



City of Nedlands

Minutes

Council Committee Meeting

9 February 2016

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 February 2016 at 7 pm.

Declaration of Opening

The Presiding Member declared the meeting open at 7.00pm, 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).

Councillors	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor R Binks	Hollywood Ward
	Councillor B G Hodsdon (until 9.49 pm)	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor G A R Hay	Melvista Ward
	Councillor T P James (until 9.32 pm)	Melvista Ward
	Councillor N W Shaw	Melvista Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor W R Hassell	Dalkeith Ward
	Councillor S J Porter	Dalkeith Ward

Staff	Mr G Trevaskis	Chief Executive Officer
	Mr A Melville	Acting Director Corporate & Strategy
	Mr P Mickleson	Director Planning & Development
	Mr M Goodlet	Director Technical Services
	Mrs N Ceric	Executive Assistant

Public There were 16 members of the public present.

Press The Post Newspaper representative.

Leave of Absence (Previously Approved) Councillor I S Argyle Dalkeith Ward

Apologies Councillor N B J Horley Coastal Districts 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. Public Question Time

Mr Alan Park, 8 Bedford Street, Nedlands

Questions

Why is the Planning Department being distracted on preparing this Local Planning Policy before the Local Planning Strategy (LPS) and Local Planning Scheme (TPS3) is yet to be approved?

In considering its answer I request the Council specifically addresses following:

The Council resolved at its Meeting in May 2015 to give "immediate and urgent completion of the Local Planning Strategy and Town Planning Scheme 3 for submission to the Western Australian Planning Commission".

Further, in its media release on 5 November, the Council advised ratepayers "The Mayor and Councillors number one priority is to release a new Local Planning Scheme.

Given the draft LPS and TPS3 is yet to be approved by WAPC, why is the Council diverting scarce resources to a document which is dependent on completion of these two key planning documents which the Council directed were "urgent"?

Has the Council has lowered the priority for completion of the LPS and TPS3 from "number 1"?

It is standard planning procedure to complete the Local Planning Strategy (i.e. the high level document) first, then the Scheme (being the detailed documentation) second, and then the Local Planning Policies (which, among other things, pick up those items that are not covered by the Scheme.

Even if the Council considers the staff have the capacity, isn't it an inefficient process to firstly prepare, and secondly to advertise a Policy which is highly likely to be amended?

In the WAPC's letter dated October 2015, an extension of time was granted to the Council to submit its draft LPS and TPS3 until 31 May 2016, and that both documents were to be advertised concurrently. (Note: this letter was obtained by the writer under Freedom of Information as the Council would not release it).

How will ratepayers provide informed and considered feedback on a Policy in isolation given the Council has still yet to give any report to the Community on the content of the draft LPS's and TPS3's (which are now in their third drafts since 2004?)

Answers

No resources have been diverted from the draft LPS and LPS3 in developing this draft Landscaping Plans Local Planning Policy. It was initiated and drafted by the Statutory Planning team who deal with day to day Development Applications. This team also assist the Strategic Planning team with the draft Local Planning Strategy and Scheme when they have capacity to do so. If the draft Local Planning Policy is adopted it will save time for both applicants and staff.

The Council has not lowered the priority for completion of the LPS and LPS3 from "number 1".

Staff have identified an issue that can result in a further efficiency. The work involved in preparing the draft policy was minimal. The likelihood of the draft policy being amended will not be known until feedback is received.

The issues addressed by the proposed policy are a current requirement under the TPS2 or the RCodes. It is likely the same or similar provisions will be in draft LPS3. It is up to ratepayers to decide how they wish to respond to a request from Council for feedback. Council will then give due consideration to all feedback and decide what, if any, modifications are required.

2. Addresses By Members of the Public (only for 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 George Costopoulos, Unit 9, 8 Booth Place Balcatta PD01.16
(spoke in support of the application)

Ms Edwina Lefroy, 54 Kingsway Nedlands PD02.16
(spoke in opposition to the recommendation)

Ms Amanda Butterworth, Allering & Associates
125 Hamersley Road Subiaco PD02.16
(spoke in support of the recommendation)

Mr Andrew Bell, 3 Bellevue Avenue Dalkeith PD03.16
(spoke in support of the recommendation)

Dr Arshad Mughal, 5 Bellevue Avenue Dalkeith PD03.16
(spoke in opposition to the proposed screening condition)

Norbert Glazer & Marscha de Bruijn,
147B Rochdale Road Mt Claremont PD04.16
(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 to remind Councillors and Staff of the requirements of Council's Code of Conduct in accordance with Section 5.103 of the *Local Government Act*.

4.1 Councillor McManus – PD05.16 – (Lot 238) No. 8 Ord Street, Nedlands – Additions to Dwelling

Councillor McManus disclosed an impartiality interest in Item PD05.16. - (Lot 238) No. 8 Ord Street, Nedlands – Additions to Dwelling disclosed he is friends with the applicant, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor McManus 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 1 December 2015

Moved – Councillor Hay
Seconded – Councillor Shaw

That the minutes of the Council Committee held 1 December 2015 are confirmed.

CARRIED UNANIMOUSLY 11/-

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.

Nil.

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 PD01.16 to PD07.16

Planning & Development Report No's PD01.16 to PD07.16 to be dealt with at this point (copy attached yellow cover sheet).

PD01.16	51 Aberdare Road, Nedlands - Change of Use from Consulting Rooms to Fast Food Outlet (Coffee Shop)
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Committee	9 February 2016
Council	23 February 2016
Applicant	S & P Serrd Pty Ltd
Owner	S & PI Serra Family Trust
Officer	Kate Bainbridge – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA15/275 – AB2/51
Previous Item	PD50.15 – December 2015
Attachments	1. Site Plan 2. Floor Plan 3. Applicant submission

Mr George Costopoulos, Unit 9, 8 Booth Place Balcatta
(spoke in support of the application)

PD01.16

This motion was deferred at the Council meeting held on 15 December 2015 and is now resubmitted for determination.

Moved – Councillor Shaw
Seconded – Mayor Hipkins

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

Moved – Councillor Binks
Seconded – Councillor Hodsdon

That the motion be put.

**CARRIED 9/2
(Against: Crs. Shaw & Porter)**

The Motion was Put and was LOST.

Lost 1/9
(Against: Mayor Hipkins Crs. Binks Hodsdon Wetherall
Hay James McManus Smyth Hassell)
(Abstained: Cr. Porter)

Regulation 11(da) – Council chose to approve the application and accepted the alternate recommendation for an additional use as a “shop”.

Moved – Mayor Hipkins

Seconded – Councillor Wetherall

Committee Recommendation

Council approves the application for an additional use “Shop” at (Lot 1) No. 51 Aberdare Road, Nedlands subject to the following conditions and advice:

- 1. The development shall at all times comply with the approved plans;**
- 2. The premises only being used for the preparation and sale of cakes, sandwiches and similar foodstuffs and beverages;**
- 3. The operating hours of the premises are restricted to 7.00am to 6.30pm; and**
- 4. Service and/or delivery vehicles shall only service the premises between the hours of 7.00am and 5.00 pm Monday to Friday.**

Advice Notes specific to this approval:

- a) The applicant is advised that a separate development application is required to be submitted and approved by the City if any part of this approval is to be varied.**
- b) Adequate staff and public sanitary conveniences are to be provided in accordance with the Building Code of Australia.**
- c) The City’s Environmental Health requirements are to be complied with.**

CARRIED UNANIMOUSLY 11/-

Recommendation to Committee/ Committee Recommendation

1. Council refuses the application for a change in additional use from Consulting Rooms to Fast Food Outlet (Coffee Shop) at (Lot 1) No. 51 Aberdare Road, Nedlands for the following reasons:
 - a) The proposed land use is inconsistent with Clause 5.5.1 of the City's Town Planning Scheme No. 2 and Clause 67 (m) (n) (s) (t) and (y) of Schedule 2 – Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the land use is considered inappropriate for the zoning and there is inadequate car parking to facilitate the proposal.
 - b) An insufficient number of car bays are provided for the proposed use, thus potentially creating safety and amenity issues for pedestrians and other road users due to vehicles being illegally parked.

Alternate Recommendation:

1. Council approves the application for a change in additional use from Consulting Rooms to Fast Food Outlet (Coffee Shop) at (Lot 1) No. 51 Aberdare Road, Nedlands subject to the following conditions and advice:
 - a) The development shall at all times comply with the approved plans; the exception being that a maximum of 2 tables and 4 chairs are available for customers.
 - b) The premises only being used for the preparation and sale of take-away coffee, sandwiches and similar foodstuffs and beverages which is in a form ready to be consumed without further preparation, such as takeaway containers, packaging and/or wrapping. The food shall not be served on plates.
 - c) The food and beverages shall be consumed primarily off the premises.
 - d) No unloading of vehicles is to occur that interferes with the parking of vehicles in the car park by visitors and employees. All car parking bays in the car park are to be made available at all times for the parking of vehicles by visitors and employees.
 - e) The operating hours of the premises are restricted to:
 - i. Monday and Friday 7.00am to 4.00pm; and
 - ii. Saturday 7.00am to 2.00pm.
 - f) Service and/or delivery vehicles shall not service the premises before 7.00am or after 7.00 pm Monday to Saturday, or before 9.00 am or after 7.00 pm on Sundays and Public Holidays

Advice Notes specific to this approval:

- a) The applicant is advised that a separate development application is required to be submitted and approved by the City if they intend on either of the following:
 - i. Serve food/beverages which cannot be consumed off the premises; and/or
 - ii. Increase the seating area and/or seating numbers on the premises, greater than that permitted under condition a).
- b) If either of the above apply the use would then be deemed to be a restaurant under Town Planning Scheme No. 2, and a separate development application will be required.
- c) Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.
- d) The Fast Food Outlet complying with Australian Standard AS1668.2 – 2012 and AS 2444-2001, and all the City's Environmental Health requirements attached to this development approval.

PD02.16	(Lot 800) No. 38 Kingsway, Nedlands – Proposed Additions to an Existing Public Worship (Church)
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Committee	09 February 2016
Council	23 February 2016
Applicant	Allerding and Associates
Landowner	Methodist Church in Australia Inc.
Officer	Andrew Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2015/341 – KI3/38
Previous Item	Nil
Attachments	<ol style="list-style-type: none"> 1. Site Plan (A3) 2. Floor Plan (A3) 3. North and South Elevations (A3) 4. East Elevation (A3) 5. Photograph of the church as seen from Kingsway (A4) 6. Traffic Impact Assessment (A4)

Ms Edwina Lefroy, 54 Kingsway Nedlands
(spoke in opposition to the recommendation)

PD02.16

Ms Amanda Butterworth, Allerding & Associates
125 Hamersley Road Subiaco
(spoke in support of the recommendation)

PD02.16

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Binks
Seconded – Councillor James

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

Councillor Porter left the room at 7.41 pm & returned at 7.42 pm.

Amendment

Moved – Councillor McManus

Seconded – Councillor James

That point 3 be amended to read as follows:

Weddings and funerals are not to be held between 7.30am and 9.00am or 2.00pm and 4.00pm Monday to Friday, excluding public holidays and during school holidays.

The Amendment was PUT and was LOST

LOST 4/5

(Against: Crs. Hodsdon Shaw Smyth Hassell & Porter)

(Abstained: Crs. Wetherall & Hay)

The Original Motion was PUT and was CARRIED

CARRIED 6/2

(Against: Mayor Hipkins Cr. Porter)

(Abstained: Crs. Hassell Wetherall & Shaw)

Committee Recommendation / Recommendation to Committee

Council approves the application for additions to the existing public worship (church) at (Lot 800) No. 38 Kingsway, Nedlands, subject to the following conditions and advice:

- 1. The development shall at all times comply with the approved plans.**
- 2. The amount of seating on the property being limited to 296 seats in total.**
- 3. Church services being restricted to Friday 7.30pm to 9.30pm and Sunday 9.00am to 10.30 am and 11.15am to 12.45pm only. The exception being weddings and funerals, which are not to be held between 7.30am and 9.00am or 2.00pm and 4.00pm Monday to Friday, excluding public holidays and during school holidays.**
- 4. The education building not being used concurrently with the church building except for Sunday school activities whilst church services are being held.**
- 5. A total of 13 onsite car parking bays being constructed, drained, marked and kerbed to the City's satisfaction prior to practicable completion of the proposed additions, and be maintained thereafter by the landowner to the City's satisfaction.**
- 6. No external amplified sound being utilised at any time.**

- 7. The external colours and materials of the proposed additions blending with the existing portions of the church building being retained, to the City's satisfaction. Details of which being submitted to the City as part of the building permit application.**

Advice Notes specific to this approval:

- 1. Adequate sanitary conveniences, fire exits and entrances shall be provided in accordance with the Building Code of Australia and the Disability Discrimination Act.**
- 2. Noise from activities conducted on the property is to comply with the *Environmental Protection (Noise) Regulations 1997*.**
- 3. Development approval being sought and obtained from the City for any proposed signage.**
- 4. 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.**

PD03.16	(Lot 100) No. 5 Bellevue Avenue, Dalkeith – Retrospective Air Conditioning Unit
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Committee	09 February 2016
Council	23 February 2016
Applicant	A Mughal
Owner	A and N Mughal
Officer	Andrew Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2015/442
Previous Item	Nil.
Attachments	<ol style="list-style-type: none"> 1. Site Plan 2. Elevation 3. Photograph taken on 3 Bellevue Avenue of the air conditioning unit 4. Photograph of 3 Bellevue Avenue taken from the air conditioning unit's location 5. Photograph of the air conditioning unit as seen from the street

Councillor Wetherall left the room at 8.06 pm.

Mr Andrew Bell, 3 Bellevue Avenue Dalkeith PD03.16
(spoke in support of the recommendation)

Councillor Wetherall returned to the room at 8.07 pm.

Dr Arshad Mughal, 5 Bellevue Avenue Dalkeith PD03.16
(spoke in opposition to the proposed screening condition)

Regulation 11(da) – Council agreed to give an additional option.

Moved – Councillor Hassell
Seconded – Councillor Hay

That the Recommendation to Committee be adopted subject to the addition of the words “or lowered below the fence line” after the word “screened” in condition 2.

Councillor Shaw left the room at 8.20 pm & returned at 8.22 pm.

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

Committee Recommendation

Council approves the retrospective application to retain the air conditioning unit attached to the eastern façade of the garage at Lot 100 (5) Bellevue Avenue, Dalkeith, in accordance with the application received on 3 December 2015 subject to the following conditions and advice notes:

- 1. The development shall at all times comply with the approved plans.**
- 2. The air conditioning unit being screened or lowered below the fence line within 28 days from the date of this decision, or by an alternative date agreed to in writing by the City, using a method(s) acceptable to the City (refer to Advice Note 1).**
- 3. The screening being maintained by the landowners to the City's satisfaction.**

Advice Notes specific to this approval:

- 1. With regard to Condition 2, the applicant/landowner is advised that the City deems encasing the portion of the air conditioning unit visible above the dividing fencing as an acceptable form of screening. An example(s) can be provided upon request if necessary.**
- 2. The applicant/landowner is advised that the air conditioning unit is required to comply with the *Environmental Protection (Noise) Regulations 1997*.**

Recommendation to Committee

Council approves the retrospective application to retain the air conditioning unit attached to the eastern façade of the garage at Lot 100 (5) Bellevue Avenue, Dalkeith, in accordance with the application received on 3 December 2015 subject to the following conditions and advice notes:

1. The development shall at all times comply with the approved plans.
2. The air conditioning unit being screened within 28 days from the date of this decision, or by an alternative date agreed to in writing by the City, using a method(s) acceptable to the City (refer to Advice Note 1).
3. The screening being maintained by the landowners to the City's satisfaction.

Advice Notes specific to this approval:

1. With regard to Condition 2, the applicant/landowner is advised that the City deems encasing the portion of the air conditioning unit visible above the dividing fencing as an acceptable form of screening. An example(s) can be provided upon request if necessary.
2. The applicant/landowner is advised that the air conditioning unit is required to comply with the *Environmental Protection (Noise) Regulations 1997*.

PD04.16	(Lot 1402) No. 147b Rochdale Road, Mt Claremont – Retrospective Solid Fencing
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Committee	9 February 2016
Council	23 February 2016
Applicant	N Glazer
Owner	N Glazer & M De Bruijn
Officer	Julian Berzins – Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
File Reference	R03-147B
Previous Item	PD54.15 – December 2015
Attachments	<ol style="list-style-type: none"> 1. Site Plan 2. Carport / Alfresco Roof Plan Elevations 3. Front Fence Elevations 4. House Elevations 5. Photograph of 147B Rochdale Road from Primary Street 6. Photograph of existing fencing facing 149 Rochdale Road 7. Photograph of existing fencing facing 147A Rochdale Road 8. Photograph of existing driveway at 149 Rochdale Road 9. Site Photo Streetscape facing south 10. Site Photo Streetscape facing north 11. Applicants Justification

Norbert Glazer, 147B Rochdale Road Mt Claremont
(spoke in opposition to the recommendation)

PD04.13

Moved – Councillor Shaw
Seconded – Councillor Wetherall

That the retrospective development application be approved.

LOST 2/5
(Against: Mayor Hipkins Crs. Binks Hay James & Smyth)
(Abstained: Crs. Hodsdon McManus Hassell & Porter)

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

Moved – Councillor James
Seconded – Councillor Smyth

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

CARRIED 6/1
(Against: Cr. Shaw)
(Abstained: Crs. Hodsdon Wetherall Hassell & Porter)

Committee Recommendation / Recommendation to Committee

Council:

1. Refuses the retrospective development application to retain existing solid fencing infill within the primary street setback area of (Lot 1402) No. 147B Rochdale Road, Mount Claremont, received 18 August 2015 with amended plans received 21 August 2015 , for the following reasons:
 - a) The proposal not satisfying the design principles stipulated under clauses 5.2.4 (street walls and fences) and 5.2.5 (sight lines) of the Residential Design Codes and not complying with the City's Fill and Fencing Local Planning Policy, due to the solid fencing infill not positively contributing to the streetscape.

Advice Notes specific to this refusal:

1. The applicant/ landowner is advised that if the solid fencing infill within the primary street setback area is not removed within 28 Days from the date of this decision, the City may issue a Planning Infringement Notice (PIN) as an offence under Regulation 42 of the Planning And Development Regulations 2009 has been committed. A PIN carries an initial penalty of up to \$500.00 and can be issued on multiple occasions by the City prior to taking legal action.

PD05.16	(Lot 238) No. 8 Ord Street, Nedlands – Additions to Dwelling
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Committee	09 February 2016
Council	23 February 2016
Applicant	Davley Building Pty Ltd
Owner	M Ryan
Officer	Andrew Bratley - Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2015/409
Previous Item	Nil.
Attachments	<ol style="list-style-type: none"> 1. Site Plan 2. Floor Plan 3. Elevations 4. Photograph of the extension’s proposed location (view towards the rear boundary) 5. Photograph of the extension’s proposed location (view towards the North boundary) 6. Photograph of the extension’s proposed location (view towards the South boundary)

Councillor McManus – Impartiality Interest

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

Moved – Councillor Shaw
 Seconded – Mayor Hipkins

That the development application be refused.

Councillor Hay left the room at 9.01 pm & returned at 9.05 pm.

Councillor McManus left the room at 9.13 pm & returned at 9.15 pm.

Councillor Hodsdon left the room at 9.15 pm & returned at 9.17 pm.

LOST 4/6
(Against: Crs. Binks Hodsdon Wetherall Smyth Hassell & Porter)
(Abstained: Cr. Hay)

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hassell
Seconded – Councillor Wetherall

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

Carried 6/2
(Against: Crs. James & Shaw)
(Abstained: Crs. Binks Hay & McManus)

Committee Recommendation / Recommendation to Committee

Council approves the development application to construct an extension to the rear of the dwelling at (Lot 238) No. 8 Ord Street, Nedlands, in accordance with the application received on 28 October 2015 subject to the following conditions and advice notes:

- 1. The development shall at all times comply with the approved plans.**
- 2. This development approval pertains to the rear extension being; storeroom, bathroom, living room and games room only.**
- 3. The proposed rear addition not being used as ancillary accommodation.**
- 4. Prior to occupation of the rear addition, 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 rear addition is subject to this restriction.**
- 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 2nd 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 10m² 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.**

PD06.16	Draft Landscaping Plans Local Planning Policy (LPP)
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Committee	09 February 2016
Council	23 February 2016
Applicant	City of Nedlands
Officer	Andrew Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
File Reference	PLAN-LPP-00003
Previous Item	Nil
Attachments	1. Draft Landscaping Plans Local Planning Policy

Regulation 11(da) - Following discussion at the Committee Meeting it was noted that Administration would further review the Draft Policy with a view to simplifying the policy if possible. A revised draft will be circulated to all councillors prior to the Council meeting on 23 February 2016.

Moved – Mayor Hipkins
 Seconded – Councillor Shaw

Council:

- 1. Approves the draft Landscaping Plans Local Planning Policy for the purpose of public consultation; and**
- 2. Instructs Administration to advertise the draft Landscaping Plans Local Planning Policy in accordance with Schedule 2 clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

Councillor Hassell left the room at 9.26 pm & returned at 9.28 pm.
 Councillor Hodsdon left room at 9.31 pm & returned at 9.32 pm.
 Councillor James retired from the meeting at 9.32 pm.
 Councillor Hay left the room at 9.46 pm & returned at 9.49 pm.
 Councillor Hodsdon retired from the meeting at 9.49 pm.
 Councillor Smyth left the room at 9.50 pm.

**CARRIED 6/2
 (Against: Crs. Binks & Hassell)**

Councillor Smyth returned to the room at 9.52 pm.

Committee Recommendation / Recommendation to Committee

Council:

- 1. Approves the draft Landscaping Plans Local Planning Policy for the purpose of public consultation; and**
- 2. Instructs Administration to advertise the draft Landscaping Plans Local Planning Policy in accordance with Schedule 2 clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

PD07.16	Collegians Amateur Football and Sporting Club Inc. Management Licence at Adam Armstrong Pavilion – David Cruickshank Reserve
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Committee	9 February 2016
Council	23 February 2016
Applicant	City of Nedlands
Officer	Rebecca Boley – Leased Assets Co-ordinator
Director	Peter Mickleson - Director Planning & Development
File Reference	CAP-LB-00002
Previous Item	D63.01 on 28 September 2010 CM07.13 on 24 September 2013
Attachments	1. Draft Management Licence

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

Moved – Councillor Binks
Seconded – Councillor Shaw

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

CARRIED 7/-
(Abstained: Crs. Wetherall & Hassell)

Committee Recommendation / Recommendation to Committee

Council

- 1. Approves the draft Management Licence – Collegians Amateur Football Club Inc. at Adam Armstrong Pavilion, David Cruickshank Reserve; for use of (Attachment 1).**
- 2. Delegates to the CEO the authority to make minor modifications to the Management Licence as required by the Minister for Lands on review of the draft Management Licence.**
- 3. Delegates to the CEO and Mayor authority to sign the Management Licence and apply of the City’s Common Seal.**

8.2 Technical Services Report No's TS01.16 to TS02.16

Technical Services Report No's TS01.16 to TS02.16 to be dealt with at this point (copy attached blue cover sheet).

TS01.16	Future Use of Tawarri Site
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Committee	9 February 2016
Council	23 February 2016
Applicant	City of Nedlands
Officer	Pollyanne Fisher – Policy & Projects Officer
Director	Mark Goodlet – Director Technical Services
File Reference	TS-TSPRJ-00005
Previous Item	Nil.

Councillor McManus left the room at 10.02 pm.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Shaw
 Seconded – Councillor Binks

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

Councillor McManus returned to the room at 10.04 pm.

CARRIED UNANIMOUSLY 9/-

Committee Recommendation	Recommendation / Recommendation to Committee
Council:	<ol style="list-style-type: none"> 1. Authorises Administration to commence the investigation into future potential options for the Tawarri site; 2. Approves project budget costs of \$30,000 with the funds to be included in the Mid Year Review in the current 2015/16 financial year, in order to conduct preliminary structural and heritage assessments for the Tawarri Reception Centre and a full land survey along the Esplanade; and 3. Instructs Administration to report back to Council further on the matter.

TS02.16	Mount Claremont Shopping Centre - Parking
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Committee	9 February 2016
Council	23 February 2016
Applicant	City of Nedlands
Officer	Jacqueline Scott
Director	Mark Goodlet – Director Technical Services
File Reference	TS-PRJ 00048
Previous Item	PD56.15 - 15 December 2015 TS22.15 - 20 September 2015

Regulation 11(da) – Council agreed to 3 hour parking to keep consistency within the precinct.

Moved – Councillor McManus
Seconded – Councillor Hassell

That the Recommendation to Committee be adopted subject to changing “4 hour parking” to “3 hour parking” in clause 1.

**CARRIED 7/2
(Against: Mayor Hipkins Cr. Hay)**

Committee Recommendation

Council:

- 1. Approves the implementation of 3 hour parking restrictions on the 6 southern bays of the 8 bays backing onto Asquith Park;**
- 2. Approves widening of Asquith Street to 7.2m to accommodate on-street parking and bus-movements from Strickland Street to Adderley Street with funding to be considered in the draft 2016/17 budget;**
- 3. Approves negotiation with the owners of 30 Asquith Street, to be reported to Council, on the option to reconfigure the parking in front of this property to realize public parking available to all with a possible net increase of two bays;**
- 4. Approves consultation with the community on the proposal to provide additional parking in Asquith Park and development of the Asquith Street West cul-de-sac park, to be reported to Council;**

- 5. Agrees to consider the detailed design and construction costs of the following budgeting requests in the draft 2016/17 budget;**
 - a) Asquith Park to provide for parking (net 11 bays), a shelter, fencing, landscaping, paths and seating (\$209,000);**
 - b) Landscaping to Asquith Street West cul-de-sac to provide an alternative public open space (\$165,000); and**
 - c) Asquith Street widening to 7.2m (\$88,000).**
- 6. Approves the investigation of specified area rates to cover the costs of providing off-street parking in Asquith Park in lieu of the on-site parking shortfall at Mt Claremont Village Shopping Centre, to be reported to Council.**

Recommendation to Committee

Council:

1. Approves the implementation of 4 hour parking restrictions on the 6 southern bays of the 8 bays backing onto Asquith Park;
2. Approves widening of Asquith Street to 7.2m to accommodate on-street parking and bus-movements from Strickland Street to Adderley Street with funding to be considered in the draft 2016/17 budget;
3. Approves negotiation with the owners of 30 Asquith Street, to be reported to Council, on the option to reconfigure the parking in front of this property to realize public parking available to all with a possible net increase of two bays;
4. Approves consultation with the community on the proposal to provide additional parking in Asquith Park and development of the Asquith Street West cul-de-sac park, to be reported to Council;
5. Agrees to consider the detailed design and construction costs of the following budgeting requests in the draft 2016/17 budget;
 - a) Asquith Park to provide for parking (net 11 bays), a shelter, fencing, landscaping, paths and seating (\$209,000);
 - b) Landscaping to Asquith Street West cul-de-sac to provide an alternative public open space (\$165,000); and
 - c) Asquith Street widening to 7.2m (\$88,000).
6. Approves the investigation of specified area rates to cover the costs of providing off-street parking in Asquith Park in lieu of the on-site parking shortfall at Mt Claremont Village Shopping Centre, to be reported to Council.

8.3 Community & Organisational Development No's CM01.16

Report No's CM01.16 to be dealt with at this point (copy attached orange cover sheet).

CM01.16	Appointment Community Members Arts Committee
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Committee	9 February 2016
Council	23 February 2016
Applicant	City of Nedlands
Officer	Marion Granich – Manager Community Development
Director	Andrew Melville – Acting Director Corporate and Strategy
File Reference	CD-005767
Previous Item	Item 14.6 – Arts Committee - 27 October 2015

Regulation 11(da) – Council agreed to remove the delegated authority in the terms of reference so items will come back to Council for final approval.

Moved – Councillor Shaw
 Seconded – Mayor Hipkins

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

Amendment

Moved – Councillor McManus
 Seconded – Councillor Hassell

Removal of delegated authority in the terms of reference.

The Amendment was PUT and was CARRIED and became the Substantive Motion.

CARRIED 6/3
(Against: Mayor Hipkins Crs. Hay & Smyth)

The Substantive Motion was PUT and CARRIED.

CARRIED 5/-
(Abstained: Crs. Wetherall McManus Smyth & Hassell)

Committee Recommendation

Council:

- (a) Appoints the following members of the community to the Arts Committee:**
- 1. Kate Parker – General Community Member (honorary non-voting);**
 - 2. Jo Ghirardi – General Community Member (voting)**
 - 3. Serena Anderson – Youth Representative Member (honorary non-voting)**
 - 4. Luke Hollyock - Youth Representative Member (voting);**
 - 5. Felicity Millar - General Community Member (voting - changed from Youth Representative to General Community Member); and**
- (b) Deletes Arts Committee Terms of Reference (Attachment 1) and adopts Arts Committee Terms of Reference (with the removal of Delegated Authority) (Attachment 2).**

Recommendation to Committee

Council:

- (c) Appoints the following members of the community to the Arts Committee:**
- 1. Kate Parker – General Community Member (honorary non-voting);**
 - 2. Jo Ghirardi – General Community Member (voting)**
 - 3. Serena Anderson – Youth Representative Member (honorary non-voting)**
 - 4. Luke Hollyock - Youth Representative Member (voting);**
 - 5. Felicity Millar - General Community Member (voting - changed from Youth Representative to General Community Member); and**
- (d) Deletes Arts Committee Terms of Reference (Attachment 1) and adopts Arts Committee Terms of Reference (Attachment 2).**

8.4 Corporate & Strategy Report No's CPS01.16 to CPS05.16

Report No's CPS01.16 to CPS05.16 to be dealt with at this point (copy attached green cover sheet).

CPS01.16	List of Accounts Paid – November 2015
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Committee	09 February 2016
Council	23 February 2016
Applicant	City of Nedlands
Officer	Kim Chua – Manager Finance
Director	Andrew Melville – Acting Director Corporate & Strategy
File Reference	Fin/072-17
Previous Item	Nil

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus
 Seconded – Councillor Shaw

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

CARRIED 8/-
(Abstained: Cr. Smyth)

Committee Recommendation / Recommendation to Committee

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

CPS02.16	List of Accounts Paid – December 2015
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Committee	09 February 2016
Council	23 February 2016
Applicant	City of Nedlands
Officer	Kim Chua – Manager Finance
Director	Andrew Melville – Acting Director Corporate & Strategy
File Reference	Fin/072-17
Previous Item	Nil

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)

CARRIED UNANIMOUSLY 9/-

Committee Recommendation / Recommendation to Committee

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

CPS03.16	Monthly Finance Report – December 2015
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Committee	09 February 2016
Council	23 February 2016
Applicant	City of Nedlands
Officer	Kim Chua – Manager Finance
Director	Andrew Melville – Acting Director Corporate & Strategy
File Reference	Fin-FS-00005
Previous Item	Nil

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Shaw

Seconded – Councillor Hassell

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 9/-

Committee Recommendation / Recommendation to Council

Council receives the Monthly Financial Report for December 2015.

CPS04.16	Investment Report – December 2015
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Committee	09 February 2016
Council	23 February 2016
Applicant	City of Nedlands
Officer	Kim Chua – Manager Finance
Director	Andrew Melville – Acting Director Corporate & Strategy
File Reference	Fin-FS-00005
Previous Item	Nil

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

Moved – Councillor Hassell
 Seconded – Councillor Wetherall

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

CARRIED UNANIMOUSLY 9/-

Committee Recommendation / Recommendation to Council

Council receives the Investment Report for the period ended 31 December 2015.

CPS05.16	Appointment of Delegates to External Committee – Nedlands Aged Persons Homes Trust Inc.
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Committee	09 February 2016
Council	23 February 2016
Applicant	City of Nedlands
Officer	Pollyanne Fisher – Policy & Projects Officer
Director	Andrew Melville – Acting Director Corporate & Strategy
File Reference	PP-003873
Previous Item	OMC 27 October 2015 Item 15.1

Please note: Nedlands Aged Persons Homes Trust Inc. is now known as Lisle Villages Inc.

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)

CARRIED UNANIMOUSLY 9/-

Committee Recommendation / Recommendation to Committee

Council:

1. **Accept the request to resign as delegate to the Lisle Villages (Inc.) submitted by Councillor Leo McManus on 16 December 2015; and**
2. **Appoint Councillor Smyth as Council’s delegate to the Lisle Villages (Inc.), alongside the existing delegate Councillor Nigel Shaw, for a period ending immediately prior to the next Local Government Elections in 2017.**

ABSOLUTE MAJORITY VOTE 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 declared the meeting closed at 10.45 pm.