



City of Nedlands

Minutes

Council Committee Meeting

11 May 2020

ATTENTION

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

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City of Nedlands

Minutes of a meeting of the Council Committee held in the Council Chambers, 71 Stirling Highway, Nedlands on Tuesday 11 May 2021 at 7 pm.

Declaration of Opening

The Acting Chief Executive Officer declared the meeting open at 7 pm.

As the Deputy Mayor was on Approved Leave of Absence the Acting CEO called for nominations for the Presiding Member.

Councillor Hodsdon & Councillor Tyson nominated Councillor Smyth. Councillor Smyth accepted the nomination. As there were no further nominations Councillor Smyth assumed the Chair.

The Presiding Member and drew attention to the disclaimer below.

Present and Apologies and Leave of Absence (Previously Approved)

Councillors	Councillor K A Smyth	Presiding member
	Councillor F J O Bennett	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor N R Youngman	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor P N Poliwka	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor B Tyson	Melvista Ward

Staff	Mr E K Herne	Acting Chief Executive Officer
	Mr J Duff	Director Technical Services
	Mr T G Free	Director Planning & Development
	Mr A Melville	Acting Director Corporate & Strategy
	Ms P Panayotou	Executive Manager Community
	Mrs N M Ceric	Executive Officer

Public There were 8 members of the public present and 3 online.

Leave of Absence (Previously Approved) Deputy Mayor L J McManus

Apologies Councillor N B J Horley Coastal Districts Ward

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 the Council meeting. Members of the public are also advised to wait for written advice from the CEO, on behalf of 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 Ms Carmen Tutor, 8A Alexander Road, Dalkeith

Question 1

Please advise what steps the City of Nedlands has taken to ensure that all multiple dwellings and apartments being approved for development as safe and compliant for living during Pandemic times such as COVID19?

Answer 1

All multiple dwelling and apartments are required to meet the relevant health and safety provisions as outlined under Building Code of Australia.

Question 2

Currently the Dalkeith precinct is dominated by low-rise residences and scheme Proposed Scheme Amendment No. 13 amends R10 and R12.5 to a mix of R20-R40 within the Waratah Village Precinct which reflects the character of the area. Please advise the status of this amendment and amendment no. 9 changing zoning to R35 within the Waratah Village as per the recent study.

Answer 1

Amendment No. 8 proposes to reduce the density coding of specified lots along Alexander Road to Residential R35 from R60 and R80. This amendment is currently with the Department of Planning, Lands and Heritage prior to being presented to the Western Australian Planning Commission and ultimately the Minister of Planning for determination.

There may have been earlier discussions in relation to the potential to modifying areas of R10 and R12.5 near the Waratah Village to a mix of R20-R40, however this has not been initiated and is not a proposal which the City is currently pursuing.

Amendment No. 13 has not been initiated at this stage.

Amendment No. 9 relates to Deep Soil Areas / Tree Planting which is also with the Department of Planning, Lands and Heritage prior to being presented to the Western Australian Planning Commission and ultimately the Minister of Planning for determination.

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 Arif Valibhoy, 50 Jutland Parade, Dalkeith PD16.21
(spoke in support of the recommendation)

Mr Tim Banfield, 18 Walba Way, Swanbourne PD18.21
(spoke in support of the recommendation)

Mr John Carstens, 20 Kingsway, Nedlands PD20.21
(spoke in opposition to the recommendation)

Mr Liam Barlett, 24 Vincent Street, Nedlands PD21.21
(spoke in opposition to the recommendation)

Mr Andrew Hector, 22 Vincent Street, Nedlands PD21.21
(spoke in support of the recommendation)

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 Councillor Bennett – PD20.21- Scheme Amendment No 7 – South Broadway Final Adoption

Councillor Bennett disclosed a financial interest in Item PD20.21 – Scheme Amendment No 7 – South Broadway Final Adoption, his interest being that he owns property in the Scheme Amendment area. Councillor Bennett 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*.

There were no disclosures affecting impartiality.

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

Nil.

6. Confirmation of Minutes

6.1 Council Committee Meeting 13 April 2021

Moved – Councillor Hodsdon
Seconded – Councillor Tyson

The Minutes of the Council Committee Meeting held 13 April 2021 be confirmed.

CARRIED UNANIMOUSLY 10/-

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 PD16.21 to PD21.21

Planning & Development Report No's PD16.21 to PD21.21 to be dealt with at this point (copy attached yellow cover sheet).

PD16.21	Consideration of Retrospective Sea Containers and Proposed Façade Treatments at No. 52 Jutland Parade, Dalkeith
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Committee	11 May 2021
Council	25 May 2021
Applicant	Nathan Stride
Landowner	Jeffery John Leach
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<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>
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA20/56128
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	<ol style="list-style-type: none"> 1. Planning and Development (Local Planning Schemes) Regulations 2015 Assessment 2. Aims of the Scheme Assessment 3. Residential Zone Objectives Assessment
Confidential Attachments	<ol style="list-style-type: none"> 1. Plans 2. Submissions 3. Site photos

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Mangano

Seconded – Councillor Youngman

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 10/-

Committee Recommendation / Recommendation to Committee

1. In accordance with Clause 68 (2)(c) of the Planning and Development (Local Planning Scheme) Regulations 2015 Council resolves to refuse the development application dated 3 November 2021 for Retrospective Sea Containers and Proposed Façade Treatments at Lot 80 (No. 52) Jutland Parade, Dalkeith for the following reasons:
 - a. The proposed development does not comply with Clause 67(2)(m) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 as the development is not considered to be compatible with its setting, desired future character of its setting and the relationship of the development to development on adjoining land being the likely effect of the appearance of the development.
 - b. The proposed development does not comply with Clause 67(2)(n) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 as the development is not in keeping with the character of the locality.
 - c. The proposed development does not comply with Clause 9 (a) of the City of Nedlands Local Planning Scheme No. 3 as the development is not considered to protect and enhance the local character and amenity.
 - d. The proposed development does not comply with the Residential Zone Objectives of the City of Nedlands Local Planning Scheme No. 3 as the development –
 - i. Does not facilitate high quality design, built form and streetscapes;
 - ii. is a non-residential land use which is not complementary to the existing residential development in the locality; and
 - iii. Does not maintain compatibility with the desired streetscape in terms of bulk and height.

- 2. In accordance with Section 214(3) of the Planning and Development Act 2005, Council directs the applicant to remove the sea containers from No. 52 Jutland Parade, Dalkeith 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 sea containers were placed on site, to the satisfaction of the City of Nedlands.**

PD17.21	Consideration of a Residential – Single House at No. 79 Rosedale Street, Floreat
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Committee	11 May 2021
Council	25 May 2021
Applicant	Rubix Homes
Landowner	A Scanlan and K Scanlan
Director	Tony Free –Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<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>
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	DA21/59826
Previous Item	Nil
Delegation	In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to an objection being received.
Attachments	1. Applicant’s Cover Letter
Confidential Attachments	<ol style="list-style-type: none"> 1. Plans 2. Submission 3. Assessment

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Senathirajah

Seconded – Councillor Hodsdon

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED 6/4
(Against: Crs. Smyth Bennett Mangano & Tyson)

Committee Recommendation / Recommendation to Committee

In accordance with Clause 68(2)(a) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 21 January 2021 in accordance with plans date stamped 18 March 2021 for a Single House at Lot 17 (No. 79) Rosedale Street, Floreat, 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. This development approval only pertains to a Residential – Single House as indicated on the determination plans.
3. All footings and structures to retaining walls, fences and parapet walls, shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
4. Prior to occupation of the development, all major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level and overlook any part of any other residential property behind its street setback line shall be setback, in direct line of sight within the cone of vision from the lot boundary, a minimum distance as prescribed in C1.1 of Clause 5.4.1 – Visual Privacy of the Residential Design Codes. Alternatively, the major openings and unenclosed outdoor active habitable spaces are screened in accordance with the Residential Design Codes by either;
 - a. fixed obscured glazing 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 finish of the parapet wall is to be finished externally to the same standard as the rest of the development in:

- Face brick,
 - Painted render,
 - Painted brickwork; or
 - Other clean material as specified on the approved plans and maintained thereafter to the satisfaction of the City of Nedlands.
6. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.
 7. Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners and hot water systems shall be integrated into the design of the building and not be visible from the primary street, secondary street to the satisfaction of the City of Nedlands.
 8. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Nedlands.
 9. Retaining walls, fences or other structures are to be truncated or reduced to no higher than 0.75m within 1.5m of where the wall, fences, other structures adjoining vehicle access points where a driveway meets a public street to the satisfaction of the City of Nedlands.

PD18.21	Consideration of Development Application for additions to a two-storey single house (including rooftop-terrace) at 18 Walba Way, Swanbourne (DA20/54704)
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Committee	11 May 2021
Council	25 May 2021
Applicant	James Billington
Landowner	Gemma Banfield
Director	Tony Free - Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<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>
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA20/54704
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	1. Applicant Justification Letter
Confidential Attachments	1. Plans 2. Submissions

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Tyson

Seconded – Councillor Youngman

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED 8/2
(Against: Crs. Mangano & Senathirajah)

Committee Recommendation / Recommendation to Committee

In accordance with Clause 68(2)(a) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 24 September 2021 (DA20/54704), with amended plans received on 15 March 2021, for ground floor and first floor additions to a single house at Lot 13 (No. 18) Walba Way, Swanbourne, subject to the following conditions:

1. This approval is for a 'Residential' land use as defined under the City of Nedlands Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.
2. 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.
3. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
4. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development in:
 - Face brick;
 - Painted render;
 - Painted brickwork; or
 - Other clean material as specified on the approved plans; and maintained thereafter to the satisfaction of the City.
5. Prior to occupation of the development, the screening as shown on the approved shall be installed in accordance with the Residential Design Codes by either:
 - Fixed obscured or translucent glass to a height of 1.60 metres above finished floor level; or
 - Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;
 - A minimum sill height of 1.60 metres as determined from the internal floor level; or
 - An alternative method of screening approved by the City.

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

- 6. Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners and hot water systems shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.**
- 7. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City.**
- 8. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**

Councillor Wetherall left meeting at 7.51 pm.

Please note the Presiding Member brought this item forward from page 27.

PD21.21	Consideration of Development Application for 5 Single Houses at No. 22 Vincent Street, Nedlands
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Committee	11 May 2021
Council	25 May 2021
Applicant	Coastview Australia Pty Ltd
Landowner	Lenmal Pty Ltd
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<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>
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.
Quasi-Judicial	
Reference	DA20-55087
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	1. Applicant Justification
Confidential Attachments	<ol style="list-style-type: none"> 1. Development Plans 2. Submissions 3. Site Photos

Councillor Wetherall returned to the meeting at 7.53 pm.

Regulation 11(da) - The Council Committee in seeking to maximise the green space on the verge has requested that the crossovers be reduced in width, the existing street trees be retained and additional trees be planted. In order to ensure that the privacy of the property across the street is maintained, the Council Committee has required that the balcony balustrade being either an opaque material or frosted glass.

Moved – Councillor Youngman

Seconded – Councillor Tyson

Committee Recommendation

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 5 October 2020 in accordance with plans date stamped 3 March 2021 and 20 April 2021 (DA20-44087) for five (5) Single Houses at Lot 90 (No. 22) 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. This approval is for a 'Residential- Single House' land use as defined under the City of Nedlands Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.**
- 3. Prior to the issue of a Building Permit, all development plans showing the locations of crossovers are to be amended as follows:**
 - a) Lot 1 crossover width is to be reduced to 4.5m wide on Vincent Street; and**
 - b) Lots 2-5 crossover widths are to be reduced to 4.0m wide on Jenkins Avenue to the satisfaction of the City.**
- 4. Prior to the issue of a Building Permit, a Construction Management Plan shall be submitted to the satisfaction of the City. The approved construction shall be observed at all times throughout the construction process to the satisfaction of the City.**
- 5. Prior to the issue of a Building Permit, the cost associated with the planting of an additional three (3) new street trees as indicated on the Landscaping Plan dated 20 April 2021 is to be borne by the owner/applicant and paid to the City.**
- 6. All landscaping shall be installed and maintained in accordance with the approved landscaping plan dated 20 April 2021 subject to both street trees in Jenkins Avenue being retained, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.**

- 7. Prior to occupation of the development all fencing/visual privacy screens and obscure glass panels to major openings and unenclosed active habitable areas as annotated on the development plans dated 3 March 2021 and 20 April 2021, shall be screened in accordance with the Residential Design Codes. 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, 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 setbacks and/or screening shall be thereafter maintained to the satisfaction of the City.

- 8. 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 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.

- 9. In accordance with the Australian Standard AS2890.1 (as amended), all car parking and vehicle manoeuvring areas are to maintain adequate circulation space, free of intrusions such as doors and storage areas which do not compromise the minimum parking dimensions required under AS2890.1.**
- 10. The parking bays and vehicle access areas shall be drained, paved, and constructed in accordance with the approved plans and are to comply with the requirements of AS/NZS 2890.1:2004 prior to the occupation or use of the development.**
- 11. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.**
- 12. All stormwater from the development, which includes permeable and impermeable areas shall be contained onsite.**

- 13. Prior to occupation of the development, all external fixtures including, but not limited to, TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.**
- 14. All balcony balustrades shall be either opaque material or frosted glass.**

CARRIED UNANIMOUSLY 10/-

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 5 October 2020 in accordance with plans date stamped 3 March 2021 and 20 April 2021 (DA20-44087) for five (5) Single Houses at Lot 90 (No. 22) 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. This approval is for a 'Residential- Single House' land use as defined under the City of Nedlands Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.
3. Prior to the issue of a Building Permit, a Construction Management Plan shall be submitted to the satisfaction of the City. The approved construction shall be observed at all times throughout the construction process to the satisfaction of the City.
4. All landscaping shall be installed and maintained in accordance with the approved landscaping plan dated 20 April 2021, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.
5. Prior to occupation of the development all fencing/visual privacy screens and obscure glass panels to major openings and unenclosed active habitable areas as annotated on the development plans dated 3 March 2021 and 20 April 2021, shall be screened in accordance with the Residential Design Codes. 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, 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 setbacks and/or screening shall be thereafter maintained to the satisfaction of the City.

- 6. 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 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.

- 7. In accordance with the Australian Standard AS2890.1 (as amended), all car parking and vehicle manoeuvring areas are to maintain adequate circulation space, free of intrusions such as doors and storage areas which do not compromise the minimum parking dimensions required under AS2890.1.
- 8. The parking bays and vehicle access areas shall be drained, paved, and constructed in accordance with the approved plans and are to comply with the requirements of AS/NZS 2890.1:2004 prior to the occupation or use of the development.
- 9. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
- 10. All stormwater from the development, which includes permeable and impermeable areas shall be contained onsite.
- 11. Prior to occupation of the development, all external fixtures including, but not limited to, TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.

PD19.21	Local Planning Policy – Community Engagement on Planning Proposals
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Committee	11 May 2021
Council	25 May 2021
Applicant	City of Nedlands
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<p>Nil</p> <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>
Previous Item	PD51.20 of 27 October 2020 Ordinary Council Meeting
Attachments	<ol style="list-style-type: none"> 1. Draft Local Planning Policy – Community Engagement on Planning Proposals 2. Planning Regulations Amendment Regulations 2020 – New Consultation Requirements 3. Summary of proposed amendments to the Local Planning Policy – Consultation of Planning Proposals

Councillor Youngman left the meeting at 8.19 pm.

Moved – Councillor Coghlan
 Seconded – Councillor Tyson

That the Recommendation to Committee be adopted subject to clause 5.7.14 be amended to read:

The City will not undertake Consultation of Planning Proposals for a period commencing on 15 December in a year and ending 15 January the following year.

Councillor Youngman returned to the room at 8.21 pm.

Councillor Poliwka left the meeting at 8.23 pm and returned at 8.26 pm.

Councillor Mangano left the meeting at 8.46 pm.

Councillor Mangano returned to the meeting at 8.47 pm.

Lost 10/
(Against: Crs. Smyth Bennett Mangano
Youngman Hodsdon Poliwka Wetherall
Coghlan Senathirajah & Tyson)

Moved – Councillor Wetherall
Seconded – Councillor Coghlan

Committee Recommendation

That this item be deferred to the next available Council Member Briefing prior to returning to Council.

CARRIED UNANIMOUSLY 10/-

Recommendation to Committee

Council proceeds with the draft modified Local Planning Policy – Community Engagement on Planning Proposals, Attachment 1, and advertises for a period of 21 days, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4(2).

PD20.21	Scheme Amendment No 7 – South Broadway Final Adoption
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Committee	11 May 2021
Council	25 May 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”.
Previous Item	OCM 28 April 2020 - PD15.20 SCM 3 September 2020 – Item 9
Attachments	1. Justification Report – Scheme Amendment No 7 2. Summary of Submissions – Scheme Amendment No 7
Confidential Attachments	1. Full Submissions – Scheme Amendment No 7

Councillor Bennett - Financial Interest

Councillor Bennett disclosed a financial interest in Item PD20.21 – Scheme Amendment No 7 – South Broadway Final Adoption, his interest being that he owns property in the Scheme Amendment area. Councillor Bennett declared that he would leave the room during discussion on this item.

Councillor Bennett left the meeting at 8.53 pm.

Regulation 11(da) - The Council Committee considered that with the existing zoning the land was detrimental to the amenity of the area and inconsistent with the community expectations for the area. Also, the existing zoning was likely to generate significant traffic impacts, which would prove difficult to address.

Moved – Councillor Mangano
Seconded – Councillor Youngman

Council:

1. pursuant to section 75 of the *Planning and Development Act 2005* and in accordance with section 41(3) of the *Planning and*

Development (Local Planning Schemes) Regulations 2015, supports Scheme Amendment No.7 to amend Local Planning Scheme No. 3 as detailed in Attachment 1 – Scheme Amendment No. 7 without modification; and

2. **in accordance with Regulation 44 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, submit the required information for the proposed Scheme Amendment No 7 to the West Australian Planning Commission.**

Councillor Hodsdon left the meeting at 9.17 pm and returned at 9.21pm.

Amendment

Moved - Councillor Poliwka

Seconded - Councillor Wetherall

That the density code for number 2 to 36 Kingsway and 42 to 96 Kingsway, Nedlands remain unchanged at R60.

The AMENDMENT was PUT and was

Lost 2/7

(Against: Crs. Smyth Mangano Youngman
Hodsdon Wetherall Coghlan & Tyson)

The Original Motion was PUT and was

CARRIED 7/2

(Against: Crs. Poliwka & Wetherall)

Committee Recommendation

Council:

1. **pursuant to section 75 of the Planning and Development Act 2005 and in accordance with section 41(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, supports Scheme Amendment No.7 to amend Local Planning Scheme No. 3 as detailed in Attachment 1 – Scheme Amendment No. 7 without modification; and**
2. **in accordance with Regulation 44 of the Planning and Development (Local Planning Schemes) Regulations 2015, submit the required information for the proposed Scheme Amendment No 7 to the West Australian Planning Commission.**

Recommendation to Committee

Council:

1. Pursuant to section 75 of the *Planning and Development Act 2005* and in accordance with section 41(3) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, does NOT support the amendment to Local Planning Scheme No. 3 for the following reasons:
 - a. Scheme Amendment No 7 is not supported by evidence based built form modelling that indicate the proposed amendments would comply with the density targets as set out in Perth and Peel @ 3.5 million; and
 - b. The City and DPLH are working in partnership on a GAPs analysis of the City's strategic planning framework. Scheme Amendment No 7 does not propose work that is identified as a priority by the GAPs analysis, and is therefore considered to be reactive, premature, and not part of an agreed program of works.
2. In accordance with Regulation 44 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, submit the required information for the proposed Scheme Amendment No 7 to the West Australian Planning Commission.

The Presiding Member granted a recess for the purposes of a refreshment break.

The meeting adjourned at 9.34 pm and reconvened at 9.38 with the following people in attendance:

Councillors	Councillor K A Smyth	Presiding Member
	Councillor F J O Bennett	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor N R Youngman	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor P N Poliwka	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor B Tyson	Melvista Ward

Staff	Mr E K Herne	Acting Chief Executive Officer
	Mr J Duff	Director Technical Services
	Mr T G Free	Director Planning & Development
	Mr A Melville	Acting Director Corporate & Strategy
	Ms P Panayotou	Executive Manager Community
	Mrs N M Ceric	Executive Officer

Public There was 1 member of the public present and 1 online.

Please note the Presiding Member brought this item forward see page 16.

PD21.21	Consideration of Development Application for 5 Single Houses at No. 22 Vincent Street, Nedlands
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Committee	11 May 2021
Council	25 May 2021
Applicant	Coastview Australia Pty Ltd
Landowner	Lenmal Pty Ltd
Director	Tony Free – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	<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>
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person’s right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA20-55087
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	2. Applicant Justification
Confidential Attachments	4. Development Plans 5. Submissions 6. Site Photos

8.2 Community Services & Development No's CSD05.21 to CSD06.21

Report No's CSD05.21 to CSD06.21 to be dealt with at this point (copy attached orange cover sheet).

CSD05.21 Health Workers' Tribute Project	
Committee	11 May 2021
Council	25 May 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 of the <i>Local Government Act 1995</i>	Nil.
Executive Manager	Pat Panayotou – Executive Manager Community
Attachments	Nil.
Confidential Attachments	Nil.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hodsdon
 Seconded – Councillor Poliwka

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

**CARRIED BY ABOSOLUTE MAJORITY 8/2
 (Against: Crs. Senathirajah & Tyson)**

Committee Recommendation / Recommendation to Committee

Council:

- 1. approves the transfer of an additional \$20,000 from Council's Art Reserve Account for expenditure on a consultant to undertake the work involved in commissioning an artwork, rather than purchasing an existing work;**
- 2. approves the expenditure of up to \$50,000 on the commissioning of the artwork itself (including advertising, artist fees, fabrication, traffic management, foundations, plaque and installation) from the approved 2020/21 Council budget; and**
- 3. approves Dot Bennett Park as the site for the Health Workers' Tribute public art project.**

ABSOLUTE MAJORITY REQUIRED

CSD06.21	Access Working Group Reviewed Terms of Reference
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Committee	11 May 2021
Council	25 May 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 of the Local Government Act 1995	Nil.
Director	Pat Panayotou – Executive Manager Community
Attachments	1. Current Terms of Reference Access Working Group 2. Proposed Terms of Reference Access Advisory Group
Confidential Attachments	Nil.

Regulation 11(da) – Council agreed that the appointing of Community Members needed to be in line with the Advisory & Working Groups Council Policy and therefore wished to publicly advertise and call for nominations.

Moved – Councillor Hodsdon

Seconded – Councillor Poliwka

Committee Recommendation

Council:

- 1. establishes the Access Advisory Group;**
- 2. approves the Terms of Reference for the Access Advisory Group, as at Attachment 2 Access Advisory Group Proposed Terms of Reference;**
- 3. appoints 2 Council Members being Councillor Horley and Councillor Coghlan to be members of the Access Advisory Group;**
- 4. appoints 2 Council Members being Councillor Hodsdon and Councillor Youngman to be deputy members of the Access Advisory Group;**
- 5. appoints Councillor Horley to be the Chairperson of the Access Advisory Group; and,**

- 6. instructs the CEO to draw Community representatives from members of the community and instructs the CEO to publicly advertise and call for nominations to be received within a defined period. Members are to be appointed by the Council based on demonstrated knowledge, skills and/or understanding relevant to the purpose for which the Access Advisory Group has been established.**

Councillor Wetherall left the meeting at 10.03pm and returned at 10.05pm.

CARRIED UNANIMOUSLY 10/-

Recommendation to Committee

Council:

1. establishes the Access Advisory Group;
2. approves the Terms of Reference for the Access Advisory Group, as at Attachment 2 Access Advisory Group Proposed Terms of Reference;
3. appoints 2 Council Members being Councillor (insert name) and Councillor (insert name) to be members of the Access Advisory Group;
4. appoints Councillor (insert name) to be the Chairperson of the Access Advisory Group; and,
5. appoints community members Robyn Tsapazi, Eric Moxham and Kerry Revell to be members of the Access Advisory Group.

8.3 Corporate & Strategy Report No's CPS11.21

Report No's CPS11.21 to be dealt with at this point (copy attached green cover sheet).

CPS11.21 List of Accounts Paid – March 2021	
Committee	11 May 2021
Council	25 May 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Andrew Melville – Acting Director Corporate & Strategy
Attachments	1. Creditor Payment Listing – March 2021; and 2. Credit Card and Purchasing Card Payments – March 2021 (28 February - 28 March 2021).
Confidential Attachments	Nil.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Senathirajah
Seconded – Councillor Mangano

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

**CARRIED 9/1
(Against: Cr. Tyson)**

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the months of March 2021 as per 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 10.20 pm.