



City of Nedlands

Minutes

Council Committee Meeting

9 May 2017

ATTENTION

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

Table of Contents

Declaration of Opening	3
Present and Apologies and Leave Of Absence (Previously Approved)	3
1. Public Question Time	4
2. Addresses By Members of the Public (only for items listed on the agenda)	4
3. Disclosures of Financial Interest	4
4. Disclosures of Interests Affecting Impartiality.....	5
5. Declarations by Members That They Have Not Given Due Consideration to Papers.....	5
6. Confirmation of Minutes	5
6.1 Committee Meeting 11 April 2017	5
7. Matters for Which the Meeting May Be Closed	5
8. Divisional Reports	5
8.1 Planning & Development Report No's PD19.17 to PD21.17	6
PD19.17 (Lot 5) No. 63 North Street, Swanbourne – Outdoor Seating Areas (Retrospective)	6
PD20.17 (Lot 91) No. 7 Shann Street, Floreat – Single Storey Single Dwelling	8
PD21.17 (Lot 146) No. 159a Rochdale Road, Mount Claremont – Home Business (Retrospective).....	10
8.2 Technical Services Report No TS05.17	14
TS05.17 Tender No. RFT 2016/2017.12 Beaton Park – All Abilities Play Space – Irrigation System	14
8.3 Community Development No CM02.17	15
CM02.17 Proposed Increase in Management License Fee for Playgroups and Toy Libraries.....	15
8.4 Corporate & Strategy Report No CPS14.17	16
CPS14.17 List of Accounts Paid – March 2017	16
9. Reports by the Chief Executive Officer	17
10. Urgent Business Approved By the Presiding Member or By Decision	17
11. Confidential Items	17
Declaration of Closure	17

City of Nedlands

Minutes of a meeting of the Council Committee held in the Council Chambers, Nedlands on Tuesday 9 May 2017 at 7 pm.

Declaration of Opening

The Presiding Member declared the meeting open at 7 pm, and drew attention to the disclaimer below.

(NOTE: Council at its meeting on 24 August 2004 resolved that should the meeting time reach 11.00 p.m. the meeting is to consider an adjournment motion to reconvene the next day).

Present and Apologies and Leave Of Absence (Previously Approved)

Councillors	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor R M Binks	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor G A R Hay	Melvista Ward
	Councillor T P James	Melvista Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor W R Hassell	Dalkeith Ward

Staff	Mr G K Trevaskis	Chief Executive Officer
	Mrs L M Driscoll	Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Mr M A Glover	Director Technical Services
	Mrs N M Ceric	Executive Assistant

Public There were 7 members of the public present.

Press The Post Newspaper representative.

Leave of Absence (Previously Approved)	Councillor N W Shaw	Melvista Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor N B J Horley	Coastal Districts Ward

Apologies Nil.

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.

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.

Nil.

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

Mr Ryan Carey & Mr Zac Phillips, 63 North Street, Swanbourne PD19.17
(spoke in support of the recommendation)

Mr Max Gardner, 52 Clement Street, Swanbourne PD19.17
(spoke in support of the recommendation)

Ms Bonnie Marwick-Apfel, 159A Rochdale Road Mount Claremont PD21.17
(spoke in support of the recommendation)

Ms Emma Tamplin, 138 Flinders Street, Mount Hawthorn CM02.17
(spoke in opposition to the recommendation)

Ms Caroline Spencer, 25A Troy Terrace, Daglish CM02.17
(spoke in opposition to the recommendation)

3. Disclosures of Financial Interest

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

There were no disclosures of financial interest.

4. Disclosures of Interests Affecting Impartiality

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

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 11 April 2017

Moved – Councillor Hay
Seconded – Councillor Argyle

The Minutes of the Council Committee held 11 April 2017 be confirmed.

**CARRIED 8/-
(Abstained: Cr Hassell)**

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 PD19.17 to PD21.17

Planning & Development Report No's PD19.17 to PD21.17 to be dealt with at this point (copy attached yellow cover sheet).

PD19.17	(Lot 5) No. 63 North Street, Swanbourne – Outdoor Seating Areas (Retrospective)
----------------	--

Committee	9 May 2017
Council	23 May 2017
Applicant	Kirkwood Deli
Landowner	Blueberries Food Basket Pty Ltd
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA2016/354
Previous Item	Item D70.08 – December 2008
Delegation	In accordance with Clause 6.7.1a) of the City's Instrument of Delegation, Council is required to determine the application due to an objection being received.
Attachments	1. Photographs of property

Mr Ryan Carey & Mr Zac Phillips, 63 North Street, Swanbourne PD19.17
(spoke in support of the application)

Mr Max Gardner, 52 Clement Street, Swanbourne PD19.17
(spoke in support of the recommendation)

Regulation 11(da) – Council determined that the proposed development could be accommodated within the existing rules.

Moved – Councillor Hassell
Seconded – Councillor McManus

Committee Recommendation

Council approves the retrospective development application for the shop's existing outdoor seating areas at (Lot 5) No. 63 North Street, Swanbourne, in accordance with the amended plan received on 10 January 2017, subject to the following conditions and advice:

- 1. The development shall at all times comply with the approved plan.**
- 2. There being a maximum of 3 tables and 6 seats located on the premises.**
- 3. Any seating available for customers which does not form part of this development approval being removed from the premises within 14 days from the date of this decision.**

4. **Only pre-packaged items are to be available for customers.**
5. **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 proposal:

1. **The applicant is advised that a separate development application is required to be submitted to and approved by the City if they intend on either increasing the seating area and/or seating numbers on the premises.**
2. **An Outdoor Dining Licence is required to be obtained from the City for the outdoor seating areas.**

CARRIED 7/2
(Against: Mayor Hipkins & Cr. Hodsdon)

Recommendation to Committee

Council refuses the development application for the shop's outdoor seating areas to remain at (Lot 5) No. 63 North Street, Swanbourne, for the following reasons:

1. The proposed land use is inconsistent with Clause 5.5.1 of the City's Town Planning Scheme No. 2 and Clause 67 (n) (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.
2. 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.
3. An additional shortfall in the required amount of onsite car parking bays does not represent the orderly and proper planning of the City and conflicts with cl. 6.5.1 of the City's Town Planning Scheme No. 2.

PD20.17	(Lot 91) No. 7 Shann Street, Floreat – Single Storey Single Dwelling
----------------	---

Committee	9 May 2017
Council	23 May 2017
Applicant	R Dohmen
Landowner	R Dohmen
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA2017/54
Previous Item	Nil.
Delegation	In accordance with Clause 6.7.1 of the City’s Instrument of Delegation, Council is required to determine the application as discretion exists for Council to approve the variation under the City’s Town Planning Scheme No. 2.
Attachments	1. Photograph of 7 Shann Street currently

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hodsdon

Seconded – Mayor Hipkins

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

**CARRIED 7/2
(Against: Crs. Binks & Argyle)**

Committee Recommendation / Recommendation to Committee

Council refuses the development application for the proposed single storey single dwelling at (Lot 91) No.7 Shann Street, Floreat, received on 10 March 2017, and the amended plans dated 3 April 2017, for the following reasons:

- 1. The proposal not satisfying the design principles stipulated under clause 5.1.3 (Lot Boundary Setback) of the Residential Design Codes due to the proposed nil boundary setback of the garage increasing the impacts of building bulk on adjoining properties.**
- 2. The proposal setting an undesirable precedent in terms of a boundary wall being visible from the primary street on a low density property.**
- 3. The boundary wall in the R12.5 zone does not represent the orderly and proper planning of the City and conflicts with cl. 6.5.1 of Town Planning Scheme No. 2.**
- 4. The proposal not satisfying provisions (m) and (n) of the Planning and Development (Local Planning Schemes) Regulations 2015 cl.67, as the proposal for a boundary wall is incompatible with low density zone and will negatively impact the character of the locality.**

PD21.17	(Lot 146) No. 159a Rochdale Road, Mount Claremont – Home Business (Retrospective)
----------------	--

Committee	9 May 2017
Council	23 May 2017
Applicant	B Marwick-Apfel
Owner	M Apfel and B Marwick-Apfel
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA2017/69
Previous Item	Nil.
Delegation	In accordance with Clause 6.7.1a) of the City’s Instrument of Delegation, Council is required to determine the application due to an objection being received.
Attachments	Nil.

Ms Bonnie Marwick-Apfel, 159A Rochdale Road Mount Claremont PD21.17
(spoke in support of the recommendation)

Regulation 11(da) – Not Applicable – Administration Recommendation approved with minor amendment.

Moved – Councillor Hodsdon
Seconded – Councillor McManus

That the Recommendation to Committee is adopted subject to condition 4 being changed to read “the number of the property to be prominently displayed” and condition 5 be amended to “Monday to Friday 9.00 am to 5.00 pm”.

**CARRIED 8/-
(Abstained: Cr. Smyth)**

Committee Recommendation

Council approves the retrospective development application for the home business (paramedical micropigmentation) to continue operating at (Lot 146) No. 159A Rochdale Road, Mount Claremont, received on 3 April 2017, subject to the following conditions and advice notes:

- 1. The development shall at all times comply with the approved plans.**
- 2. The proposed use complying with the home business definition stipulated under the City’s Town Planning Scheme No. 2 (refer to advice note 1).**

3. Clients visiting the property by prior appointment only.
4. The number of the property to be prominently displayed.
5. The home business only being permitted to operate between Monday and Friday 9.00am to 5.00pm, including public holidays.
6. Vehicles belonging to clients only being parked on 159A Rochdale Road.

Advice Notes specific to this approval:

1. With regard to Condition 2, The applicant is advised that the use 'Home Business' is defined as being the following under the City's Town Planning Scheme No. 2:

"Home Business - means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:

- i) does not employ more than 2 people not members of the occupier's household;*
- ii) will not cause injury to or adversely affect the amenity of the neighbourhood;*
- iii) does not occupy an area greater than 50 square metres;*
- iv) does not involve the retail sale, display or hire of goods of any nature;*
- v) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
- vi) does not involve the use of an essential service of greater capacity than normally required in the zone."*

2. Prior to commencing an *Application for Establishment of Skin Penetration Premises* shall be lodged with and approved by the City.
3. Prior to commencing the premises shall receive an inspection from the City's Environmental Health section which cites the establishment may commence operation.
4. A hand basin supplied with hot and cold water through a single outlet (hands free operation), soap and paper towels must be available in the immediate area where skin penetration procedures are undertaken.

Recommendation to Committee

Council approves the retrospective development application for the home business (paramedical micropigmentation) to continue operating at (Lot 146) No. 159A Rochdale Road, Mount Claremont, received on 3 April 2017, subject to the following conditions and advice notes:

1. The development shall at all times comply with the approved plans.
2. The proposed use complying with the home business definition stipulated under the City's Town Planning Scheme No. 2 (refer to advice note 1).
3. Clients visiting the property by prior appointment only.
4. A maximum of one client per day.
5. The home business only being permitted to operate between Tuesday and Friday 10.00am to 5.00pm, including public holidays.
6. Vehicles belonging to clients only being parked on 159A Rochdale Road.

Advice Notes specific to this approval:

1. With regard to Condition 2, The applicant is advised that the use 'Home Business' is defined as being the following under the City's Town Planning Scheme No. 2:

"Home Business - means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:

- i) does not employ more than 2 people not members of the occupier's household;*
 - ii) will not cause injury to or adversely affect the amenity of the neighbourhood;*
 - iii) does not occupy an area greater than 50 square metres;*
 - iv) does not involve the retail sale, display or hire of goods of any nature;*
 - v) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
 - vi) does not involve the use of an essential service of greater capacity than normally required in the zone."*
2. Prior to commencing an *Application for Establishment of Skin Penetration Premises* shall be lodged with and approved by the City.

3. Prior to commencing the premises shall receive an inspection from the City's Environmental Health section which cites the establishment may commence operation.
4. A hand basin supplied with hot and cold water through a single outlet (hands free operation), soap and paper towels must be available in the immediate area where skin penetration procedures are undertaken.

8.2 Technical Services Report No TS05.17

Technical Services Report No TS05.17 to be dealt with at this point (copy attached blue cover sheet).

TS05.17	Tender No. RFT 2016/2017.12 Beaton Park – All Abilities Play Space – Irrigation System
----------------	---

Committee	9 May 2017
Council	23 May 2017
Applicant	City of Nedlands
Officer	Nathan Brewer – Purchasing and Tenders Coordinator
Director	Martyn Glover – Director Technical Services
Attachment	Final Evaluation Score Sheet (confidential)

Councillor James left the room at 8.13 pm.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hay
 Seconded – Councillor Hassell

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

Councillor James returned to the room at 8.15 pm.

CARRIED 7/1
(Against: Cr. Argyle)
(Abstained: Cr. James)

Committee Recommendation / Recommendation to Committee
Council:
<ol style="list-style-type: none"> 1. agrees to award RFT 2016/2017.12 Beaton Park – All Abilities Play Space – Irrigation System to the preferred tenderer. 2. authorises the Chief Executive Officer to Sign the acceptance of offers.

8.3 Community Development No CM02.17

Report No CM02.17 to be dealt with at this point (copy attached orange cover sheet).

CM02.17	Proposed Increase in Management License Fee for Playgroups and Toy Libraries
----------------	---

Committee	9 May 2017
Council	23 May 2017
Applicant	City of Nedlands
Officer	Robyn Forrest – Community Development Officer (Volunteering & Community Groups) Marion Granich – Manager Community Development
Director	Lorraine Driscoll – Director Corporate and Strategy
Attachments	Nil

Ms Emma Tamplin, 138 Flinders Street, Mount Hawthorn CM02.17
(spoke in opposition to the recommendation)

Ms Caroline Spencer, 25A Troy Terrace, Daglish CM02.17
(spoke in opposition to the recommendation)

Regulation 11(da) – Not Applicable – Item was deferred

Moved – Councillor McManus
Seconded – Councillor James

Committee Recommendation

That this item be deferred to a Councillor Briefing.

CARRIED UNANIMOUSLY 9/-

Recommendation to Committee

Council approves:

1. a fee of \$5 per hour is charged to the Hackett, Mt Claremont and Nedlands Playgroups and the Floreat and Nedlands Toy Libraries for their use of a Council facility, for the period 1 January 2018 – 30 June 2018;
2. thereafter, usage fees for Playgroups and Toy Libraries will be adjusted annually as part of the City’s routine review of Fees and Charges; and
3. for the period 1 July 2017 – 31 December 2017, Playgroup and Toy Library fees for use of a Council facility remain at current charges.

8.4 Corporate & Strategy Report No CPS14.17

Report No CPS14.17 to be dealt with at this point (copy attached green cover sheet).

CPS14.17	List of Accounts Paid – March 2017
Committee	3 May 2017
Council	23 May 2017
Applicant	City of Nedlands
Officer	Mike Fletcher – Acting Manager Finance
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Creditor Payment Listing January 2017 2. Purchasing Card Payments March 2017 (1 st March – 28 th March)

Councillor Hay left the room at 9.04 pm.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Binks

Seconded – Councillor Hodsdon

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 8/-

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of March 2017 (refer to 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 9.05 pm.