



City of Nedlands

Minutes

Council Committee Meeting

12 November 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 12 November 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	Her Worship the Mayor, C M de Lacy	(Presiding Member)
	Councillor F J O Bennett	Dalkeith Ward
	Councillor W R B Hassell	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor G A R Hay	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor N B J Horley (until 8.45 pm)	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward

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

Public There were 16 members of the public present.

Press The Post Newspaper representative.

Leave of Absence (Previously Approved) Nil.

Apologies Nil.

Disclaimer

Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. For example, by reference to the confirmed Minutes of Council meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

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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.

1.1 Mr Jim Hancock, 66 Kingsway, Nedlands

Question 1

When using the development application fee calculator for a development such as proposed at 135 Broadway which is in the order of 8mil-calculator say the fees are in the order of \$16k we spent over \$8k on an architect review plus numerous staff hours and public consultations, it would appear the fees do not cover the costs. There are numerous applications in the pipeline. Are the ratepayers subsidising the developers?

Answer 1

Yes. Development Application fees often do not cover all the costs of processing an application. The fees are set by State Government and do not reflect the processing costs. Ratepayers always have, and continue to, subsidise developers (defined as anyone who submits a development or building application). However, it should also be noted that there is a public good element in ensuring applications are approved in accordance with the relevant planning rules and there is an argument that ratepayers should pay for this public good.

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 Tom Hockley, Allerding & Associates on behalf of
Dr Freya Keogh, 42 Jutland Parade, Dalkeith
(spoke in opposition to the recommendation)

PD44.19

Miss Bianca Sandri, 40 Jutland Parade PD44.19
(spoke in support of the recommendation)

Mrs Janine Lindsay, 41A Pawlett Way, Karrinyup PD45.19
(spoke in opposition to the recommendation)

Mr Ken Wibberley, 23A Cara Road, Greenmount PD45.19
(spoke in opposition to the recommendation)

Mr Timothy Jones, 82 Lydon Boulevard, Atwell PD46.19
(spoke in opposition to the recommendation)

Mr Jonathan Dodd, 74 Louise Street, Nedlands PD46.19
(spoke in support of the recommendation)

Mr Brad Forbes, 39 Wavell Road, Dalkeith CPS16.19
(spoke in opposition to the recommendation)

3. Disclosures of Financial Interest

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

There were no disclosures of financial interest.

4. Disclosures of Interests Affecting Impartiality

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

There were no disclosures affecting impartiality.

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

Nil.

6. Confirmation of Minutes

6.1 Committee Meeting 8 October 2019

Moved – Councillor Hodsdon
Seconded – Councillor Smyth

The Minutes of the Council Committee held 8 October 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 PD42.19 to PD47.19

Planning & Development Report No's PD42.19 to PD47.19 to be dealt with at this point (copy attached yellow cover sheet).

PD42.19	Nedlands Town Centre Precinct Plan (Local Planning Policy) – Additional Budget Required
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Committee	12 November 2019
Council	26 November 2019
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	The report writer previously worked with an Urban Planner who is now employed by a consultancy which provided a price estimate to the City for traffic services.
Previous Item	Nil
Attachments	1. Summary of Estimate Responses (Confidential)

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Mangano
 Seconded – Councillor Hassell

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

CARRIED UNANIMOUSLY 12/-

Committee Recommendation / Recommendation to Committee
<p>Council:</p> <ol style="list-style-type: none"> 1. instructs the CEO to undertake additional analysis regarding traffic and movement as well as built form and urban design analysis to further test the Draft Nedlands Town Centre Precinct Plan (Local Planning Policy) prior to advertising; and 2. approves the additional budget funding of \$125,000, in addition to its existing budget, for the purpose of engaging consultants to deliver built form and traffic modelling for the draft Nedlands Town Centre Precinct Plan.

PD43.19	Broadway Precinct Plan (Local Planning Policy) – Additional Budget Request
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Committee	12 November 2019
Council	26 November 2019
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	The report writer previously worked with someone who now works for a traffic consultancy which provided a price estimate.
Previous Item	Nil
Attachments	1. Summary of Estimate Responses (Confidential)

Regulation 11(da) – Not Applicable – Additional instruction to strengthen recommendation.

Moved – Councillor Bennett
 Seconded – Councillor Mangano

That the Recommendation to Committee be adopted subject to the addition of a new clause 4 as follows: “instructs the CEO to undertake negotiations with the City of Perth in regard to funding the traffic study.”

Amendment

Moved - Councillor Smyth
 Seconded - Councillor McManus

That in clause 3 amend ‘\$110,000’ to ‘\$55,000’ and add a new clause 4 to read: “instructs the CEO to undertake negotiations with the City of Perth to share the additional cost of \$55,000.”

The AMENDMENT was PUT and was

Lost 2/10
 (Against: Mayor de Lacy Crs. McManus Bennett Hassell Mangano
 Hodsdon Wetherall Coghlan Hay & Senathirajah)

The Original Motion was PUT and was

CARRIED UNANIMOUSLY 12/-

Committee Recommendation

Council:

- 1. instructs the CEO to commence the development of the Broadway Precinct Plan as a Local Planning Policy;**
- 2. instructs the CEO to undertake additional analysis regarding traffic and movement, community engagement and urban design analysis and modelling of the built form to provide adequate supporting documentation for preparation of the Broadway Precinct Plan;**
- 3. approves the additional budget funding of \$110,000, in addition to its existing budget, for the purpose of engaging consultants to deliver community engagement, built form and urban design, traffic modelling and the Precinct Plan for the Broadway area; and**
- 4. instructs the CEO to undertake negotiations with the City of Perth in regard to funding the traffic study.**

Recommendation to Committee

Council:

1. instructs the CEO to commence the development of the Broadway Precinct Plan as a Local Planning Policy;
2. instructs the CEO to undertake additional analysis regarding traffic and movement, community engagement and urban design analysis and modelling of the built form to provide adequate supporting documentation for preparation of the Broadway Precinct Plan; and
3. approves the additional budget funding of \$110,000, in addition to its existing budget, for the purpose of engaging consultants to deliver community engagement, built form and urban design, traffic modelling and the Precinct Plan for the Broadway area.

PD44.19	No. 40 Jutland Parade, Dalkeith – Additions (Stair landing) to Single House (Retrospective)
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Committee	12 November 2019
Council	26 November 2019
Applicant	Urbanista Town Planners
Landowner	Mr M R Franco
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	DA19/39448
Previous Item	DA14/307 – PD17.3 (of 2015)
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. Site photographs 2. Department of Biodiversity, Conservation and Attractions referral response. 3. Applicant's justification 4. Plans (Confidential) 5. Submission (Confidential)

Mr Tom Hockley, Allerding & Associates on behalf of
Dr Freya Keogh, 42 Jutland Parade, Dalkeith
(spoke in opposition to the recommendation)

PD44.19

Miss Bianca Sandri, 40 Jutland Parade
(spoke in support of the recommendation)

PD44.19

Regulation 11(da) – Motion was lost.

Moved – Councillor Wetherall

Seconded – Councillor Senathirajah

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

Lost 4/6

(Against: Mayor de Lacy Crs. Horley Smyth Bennett Hassell Mangano)

(Abstained: Crs. McManus & Hay)

Please note: No recommendation was made.

Recommendation to Committee

Council approves the retrospective development application dated 10 September 2019 for Additions (Stair landing) to Single House at No. 40 (Lot 1000) Jutland Parade, 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; and
2. The previous development approval (DA18/33555, dated 15 August 2019) and conditions there-in, remain in effect. This excludes the plans approved as part of the previous development application.

Advice Notes specific to this proposal:

1. The applicant shall make application to the City's Building Services for a Building Permit, to acknowledge any unauthorised works.

PD45.19	No. 96-100 Stirling Highway, Nedlands – Extension of a Non-Conforming Use (Cinema)
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Committee	12 November 2019
Council	26 November 2019
Applicant	Ecologic Homes – Janine Lindsay
Landowner	Atari
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	DA19/34537
Previous Item	Nil
Delegation	The City's Instrument of Delegation allows Administration to determine applications involving the extension of a non-conforming use, however due to the parking shortfall this application has been referred to Council for determination.
Attachments	<ol style="list-style-type: none"> 1. External Referral Comments 2. Applicant Justification 3. Site photographs 4. Draft LPP – Parking 5. Plans (Confidential) 6. Assessment (Confidential) 7. Shared Car Parking Agreement (Confidential)

Councillor Horley retired from the meeting at 8.45 pm.

Mrs Janine Lindsay, 41A Pawlett Way, Karrinyup
(spoke in opposition to the recommendation)

PD45.19

Mr Ken Wibberley, 23A Cara Road, Greenmount
(spoke in opposition to the recommendation)

PD45.19

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

Moved – Councillor Hassell

Seconded – Councillor McManus

Committee Recommendation

Council approves the development application dated 8 August 2019 for extension of non-conforming use (cinema) at No. 96 (Lot 2) and 100 (Lot 123) Stirling Highway, 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 extension of the cinema and associated works.
3. 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.
4. The development, hereby approved, shall at all times comply with the definition of a cinema land use, as defined in the City of Nedlands Local Planning Scheme No. 3.
5. A Car Parking Management Plan shall be lodged with and approved by the City of Nedlands. All measures included in the Car Parking Management Plan shall be implemented and complied with at all times to the satisfaction of the City of Nedlands.
6. Prior to the occupation of the development, the owners/occupiers is to enter into a legal agreement with the adjoining tenancies (Maharajas Restaurant located on 96 Stirling Highway and Surrounds located on 102 Stirling Highway) to provide for reciprocal rights of vehicular parking between the lots. The legal agreement is to be vetted by the City's solicitors at the expense of the owners/occupiers.
7. An Acoustic Report prepared by a suitably qualified Acoustic Consultant or Engineer, demonstrating compliance with the Environmental Protection (Noise) Regulations 1997 shall be lodged with and approved by the City prior to the commencement of the development. All of the recommended measures included in the approved Acoustic Report shall be implemented as part of the development, to the satisfaction of the City prior to the submission of a building permit use or occupation of the development and

maintained thereafter to the satisfaction of the City at the expense of the owners/occupiers.

- 8. Amended plans shall be submitted with the building permit demonstrating that the development has incorporated noise mitigation measures, in accordance with 'State Planning Policy 5.4 Road and Rail Transport Noise and Freight Considerations in Land Use Planning - Implementation Guidelines'. The drawings and specifications contained within that application are to be to the specifications and satisfaction of the City of Nedlands and thereafter implemented by the landowner/applicant to the satisfaction of the City of Nedlands.**
- 9. The proposed cinema on No. 96 Stirling Highway (lot 96) shall not operate independently of the existing cinema at No. 100 (lot 123) Stirling Highway.**

Advice Notes specific to this proposal:

- 1. In relation to Condition 4, a cinema/theatre is defined as 'a premises where the public may view a motion picture or theatre production'.**
- 2. All works in the proposed development shall comply with National Construction Code Building Code of Australia (NCC BCA) Vol. 1.**
- 3. The applicant is advised that separation of development across lot boundaries or to adjoining buildings will require further investigation. The City's Building department advises that the building could be considered as a "United Building" however it must be fire separated from the adjacent restaurant and shall have standalone fire services for the additional cinema which will be operated in unison with the remainder of the Windsor Cinema site.**
- 4. The applicant is advised that in order to achieve a building permit, plans shall be provided which demonstrate compliance with Australian Standards AS1428 and Part D3 – Access for People with a Disability of the NCC BCA as applicable.**
- 5. The applicant is advised that in order to achieve a building permit, plans shall be provided with the Building Permit Application which shall demonstrate compliance with Section E – Services & Equipment of the NCC BCA as applicable.**
- 6. Upon completion of building works for the cinema addition the builder shall apply for an Occupancy Permit. The development shall not be occupied until such time as an Occupancy Permit is granted by the Permit Authority (City of Nedlands).**

- 7. The applicant shall lodge with the City a Form 1 Application to Construct, Extend or Alter a Public Building, prior to the City issuing a Building Permit.**
- 8. Upon completion of construction and/or fit-out works, applicant shall lodge with the City a Form 2 Application for Certificate of Approval and a Form 5 Certificate of Electrical Compliance which has been completed by a licensed electrician.**
- 9. In relation to condition 5, An Acoustic Report must address the following as a minimum, with consideration of noise sensitive residences and commercial premises likely to be impacted by the development:**
 - a) Noise modelling, demonstrating compliance, for the proposed development including consideration of operational times and noise from audio-visual equipment associated with the use of the cinema;**
 - b) All plant, equipment, air conditioners/refrigeration/compressor equipment and any other mechanically operated systems; and**
 - c) Construction noise management.**
- 10. All internal water closets 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.**
- 11. Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.**
- 12. The landowner is advised that all mechanical equipment (e.g. air-conditioner, swimming pool or spa) is required to comply with the Environmental Protection (Noise) Regulations 1997, in relation to noise.**
- 13. The current Certificate of Accommodation, issued under the Health (Public Building) Regulations 1992 issued in 2013 limits the capacity of the Windsor Cinema site to 460 in total, based on the number of available female sanitary facilities. The Plans associated with this Development Application appear to provide additional toilets, which may permit an increased capacity, however more detailed plans will need to be provided to allow for this determination. Sanitary facilities provided to be compliant with the BCA;**
- 14. As plans indicate that there is only one designated exit for Cinema 4, the maximum capacity is limited to 50 persons.**

Put Motion

Moved - Councillor Wetherall

Seconded - Councillor Hodsdon

That the Motion be put.

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

The Motion was PUT and was

**CARRIED 9/3
(Against: Mayor de Lacy Crs. Mangano & Senathirajah)**

Recommendation to Committee

Council refuses the development application dated 8 August 2019 for extension of non-conforming use (cinema) at No. 96 (Lot 2) and 100 (Lot 123) Stirling Highway, for the following reasons:

1. Having regard to clause 67(s) of Schedule 2 (Deemed Provisions) of Planning and Development (Local Planning Schemes) Regulations 2015 and the provisions of draft Local Planning Policy – Parking, the application is not considered to provide adequate number of car parking bays; and
2. The application does not comply with the requirements of Table 6, Clause 32.2 of the Scheme relating to Shared Car Parking provision given that the applicant has not demonstrated the shared car parking on any adjoining or nearby site.

PD46.19	No. 72 Louise Street, Nedlands – Two Grouped Dwellings
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Committee	12 November 2019
Council	26 November 2019
Applicant	Timothy Jones
Landowner	Mary Uttamchandani & Thui Wong
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	DA19/34945
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. Site photographs 2. SAT case – Corp and Town of Cambridge [2019] WASAT 65 3. Plans (Confidential) 4. Assessment (Confidential) 5. Submissions (Confidential)

Councillor Hay and Councillor McManus left the room at 9.40 pm.

Mr Timothy Jones, 82 Lydon Boulevard, Atwell
(spoke in opposition to the recommendation)

PD46.19

Councillor Hay returned to the room at 9.42 pm.

Councillor McManus returned to the room at 9.43 pm.

Mr Jonathan Dodd, 74 Louise Street, Nedlands
(spoke in support of the recommendation)

PD46.19

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall
Seconded – Councillor Mangano

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

CARRIED 11/-
(Abstained: Cr. Hodsdon)

Committee Recommendation / Recommendation to Committee

Council refuses the development application dated 13 March 2019 for two grouped dwellings at No. 72 (Lot 189) Louise Street, Nedlands for the following reasons:

1. The development does not satisfy the deemed-to-comply requirements of clause 5.1.1 - Site area of the Residential Design Codes, which are not subject to variation or Clause 67 (a) of the Planning and Development Regulation (Local Planning Schemes) Regulations 2015;
2. The development does not comply with non-discretionary clause 2.5.3 of the Residential Design Codes, in so far as the development varies the minimum site area requirement set out in Table 1;
3. The development does not satisfy the design principles for clause 5.1.2 - Street setback of the Residential Design Codes, due to the proposed street setback of the development which is inconsistent with the established streetscape;
4. The development does not satisfy the design principles for clause 5.1.3 – Lot boundary setback Residential Design Codes, due to the proposed rear setback which will add to the perception of bulk and adversely affect the amenity of the locality and streetscape;
5. The development does not satisfy the design principles for clause 5.1.4 – Open space and Residential Design Codes, as the development is not consistent with or contribute to the existing streetscape character;
6. The proposal is not considered an ancillary dwelling due to its size and scale. Regardless, if it were to be considered an ancillary dwelling by Council, it does not satisfy the design principles of the clause 5.5.1 - Ancillary Dwellings of the Residential Design Codes;

- 7. The development does not comply with Clause 67 (a), (m) and (n) of the Planning and Development Regulation (Local Planning Schemes) Regulations 2015 as the proposed size and design of the development will negatively impact on the character of the locality and relationship of the building to the existing streetscape context and surrounding properties; and**
- 8. The development does not satisfy the clause 1.3.1 – General objectives for residential development of the Residential Design Codes in so far as the development is not an appropriate design for the intended density and development context.**

PD47.19	Local Planning Scheme 3 – Local Planning Policy Short Term Accommodation
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Committee	12 November 2019
Council	26 November 2019
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	The report writer previously worked with an Urban Planner who is now employed by a consultancy which provided a price estimate to the City for traffic services.
Previous Item	Council Meeting 27 August 2019 – PD31.19
Attachments	1. Draft Short-Term Accommodation LPP 2. Draft Short-Term Accommodation LPP – tracked changes

Councillor Hassell left the room at 9.54 pm

Regulation 11(da) – Not applicable – additional instruction does not change substance of recommendation.

Moved – Councillor Hay
Seconded – Councillor Senathirajah

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

Amendment
Moved – Mayor de Lacy
Seconded - Councillor Wetherall

Instructs the CEO that when the State Government makes amendments to the deemed provisions, the CEO is to review and amend the relevant Local Planning Policy as required for presentation to Council for approval.

The AMENDMENT was PUT and was

CARRIED 9/-
(Abstained: Crs. Bennett Hassell & Mangano)

Councillor Wetherall left the room at 10.19 pm and returned at 10.20 pm.

The Substantive Motion was Put and was

**CARRIED 10/1
(Against: Cr. Mangano)
(Abstained: Cr. Smyth)**

Committee Recommendation

Council:

- 1. adopts the Short-Term Accommodation Local Planning Policy, with modifications as set out in Attachment 1, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4;**
- 2. approves a 6-month amnesty period from December 2019 until May 2020 (inclusive) for any retrospective change of use applications received for short-term accommodation uses as defined in the Short Term Accommodation Local Planning Policy where they will be charged the standard change of use fee rather than the retrospective (3 times) fee; and**
- 3. instructs the CEO when the State Government makes amendments to the deemed provisions, the CEO is to review and amend the relevant Local Planning Policy as required for presentation to Council for approval.**

Recommendation to Committee

Council:

- 1. adopts the Short-Term Accommodation Local Planning Policy, with modifications as set out in Attachment 1, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4; and**
- 2. approves a 6-month amnesty period from December 2019 until May 2020 (inclusive) for any retrospective change of use applications received for short-term accommodation uses as defined in the Short Term Accommodation Local Planning Policy where they will be charged the standard change of use fee rather than the retrospective (3 times) fee.**

The Mayor ruled that item CPS16.19 be brought forward to this point in the meeting.

Please note: This item was brought forward see page 29.

CPS16.19	Western Suburbs Cricket Club Inc. – Management Licence of John Leckie Pavilion Clubrooms – Reserve 1670
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Committee	12 th November 2019
Council	26 th November 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Draft Management Licence

Mr Brad Forbes, 39 Wavell Road, Dalkeith
(spoke in opposition to the recommendation)

CPS16.19

Regulation 11(da) – Recommendation Adopted with minor change to restricting the amount until the end of the current lease.

Moved – Councillor McManus
Seconded – Councillor Hodsdon

That the Recommendation to Committee be adopted with the addition of a clause 3 as follows: that the amount be restricted to \$1500.00 until the end of the current lease.

**CARRIED 11/1
(Against: Cr. Smyth)**

Committee Recommendation

Council:

- 1. endorses the draft management licence by Western Suburbs Cricket Club Inc. for a portion of John Leckie Pavilion, College Park, 100 Princess Road, Nedlands as in Attachment 1;**
- 2. requests that after receiving the Minister for Lands consent to the management licence, the Mayor and CEO sign the agreement and apply the City’s common seal; and**
- 3. restricts the amount to \$1500.00 until the end of the current lease.**

Recommendation to Committee

Council:

1. endorses the draft management licence by Western Suburbs Cricket Club Inc. for a portion of John Leckie Pavilion, College Park, 100 Princess Road, Nedlands as in Attachment 1; and
2. requests that after receiving the Minister for Lands consent to the management licence, the Mayor and CEO sign the agreement and apply the City's common seal.

8.2 Technical Services Report No's TS22.19 to TS23.19

Technical Services Report No's TS22.19 to TS23.19 to be dealt with at this point (copy attached blue cover sheet).

TS22.19	Bishop Road Reserve Enviro-scape Master Plan
Committee	12 November 2019
Council	26 November 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Jim Duff – Director Technical Services
Attachments	1. Bishop Road Reserve Enviro-scape Master Plan 2. Bishop Road Reserve Enviro-scape Master Plan Flyer

Councillor Coghlan left the room at 10.41 pm.

Regulation 11(da) – Council agreed to defer this item to obtain further information.

Moved – Councillor Mangano
Seconded – Councillor Bennett

Committee Recommendation

That this item be deferred for costings to be provided for future projects and the matter is returned to Council for further consideration.

Councillor Smyth left the room at 10.43 pm.

Councillor Coghlan returned to the room at 10.45 pm

Councillor Smyth returned to the room at 10.46 pm.

**CARRIED 11/-
(Abstained: Cr. Coghlan)**

Recommendation to Committee

Council:

1. endorses the Bishop Road Reserve Enviro-scape Master Plan concept; and
2. agrees to include an item in the 2019/20 midyear budget review to consider approving funding of \$66,096, previously approved in the 2018/19 capital works budget, for the upgrade of the irrigation system and associated works at Bishop Road Reserve.

TS23.19	2019/20 Budget – Variation of Adopted Capital Works Budget
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Committee	12 November 2019
Council	26 November 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Jim Duff – Director Technical Services
Attachments	1. Proposed Capital Works Budget Variations

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hassell
 Seconded – Councillor McManus

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

CARRIED 9/1
(Against: Cr. Wetherall)
(Abstained: Crs. Bennett & Hay)

Committee Recommendation / Recommendation to Committee

Council approves variation of the adopted 2019/20 budget in accordance with the proposed change to the capital works budget as detailed in Attachment 1:

1. deferral of \$61,770 in funding allocated to College Park Relocation of Eastern Turf Wicket, to be included in a future financial year following completion of the Strategic Recreational Plan;
2. surplus from three (3) Parks and Reserves capital project budgets totaling \$369,575, resulting from savings following project completion;
3. include funding of \$132,024 to be allocated Annie Dorrington Park New Playground; and
4. include funding of \$270,000 to be allocated to Swanbourne Beach Oval Rehabilitation.

8.3 Community Development No's CM06.19

Report No's CM06.19 to be dealt with at this point (copy attached orange cover sheet).

CM06.19		Changes to Citizenship Ceremonies			
Committee	12 November 2019				
Council	26 November 2019				
Applicant	City of Nedlands				
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.				
Director	Lorraine Driscoll				
Attachments	1. Citizenship Ceremony 2019/2020 Budget Breakdown				

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus
 Seconded – Councillor Wetherall

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

Councillor Mangano left the room at 10.52 pm and returned at 10.54 pm.

Put Motion

Moved - Councillor Wetherall
 Seconded - Councillor Hodsdon

That the Motion be put.

Lost on the Casting Vote of the Mayor 5/5
 (Against: Mayor de Lacy Crs. McManus Smyth Hodsdon Senathirajah)
 (Abstained: Cr. Coghlan)

The Motion was PUT and was

**CARRIED 11/1
 (Against: Cr. Smyth)**

Committee Recommendation / Recommendation to Committee

Council:

- 1. approves an increase for the Citizenship Ceremony budget from \$10,000 to \$18,707 for the financial year 2019/2020 and; ***
- 2. approves the dress code as “attendees are required to dress in a manner appropriate to the occasion and that may also celebrate the history and cultural identity they bring to Australia”.**

***ABSOLUTE MAJORITY REQUIRED**

8.4 Corporate & Strategy Report No's CPS16.19 to CPS19.19

Report No's CPS16.19 to CPS19.19 to be dealt with at this point (copy attached green cover sheet).

Please note: This item was brought forward see page 22.

CPS16.19	Western Suburbs Cricket Club Inc. – Management Licence of John Leckie Pavilion Clubrooms – Reserve 1670
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Committee	12 th November 2019
Council	26 th November 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Draft Management Licence

CPS17.19	Suburban Lions Hockey Club Inc. Management Licence of J.C. Smith Pavilion, Melvista Oval, Nedlands (Reserve 1669)
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Committee	12 th November 2019
Council	26 th November 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Draft Management Licence

Councillor Bennett left the room at 11.03 pm.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hassell
 Seconded – Councillor Hodsdon

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

CARRIED 10/-
(Abstained: Cr. Smyth)

Committee Recommendation	/	Recommendation to Committee
Council:		
1.	endorses the draft management licence by Suburban Lions Hockey Club Inc. for J.C. Smith Pavilion, 140 Melvista Avenue, Nedlands as in Attachment 1; and	
2.	requests that after receiving the Minister for Lands consent to the management licence, the Mayor and CEO sign the agreement and apply the City’s common seal.	

CPS18.19 List of Accounts Paid – September 2019	
Committee	12 November 2019
Council	26 November 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	<ol style="list-style-type: none"> 1. Creditor Payment Listing September 2019 2. Purchasing Card Payments September 2019 (29th August 2019 – 28th September 2019) 3. CEO Credit Card Listing June 2019 – September 2019

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hodsdon
 Seconded – Councillor McManus

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

Councillor Bennett returned to the room at 11.06 pm.

CARRIED 11/-
(Abstained: Cr. Smyth)

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of September 2019 (refer to attachments).

CPS19.19	Perth Flying Squadron Yacht Club Inc. – Right of Entry (Business and Goods) Document for Execution to Support Mortgage to Fund Works
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Committee	12 November 2019
Council	26 November 2019
Applicant	Perth Flying Squadron Yacht Club Inc.
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Right of Entry (Business and Goods) 2. Letter with Ministerial Approval to Mortgage dated 12 September 2019

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hay

Seconded – Councillor McManus

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED 10/1
(Against: Cr. Mangano)
(Abstained: Cr. Smyth)

Committee Recommendation / Recommendation to Council

Council:

1. subject to the condition in clause 2 below, agrees to execute the Right of Entry – Goods and Business as in Attachment 1 and approves the City’s common seal be applied to the document and the Mayor and Chief Executive Officer to sign the document as required; and
2. approves the condition of the City executing the Right of Entry-Goods and Business is that the Club will use a portion of the mortgage funds to resolve all compliance issues noted in Council’s earlier item PD58.17. The Club must confirm this undertaking in writing before the City executes the Right of Entry – Goods and Business in Attachment 1.

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 11.08 pm.