



City of Nedlands

# Minutes

## Council Committee Meeting

9 November 2021

### **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 in the Council Chambers, 71 Stirling Highway, Nedlands on Tuesday 9 November 2021 at 7 pm. The meeting was livestreamed.**

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### **Declaration of Opening**

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

### **Present and Apologies and Leave of Absence (Previously Approved)**

<b>Councillors</b>	Mayor F E M Argyle	(Presiding Member)
	Councillor B Brackenridge	Melvista Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor H Amiry	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor F J O Bennett	Dalkeith Ward
	Councillor A W Mangano (online from 8.14pm)	Dalkeith Ward
	Councillor N R Youngman	Dalkeith Ward
	Councillor O Combes	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward

<b>Staff</b>	Mr W R Parker	Chief Executive Officer
	Mr E K Herne	Director Corporate & Strategy
	Mr T G Free	Director Planning & Development
	Mr A D Melville	Acting Technical Services
	Mrs N M Ceric	Executive Officer

**Public** There were 25 members of the public present and 3 online.

**Press** Nil.

**Leave of Absence** Nil.  
**(Previously Approved)**

**Apologies** Ms M E Granich, Executive Manager Community

## **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**

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.

### **1.1 Mr Campbell Watson, Mt Claremont**

#### **Question 1**

We submitted a letter in June 2021 noting our objection to the proposal dated 31 May 2021. Since submitting the letter some 5 months ago there has been no communication from the council regarding this matter. This is despite several phone calls to the Council in which we were advised there would be meetings arranged with us to further discuss our concerns. Why has there been no communication or feedback from the Council since then?

#### **Answer 1**

Since the lodgement of the Development Application, City officers have discussed the specific planning matters, concerns and progress of the application on several occasions. This has included telephone conversations on 4 June, 22 July, 29 July & 19 October 2021.

#### **Question 2**

Has both our specific concerns and others that have been submitted been reviewed and addressed?

#### **Answer 2**

All concerns and comments raised from submissions, relating to planning matters, have been given due consideration. This is addressed in the 'Consultation' section of the Planning Report.

#### **Question 3**

How is the Council planning to address these concerns?

Answer 3

It is recommended by Administration that Council refuse the application as the proposal is considered to result in an undue impact on the amenity of the adjoining residential development in relation to noise and light spill and is not considered to achieve the objectives of the "Private Community Purposes" zone.

**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 will be invited to be made as each item relating to their address is discussed by the Committee.

Mr Michael Dickson, Clieveden Street, North Perth PD37.21  
(spoke in support of the recommendation)

Mr Geoff Bosich, Tyrell Street, Nedlands PD37.21  
(spoke in opposition to the recommendation)

Moved – Councillor Hodsdon  
Seconded – Councillor Coghlan

**That Mr Bosich be granted a further 2 minutes to finalise his address.**

**CARRIED UNANIMOUSLY 12/-**

The Mayor left the meeting at 7.20pm and the Deputy Mayor assumed the Chair.

Miss Bianca Sandri,  
on behalf of the owner of 39 Kinninmont Avenue, Nedlands PD38.21  
(spoke in opposition to the recommendation)

Mr Stephen Purser, Seventh Avenue, Inglewood PD38.21  
(spoke in support of the recommendation)

Mayor Argyle returned to the meeting at 7.40pm and resumed the Chair.

Moved – Councillor Coghlan  
Seconded – Councillor Youngman

**That Council:**

1. **approve Councillor Mangano to attend this meeting online via teams; and**
2. **declares that a private room in the Gnowangerup Hotel, at 7 Allardyce Street, Gnowangerup, Western Australia a suitable place.**

**CARRIED UNANIMOUSLY 12/-**

**3. Disclosures of Financial and/or Proximity Interest**

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

**3.1 Mayor Argyle – PD38.21 - Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands**

Mayor Argyle disclosed a proximity interest in Item PD38.21– Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands, her interest being that she is the sole owner of 39 Kinninmont Avenue, Nedlands which is the neighbouring property to the development. Mayor Argyle declared that she would leave the room during discussion on this item.

**3.2 Councillor Hodsdon – PD36.21 - Consideration of Development Application (Temporary Lighting) at St Johns Wood Playing Fields No. 68 Stephenson Avenue, Mt Claremont**

Councillor Hodsdon disclosed a financial interest in Item PD36.21 – Consideration of Development Application (Temporary Lighting) at St Johns Wood Playing Fields No. 68 Stephenson Avenue, Mt Claremont, his interest being that he is employed by Christ Church Grammar School. Councillor Hodsdon declared that he would leave the room during discussion on this item.

**4. Disclosures of Interests Affecting Impartiality**

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

**4.1 Councillor Wetherall – PD38.21 - Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands**

Councillor Wetherall disclosed an impartiality interest in Item PD38.21- Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor Wetherall disclosed that he has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom he has a working relationship., and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Wetherall declared that he would consider this matter on its merits and vote accordingly.

**4.2 Councillor Smyth – PD38.21- Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands**

Councillor Smyth disclosed an impartiality interest in Item PD38.21- Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor Smyth disclosed that she has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom she has a working relationship and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor Smyth declared that she would consider this matter on its merits and vote accordingly.

**4.3 Councillor Bennett – PD38.21- Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands**

Councillor Bennett disclosed an impartiality interest in Item PD38.21- Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor Bennett disclosed that he has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom he has a working relationship and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Bennett declared that he would consider this matter on its merits and vote accordingly.

**4.4 Councillor Youngman – PD38.21- Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands**

Councillor Youngman disclosed an impartiality interest in Item PD38.21- Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor Youngman disclosed that he has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom he has a working relationship and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Youngman declared that he would consider this matter on its merits and vote accordingly.



**4.5 Councillor Senathirajah – PD38.21- Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands**

Councillor Senathirajah disclosed an impartiality interest in Item PD38.21- Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor Senathirajah disclosed that he has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom he has a working relationship and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Senathirajah declared that he would consider this matter on its merits and vote accordingly.

**4.6 Councillor McManus – PD38.21- Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands**

Councillor McManus disclosed an impartiality interest in Item PD38.21- Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor McManus disclosed that he has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom he has a working relationship 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.

**4.7 Councillor Hodsdon – PD38.21- Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands**

Councillor Hodsdon disclosed an impartiality interest in Item PD38.21- Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor Hodsdon disclosed that he has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom he has a working relationship and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Hodsdon declared that he would consider this matter on its merits and vote accordingly.

**4.8 Councillor Coghlan – PD38.21- Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands**

Councillor Coghlan disclosed an impartiality interest in Item PD38.21- Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor Coghlan disclosed that she has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom she has a working relationship and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor Coghlan declared that she would consider this matter on its merits and vote accordingly.

**4.9 Councillor Amiry – PD38.21- Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands**

Councillor Amiry disclosed an impartiality interest in Item PD38.21- Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor Amiry disclosed that she has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom she has a working relationship and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor Amiry declared that she would consider this matter on its merits and vote accordingly.

**4.10 Councillor Combes – PD38.21- Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands**

Councillor Combes disclosed an impartiality interest in Item PD38.21- Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor Combes disclosed that she lives on Kinninmont Street, and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor Combes declared that she would consider this matter on its merits and vote accordingly.

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

Nil.

**6. Confirmation of Minutes**

**6.1 Committee Meeting 14 September 2021**

Moved – Councillor Hodsdon  
Seconded – Councillor Amiry

**The Minutes of the Council Committee held 14 September 2021 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 PD34.21 to PD39.21

Planning & Development Report No's PD34.21 to PD39.21 to be dealt with at this point (copy attached yellow cover sheet).

<b>PD34.21</b>	<b>Consideration of Development Application (Single House) at No. 20B Vincent Street, Nedlands</b>
<b>Committee</b>	9 November 2021
<b>Council</b>	23 November 2021
<b>Applicant</b>	Broadway Homes Pty Ltd
<b>Landowner</b>	J Ng and F Wijaya
<b>Director</b>	Tony Free – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
<b>Report Type</b> 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.
<b>Reference</b>	DA21/66646
<b>Previous Item</b>	Nil
<b>Delegation</b>	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Aerial Image and Zoning Map</li> <li>2. Plans</li> </ol>
<b>Confidential Attachments</b>	<ol style="list-style-type: none"> <li>1. Submissions</li> </ol>

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

Moved – Councillor Senathirajah  
Seconded – Councillor Youngman

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

**CARRIED 10/2**  
**(Against: Crs. Bennett & Youngman)**

**Committee Recommendation / Recommendation to Committee**

In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 21 July 2021 in accordance with amended plans date stamped 5 October 2021 for a Single House at 20B Vincent Street, Nedlands, subject to the following conditions:

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. Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan for the lifetime of the development thereafter, to the satisfaction of the City. Any modifications to the plans are subject to further approval by the City of Nedlands.
3. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
4. 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.
5. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.
6. Prior to occupation of the development, privacy screens to the side of Bedroom 2 located on the east elevation and Bedroom 3 located on the north elevation as shown on the approved plans shall be provided to prevent oblique overlooking 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.**

<b>PD35.21</b>	<b>Consideration of Development Application – Additions to a Single House (Covered walkway, Retaining and Front Fence) at 30 Watkins Rd, Dalkeith</b>
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<b>Committee</b>	9 November 2021
<b>Council</b>	23 November 2021
<b>Applicant</b>	Hatch Roberts Day
<b>Landowner</b>	A & C Alder
<b>Director</b>	Tony Free – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
<b>Report Type</b>  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.
<b>Reference</b>	DA21/66766
<b>Previous Item</b>	Nil
<b>Delegation</b>	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Aerial image and zoning map</li> <li>2. Streetscape Images</li> <li>3. Plans</li> <li>4. Architectural Renders</li> </ol>
<b>Confidential Attachments</b>	<ol style="list-style-type: none"> <li>1. Submissions</li> </ol>

Moved – Councillor Youngman  
Seconded – Councillor Combes

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

LOST ON THE CASTING VOTE 6/6  
(Against: Mayor Argyle Crs. Brackenridge Coghlan  
Senathirajah Smyth & Bennett)

**Regulation 11(da) – The Committee had concerns with the lack of passive surveillance of the street as a result of the proposed fence.**

Moved – Councillor Smyth  
Seconded – Councillor Bennett

### **Committee Recommendation**

**That the Chief Executive Officer be requested to present to Council reasons for refusal as part of the Council Agenda.**

**CARRIED UNANIMOUSLY 12/-**

### Recommendation to Committee

In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 26 July 2021 in accordance with the plans date stamped 26 July 2021 for a single house at Lot 142 (No.30) Watkins Rd, Dalkeith:

1. This development approval only pertains to additions to a single house including the construction of a covered walkway, site works and front fence as indicated on the plans attached.
2. Prior to the lodgement of a Building Permit, a detailed Landscaping Plan, prepared by a suitably qualified person, shall be submitted to and approved by the City of Nedlands.
3. Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan for the lifetime of the development thereafter, to the satisfaction of the City. Any modifications to the plans are subject to further approval by the City of Nedlands.
4. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
5. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.

6. 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.



<b>PD36.21</b>	<b>Consideration of Development Application (Temporary Lighting) at St Johns Wood Playing Fields No. 68 Stephenson Avenue, Mt Claremont</b>
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<b>Committee</b>	9 November 2021
<b>Council</b>	23 November 2021
<b>Applicant</b>	Perth Glory Football Club
<b>Landowner</b>	Christ Church Grammar School
<b>Director</b>	Tony Free – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
<b>Report Type</b>  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.
<b>Reference</b>	DA21-63805
<b>Previous Item</b>	Nil
<b>Delegation</b>	In accordance with the Instrument of Delegation the application is determined by Council due to objections being received
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Location Plan &amp; Zoning Plan</li> <li>2. Development plans</li> <li>3. Site visit photos</li> </ol>
<b>Confidential Attachments</b>	<ol style="list-style-type: none"> <li>1. Submissions</li> </ol>

### **Councillor Hodsdon – Financial Interest**

Councillor Hodsdon disclosed, his interest being that he is employed by Christ Church Grammar School. Councillor Hodsdon declared that he would leave the room during discussion on this item.

Councillor Hodsdon left the room at 8.06pm.

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

Moved – Councillor Smyth

Seconded – Councillor McManus

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 11/-**

**Committee Recommendation / Recommendation to Committee**

1. That in accordance with Clause 68(2)(c) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council refuse the development application received on 4 May 2021 for Temporary Lighting at Lot 816 (No. 68) Stephenson Avenue, Mt Claremont for the following reasons:
  - a. The proposed development is inconsistent with the objectives of the “Private Community Purposes” zone in accordance with City of Nedlands Local Planning Scheme No. 3, as the proposal will result in a detrimental impact on the amenity of the surrounding residential development in relation to noise and light spill, thereby being incompatible with surrounding development.
  - b. The proposed development is inconsistent with Clause 67(2)(d) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the application has not demonstrated that it is capable of compliance with the *Environmental Protection (Noise) Regulations 1997*.
  - c. The proposed development is inconsistent with Clause 67(2)(m) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the proposal is not considered compatible with its setting in considering the relationship to the abutting adjoining residential development.
  - d. The proposed development is inconsistent with Clause 67(2)(n) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the proposal is considered to result in undue adverse impact to the amenity of the locality in relation to noise and light spill.
2. In accordance with Section 214(3) of the *Planning and Development Act 2005*, Council directs the applicant to remove the Temporary Lighting from No. Lot 816 (No. 68) Stephenson Avenue, Mt Claremont within 60 days of the date of this direction. The site is to be restored as nearly as practicable to its condition immediately before the temporary lighting was placed on site, to the satisfaction of the City of Nedlands.

<b>PD37.21</b>	<b>Consideration of Development application – 5 Grouped Dwellings at 18 Tyrell St, Nedlands</b>
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<b>Committee</b>	9 November 2021
<b>Council</b>	23 November 2021
<b>Applicant</b>	Big Sky Homes Pty Ltd
<b>Landowner</b>	Joydem Pty Ltd
<b>Director</b>	Tony Free – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
<b>Report Type</b>  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.
<b>Reference</b>	DA21/65367
<b>Previous Item</b>	Nil
<b>Delegation</b>	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to an objection being received.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Aerial Image and Zoning Map</li> <li>2. Plans</li> <li>3. Design Review Panel Assessment Minutes</li> <li>4. Architectural Perspective Drawings</li> </ol>
<b>Confidential Attachments</b>	<ol style="list-style-type: none"> <li>1. Submissions</li> </ol>

Councillor Hodsdon returned to the meeting at 8.14pm.

Councillor Mangano joined the meeting online via teams at 8.14pm.

Moved – Councillor Amiry  
Seconded – Councillor Combes

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

Lost 5/8  
(Against: Mayor Argyle Crs. Brackenridge Coghlan Senathirajah  
Smyth Bennett Mangano & Youngman)

**Regulation 11(da) - The Committee was concerned with the bulk and scale of the proposal and the potential loss of privacy for the neighbouring property.**

Moved – Councillor Coghlan  
Seconded – Councillor Brackenridge

### **Committee Recommendation**

**That the Chief Executive Officer be requested to present to Council reasons for refusal as part of the Council Agenda.**

**CARRIED UNANIMOUSLY 13/-**

### Recommendation to Committee

In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 23 June 2021 in accordance with amended plans date stamped 5 October 2021 for five grouped dwellings at 18 Tyrell Road, Nedlands, subject to the following conditions:

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. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.
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:
  - 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.

4. Prior to occupation of the development the kitchen windows of Lot 1 located on the south elevation, and the Bedroomroom 3 window of Unit 5 on the south elevation, 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.

5. Prior to occupation of the development, the approved landscaping plan is to be installed and maintained in accordance with that plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City of Nedlands.
6. Prior to the lodgement of Building Permit, a Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plan shall be observed at all times throughout the construction process to the satisfaction of the City. Adjoining landowners shall be notified in writing no less than 14 days prior to construction.
7. The development shall comply with the approved Waste Management Plan to the satisfaction of the City of Nedlands. Any modification to the approved waste management plan will require further approval by the City.
8. Prior to the lodgement of a Building Permit, a Landscape Management Plan, shall be submitted and approved by the City of Nedlands. It shall in addition to include a comprehensive maintenance plan for all proposed landscaping on the site and contingencies for replacement of dead and diseased plants.
9. Prior to occupation the development is to incorporate at least one energy efficiency initiative that exceeds the minimum practice, or all dwellings are to exceed the minimum NATHERS requirement by 0.5 stars.

<b>PD38.21</b>	<b>Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands</b>
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<b>Committee</b>	9 November 2021
<b>Council</b>	23 November 2021
<b>Applicant</b>	Oswald Homes
<b>Landowner</b>	A & A Beamish
<b>Director</b>	Tony Free – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	<p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.</p> <p>There is no financial or personal relationship between City staff and the proponents or their consultants.</p> <p>Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.</p>
<b>Report Type</b>  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.
<b>Reference</b>	DA21/66409
<b>Previous Item</b>	Nil
<b>Delegation</b>	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Zoning Plan and Aerial Image</li> <li>2. Plans</li> <li>3. Architectural Perspective Drawings</li> </ol>
<b>Confidential Attachments</b>	<ol style="list-style-type: none"> <li>1. Submissions</li> <li>2. Applicant's Justification Report</li> </ol>

Mayor Argyle left the meeting at 8.44pm and the Deputy Mayor assumed the Chair.

### **Mayor Argyle – Proximity Interest**

Mayor Argyle disclosed a proximity interest in Item PD38.21– Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands, her interest being that she is the sole owner of 39 Kinninmont Avenue, Nedlands which is the neighbouring property to the development. Mayor Argyle declared that she would leave the room during discussion on this item.

### **Councillor Wetherall – Impartiality Interest**

Councillor Wetherall disclosed that he has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom he has a working relationship., and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Wetherall declared that he would consider this matter on its merits and vote accordingly.

### **Councillor Smyth – Impartiality Interest**

Councillor Smyth disclosed that she has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom she has a working relationship and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor Smyth declared that she would consider this matter on its merits and vote accordingly.

### **Councillor Bennett – Impartiality Interest**

Councillor Bennett disclosed that he has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom he has a working relationship and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Bennett declared that he would consider this matter on its merits and vote accordingly.

### **Councillor Youngman – Impartiality Interest**

Councillor Youngman disclosed that he has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom he has a working relationship and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Youngman declared that he would consider this matter on its merits and vote accordingly.

### **Councillor Senathirajah – Impartiality Interest**

Councillor Senathirajah disclosed that he has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom he has a working relationship and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Senathirajah declared that he would consider this matter on its merits and vote accordingly.

### **Councillor McManus – Impartiality Interest**

Councillor McManus disclosed an impartiality interest in Item PD38.21- Consideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor McManus disclosed that he has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom he has a working relationship 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.

### **Councillor Hodsdon – Impartiality Interest**

Councillor Hodsdon disclosed that he has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom he has a working relationship and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Hodsdon declared that he would consider this matter on its merits and vote accordingly.

### **Councillor Coghlan – Impartiality Interest**

Councillor Coghlan disclosed that she has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom she has a working relationship and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor Coghlan declared that she would consider this matter on its merits and vote accordingly.

### **Councillor Amiry– Impartiality Interest**

Councillor Amiry disclosed that she has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom she has a working relationship and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor Amiry declared that she would consider this matter on its merits and vote accordingly.



### **Councillor Combes – Impartiality Interest**

Councillor Combes disclosed that she lives on Kinninmont Street, and as a consequence, there may be a perception that his/her impartiality on the matter may be affected. Councillor Combes declared that he/she would consider this matter on its merits and vote accordingly.

Moved – Councillor Combes  
Seconded – Councillor Amiry

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

Lost 1/11

(Against: Crs. Brackenridge Coghlan Senathirajah Amiry McManus Smyth  
Bennett Mangano Youngman Hodsdon & Wetherall)

**Regulation 11(da) - The Committee was concerned with respect to the impacts on the neighbouring property and of the impact on the streetscape from the proposal.**

Moved – Councillor Smyth  
Seconded – Councillor Wetherall

### **Committee Recommendation**

**That the Chief Executive Officer be requested to present to Council reasons for refusal as part of the Council Agenda.**

**CARRIED 9/3**

**(Against: Crs. Hodsdon & Senathirajah & Mangano)**

### **Recommendation to Committee**

In accordance with Clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 15 July 2021 in accordance with amended plans date stamped 6 October 2021 for a Single House at 37c Kinninmont Avenue, Nedlands, subject to the following conditions:

1. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
2. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.

3. Prior or 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 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.
4. Prior to occupation of the development, the balcony on the southern elevation facing south shall be screened to satisfy the deemed to comply criteria of clause 5.4.1 of the Residential Design Codes Volume 1. Screening referred to in c1.1(ii) of the Residential Design Codes Volume 1 is to be in the form of:
  - 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 setbacks and/or screening shall be thereafter maintained to the satisfaction of the City of Nedlands

5. Landscaping shall be installed and maintained in accordance with the approved plans, including the planting of one (1) tree with a minimum planting area of 2m x 2m. All landscaping shall be maintained for the lifetime of the development thereafter, to the satisfaction of the City.
6. 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.

<b>PD39.21</b>	<b>Scheme Amendment No. 16 – Fast Food Outlets Use Permissibility</b>
Committee	9 November 2021
Council	23 November 2021
Applicant	City of Nedlands
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 of the Local Government Act 1995	Nil.  “The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff and the proponents or their consultants. Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia”.
Attachments	1. Scheme Amendment No. 16 – Justification Report 2. Summary of Submissions
Confidential Attachments	1. Full copy of Submissions

Mayor Argyle returned to the meeting at 9.09pm and resumed the chair.

Moved – Councillor Youngman  
Seconded – Councillor Bennett

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

LOST 4/9  
(Against: Mayor Argyle Crs. Brackenridge Coghlan Amiry  
Smyth Bennett Mangano Youngman & Hodsdon)

**Regulation 11(da)** - The Committee considered that the amendment had merit as outlined in the Justification Report.

Moved - Councillor Youngman  
Seconded - Councillor Bennett

### Committee Recommendation

#### Council:

1. pursuant to section 75 of the *Planning and Development Act 2005* and in accordance with Regulation 41(3)(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, resolves to support Amendment No. 16 to the City of Nedlands Local Planning Scheme No. 3 as follows:

- a) **As detailed in Attachment 1 – Amendment No. 16 Justification Report.**
2. **resolves to provide a summary of the reasons why the City supports Amendment No.16 to the City of Nedlands Local Planning Scheme No.3, and a schedule of submissions made on the Amendment, to the Western Australian Planning Commission within twenty-one (21) days of the Resolution, in accordance with Regulation 44 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

**CARRIED 9/4**  
**(Against: Crs. Amiry McManus Combes & Wetherall)**

## Recommendation to Committee

Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005* and in accordance with Regulation 41(3)(c) of the *Planning and Development (Local Planning Schemes) Regulations 2015* resolves to NOT support Amendment No. 16 to the City of Nedlands Local Planning Scheme No. 3 for the following reasons:
  - a) The Amendment is inconsistent with the City's Local Planning Strategy that was endorsed by the Western Australian Planning Commission in 2017, and therefore does not align with the City's strategic planning framework or direction.
  - b) The Amendment could unfairly prejudice the development of takeaway food businesses that fall within the land use definition of Fast Food Outlet, and prevent services being located in suitable locations (such as the Mixed Used zone or Specialised Activity Centres).
  - c) The Urban Development zone is not considered to be the most appropriate zone for the development of Fast Food Outlets, given it comprises only a small portion of the Scheme area.
2. Resolves to provide a summary of the reasons why the City does not support Amendment No.16 to the City of Nedlands Local Planning Scheme No.3, and a schedule of submissions made on the Amendment, to the Western Australian Planning Commission within twenty-one (21) days of the Resolution, in accordance with Regulation 44 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**8.2 Corporate Strategy Report No's CPS18.21 to CPS19.21**

Corporate & Strategy Report No's CPS18.21 to CPS19.21 to be dealt with at this point (copy attached green cover sheet).

<b>CPS18.21 List of Accounts Paid – September 2021</b>	
<b>Committee</b>	9 November 2021
<b>Council</b>	23 November 2021
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Ed Herne – Director Corporate & Strategy
<b>Attachments</b>	1. Creditor Payment Listing – September 2021; and 2. Credit Card and Purchasing Card Payments – September 2021
<b>Confidential Attachments</b>	1. Nil.

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

Moved – Councillor Hodsdon  
Seconded – Councillor Wetherall

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

**CARRIED 11/2**  
**(Against: Crs. Mangano & Coghlan)**

**Committee Recommendation / Recommendation to Committee**

**Council receives the List of Accounts Paid for the month of September 2021 as per the attachments.**

<b>CPS19.21</b>	<b>Deed of Variation – Mayo Community Garden Inc.</b>
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<b>Committee</b>	9 November 2021
<b>Council</b>	23 November 2021
<b>Applicant</b>	Mayo Community Garden Inc.
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Ed Herne – Director Corporate & Strategy
<b>Attachments</b>	Nil.
<b>Confidential Attachments</b>	Nil.

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

Moved – Councillor McManus  
 Seconded – Councillor Hodsdon

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

Councillor Hodsdon left the meeting at 9.46pm.

**CARRIED 10/2**  
**(Against: Crs. Smyth & Bennett)**

**Committee Recommendation / Recommendation to Committee**

**Council:**

- 1. approves the request from Mayo Community Garden Inc. to remove the ‘Verandah’ structure from the agreed lease premises and requests the CEO arrange a Deed of Variation to formalise the request; and**
- 2. authorises the CEO and Mayor to execute the agreement and apply the City’s Common Seal.**

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

Nil.

Councillor Hodsdon returned to the meeting at 9.47pm

**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 declares the meeting closed at 9.48pm.