



City of Nedlands

Minutes

Council Committee Meeting

11 June 2019

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, Nedlands on Tuesday 11 June 2019 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 C Hipkins (Presiding Member)	
	Councillor I S Argyle	Dalkeith Ward
	Councillor W R B Hassell	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor C M de Lacy	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor G A R Hay	Melvista Ward
	Councillor T P James	Melvista Ward
	Councillor N W Shaw	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
	Ms M Hulls	Acting Director Technical Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

Public There were 10 members of the public present.

Press The Post Newspaper representative.

Leave of Absence (Previously Approved) Councillor B G Hodsdon Hollywood Ward

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.

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1. Public Question Time

Nil.

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

Mrs Rosemary Tomkinson, 2 Marlin Court, Dalkeith PD20.19
(spoke in opposition to the recommendation)

Ms Maggie Venerys / Ms Helen Keys, 5 Marlin Court, Dalkeith PD20.19
(spoke in opposition to the recommendation)

Mr Peter Simpson, 7 Marlin Court, Dalkeith PD20.19
(spoke in support of the recommendation)

Ms Holly Cranston, 8 Colin Street, Dalkeith PD22.19
(spoke in support of 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 14 May 2019

Moved – Councillor Hay
Seconded – Councillor James

The Minutes of the Council Committee held 14 May 2019 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 PD20.19 to PD22.19

Planning & Development Report No's PD20.19 to PD22.19 to be dealt with at this point (copy attached yellow cover sheet).

PD20.19	No. 7 Marlin Court, Dalkeith - Two Storey Single Dwelling with Under Croft
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Committee	11 June 2019
Council	25 June 2019
Applicant	Building Corporation WA Pty Ltd T/A Giorgi Architects and Builders
Landowner	Mr R & Mrs T Tai
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	DA19/33721
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. Site Photographs 2. Submission Table 3. Applicant's Justification

Mrs Rosemary Tomkinson, 2 Marlin Court, Dalkeith PD20.19
(spoke in opposition to the recommendation)

Ms Maggie Venerys, 5 Marlin Court, Dalkeith PD20.19
(spoke in opposition to the recommendation)

Mr Peter Simpson, 7 Marlin Court, Dalkeith PD20.19
(spoke in support of the recommendation)

Moved – Councillor Shaw
Seconded – Mayor Hipkins

Regulation 11(da) – Council determined that the proposed dwelling adversely affected the amenity and character of the immediate neighbourhood due to the building's bulk.

Committee Recommendation

That Council refuse the development application dated 21 December 2018 with amended plans dated 16 May 2019.

**CARRIED 8/-
(Abstained: Crs. Hassell Wetherall McManus & Smyth)**

Recommendation to Committee

Council approves the development application dated 21 December 2018 with amended plans dated 16 May 2019 to construct a two-storey single dwelling with under-croft at Lot 24, No. 7 Marlin Court, Dalkeith, 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 proposed single dwelling, pergola, fencing, swimming pool and associated site works;
3. The following conditions are applicable on the advice received from the Department of Biodiversity, Conservations and Attractions:
 - a) The applicant shall take appropriate preventative measures during the works to ensure that no construction material, topsoil, runoff or deleterious matter is allowed to enter the river, foreshore reserve and/or stormwater system;
 - b) Stormwater runoff from constructed impervious surfaces generated by small rainfall events (i.e. the first 15 mm of rainfall) must be retained and/or detained at-source as much as practical and will not be permitted to enter the river untreated;
 - c) Prior to the occupation of the dwelling, boundary fencing shall be installed delineating the boundary between the subject site and Crown Reserve 34384 (Lot 206 on Diagram 34215). The fence constructed on the boundary of Crown Reserve 34384 shall be open view style of a total height not exceeding 1.8 metres in accordance with the Department of Biodiversity, Conservation and Attractions' Corporate Policy Statement No. 48 Planning for

Development Setback Requirements affecting the Swan Canning Development Control Area;

- d) No wastewater/backwash from the swimming pool is to be discharged onto the land or into the local government drainage system, as the treated water may contain chemicals that are detrimental to riverine ecology;
 - e) In the event of any dewatering being required to be undertaken for any component of the works or development, prior to commencement of dewatering, the applicant shall submit for approval to the City of Nedlands and the Department of Biodiversity, Conservation and Attractions, a Dewatering Management Plan; and
 - f) The applicant shall not access the site via the Parks and Recreation reserve unless authorised by the City of Nedlands to do so.
4. Revised plans shall be submitted with the Building Permit application, incorporating the following modifications to the satisfaction of the City:
 - a) The sliding gate to the driveway being visually permeable above 0.75m as measured from natural ground level;
 - b) No solid fencing above 0.75m within 1m of the vehicle access point; and
 - c) External fixtures such as metre boxes for the dwelling are concealed from view from the primary street or integrated into the dwelling.
 5. All structures associated with retaining walls and fences, shall be constructed wholly inside the site boundaries of the property's Certificate of Title;
 6. All visual privacy screens and obscure glass panels to Major Openings and Unenclosed Active Habitable Spaces as shown on the approved plans, shall prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes 2018*. The visual privacy screens and obscure glass panels shall be installed prior to the development's practicable completion and remain in place permanently, unless otherwise approved by the City;
 7. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite; and
 8. The existing dwelling is to be demolished prior to the commencement of construction of the proposed dwelling.

Advice Notes specific to this proposal:

1. The following advice is in relation to condition no. 3:
 - a) With regard to Condition 3 (b), the applicant is advised the stormwater management system shall be designed to prevent mobilisation of sediment, nutrients and contaminants from the site to the river. Stormwater from the proposed development should be managed in accordance with the Department of Biodiversity, Conservation and Attractions' Corporate Policy Statement No. 49 Planning for Stormwater Management Affecting the Swan Canning Development Control Area, the Department of Water and Environmental Regulation's Stormwater Management Manual for Western Australia and Decision Process for Stormwater Management in WA, and water sensitive urban design principles;
 - b) With regard to Condition 3 (e), the applicant is advised that the Department of Biodiversity, Conservation and Attractions has dewatering tailwater discharge standards that are required to be met if it is proposed to discharge directly or indirectly (e.g. via the stormwater system) into the river. The Department of Biodiversity, Conservation and Attractions should be contacted for further advice;
 - c) Any unauthorised development within the Parks and Recreation reserve may attract a penalty under section 223 of the *Planning and Development Act 2005*. A person who commits an offence under this section is liable for a penalty of \$200,000 together with daily fines of \$25,000 for each day during which the offence continues. The maximum penalty for a corporation is \$1,000,000 with a daily penalty of \$125,000 for every day during which the offence continues;
 - d) The applicant is advised that the proposed works are located within a high to moderate acid sulphate soil (ASS) risk area. If any ASS is exposed during the works the Department of Water and Environmental Regulation should be contacted for further advice or the soils managed in accordance with Treatment and Management of Soils and Water in Acid Sulphate Soil Landscapes (DEC 2011) and the Department of Biodiversity, Conservation and Attractions, Rivers and Estuaries Branch notified; and
 - e) The use of local native vegetation species within the setback area including the garden bed, is recommended due to their low maintenance and fertiliser requirements and increased habitat values for native fauna.

2. The applicant is advised that a separate development application is required to be submitted to and approved by the City prior to erecting any fencing behind the primary street setback area which is more than 1.8m in height above natural ground level;
3. The applicant is advised that 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;
4. The applicant is advised that 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;
5. The applicant is advised that 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;
6. The applicant is advised that 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;
7. 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;
8. The applicant is advised that 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;
9. The applicant is advised that 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;

10. 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; and

11. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.

PD21.19	No. 51 Hobbs Avenue, Dalkeith – Additions to Single Dwelling
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Committee	11 June 2019
Council	25 June 2019
Applicant	Alana John Design
Landowner	V A Flynn
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Type	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	DA18/33527
Previous Item	Nil.
Delegation	In accordance with Clause 7 of the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	1. Site Photographs

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Shaw
 Seconded – Councillor de Lacy

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

CARRIED 11/1
(Against: Cr. Mangano)

Committee Recommendation / Recommendation to Committee

Council approves the development application dated 17 December 2018 with amended plans received 27 March 2019 for additions to the existing single dwelling at Lot 83, No. 51 Hobbs Avenue, Dalkeith, 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 to the existing single dwelling as shown on the approved plans;
3. All footings and structures to retaining walls and fences, shall be constructed wholly inside the site boundaries of the property's Certificate of Title;
4. The proposed pergolas shall remain without permanent roof cover unless further development approval is obtained; and
5. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.

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 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;
2. The applicant is advised that 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;
3. The applicant is advised that 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 Works approval;
4. The applicant is advised that all swimming pool waste water 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;
5. The applicant is advised that 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;

6. 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;
7. The applicant is advised that 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;
8. The applicant is advised that 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;

9. 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; and

- 10. The applicant is advised that this decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**

PD22.19	No. 8 Colin Street, Dalkeith – Single Storey Single Dwelling
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Committee	11 June 2019
Council	25 June 2019
Applicant	Daniel Cassettai Design
Landowner	H and S Cranston
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	DA19/34691
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. Site Photographs

Ms Holly Cranston, 8 Colin Street, Dalkeith
(spoke in support of the recommendation)

PD22.19

Moved – Councillor Hassell
Seconded – Councillor James

That the Recommendation to Committee be adopted subject to condition 3. a) being removed.

Councillor Horley left the room at 7.55 pm and returned at 7.58 pm.

**CARRIED 8/4
(Against: Crs. Mangano Hay Shaw & Horley)**

Regulation 11(da) – Council determined that the fill within the front setback would not adversely affect the streetscape.

Committee Recommendation

Council approves the development application dated 27 February 2019 with amended plans received on 8 March 2019 to construct a single storey single dwelling at (Lot 4) No. 8 Colin Street, Dalkeith subject to the following conditions and advice:

- 1. The development shall always 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 proposed single storey single house, swimming pool, swimming pool fencing and associated site works;**
- 3. Revised plans shall be submitted prior to the lodgement of the Building Permit application incorporating the following amendments to the satisfaction of the City of Nedlands:**
 - a) reducing the width of the driveway at the primary street boundary to be 6m.**
- 4. The proposed dwelling not being used as ancillary accommodation nor short term accommodation without further development approval;**
- 5. The existing dwelling is to be demolished prior to the commencement of construction of the proposed dwelling;**
- 6. This development approval only pertains to the proposed single dwelling;**
- 7. All fencing, retaining and other structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title; and**
- 8. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**

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 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;**

- 2. The applicant is advised that 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.;**
- 3. The applicant is advised that 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;**
- 4. The applicant is advised that the redundant crossover(s) are required to be removed and the nature-strip (verge) reinstated;**
- 5. The applicant is advised that 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 Works approval;**
- 6. 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;**
- 7. The applicant is advised that 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;**
- 8. The applicant is advised that all swimming pool waste water 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;**
- 9. The applicant is advised that 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. The applicant is advised to consult the City's Acoustic Privacy Advisory Information in relation to locating any mechanical equipment (e.g. air-conditioner) 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;

11. The applicant is advised that 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; and

12. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.

Recommendation to Committee

Council approves the development application dated 27 February 2019 with amended plans received on 8 March 2019 to construct a single storey single dwelling at (Lot 4) No. 8 Colin Street, Dalkeith subject to the following conditions and advice:

1. The development shall always 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 proposed single storey single house, swimming pool, swimming pool fencing and associated site works;
3. Revised plans shall be submitted prior to the lodgement of the Building Permit application incorporating the following amendments to the satisfaction of the City of Nedlands:
 - a) reducing the fill and retaining to no more than 0.5m in height within 3m of the primary street boundary; and
 - b) reducing the width of the driveway at the primary street boundary to be 6m.
4. The proposed dwelling not being used as ancillary accommodation nor short term accommodation without further development approval;
5. The existing dwelling is to be demolished prior to the commencement of construction of the proposed dwelling;
6. This development approval only pertains to the proposed single dwelling;
7. All fencing, retaining and other structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title; and
8. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.

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 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;

2. The applicant is advised that 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.;
3. The applicant is advised that 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;
4. The applicant is advised that the redundant crossover(s) are required to be removed and the nature-strip (verge) reinstated;
5. The applicant is advised that 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 Works approval;
6. 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;
7. The applicant is advised that 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;
8. The applicant is advised that all swimming pool waste water 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;
9. The applicant is advised that 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. The applicant is advised to consult the City's Acoustic Privacy Advisory Information in relation to locating any mechanical equipment (e.g. air-conditioner) 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;

11. The applicant is advised that 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; and

12. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.

8.2 Technical Services Report No's TS12.19 to TS13.19

Technical Services Report No's TS12.19 to TS13.19 to be dealt with at this point (copy attached blue cover sheet).

TS12.19	Kirwan Street and Whitfeld Street Parking Review Community Consultation Results
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Committee	11 June 2019
Council	25 June 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Maria Hulls – Acting Director Technical Services
Attachments	1. Existing parking prohibition map 2. Proposed parking prohibition map

Councillor James left the room at 8.04 pm.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall
Seconded – Councillor de Lacy

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council approves the installation of:

- a) **3-hour parking prohibitions on the north side of Kirwan Street and Whitfeld Street between Birkdale Street and Selby Street; and**
- b) **No parking prohibitions on the south side of Kirwan Street and Whitfeld Street between Birkdale Street and Selby Street.**

TS13.19	Smyth Road Parking Review Community Consultation Results
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Committee	11 June 2019
Council	25 June 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Maria Hulls – Acting Director Technical Services
Attachments	1. Drawing – Smyth Road Existing and Proposed Parking Prohibitions

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall
 Seconded – Councillor Hay

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

Councillor James returned to the room at 8.07 pm.

Councillor Shaw left the room at 8.09 pm and returned at 8.11 pm.

CARRIED 10/-
(Abstained: Crs. Hassell & Smyth)

<p>Committee Recommendation / Recommendation to Committee</p> <p>Council approves ‘No Parking’ on Smyth Road in the southbound carriageway between the hours of 8am – 5pm, Monday – Friday.</p>

8.3 Corporate & Strategy Report No's CPS09.19

Report No's CPS09.19 to be dealt with at this point (copy attached green cover sheet).

CPS09.19 List of Accounts Paid – April 2019	
Committee	11 June 2019
Council	25 June 2019
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 2019 2. Purchasing Card Payments April 2019 (29 th March 2019 – 28 th April 2019)

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Shaw
Seconded – Councillor James

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 2019 (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 8.28 pm.