and footpath are to be reinstated to the satisfaction of the City.**
- 8. No vehicle access shall be permitted to or from Stirling Highway. Access is to be via Weld Street.**
- 9. The proposed planter boxes and seating furniture are to be removed and relocated from within the 0.6m land requirement as per the Metropolitan Region Scheme (MRS) Major Amendment 1210/41 – drawing number 1.7138/1.**
- 10. All works including footings shall not be located on or within the Stirling Highway road reserve including the 0.6m land requirement under the MRS. The applicant shall make good any damage to the existing verge vegetation within the Stirling Highway road reservation.**
- 11. No development or car parking other than landscaping shall be permitted on the land as shown required for future road purposes on drawing 1.7138/1.**
- 12. No stormwater drainage shall be discharged onto the Stirling Highway road reserve.**
- 13. The ground levels on the Stirling Highway boundary are to be maintained as existing.**

**Advice Notes specific to this proposal:**

- 1. The applicant and landowner are advised that conditions 8 to 13 are as a result of comments received from Main Roads Western Australia. In addition, the following has been advised:**
  - a) Any services, infrastructure or roadside furniture that requires relocation as a result of the applicant's work will be at the applicant's cost.**
  - b) The subject property is affected by land reserved for Primary Regional Road in the "current" Metropolitan Region Scheme (MRS).**

- c) **The Department of Planning has undertaken a review of Stirling Highway - MRS Major Amendment 1210/41 – Rationalisation of Stirling Highway Reservation. This proposed amendment has not been finalised at this stage. Further information on this amendment is at the following link: <http://www.planning.wa.gov.au/publications/8318.asp>**
  - d) **Under proposed amendment 1210/41 the road reservation affecting this property is proposed to be reduce as shown on plan 1.7138/ 1.**
  - e) **The project for widening/upgrading Stirling Highway is not in Main Roads current 4 year estimated construction program. Projects not listed on this program are considered long term. However, Please be aware project timing is subject to change and Main Roads assumes no liability for any change to the timing information provided.**
2. **A separate Planning application is required to be submitted to and approved by the City prior to the erection/installation of any signage on the lot.**
  3. **Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.**
  4. **Prior to commencing development, an Application for Food Premises Alteration / Fit-out shall be submitted to and approved by the City.**
  5. **Prior to practicable completion the proprietor shall lodge with the City a *Food Business Registration / Notification Form*.**
  6. **Prior to practicable completion the premises shall receive an inspection from an Environmental Health Officer at the City.**
  7. **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.**
  8. **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.**

Councillor Wetherall left the room at 8.25 pm and returned at 8.26 pm.

Councillor Shaw left the room at 8.44 pm and returned at 8.46 pm.

**CARRIED 5/2  
(Against: Deputy Mayor Cr. Binks)  
(Abstained: Crs. Wetherall & Hay)**

Recommendation to Committee

Council refuses the development application to extend the restaurant at No. 135 (Lot 601) Stirling Highway, Nedlands, for the following reasons:

1. The proposal does not satisfy Clause 67(s) of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the remaining access and egress is inadequate due to no formalised agreement to ensure legal access to the site via Weld Street;
2. The proposal does not comply with Schedule III (carparking requirements) of the City's Town Planning Scheme No. 2, and as such will adversely impact on the surrounding business and residential properties due to patrons and staff parking on adjoining sites and overflow parking on surrounding streets.

## 8.2 Technical Services Report No's TS13.16

Technical Services Report No's TS13.16 to be dealt with at this point (copy attached blue cover sheet).

<b>TS13.16</b>	<b>Review of Administration Refuse Nature Strip Application</b>	<b>Decision to Strip Development</b>
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<b>Committee</b>	13 September 2016
<b>Council</b>	27 September 2016
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Andrew Dickson – Acting Director Technical Services
<b>Director</b>	Andrew Dickson – Acting Director Technical Services
<b>File Reference</b>	PAR-NSDA-00393
<b>Previous Item</b>	Nil

Councillor Shaw retired from the meeting at 8.51 pm.

Councillor Hay & Councillor McManus left the room at 8.51 pm.

Councillor Hay returned to the room at 8.53 pm.

Councillor McManus returned to the room at 8.54 pm.

Mrs Sharon & Mr Edward Goodchild, 13 Buxton Road,  
Wembley Downs  
(spoke in opposition to the recommendation)

TS13.16

**Regulation 11(da) – Council approved the NSA application on the grounds it was unreasonable to redesign or amend the development proposal to retain the street tree.**

Moved – Councillor Wetherall  
Seconded – Councillor Binks

### **Committee Recommendation**

**Council approves the Nature Strip Development Application as proposed with the removal of the existing tree as proposed by the applicant which is to be replaced with another tree in consultation with Council staff.**

Councillor James left the room at 9.04 pm and returned at 9.06 pm.

**CARRIED UNANIMOUSLY 8/-**

Recommendation to Committee

Council:

1. refuses the Nature Strip Development Application as proposed, comprising the removal of a street tree to allow construction of a new crossover within the road reserve adjacent to No. 33 (lot 120) Browne Avenue, Dalkeith;
2. requests the Applicant investigate alternative design options, prior to re-submitting an application for nature strip development approval, by relocating or reconfiguring the crossover and driveway to enable retention of the street tree; and
3. advises where a re-submitted Nature Strip Development Application is intended, a minimum clearance of 1.0 metres is required between the trunk of the subject street tree and the proposed crossover or any other proposed private development.

**8.3 Corporate & Strategy Report No's CPS25.16 to CPS26.16**

Report No's CPS25.16 to CPS26.16 to be dealt with at this point (copy attached green cover sheet).

<b>CPS25.16 List of Accounts Paid – July 2016</b>	
<b>Committee</b>	13 September 2016
<b>Council</b>	27 September 2016
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Kim Chau – Manager Finance
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>File Reference</b>	Fin/072-17
<b>Previous Item</b>	Nil.

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

Moved – Councillor Argyle  
 Seconded – Councillor James

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

**CARRIED 7/-**  
**(Abstained: Cr. Binks)**

**Committee Recommendation / Recommendation to Committee**

**Council receives the List of Accounts Paid for the month of July 2016 (refer to attachment).**

<b>CPS26.16</b>	<b>Corporate Business Plan – Quarter 4 2015/16</b>
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<b>Committee</b>	13 September 2016
<b>Council</b>	27 September 2016
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Pollyanne Fisher – Policy & Projects Officer
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>File Reference</b>	CS-BP-00002
<b>Previous Item</b>	CPS19.16 (Quarter 3 Report)

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

Moved – Councillor James  
 Seconded – Councillor Hay

**That the Recommendation to Committee be adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 8/-**

**Committee Recommendation / Recommendation to Committee**

**Council receives the Quarter 4 2015/2016 report on progress towards “Nedlands 2023 – Making it Happen”, the Corporate Business Plan.**

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

Nil.

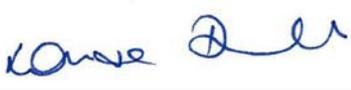
**10. Urgent Business Approved By the Presiding Member or By Decision**

Nil.

**11. Confidential Items**

A confidential attachment with the details of the nominees and supporting argument has been separately circulated for Councillors information and is proposed to be discussed behind closed doors in accordance with Section 5.23(2)(b), *Local Government Act 1995*.

**11.1 Freeman of the City of Nedlands**

<b>Committee</b>	13 Sept 2016
<b>Council</b>	27 Sept 2016
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Robyn Forrest - Community Development Officer (Volunteering) Marion Granich - Manager Community Development
<b>Director</b>	Lorraine Driscoll – Director Corporate and Strategy
<b>Director Signature</b>	
<b>File Reference</b>	CD 007187
<b>Previous Item</b>	CM04.14

Closure of Meeting to the Public

Moved – Councillor Wetherall

Seconded - Councillor Hay

**That the meeting be closed to the public in accordance with Section 5.23 (2)(b), of the *Local Government Act 1995* to allow confidential discussion on this item.**

**CARRIED UNANIMOUSLY 8/-**

The meeting was closed to the public at 9.16 pm.

Councillor Argyle retired from the meeting at 9.17 pm.

## Recommendation to Committee

### Council:

1. offers the **Status of Freeman of the City of Nedlands** to the nominated candidates listed in the confidential report;
2. arrangements be made to convene a suitable ceremony and presentation to all recipients; and
3. grants approval to affix the **Common Seal** to the Freeman certificates

## Executive Summary

The Freeman of the City award recognises community contribution and is the highest honour the City can bestow on a community member. The Mayor has nominated three persons to be recognised as Freeman of the City, for Council consideration.

## Background

The City of Nedlands Freeman of the City Award recognizes the outstanding achievements and dedicated service to the community by a person over their lifetime.

In recognition of the standing of the award, a maximum of only six living persons may hold the honorary title of Freeman of the City of Nedlands at any one time. The City currently has three Freeman of the City, being Mr Colin Barns, Dr Hal Colebatch and Mr Gordon Davies. Therefore there is the potential for three further Freeman of the City to be appointed by Council. Duties of the Freemen of the City are purely ceremonial, and Freemen are invited to all Council events.

## Key Relevant Previous Council Decisions:

- Council Meeting 25 Nov 2014 - Agenda Item 18.1 – Mayor Hipkins Notice of Motion – Nomination for the Freeman of the City of Nedlands
- Council Meeting 22 July 2014 - Agenda Item 17.1 CM04.14 Confidential Report – Freeman of the City of Nedlands

## Consultation

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

No community consultation has been undertaken. This report has been compiled in response to His Worship the Mayor's three nominations for this award.

## Legislation / Policy

The appointment of Freemen of the City is governed by Council Policy 'Freeman of the City' which states as follows:

### Eligibility

*To be nominated, a person must meet the following eligibility criteria:*

- *Resident status: the nominated person will usually be a current resident of the City of Nedlands. However, a person who has previously lived in and contributed to the City of Nedlands is eligible for nomination, even if they currently reside elsewhere.*
- *Living person: only living persons are eligible for nomination. Other avenues exist for the recognition of deceased persons, and their recognition is not part of the purpose of the Freeman of the City award.*
- *Council service: it is not necessary for the nominated person to have served as a City of Nedlands Councillor. Past Council members are eligible for nomination. Currently serving members of Council are not eligible for nomination.*

### Selection Criteria

*Nominees will be judged on their record of service to the local community against the following criteria:*

1. *Length of service in a field (or fields) of activity*
2. *Community benefit: while the main emphasis is on the benefit to the community of the City of Nedlands, account may also be taken of any contribution the nominee has made to the broader state, national or international community.*
3. *Special achievements of the nominee.*

*In recognition of the standing of this award, a maximum of six living persons only may hold the honorary title of Freeman of the City of Nedlands at any one time.*

## Budget/Financial Implications

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

There are no budgetary impacts resulting from appointment of Freemen of the City.

## **Risk Management**

The main risk is that of causing offence where a community member is nominated but not endorsed by Council. This risk is being managed by considering the nominations as a confidential Council item, so that those who have been nominated are not notified of their nomination until after the Council decision instructing the CEO to approach the nominated persons.

## **Discussion**

His Worship the Mayor has nominated the three people to be considered for potential Freeman of the City which cannot be disclosed until after Council decision

## **Conclusion**

It is recommended that Council consider the nominations put forwarded by the Mayor for Freeman of the City Award. Following Council's decision, the CEO will approach the persons approved by Council to be approached, to determine whether they would be willing to accept the award. A further report will then be put to Council, with the names of those nominees willing to accept the award.

## **Attachments**

1. Confidential Information

Moved - Councillor James  
Seconded - Councillor Hay

**That the meeting be reopened to members of the public and the press.**

**CARRIED UNANIMOUSLY 7/-**

The meeting was reopened to members of the public and the press at 9.25 pm.

In accordance with Standing Orders 12.7(3) the Presiding Member read out the motions passed by the Committee whilst it was proceeding behind closed doors and the vote of the members pursuant to section 5.21 of the Local Government Act 1995.

Moved – Councillor James  
Seconded – Deputy Mayor

**Committee Recommendation / Recommendation to Committee**

**Council:**

- 1. offers the Status of Freeman of the City of Nedlands to the nominated candidates listed in the confidential report;**
- 2. arrangements be made to convene a suitable ceremony and presentation to all recipients; and**
- 3. grants approval to affix the Common Seal to the Freeman certificates**

**CARRIED UNANIMOUSLY 7/-**

**Declaration of Closure**

There being no further business, the Presiding Member declared the meeting closed at 9.26 pm.