



City of Nedlands

Minutes

Council Committee Meeting

9 June 2020

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.

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City of Nedlands

Minutes of a meeting of the Council Committee held online via Teams on Tuesday 9 June 2020 at 6 pm.

Declaration of Opening

The Presiding Member declared the meeting open at 6.12 pm and drew attention to the disclaimer below.

Present and Apologies and Leave of Absence (Previously Approved)

Councillors	Her Worship the Mayor, C M de Lacy	(Presiding Member)
	Councillor F J O Bennett	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor P N Poliwka	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan (from 6.15 pm)	Melvista Ward
	Councillor G A R Hay	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward

Staff	Mr M A Goodlet	Chief Executive Officer
	Mrs L M Driscoll	Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Mr J Duff	Director Technical Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

Public A maximum of 9 persons logged into the live stream of the proceedings and 4 members of the public attended for the public address session only.

Leave of Absence (Previously Approved) Nil.

Apologies 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.

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

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

The order in which the CEO receives registrations of interest shall determine the order of questions unless the Mayor determines otherwise. Questions must relate to a matter affecting the City of Nedlands.

Nil.

2. Addresses by Members of the Public (only for items listed on the agenda)

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

Mr Reuben Kooperman, 43 Portland Street, Nedlands PD25.20
(spoke in opposition to the recommendation)

Councillor Coghlan joined the meeting at 6.15 pm.

Mr Brendon Riley, 45 Portland Street, Nedlands PD25.20
(spoke in support of the recommendation)

Councillor McManus left the meeting at 6.51 pm and returned at 6.53 pm.

Mr David D'Orazio, Formscape - subsidiary of WABCA Group Pty Ltd
14/755 Albany Highway, East Victoria Park PD27.20
(spoke in support of the recommendation)

Mr Murray Casselton, Level 18, 191 St Georges Terrace, Perth PD28.20
(spoke in support of the recommendation)

3. Disclosures of Financial and/or Proximity 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*.

There were no disclosures affecting impartiality.

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

Nil.

6. Confirmation of Minutes

6.1 Committee Meeting 12 May 2020

Moved – Councillor Hay
Seconded – Councillor Wetherall

The Minutes of the Council Committee held 12 May 2020 be confirmed.

CARRIED UNANIMOUSLY 12/-

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 PD25.20 to PD30.20

Planning & Development Report No's PD25.20 to PD30.20 to be dealt with at this point (copy attached yellow cover sheet).

PD25.20	No. 45 Portland Street, Nedlands – Additions to Single House and Site Works
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Committee	9 June 2020
Council	23 June 2020
Applicant	Brendon Riley
Landowner	Brendon Riley
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA19-41656
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	1. Applicant's Justification Report
Confidential Attachments	1. Plans 2. Submission and Arborist Report 3. Assessment

Regulation 11(da) – Not Applicable – No Recommendation

Moved – Councillor Wetherall

Seconded – Councillor Senathirajah

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

Lost 2/4
(Against: Crs. Bennett Mangano Coghlan & Hay)
(Abstained: Mayor de Lacy Crs. Horley McManus
Smyth Hodsdon & Poliwka)

PLEASE NOTE: No Recommendation from Committee.

Recommendation to Committee

Council approves the development application dated 8 November 2019, with amended plans received on 19 February 2020 for the additions to the single house, including the associated site works on Lot 88 on Plan 3062, No. 45 Portland Street, Nedlands, subject to the following conditions and advice:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
2. This development approval only pertains to the additions of a carport, a shed, fencing, retaining walls and associated site works as indicated on the determination plans.
3. All footings and structures to retaining walls, fences and parapet walls, shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
4. Prior to occupation of the development the finish of the parapet wall is to be finished externally to the same standard as the rest of the development or in:
 - a) Face brick;
 - b) Painted render;
 - c) Painted brickwork; or
 - d) Other clean material as specified on the approved plans and maintained thereafter to the satisfaction of the City of Nedlands.
5. Prior to occupation of the development, all major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level and overlook any part of any other residential property behind its street setback line shall be screened in accordance with the Residential Design Codes by either:
 - a) fixed obscured or translucent glass to a height of 1.60 metres above finished floor level;
 - b) Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;
 - c) a minimum sill height of 1.60 metres as determined from the internal floor level, or
 - d) an alternative method of screening approved by the City of Nedlands.

The required screening shall be thereafter maintained to the satisfaction of the City of Nedlands.

6. Fences within the primary street setback area shall not exceed 1.8m in height from natural ground level and are to be visually permeable in accordance with the Residential Design Codes (v1, 2019) above 1.2m in height from natural ground level (refer to advice note 2).
7. The outbuilding shall not be utilised for habitable or commercial purposes without further planning approval being obtained.
8. All stormwater from the development, which includes permeable and nonpermeable areas shall be contained onsite.
9. Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners and hot water systems shall be integrated into the design of the building and not be visible from the primary street, secondary street to the satisfaction of the City of Nedlands.

Advice Notes specific to this proposal:

1. In relation to Condition 4, the dividing fencing is seen to meet the requirement of providing sufficient screening from the raised outdoor living area (decking), with the dividing fencing shown to be at least 1.6m in height above the finished floor level. The dividing fencing is to be at least 75% obscure, permanently fixed, made of a durable material and is to restrict view in the direction of overlooking into an adjoining property. Should the dividing fencing be removed / altered in the future, sufficient screening is to be provided as a replacement to comply with the screening provisions of Clause 5.4.1 – Visual Privacy of the R-Codes (Volume 1).
2. In relation to Condition 6, "Visually Permeable" means the vertical surface has:
 - Continuous vertical gaps of 50mm or greater width occupying not less than one third of the total surface area;
 - Continuous vertical or horizontal gaps less than 50mm in width, occupying at least one half of the total surface area in aggregate; or
 - A surface offering equal or lesser obstruction to view as viewed directly from the street.
3. A separate development application is required to be submitted to and approved by the City prior to erecting any fencing within the street setback area(s) which is not compliant with the deemed-to-comply provisions of the Residential Design Codes, and/or erecting any fencing behind the primary street setback area which is more than 1.8m in height above natural ground level.
4. All crossovers to the street(s) 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.

5. Any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Works Application (NSWA) to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing.
6. All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved under the Nature Strip Development approval.
7. An exterior fixture associated with any air-conditioning unit or hot water system is considered an appropriate location where it is positioned:
 - outside of balcony/verandah areas (if applicable) and below the height of a standard dividing fence within a side or rear setback area;
 - or within a screened rooftop plant area or nook.
8. 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. Soakwells of adequate capacity to contain runoff from a 20-year recurrent storm event. 4 Soak-wells shall be a minimum capacity of every 80m² of calculated surface area of the development.
9. 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.
10. Where the existing dwelling/building and structures are to be demolished, a demolition permit is required prior to demolition works occurring. All works are required to comply with relevant statutory provisions.

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.

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.

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.

11. 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 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.

12. Adequate dust control measures to be undertaken in accordance with the Environmental Protection Act 1986 (and associated Regulations) and the Health Local Laws 2000.
13. The landowner is advised that all mechanical equipment (e.g. air-conditioner, swimming pool or spa) is required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.
14. Any significant noise generating equipment that installed shall comply fully with the maximum assigned levels of the Environmental protection (Noise) Regulations 1997.
15. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.

PD26.20	No. 95 Victoria Ave, Dalkeith - Additions to Single House
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Committee	14 June 2020
Council	28 June 2020
Applicant	Dr Rosemary Turner
Landowner	Dr Rosemary Turner & Dr J Harvey Turner
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA19-35834
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	1. Applicant letter of support for the development proposal
Confidential Attachments	1. Plans 2. Submissions 3. Assessment

Regulation 11(da) – Not Applicable – No Recommendation

Moved – Councillor McManus

Seconded – Mayor de Lacy

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

Lost 5/7

(Against: Crs. Horley Smyth Bennett Mangano
Wetherall Coghlan & Hay)

PLEASE NOTE: No Recommendation from Committee.

Recommendation to Committee

Council approves the development application dated 6 June 2019 to install a garage and rooftop garden at Lot 6, 95 Victoria Ave, Dalkeith, subject to the following conditions and advice notes:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
2. This development approval only pertains to the installation of a garage and rooftop garden as indicated on the plans attached.
3. Revised drawings shall be submitted with the Building Permit application, incorporating the following modifications as shown in red on the approved plans, to the satisfaction of the City:
 - a) Clear 1.5m visual truncation areas are to be provided at the entry to the garage.
 - b) Secondary street fencing is to be reduced in height to a maximum of 1.8m above natural ground level, from the street side of the proposed fence.
4. All footings and structures to retaining walls and fences shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
5. Prior to occupation of the development the northern and western elevations of the roof top garden shall be screened in accordance with the Residential Design Codes by either;
 - a) fixed obscured or translucent glass to a height of 1.60 metres above finished floor level, or
 - b) Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure.
 - c) a minimum sill height of 1.60 metres as determined from the internal floor level, or
 - d) an alternative method of screening approved by the City of Nedlands.

The required screening shall be thereafter maintained to the satisfaction of the City of Nedlands.

6. This approval is limited to the installation of a garage and rooftop garden only and does not relate to any site works, decking or retaining walls 500mm or greater above the approved ground levels.

7. The ground floor structure (garage and potting shed) shall not be utilised for habitable or commercial purposes without further planning approval being obtained.
8. Prior to the occupation of the development, all structures within the 1.5m visual truncation area abutting vehicle access points shall be truncated or reduced to 0.75m height to the satisfaction of the City of Nedlands (see condition 3).
9. The laneway adjacent to the eastern boundary of the subject property being widened in accordance with the approved plans by the landowner by transferring the land required to the Crown under Clause 32.3 of the City's Local Planning Scheme No. 3. The land to be ceded free of cost and without any payment of compensation by the Crown.
10. Prior to occupation of the development, the portion of the laneway adjacent to the subject property and any portion of the subject property required for laneway widening is required to be sealed, drained and paved to the satisfaction of the City.
11. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite (refer advice note aa)

Advice Notes specific to this proposal:

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.
2. This planning decision is confined to the authority of the *Planning and Development Act 2005*, the City of Nedlands' Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
3. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.
4. This planning approval has been issued on the basis of the plans hereby approved. It is the responsibility of the applicant to ensure that the approved plans are accurate and are a true representation of all existing and proposed development on the site, and to ensure that development proceeds in accordance with these plans.

5. There may be matters which impact on proceeding with the approved development which are not shown on the approved plans (e.g. verge infrastructure, retaining walls). Such matters may need to be separately addressed before the approved development can proceed. It is the responsibility of the applicant to ensure that these matters are addressed prior to the commencement of the development hereby approved.
6. The applicant is advised that all development must comply with this planning approval and approved plans at all times. Any development, whether it be a structure or building, that is not in accordance with the planning approval, including any condition of approval, may be subject to further planning approval by the City.
7. The applicant is advised that variations to the hereby approved development including variations to wall dimensions, setbacks, height, window dimensions and location, floor levels, floor area and alfresco area, may delay the granting of a Building Permit. Applicants are therefore encouraged to ensure that the Building Permit application is in compliance with this planning approval, including all conditions and approved plans. Where Building Permit applications are not in accordance with the planning approval, a schedule of changes is to be submitted and early liaison with the City's Planning Department is encouraged prior to lodgement.
8. A separate development application is required to be submitted to and approved by the City prior to erecting any fencing within the street setback area(s) which is not compliant with the deemed-to-comply provisions of the Residential Design Codes, and/or erecting any fencing behind the primary street setback area which is more than 1.8m in height above approved ground levels.
9. The applicant is advised that the approved garage and potting shed is not approved for habitation, commercial or industrial purposes. Change to the use of this building may require further development approval.
10. A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.
11. The swimming pool barrier is to comply with Australian Standard 1926.1. A building permit application for the swimming pool barrier must be submitted and the building permit issued prior to filling the swimming pool with water.
12. 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.

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.

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.

13. All swimming pool wastewater 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.
14. 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.
15. All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved by the City of Nedlands.
16. The contractor/developer shall protect the City's street trees from any damage that may be caused by the scope of works covered by this contract for the duration of the contract. All work carried out under this contract is to comply with the City's policies, guidelines and Australian Standards relating to the protection of trees on or adjacent to development sites (AS 4870-2009).
17. To prevent stormwater flowing into the property from the laneway, ground levels of garages and outbuildings with car parking are encouraged to have the finished floor level higher than the level in the laneway adjacent to the building or a grated channel strip-drain 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.
18. A new crossover or modification to an existing crossover will require a separate approval from the City of Nedlands prior to construction commencing.
19. All works within the adjacent thoroughfare, i.e. road, kerbs, footpath, verge, crossover or right of way, also require a separate approval from the City of Nedlands prior to construction commencing.
20. Where works are proposed to a building permit shall be applied for prior to works commencing.

21. Where parts of the existing dwelling/building and structures are to be demolished, a demolition permit is required prior to demolition works occurring. All works are required to comply with relevant statutory provisions.
22. All ramps to the basements/mezzanine and circulation areas are to be constructed in accordance with the Australian Standard AS2890.1 (as amended) to the satisfaction of the City of Nedlands.
23. All car parking dimensions, manoeuvring areas, crossovers and driveways shall comply with Australian Standard AS2890.1 (as amended) to the satisfaction of the City of Nedlands.
24. Prior to occupation, the loading bays, car-parking bays and manoeuvring areas are to be constructed, sealed, kerbed, drained and clearly marked in accordance with AS2890.1 (as amended) and maintained to the satisfaction of the City of Nedlands.
25. In relation to condition 11, the applicant is advised that 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. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.

PD27.20	No. 18 Odern Crescent, Swanbourne - Two-Storey Single House with Undercroft Basement and Swimming Pool
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Committee	9 June 2020
Council	23 June 2020
Applicant	Mercedes Group Pty Ltd (Zorzi)
Landowner	Janet Di Virgilio
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA19-43473
Previous Item	Nil
Delegation	In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to an objection being received
Attachments	1. Applicant’s Original Planning Report & Response to Submissions
Confidential Attachments	1. Plans 2. Submissions 3. Assessment

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hay
Seconded – Councillor Smyth

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

Councillor Wetherall left the meeting at 7.34 pm and returned at 7.35 pm.

CARRIED 10/-
(Abstained: Crs. Horley & Bennett)

Committee Recommendation / Recommendation to Committee

Council approves the development application dated 24 December 2019 for a Two-Storey Single House with Undercroft Basement and Swimming Pool at Lot 69 (No.18) Odern Crescent, Swanbourne, subject to the following conditions and advice notes:

- 1. This approval is for a 'Residential (Single House)' land use as defined under the City's Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.**
- 2. Prior to the issue of a Building Permit, a detailed landscaping plan and management plan, prepared by a suitable landscape designer, shall be submitted to and approved by the City. Landscaping shall be installed and maintained in accordance with the approved landscaping plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.**
- 3. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development or in:**
 - Face brick;**
 - Painted render**
 - Painted brickwork; or**
 - Other clean material as specified on the approved plans;**

And maintained thereafter to the satisfaction of the City of Nedlands

- 4. Prior to occupation of the development, the proposed car parking and vehicle access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 to the satisfaction of the City.**
- 5. Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street or secondary street to the satisfaction of the City.**
- 6. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.**
- 7. Prior to the construction or demolition works, a Construction Management Plan shall be submitted to the satisfaction of the City of Nedlands. The approved Construction shall be observed at all times throughout the construction process to the satisfaction of the City.**

- 8. The location of any bin stores shall be behind the street alignment so as not to be visible from the street or public place and constructed in accordance with the City's Health Local Law 1997.**
- 9. All stormwater generated from the development shall be contained on site.**
- 10. Prior to the occupation of the development a lighting plan is to be implemented and maintained for the duration of the development to the satisfaction of the City.**
- 11. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 12. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.**

Advice Notes specific to this proposal:

- 1. The applicant is advised that in relation to Condition 7 the Construction Management Plan is to address but is not limited to the following matters**
 - a) Construction operating hours;**
 - b) Contact details of essential site personnel;**
 - c) Noise control and vibration management;**
 - d) Dust, sand and sediment management;**
 - e) Stormwater and sediment control;**
 - f) Traffic and access management;**
 - g) Protection of infrastructure and street trees within the road reserve and adjoining properties;**
 - h) Dilapidation report of adjoining properties;**
 - i) Security fencing around construction sites;**
 - j) Site deliveries;**
 - k) Waste management and materials re-use**
 - l) Parking arrangements for contractors and subcontractors;**
 - m) Consultation plan with nearby properties; and**
 - n) Complaint procedure.**
- 2. Any development in the nature-strip (verge), including footpaths, will require a Nature Strip Works Application (NSWA) to be lodged with, and approved by, the City's Technical Services department, prior to commencing construction.**

- 3. Where parts of the existing dwelling/building and structures are to be demolished, a demolition permit is required prior to demolition works occurring. All works are required to comply with relevant statutory provisions.**
- 4. 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 and use this as 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.**

PD28.20	No. 64 Gallop Road, Dalkeith – 6 x Two Storey Grouped Dwellings with Basement Car Parking
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Committee	9 June 2020
Council	23 June 2020
Applicant	MW Investments Number 10 Pty Ltd
Landowner	MW Investments Number 10 Pty Ltd
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA20-45492
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to the number of dwellings and an objection being received
Attachments	1. Applicant's Justification and Assessment Against State Planning Policy 7.0
Confidential Attachments	1. Plans 2. Waste Management Plan 3. Acoustic Report 4. Submissions 5. Assessment

Regulation 11(da) – Not Applicable – No Recommendation

Moved – Councillor McManus

Seconded – Councillor Senathirajah

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

Councillor Horley left the meeting at 7.49 pm and returned at 7.50 pm.

Councillor Hay left the meeting at 7.50 pm and returned at 7.52 pm.

Lost 3/8
(Against: Mayor de Lacy Crs. Horley Smyth Bennett
Mangano Poliwka Coghlan & Hay)
(Abstained: Cr. McManus)

PLEASE NOTE: No Recommendation from Committee.

Recommendation to Committee

Council approves the development application dated 3 March 2020 and revised plans received on the 2 April 2020 for six Grouped Dwellings at Lot 680 (No.64) Gallop Road, Dalkeith, subject to the following conditions and advice notes:

1. This approval is for a 'Residential (Grouped Dwelling)' land use as defined under the City's Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.
2. Prior to the issue of a Building Permit, a detailed landscaping plan and management plan, prepared by a suitable landscape designer, shall be submitted to and approved by the City. Landscaping shall be installed and maintained in accordance with the approved landscaping plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.
3. Prior to the occupation of the development the responsible entity (strata/corporate body) shall provide detailed specification on the confirmed waste compactor for 240L bins and written service agreement.
4. Waste management for the development shall comply with the approved Waste Management Plan (prepared by Talis – Revision A) to the satisfaction of the City of Nedlands.
5. The responsible entity (strata/corporate) shall be liable for all bin replacement costs and/or repair costs relating to any damage which may occur as a result of the bin compaction process.
6. The location of any bin stores shall be behind the street alignment so as not to be visible from the street or public place and constructed in accordance with the City's Health Local Law 1997.
7. All stormwater generated from the development shall be contained on site.
8. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.

9. Prior to occupation of the development all fencing/visual privacy screens and obscure glass panels to major openings and unenclosed active habitable areas as annotated on the approved plans shall be screened in accordance with the Residential Design Codes by either;
 - a) fixed obscured or translucent glass to a height of 1.60 metres above finished floor level, or
 - b) Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure.
 - c) A minimum sill height of 1.60 metres as determined from the internal floor level; or
 - d) an alternative method of screening approved by the City of Nedlands.

The required screening shall be thereafter maintained to the satisfaction of the City of Nedlands.

10. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development or in:
 - a) Face brick;
 - b) Painted render
 - c) Painted brickwork; or
 - d) Other clean material as specified on the approved plans;

And maintained thereafter to the satisfaction of the City of Nedlands

11. Prior to occupation of the development, the proposed car parking and vehicle access areas shall be sealed, drained, paved and line marked in accordance with the approved plans and are to comply with the requirements of AS2890.1 to the satisfaction of the City.
12. Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street or secondary street to the satisfaction of the City.
13. Prior to the construction or demolition works, a Construction Management Plan shall be submitted to the satisfaction of the City of Nedlands. The approved Construction shall be observed at all times throughout the construction process to the satisfaction of the City.
14. Prior to the occupation of the development a lighting plan is to be implemented and maintained for the duration of the development to the satisfaction of the City.

15. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
16. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.

Advice Notes specific to this proposal:

1. The applicant is advised that in relation to Condition 2, the landscaping plan shall detail the following:
 - a) Species and maturity of landscaping within the front setback areas which have a minimum pot size of 100L;
 - b) Species and maturity of landscaping proposed on the nature strip (verge) which have a minimum pot size of 200L;
 - c) Species and maturity of landscaping within each lot;
 - d) Maintenance plan for all proposed landscaping on site and contingencies for replacement of dead and diseased plants
2. The applicant is advised that in relation to Condition 13 the Construction Management Plan is to address but is not limited to the following matters
 - a) Construction operating hours;
 - b) Contact details of essential site personnel;
 - c) Noise control and vibration management;
 - d) Dust, sand and sediment management;
 - e) Stormwater and sediment control;
 - f) Traffic and access management;
 - g) Protection of infrastructure and street trees within the road reserve and adjoining properties;
 - h) Dilapidation report of adjoining properties;
 - i) Security fencing around construction sites;
 - j) Site deliveries;
 - k) Waste management and materials re-use
 - l) Parking arrangements for contractors and subcontractors;
 - m) Consultation plan with nearby properties;
 - n) Complaint procedure;
3. The responsible entity (strata/corporate body) is responsible for the maintenance of the common property (including roads) within the development.
4. Any development in the nature-strip (verge), including footpaths, will require a Nature Strip Works Application (NSWA) to be lodged with, and approved by, the City's Technical Services department, prior to commencing construction.

5. Where parts of the existing dwelling/building and structures are to be demolished, a demolition permit is required prior to demolition works occurring. All works are required to comply with relevant statutory provisions.
6. 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 and use this as 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.

PD29.20	Local Planning Scheme 3 – Local Planning Policy: Smyth Road, Gordon Street and Langham Street Laneway and Built Form Requirements
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Committee	9 June 2020
Council	23 June 2020
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	SCM 5 March 2020 – Item 7
Attachments	<ol style="list-style-type: none"> 1. Tracked Changes Smyth Road, Gordon Street and Langham Street Laneway and Built Form Requirements Local Planning Policy (LPP) 2. Smyth Road, Gordon Street and Langham Street Laneway and Built Form Requirements Local Planning Policy (LPP) 3. Summary of Submissions
Confidential Attachments	<ol style="list-style-type: none"> 1. Original Submissions 2. DA Plans – 92 Smyth Road, Nedlands

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Mangano
 Seconded – Councillor Hay

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

Councillor Mangano left the meeting at 8.09 pm and returned at 8.11 pm.

Councillor Hay left the meeting at 8.13 pm and returned at 8.14 pm.

Councillor Bennett left the meeting at 8.17 pm and returned at 8.18 pm.

CARRIED ON THE CASTING VOTE 5/5
(Against: Crs. McManus Smyth Hodsdon Poliwka & Wetherall)
(Abstained: Crs. Bennett & Coghlan)

Committee Recommendation / Recommendation to Council

Council:

- 1. proceeds to adopt the Smyth Road, Gordon Street and Langham Street Laneway and Built Form Requirements Local Planning Policy with modifications as set out in Attachment 2, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4(3)(b)(ii); and**
- 2. refers the Smyth Road, Gordon Street and Langham Street Laneway and Built Form Requirements Local Planning Policy to the Western Australian Planning Commission for final approval in accordance with State Planning Policy SPP7.3, Residential Design Codes Volume 1 2019 Clause 7.3.2.**

PD30.20	Local Planning Scheme 3 – Local Planning Policy: Short Term Accommodation - Amendments
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Committee	9 June 2020
Council	23 June 2020
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	OCM 26 November 2019 – PD47.19
Attachments	<ol style="list-style-type: none"> 1. Draft Short-Term Accommodation LPP with amendments – tracked changes 2. Legal Advice from Flint Legal provided by applicant for 135 Broadway Nedlands

Regulation 11(da) – Not Applicable – Recommendation Adopted with minor change.

Moved – Councillor Hay
 Seconded – Councillor Senathirajah

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

Amendment
 Moved - Councillor Bennett
 Seconded - Councillor Smyth

That Clause 4.6A is not removed.

The AMENDMENT was PUT and was

CARRIED UNANIMOUSLY 12/-

The Substantive was PUT and was

CARRIED 9/-
(Abstained: Crs. Poliwka Wetherall & Coghlan)

Committee Recommendation

Council prepares, and advertises for a period of 21 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Division 2, Clause 5(1) the amendments to the Local Planning Policy - Short Term Accommodation as included in Attachment 1 subject to clause 4.6A not being removed.

Recommendation to Committee

Council prepares, and advertises for a period of 21 days in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Division 2, Clause 5(1) the amendments to the Local Planning Policy - Short Term Accommodation as included in Attachment 1.

8.2 Community Development No's CM04.20

Report No's CM04.20 to be dealt with at this point (copy attached orange cover sheet).

CM04.20 Public Art Budget 2021

Committee	9 June 2002
Council	23 June 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate and Strategy
Attachments	Nil.

Procedural Motion

Moved – Councillor Smyth

Seconded – Councillor Mangano

That the meeting proceed to the next item of business.

**CARRIED 9/3
(Against: Crs. Hodsdon Poliwka & Hay)**

PLEASE NOTE: No Recommendation made.

Arts Committee Recommendation to Committee

That Council:

1. receives the information that there are no remaining funds available for public art in the current financial year;
2. includes consideration of \$50,000 in the draft 2020/21 Council budget for expenditure on public art; and
3. approves the acquisition of a public artwork that commemorates the work of medical staff during the COVID-19 pandemic, from the 2020/21 Public Art Budget allocation.

8.3 Corporate & Strategy Report No's CPS11.20

Report No's CPS11.20 to be dealt with at this point (copy attached green cover sheet).

CPS11.20 List of Accounts Paid – April 2020
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Committee	12 June 2020
Council	23 June 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Creditor Payment Listing April 2020 2. Credit Card and Purchasing Card Payments – April 2020 (30 th March – 27 th April 2020)

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall
Seconded – Councillor Senathirajah

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

CARRIED UNANIMOUSLY 12/-

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of April 2020 as per the attachments.

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 9.04 pm.