

Notes

Council Meeting Agenda Forum

8 March 2022



Bill Parker
Chief Executive Officer
11 March 2022

Information

Council Meeting Agenda Forum are run in accordance with the City of Nedlands Governance Framework Policy. If you have any questions in relation to the agenda, procedural matters, addressing the Council or attending these meetings please contact the Executive Officer on 9273 3500 or council@nedlands.wa.gov.au

Public Question Time

Public Questions are dealt with at the Ordinary Council Meeting.

Deputations

Members of the public may make presentations or ask questions on items contained within the agenda. Presentations are limited to 5 minutes. Members of the public must complete the online registration form available on the City's website: [Public Address Registration Form | City of Nedlands](#)

Disclaimer

Members of the public who attend Council Meetings Agenda Forum 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. Declaration of Opening

The Presiding Member declared the meeting open at 6.00 pm and drew attention to the disclaimer on page 2.

2. Present and Apologies and Leave of Absence (Previously Approved)

Council Members	Mayor F E M Argyle	(Presiding Member)
	Councillor B Brackenridge	Melvista Ward
	Councillor R A Coghlan (online)	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor F J O Bennett	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor N R Youngman	Dalkeith Ward
	Councillor O Combes	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward

Officers	Mr W R Parker	Chief Executive Officer
	Mrs R Jahmeerbacus	Acting Director Corporate & Strategy
	Mr T G Free	Director Planning & Development
	Mr A D Melville	Acting Director Technical Services
	Mrs N M Ceric (online)	Executive Officer
	Mr D Kennedy-Stiff	Manager City Projects & Programs
	Mr	

Public Gallery There were 12 members of the public present, and 0 media representatives present. There were also 1 members online.

Leave of Absence (Previously Approved) Nil.

Apologies Councillor H Amiry Coastal Districts Ward

3. Public Question Time

Public questions will be dealt with at the Ordinary Council Meeting.

4. Deputations

Mr Philip Patterson, spoke in opposition to the recommendation for PD10.03.22 Consideration of Development Application – Single House at 60A Strickland Street, Mount Claremont.

Mr Jeremy Hams, spoke in opposition to the recommendation for PD11.03.22 Reconsideration of Development Application – 5 Grouped Dwellings at 18 Tyrell Street.

Dr Sue Skull, spoke in opposition to the recommendation for PD11.03.22 Reconsideration of Development Application – 5 Grouped Dwellings at 18 Tyrell Street.

Mr Stephen Purser, spoke in support of the recommendation for PD12.03.22 Reconsideration of Development Application 37C Kinninmont Ave, Nedlands.

Mr Joe Algeri's, public address for PD12.03.22 Reconsideration of Development Application 37C Kinninmont Ave, Nedlands was read out on his behalf by deputy Mayor McManus.

Mr Angus Miller, spoke in opposition to the recommendation for PD12.03.22 Reconsideration of Development Application 37C Kinninmont Ave, Nedlands.

Mr Nick Driscoll, spoke in support of the recommendation for PD13.03.22 Consideration of Development Application – Rear Addition to a Single House at 89 Stanley Street, Nedlands.

Mr Grey Roughan, spoke in support of the recommendation for TS04.03.22 City of Nedlands Drainage Infrastructure.

Mrs Maxine Mazzucchelli, spoke in support of the recommendation for TS04.03.22 City of Nedlands Drainage Infrastructure.

5. Requests for Leave of Absence

Any requests from Council Members for leave of absence will be dealt with at the Ordinary Council Meeting.

6. Petitions

Petitions will be dealt with at the Ordinary Council Meeting.

7. Disclosures of Financial / Proximity Interest

The Presiding Member reminded Council Members 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.

7.1 Mayor Argyle – 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands

Mayor Argyle disclosed a proximity interest in Item 16.3 – PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands, her interest being that she is the sole owner of 39 Kinninmont Avenue, Nedlands which is the neighbouring property to the development. Mayor Argyle declared that she would leave the room during discussion on this item.

8. Disclosures of Interests Affecting Impartiality

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

8.1 Councillor Smyth – 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands,

Councillor Smyth disclosed an impartiality interest in Item 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor Smyth disclosed that she has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom she has a working relationship and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor Smyth declared that she would consider this matter on its merits and vote accordingly.

8.2 Councillor Brackenridge – 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands,

Councillor Brackenridge disclosed an impartiality interest in Item 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor Brackenridge disclosed that he has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom he has a working relationship and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Brackenridge declared that he would consider this matter on its merits and vote accordingly.

8.3 Councillor Coghlan– 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands,

Councillor Coghlan disclosed an impartiality interest in Item 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor Coghlan disclosed that she has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom she has a working relationship and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor Coghlan declared that she would consider this matter on its merits and vote accordingly.

8.4 Councillor Senathirajah – 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands,

Councillor Senathirajah disclosed an impartiality interest in Item 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor Senathirajah disclosed that he has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom he has a working relationship and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Senathirajah declared that he would consider this matter on its merits and vote accordingly.

8.5 Councillor McManus – 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands,

Councillor McManus disclosed an impartiality interest in Item 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor McManus disclosed that he has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom he has a working relationship and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor McManus declared that he would consider this matter on its merits and vote accordingly.

8.6 Councillor Bennett – 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands,

Councillor Bennett disclosed an impartiality interest in Item 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor Bennett disclosed that he has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom he has a working relationship and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Bennett declared that he would consider this matter on its merits and vote accordingly.

8.7 Councillor Mangano – 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands,

Councillor Mangano disclosed an impartiality interest in Item 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor Mangano disclosed that he has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom he has a working relationship and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Mangano declared that he would consider this matter on its merits and vote accordingly.

8.8 Councillor Youngman – 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands,

Councillor Youngman disclosed an impartiality interest in Item 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor Youngman disclosed that he has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom he has a working relationship and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Youngman declared that he would consider this matter on its merits and vote accordingly.

8.9 Councillor Combes – 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands

Councillor Combes disclosed an impartiality interest in Item 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor Combes disclosed that she lives on Kinninmont Avenue, and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor Combes declared that she would consider this matter on its merits and vote accordingly.

8.10 Councillor Hodsdon – 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands,

Councillor Hodsdon disclosed an impartiality interest in Item 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor Hodsdon disclosed that he has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom he has a working relationship and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Hodsdon declared that he would consider this matter on its merits and vote accordingly.

8.11 Councillor Wetherall – 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands,

Councillor Wetherall disclosed an impartiality interest in Item 16.3 - PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands. Councillor Wetherall disclosed that he has an association with the neighbour objecting to the application. This association is that the neighbour is the Mayor of the City of Nedlands, with whom he has a working relationship and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Wetherall declared that he would consider this matter on its merits and vote accordingly.

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

This item will be dealt with at the Ordinary Council Meeting.

10. Confirmation of Minutes

This item will be dealt with at the Ordinary Council Meeting.

11. Announcements of the Presiding Member without discussion.

This item will be dealt with at the Ordinary Council Meeting.

12. Members Announcements without discussion.

This item will be dealt with at the Ordinary Council Meeting.

13. Matters for Which the Meeting May Be Closed

For the convenience of the public, the following Confidential items are identified to be discussed behind closed doors, as the last items of business at this meeting.

Nil.

14. En Bloc Items

This item will be dealt with at the Ordinary Council Meeting.

15. Minutes of Council Committees and Administrative Liaison Working Groups

15.1 Minutes of the following Committee Meetings (in date order) are to be received:

This is an information item only to receive the minutes of the various meetings held by the Council appointed Committees (N.B. This should not be confused with Council resolving to accept the recommendations of a particular Committee. Committee recommendations that require Council's approval should be presented to Council for resolution via the relevant departmental reports).

This item will be dealt with at the Ordinary Council Meeting.

16. Divisional Reports - Planning & Development Report No's PD10.03.22 to PD15.03.22

16.1 PD10.03.22 Consideration of Development Application – Single House at 60A Strickland Street, Mount Claremont

Questions or Requests for Further Information

Councillor Mangano – Increase in fill levels creating house to be built higher and therefore what is the impact of the overshadowing?

Councillor Brackenridge requested further details on landscaping plan.

Councillor Hodsdon requested information on the pavement treatment to laneways.

16.2 PD11.03.22 Reconsideration of Development Application – 5 Grouped Dwellings at 18 Tyrell Street, Nedlands

Questions or Requests for Further Information

Councillor Smyth – Can we make the SAT process clearer in report?

Councillor Mangano – Are solar panels now proposed as part of this development and what will their impact be on the overshadowing impact?

Do the balconies meet the deemed to comply provisions?

What changes have actually been made to the plans?

What is not meeting the Deemed to Comply provisions?

Councillor Coghlan – what is the parking plan for this area?

16.3 PD12.03.33 Reconsideration of Development Application – Single House at 37C Kinninmont Avenue, Nedlands

Mayor Argyle left the meeting at 7.34 pm and the Deputy Mayor assumed the chair.

Questions or Requests for Further Information

Councillor Youngman – request applicant if they would be agreeable to add frosted glass on rear windows up to a height of 1.6 metres?

Councillor Smyth – Can we make the SAT process clearer in report?

Councillor Brackenridge – request highlight windows instead of frosted glass as rear windows (solid up to 1.6m with highlight windows above this)? Can a condition to add more trees be added?

Mayor Argyle returned to the meeting at 7.47pm and resumed the chair.

16.4 PD13.03.22 Consideration of Development Application – Rear Addition to a Single House at 89 Stanley Street, Nedlands

Questions or Requests for Further Information

Councillor Mangano – Does the side elevation meet the deemed to comply provision with the inclusion of the proposed addition.

16.5 PD14.03.22 Consideration of Community Benefits and Infrastructure Contribution Models

Questions or Requests for Further Information

Councillor McManus – Information requested on the potential to phase in the requirement to provide cash in lieu for public open space.

Councillor Bennett – information requested to be provided on the potential of introducing a policy for the provision of cash in lieu of parking.

16.6 PD15.03.22 Indoor Wood Fire Heaters

Questions or Requests for Further Information

Councillor Youngman - 135 “could cause” should be changed to “does cause”

1. Can the Councils Education Initiatives include the toxins associated with the burning of wood? These would include but not be limited to the following:

1,3 Butadiene

A known human carcinogen that in high exposures may cause damage to the central nervous system or cause symptoms such as blurred vision, tiredness, decreased blood pressure, headache, nausea, decreased heart rate and fainting.

Acetaldehyde

A clear, strong smelling organic liquid or vapour, that can cause numerous health impacts with exposure including irritation of the skin, eyes and respiratory system, headaches and dizziness. In severe cases exposure can lead to liver or kidney damage and death.

Ammonia

In lower concentrations it causes coughing, nose and throat irritation. Exposure in high concentrations in air causes burning of the eyes, nose, throat and respiratory tract and can cause blindness, lung damage or death.

Benzene

Benzene is a clear to light yellow coloured liquid, with an aromatic odour. It evaporates in the air easily, and is a hazardous air pollutant. Health impacts associated with benzene exposure include skin and eye irritations, headaches and vomiting. Benzene is also carcinogenic and long term exposure can lead to the development of cancers such as leukaemia.

Carbon monoxide (CO)

Carbon monoxide is a colourless, odourless, highly toxic gas, which is readily taken up by the blood and interferes with oxygen absorption. Relatively small quantities of carbon monoxide can impair bodily functions with prolonged and acute exposure being fatal.

Formaldehyde

Formaldehyde in its pure form is a gas with a pungent odour. Exposure to formaldehyde can lead to allergic conditions impacting on the skin and lungs, and other health impacts including shortened life expectancy and reproductive problems.

2. Can the Councils Education Initiatives include a description of PARTICULATE MATTER (PM) such that an understanding is had by all residents and ratepayers of the differences between PM10 and PM2.5? For example:

Particulate matter

PM less than or equal to 2.5 microns emitted by wood fires are small enough to penetrate the lungs and enter the bloodstream.

3. Can the Councils Education Initiatives include reference to a study carried out in Perth (Research on Health & Air Pollution in Perth, Morbidity & Mortality 1992-1997 reported in 2003) where there was found to be a correlation between hospitalisations for:
 - Over 65 year olds for COPD, pneumonia & respiratory disease
 - Under 15 year olds for asthma

With a 0.3% increase in hospitalisations for every 1 microgram/cubic metre (1ug/m³) of Particulate Matter (PM2.5) and that those residents living close to a wood burning fire can experience in excess 200 ug/m³.

4. Can the Council ensure that the Education Initiative states the there is “NO SAFE LEVEL OF EXPOSURE TO WOOD SMOKE”? This is based on studies that wood smoke has the same toxins as cigarette smoke and therefore wood smoke should be treated like cigarette smoke.
5. Can the Council ensure the Education Initiative lists all of those people who may be affected by wood smoke, including but not limited to:
 - Unborn babies
 - Young children with developing respiratory systems
 - Asthmatics

- People with pre-existing heart and lung problems
 - People with diabetes
 - Elderly people
 - People who work or exercise outdoors
6. Can the Council ensure that all residents whose health are impacted by other people's wood smoke are treated fairly and that one residents wood smoke does not detrimentally affect others?
 7. Can the Council reduce the requirement for a 5-7day log of nuisance smoke (that being smoke beyond the 10 minute start up time after ignition) to 3 days before Council Officers take action to address the issue?
 8. Can the Council supply air quality monitoring equipment to those who complain about nuisance smoke?
 9. Can the Council mandate that all indoor wood burning fire flues are a minimum of 3 metres above the highest point of the residential roof? This relates to the draw created by the flue in an attempt to maximise the efficiency of the burn and is in line with the Burnwise mantra of "burn bright".

Councillor Bennett - Can the City prohibit smoking on balconies and in communal open space areas?

17. Divisional Reports - Technical Services Report No's TS02.03.22 to TS03.03.22

17.1 TS02.03.22 Montario Quarter - Stage 2 Road Naming Approval

Questions or Requests for Further Information

Nil.

17.2 TS03.03.22 Foreshore Management Steering Committee – Establishment and Appointment of Members

Questions or Requests for Further Information

Nil.

17.3 TS04.03.22 City of Nedlands Drainage Infrastructure Study

Questions or Requests for Further Information

Councillor Coghlan – Clarification as to why has 30 Bulimba Road been included on the list?

Councillor Smyth – Further information on whole of drainage costs? Yearly drainage planned works? Can we include Sayer Street in clause 3? If not, why not?

18. Divisional Reports - Community Services & Development Report No CSD02.03.22

18.1 CSD02.03.22 CSRFF Application Allen Park Tennis Club

Questions or Requests for Further Information

Nil.

19. Divisional Reports - Corporate & Strategy Report No's CPS09.03.22 to CPS11.03.22

19.1 CPS09.03.22 List of Accounts – February 2022

This item will be dealt with at the Ordinary Council Meeting.

19.2 CPS10.03.22 Monthly Financial Reports – February 2022

This item will be dealt with at the Ordinary Council Meeting.

19.3 CPS11.03.22 Monthly Investment Report – February 2022

This item will be dealt with at the Ordinary Council Meeting.

**20. Divisional Reports – Reports from the Audit & Risk Committee Report
No's AR01.03.22**

20.1 ARC01.03.22 Annual Compliance Return 2021

This item will be dealt with at the Ordinary Council Meeting.

**21. Divisional Reports – Report form the Public Art Committee Meeting
No's PAC01.02.22**

21.1 PAC01.02.22 Commissioning Health Workers Tribute Public Art Project

Questions or Requests for Further Information

Nil.

22. Council Members Notice of Motions of Which Previous Notice Has Been Given

This item will be dealt with at the Ordinary Council Meeting.

23. Urgent Business Approved By the Presiding Member or By Decision

This item will be dealt with at the Ordinary Council Meeting.

24. Confidential Items

Confidential items to be discussed at this point.

25. Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 8.58pm.