



City of Nedlands

Minutes

Council Meeting

11 December 2012

ATTENTION

These minutes are subject to confirmation.

Prior to acting on any resolution of the Council contained in these minutes, a check should be made of the Ordinary Council Meeting next following this meeting to ensure that there has not been a correction made to any resolution.

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City of Nedlands

Minutes of an ordinary meeting of Council held in the Council chambers, Nedlands on Tuesday 11 December 2012 at 7 pm.

Declaration of Opening

The Presiding Member declared the meeting open at 7.00 pm, introduced and welcomed Mr Greg Trevaskis the new Chief Executive Officer and drew attention to the disclaimer below.

(NOTE: Council at its meeting on 24 August 2004 resolved that should the meeting time reach 11.00 p.m. the meeting is to consider an adjournment motion to reconvene the next day).

Present and Apologies and Leave Of Absence (Previously Approved)

Councillors	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor K E Collins	Coastal Districts Ward
	Councillor N B J Horley(until 8.20 pm)	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor W R Hassell	Dalkeith Ward
	Councillor S J Porter	Dalkeith Ward
	Councillor R M Binks	Hollywood Ward
	Councillor T James	Melvista Ward
	Councillor N Shaw	Melvista Ward
	Councillor M L Somerville-Brown	Melvista Ward

Staff	Mr G Trevaskis	Chief Executive Officer
	Mr M Cole	Director Corporate & Strategy
	Mr P Mickleson	Director Planning & Development
	Mr M Goodlet	Director Technical Services
	Ms D Blake	Director Community & Organisational Development
	Mrs N Ceric	Executive Assistant

Public There were 14 members of the public present.

Press The Post Newspaper representative.

Leave of Absence Nil.
(Previously Approved)

Apologies Councillor K Walker Hollywood Ward

Absent Councillor B G Hodsdon Hollywood Ward

Disclaimer

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the City of Nedlands during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City of Nedlands. The City of Nedlands warns that anyone who has any application lodged with the City of Nedlands must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the City of Nedlands in respect of the application.

The City of Nedlands wishes to advise that any plans or documents contained within this agenda may be subject to copyright law provisions (*Copyright Act 1968, as amended*) and that the express permission of the copyright owner(s) should be sought prior to their reproduction.

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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.

There were no public questions.

2. Addresses by Members of the Public

Addresses by members of the public who had completed Public Address Session Forms were made at this point.

Non-Elector

Moved – Councillor Hassell

Seconded – Councillor Binks

That Mr Johnson, a non-elect of the City be permitted to address the meeting.

CARRIED UNANIMOUSLY 11/-

Mr A Johnson, C/- Western Metropolitan Regional Council Item 13.3
(spoke in opposition to the recommendation)

Ms D Broux, 18 Odern Crescent, Swanbourne Item 13.6
(spoke in opposition to the recommendation)

Mr R Griffiths, 30 Swansea Street, Swanbourne Item 13.6
(spoke in opposition to the recommendation)

Mr K Eastwood, 7 Alexander Place, Dalkeith Item 14.1
(spoke in opposition to the recommendation)

Ms J Nyman, 65 Melvista Avenue, Nedlands Item 16.1
(spoke in opposition to the recommendation)

Non-Elector

Moved – Councillor McManus

Seconded – Councillor James

That Mr Morris, a non-elect of the City be permitted to address the meeting.

CARRIED UNANIMOUSLY 11/-

Mr R Morris, 1800 Wanneroo Road, Neerabup Item 13.6
(spoke in support of the proposal)

The Presiding Member granted Mr Morris an extension of 2 minutes.

Mr S Rizzo, 36 Margaret Street, Swanbourne
(spoke in support of the proposal)

Item 16.1

Non-Elector

Moved – Councillor Collins

Seconded – Councillor Binks

That Mr Walsh, a non-elect of the City be permitted to address the meeting.

CARRIED UNANIMOUSLY 11/-

Mr J Walsh, Chairman – Nedlands Aged Persons Homes Trust Item 16.1
(spoke in opposition to the recommendation)

3. Requests for Leave of Absence

Nil.

4. Petitions

Nil.

5. 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.

5.1 Mayor Hipkins – CM11.12 - Approval of Applications to the Community Grants Fund and Youth Grants Fund

Mayor Hipkins disclosed a proximity interest in report CM11.12 Approval of Applications to the Community Grants Fund and Youth Grants Fund. His interest being that he lives in Minora Road. He advised that he would leave the meeting during this matter.

6. 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*.

6.1 Councillor Collins – 16.1 - No. 20 (Lot 25) Betty Street, Nedlands – Proposed Change on Non-Conforming Use (from Aged Care Facility) to 10 Multiple Dwellings (Aged or Dependant Persons' Dwellings) in a 3 Storey Building

Councillor Collins disclosed an impartiality interest in 16.1 - No. 20 (Lot 25) Betty Street, Nedlands – Proposed Change on Non-Conforming Use (from Aged Care Facility) to 10 Multiple Dwellings (Aged or Dependant Persons' Dwellings) in a 3 Storey Building. He disclosed that he is the Council Representative on the Nedlands Aged Persons Homes Trust, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

6.2 Councillor McManus – 13.4 - Claremont Nedlands Lions Club – Proposed Lease for revised location

Councillor McManus disclosed an impartiality interest in Item 13.4 - Claremont Nedlands Lions Club – Proposed Lease for revised location. He disclosed that he is the Vice President of the Claremont Nedlands Lions Club, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

6.3 Councillor Somerville-Brown – 16.1 - No. 20 (Lot 25) Betty Street, Nedlands – Proposed Change on Non-Conforming Use (from Aged Care Facility) to 10 Multiple Dwellings (Aged or Dependant Persons' Dwellings) in a 3 Storey Building

Councillor Somerville-brown disclosed an impartiality interest in Item 16.1 - No. 20 (Lot 25) Betty Street, Nedlands – Proposed Change on Non-Conforming Use (from Aged Care Facility) to 10 Multiple Dwellings (Aged or Dependant Persons' Dwellings) in a 3 Storey Building. He disclosed that he knows a number of residents in the vicinity of Melvista Nursing Home, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

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

Councillor Hassell advised he felt he had not had sufficient time to consider the report for item 16.1 urgent business and asked for a recess at the item to review the report.

8. Confirmation of Minutes

8.1 Ordinary Council meeting 27 November 2012

Moved – Councillor Shaw
Seconded – Councillor Hassell

The minutes of the ordinary Council meeting held 27 November 2012 are confirmed.

CARRIED UNANIMOUSLY 11/-

9. Announcements of the Presiding Member without discussion

Functions the Mayor represented the City since the last Council meeting:

28 November 2012	City of Nedlands	Business Breakfast
28 November 2012	City of Perth	Planning Scheme Presentation
28 November 2012	WESROC	Meeting
29 November 2012	Regional Development Australia	Digital Economy Forum
29 November 2012	City of Nedlands	Nedlands Croquet Club cheque presentation
29 November 2012	WALGA	Central Metro Zone Meeting
30 November 2012	Subiaco Business Association	Christmas Function
1 December 2012	City of Nedlands	Beatrice Road Footpath Meeting
3 December 2012	Westcare	Disability Breakfast
3 December 2012	Shenton Youth Care Council	Lunch
6 December 2012	Aust Council on Smoking & Health	Awards Breakfast
6 December 2012	FESA	Local Emergency Management Committee Meeting
6 December 2012	Dalkeith Primary School	Sundowner
7 December 2012	City of Nedlands	Brad Jolly, Dept of Local Government
9 December 2012	City of Nedlands	Blessing of the River
10 December 2012	WALGA	National Trust Council Meeting

The Mayor acknowledged the assistance provided by Mr Mike Cole in the role of Acting Chief Executive Officer. Over approximately a nine month period between the departure of the City's last CEO and the appointment of Mr Greg Trevaskis to the position, Mr Cole performed admirably in the acting role. It was a difficult time for the City, with the departure of two directors as well as the CEO. Mike Cole's steady hand held the ship together at this important time. They had worked well together and he expressed his sincere appreciation for his valued contribution.

I wish to advise that I propose making a submission to WALGA on the Robson Report prior to 23 January based on the following:

- Council's previous submissions;
- There is no evidence presented for the findings and recommendations in the final report;
- The City of Nedlands wishes to remain as an independent local government, although there could be minor adjustment of its present boundaries;
- If there are to be amalgamations, then:
 - There must be broad community support;
 - Existing elected members must be included in transition arrangements;
 - Existing local government assets must be retained by existing communities; and
 - All costs, excluding capital costs, must be fully funded by the state government.

(These dot points were adopted by western suburbs Mayors at the WESROC meeting on 28 November 2012).

The submission will be circulated to Councillors prior to submission. If Council wishes to make a submission to the state government on the Robson Report, the closing date for submissions is 5 April 2013.

I would like to pay tribute at this last Council meeting for the year to Councillor Walker, who will soon be leaving us. She is returning to Houston and this is likely to be her last Council meeting. Councillor Walker has been a diligent worker for the City and we have all been impressed by her tireless energy and extensive research skills. I am sure her departure will disappoint many electors and fellow Councillors who have seen her as a vigorous elected member. We wish her well in the US.

10. Members announcements without discussion

10.1 Councillor Binks – Shenton College Community Concert

Councillor Binks advised that he had attended Shenton College Community Concert as a member of Nedlands Council. It was a community organised event. He said that Shenton College has 450 musical students and they put on community concerts in conjunction with Quintillian School, Nedlands Primary School and North Fremantle Primary School. They had several different bands and it was a very good show.

10.2 Councillor McManus – Farewell & Thanks to Councillor Walker

Councillor McManus advised that it is his understanding that Councillor Kerry Walker has tendered her resignation from Council and is leaving for Houston USA on 10 January 2013. As a result and as she is absent tonight she will no longer be attending any further Council meetings.

He believed it would be right and proper for this Council to acknowledge her great service over the last 14 months and indeed her civic activism over a number of years.

Councillor McManus said not everyone agreed with Councillor Walker on some occasions however no one could doubt her honesty and integrity or her Yorkshire doggedness as irritating as that might have been to some.

He considered Council should thank her for her efforts and wish her all the best in Houston USA and he would be prepared to move a motion to this effect.

11. Matters for Which the Meeting May Be Closed

Council, in accordance with Standing Orders and for the convenience of the public, 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.

12. Divisional reports and minutes of Council committees and administrative liaison working groups

12.1 Minutes of Council Committees

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).

Moved – Councillor Shaw
Seconded – Councillor Collins

The Minutes of the following Committee meetings (in date order) are received:

Council Committee **4 December 2012**
Unconfirmed, Circulated to Councillors on 6 December 2012

CARRIED UNANIMOUSLY 11/-

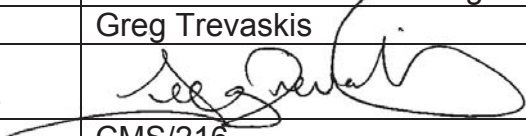
Moved – Councillor Horley
Seconded – Councillor Somerville-Brown

That Item 13.4 be brought forward.

CARRIED 10/1
(Against: Crs. Hassell)

13.4 Claremont Nedlands Lions Club – Proposed Lease for revised location

PLEASE NOTE: THIS ITEM HAS BEEN BROUGHT FORWARD

Committee	4 December 2012
Council	11 December 2012
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rebecca Boley – Property Management Officer
Director	Peter Mickleson – Planning & Development
CEO	Greg Trevaskis
CEO Signature	
File ref.	CMS/216
Previous Item No's	PD50.12 on November 27 2012
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Councillor McManus – Impartiality Interest

He disclosed that he is the Vice President of the Claremont Nedlands Lions Club, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

Regulation 11(da) – Council considered Lawler Park Tennis Courts as a more appropriate location for the shed.

Moved – Councillor Horley
Seconded – Councillor Collins

Council:

1. notes the revised proposal to lease land adjacent to the tennis courts near the scout hall and tennis courts at Lawler Park, land which the City is the registered proprietor of subject to a crown grant in trust; and
2. authorises the Mayor and CEO to sign a lease with the Claremont Nedlands Lions Club for this land to locate a shed on the following conditions:
 - a. the Club apply for and receive planning approval before lease document is executed;

- b. the City's standard lease template will be used;
- c. the term will be ten (10) years with an option to renew for a further five (5) years;
- d. the Club will apply for and receive a building permit before commencing works to erect the shed;
- e. provision to remove shed at expiration of term or City of Nedlands to acquire any improvements at an agreed value; and
- f. provision in lease to include any conditions of a planning approval.

CARRIED 9/2
(Against: Mayor Hipkins Cr. Porter)

Council Resolution

Council:

1. notes the revised proposal to lease land adjacent to the tennis courts near the scout hall and tennis courts at Lawler Park, land which the City is the registered proprietor of subject to a crown grant in trust; and
2. authorises the Mayor and CEO to sign a lease with the Claremont Nedlands Lions Club for this land to locate a shed on the following conditions:
 - a. the Club apply for and receive planning approval before lease document is executed;
 - b. the City's standard lease template will be used;
 - c. the term will be ten (10) years with an option to renew for a further five (5) years;
 - d. the Club will apply for and receive a building permit before commencing works to erect the shed;
 - e. provision to remove shed at expiration of term or City of Nedlands to acquire any improvements at an agreed value; and
 - f. provision in lease to include any conditions of a planning approval.

Committee Recommendation

That this item lay on the table to the Council Meeting of 11 December 2012.

Recommendation to Committee

Council:

1. notes the revised proposal to lease land adjacent to the tennis courts near the Mt Claremont Community Centre, land which the City is the registered proprietor of subject to a crown grant in trust; and
2. authorises the Mayor and CEO to sign a lease with the Claremont Nedlands Lions Club for this land to locate a shed on the following conditions:
 - a. the Club apply for and receive planning approval before lease document is executed;
 - b. the City's standard lease template will be used;
 - c. the term will be ten (10) years with an option to renew for a further five (5) years;
 - d. the Club will apply for and receive a building permit before commencing works to erect the shed;
 - e. provision to remove shed at expiration of term or City of Nedlands to acquire any improvements at an agreed value; and
 - f. provision in lease to include any conditions of a planning approval.

Moved – Councillor Somerville-Brown
Seconded – Councillor Shaw

That Item 16.1 be brought forward.

CARRIED UNANIMOUSLY 11/-

16.1 No. 20 (Lot 25) Betty Street, Nedlands – Proposed Change on Non-Conforming Use (from Aged Care Facility) to 10 Multiple Dwellings (Aged or Dependant Persons' Dwellings) in a 3 Storey Building

PLEASE NOTE: THIS ITEM HAS BEEN BROUGHT FORWARD

Council	11 December 2012
Applicant	Hawkestone Property Development Pty Ltd
Owner	Aged Persons Homes Trust & Melvista Nursing Home
Officer	Matt Stuart – A/Manager Statutory Planning
Director	Peter Mickelson - Director Planning & Development Services
Director Signature	
File ref.	BE8/20-02 : DA11/115
Previous Item No's	PD40.12
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Councillor Collins – Impartiality Interest

He disclosed that he is the Council Representative on the Nedlands Aged Persons Homes Trust, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

Councillor Somerville-Brown – Impartiality Interest

He disclosed that he knows a number of residents in the vicinity of Melvista Nursing Home, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

The Presiding Member granted an adjournment for 5 minutes for the purposes of allowing Elected Members to consider the report on this item.

The meeting adjourned at 7.49 pm and reconvened at 7.55 pm with the following people in attendance:

Councillors	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor K E Collins	Coastal Districts Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor W R Hassell	Dalkeith Ward
	Councillor S J Porter	Dalkeith Ward
	Councillor R M Binks	Hollywood Ward
	Councillor T James	Melvista Ward
	Councillor N Shaw	Melvista Ward
	Councillor M L Somerville-Brown	Melvista Ward
Staff	Mr G Trevaskis	Chief Executive Officer
	Mr M Cole	Director Corporate & Strategy
	Mr P Mickleson	Director Planning & Development Services
	Mr M Goodlet	Director Technical Services
	Ms D Blake	Director Community & Organisational Development
	Mrs N Ceric	Executive Assistant
Public	There were 13 members of the public present.	
Press	The Post Newspaper representative.	

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor Collins

Seconded – Councillor McManus

That the Alternate Recommendation to Council is adopted.

(Printed below for ease of reference)

Lost 2/9

(Against: Mayor Hipkins Crs. Horley Argyle Hassell Porter
Binks James Shaw & Somerville-Brown)

Moved – Councillor Somerville-Brown

Seconded – Councillor Shaw

That the Recommendation to Council is adopted.

(Printed below for ease of reference)

CARRIED 9/2

(Against: Crs. Collins & McManus)

Council Resolution / Recommendation to Council

Council refuses an application for a Change of Non-Conforming Use (from Aged Care Facility) to 10 Multiple Dwellings (Aged or Dependant Persons' Dwellings) in a 3-Storey Building at No. 20 (Lot 25) Betty Street, Nedlands, in accordance with the application dated 31 March 2011 and amended plans received on 9 November 2012, for the following reasons:

- 1. The proposed residential density (R77) is inappropriate for the site given the existing density (R55), the required density code (R12.5), and the existing character of the surrounding area (R12.5-R10). Furthermore, the proposed density does not comply with the Acceptable Development standard or Performance Criteria 6.1.1 of the RCodes;**
- 2. The proposed development is not compatible with the heritage values of the site, in accordance with the listing on the Municipal Heritage Inventory;**
- 3. Rubbish bins are not permitted or able to be collected from the street due to safety (visual sightlines), pedestrian access, damage to servicing vehicles and street trees, and waste collection access (street car-parking). Furthermore, the proposed rubbish system does not comply with the Acceptable Development standard or Performance Criteria 6.10.3 of the RCodes;**

4. The proposed bin stores are insufficient in size for the number of bins required, and does not comply with the Acceptable Development standard or Performance Criteria 6.4.5 of the RCodes;
5. The proposed storage areas are insufficient in size and unable to be individually locked, and does not comply with the Acceptable Development standard or Performance Criteria 6.10.3 of the RCodes;
6. The proposed visitor bays located adjacent to the driveway do not permit acceptable vehicular access or manoeuvring, and does not comply with Australian Standard AS/NZS 2890.1. If the bays were to be removed from the plan, then the number of visitor bays outside of the security barrier (nil) is insufficient for the anticipated demand, and does not comply with the Acceptable Development standard or Performance Criteria 6.5.3 of the RCodes;
7. Noting that the proposed development is for aged or dependant persons, physical access from the street to the principal entrance of each building has not been provided in accordance with the accessibility requirements of AS1428. To amend the plans to comply may cause the proposal to not comply with planning requirements, such as front setbacks;
8. The Unit 6 Lounge window facing north is not suitably set back from the boundary, overlooks Major Openings of the neighbouring property, and therefore does not comply with the Acceptable Development standard or Performance Criteria 6.8.1 of the RCodes; and
9. The proposed development will adversely affect the amenity of the surrounding locality, in accordance with clause 5.5.1 of TPS2.

Advice Notes specific to this proposal:

Should a subsequent application be approved, the site will require a Section 70 notification on the Certificate of Title, that at least one aged or dependant person reside in all the properties.

Alternative Recommendation to Council

Alternatively, if Council decides to approve the Development Application, the following conditions of approval and advice notes are provided for consideration.

Council approves an application for a Change of Non-Conforming Use (from Aged Care Facility) to 10 Multiple Dwellings (Aged or Dependant Persons' Dwellings) in a 3-Storey Building at No. 20 (Lot 25) Betty Street, Nedlands, in accordance with the application dated 31 March 2011 and amended plans received on 09 November 2012, with the following conditions:

1. Following a referral to the City's Environmental Health section, the following conditions are provided:
 - a. A bin enclosure (or enclosures) shall be sufficient to accommodate the storage, collection and cleaning of bins onsite;
 - b. Bins shall not be placed in any location where they:
 - i. Interfere with the line-of-sight for vehicles using Betty Street and/or Melvista Avenue;
 - ii. Obstruct a street, right-of-way, thoroughfare, lane, footpath, cycleway, other carriageway, or street car-parking;
 - iii. Prevent access to waste contractor's ability to empty bins; and
 - iv. Damage servicing vehicles and street trees during the operation of the waste vehicle.
 - c. The waste service shall occur at least weekly; and
 - d. Where a waste contractor vehicle enters private property to empty bins, this shall not occur before 7:00am or after 7:00pm Monday to Saturday, or before 9:00am or after 7:00pm on a Sunday or public holiday.
2. If larger bin stores are required, the plans shall be amended without impinging upon the size of any car-parking bays or aisles;
3. The car-parking bays shall be marked on site as indicated on the approved site plan, in order to comply with the requirements of clause 5.4.1.4 of Town Planning Scheme No. 2. Such marking shall be subsequently maintained so that the delineation of bays remains clearly visible at all times;

4. Disabled car-parking shall be to AS/NZS 2890.6:2009, and general car-parking to AS/NZS 2890.1:2004;
5. Extra visitor bays shall be provided onsite to meet likely demand;
6. All street trees in the verge are to be retained and shall not be removed without prior written approval from the Manager Parks Services;
7. The crossover width is to be amended to be no greater than 4.0m;
8. All crossovers to the street shall be constructed to the Council's crossover specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision on-site, prior to commencement of works;
9. Concrete footpaths shall be retained across crossovers;
10. A grated channel strip-drain shall be constructed across the driveway, aligned with and wholly contained within the property boundary, and the discharge from this drain to be run to a soak-well situated within the property;
11. To prevent stormwater flowing into the property, Ground Levels of driveways and footpaths must be 150mm higher than the street;
12. All stormwater from the development which includes permeable and non-permeable areas shall be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event; and soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development;
13. The north-facing Lounge window of Unit 6 shall be obscured in accordance with the visual privacy element of the *Residential Design Codes of WA*;
14. All fencing, visual privacy screens and/or obscure glass panels to Major Openings and/or Active Habitable Spaces shown on the approved drawings, shall prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes of WA*. The structure(s) shall be installed and remain in place permanently, unless otherwise approved by the City;
15. A detailed landscaping concept plan (plant species and number) and installation schedule shall be submitted for approval with the building permit application. Such landscaping shall be provided and maintained to the satisfaction of the City;

16. Further planning approval from the City is required for any fill or retaining walls on the lot other than that shown on the approved plans;
17. Dividing fences behind the front setback line, height no greater than 1.8m above approved levels and complying with the provisions of the *City of Nedlands Fencing Local Law 2007* are deemed to comply with the Scheme and do not require further planning approval. Further application and approval is required for other fencing, including heights greater than 1.8m above approved ground levels and/or forward of the front setback line;
18. The use of bare or painted metal building materials is permitted on the basis that, if during or following the erection of the development the Council forms the opinion that glare which is produced from the building / roof has or will have a significant detrimental effect upon the amenity of neighbouring properties, the Council may require the owner to treat the building / roof to reduce the reflectivity to a level;
19. At least one permanent occupant of each dwelling is to be aged 55 years or over or a dependent person, as defined in the *Residential Design Codes of WA 2010*;
20. Prior to occupation of the Aged or Dependant Persons' Dwelling, in accordance with the above condition, the landowner shall execute and provide to the City a notification pursuant to section 70A of the *Transfer of Land Act 1893*, to be registered on the title to the land as notification to prospective purchasers that the use of the Aged or Dependant Persons' Dwelling building is subject to the restriction set out above. The full costs of the notification shall be borne by the landowner; and
21. Any additional development, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by Council.

Advice Notes specific to this approval:

1. Any fencing forward of the primary street setback requires further development approval from the City;
2. Following a referral to the City's Environmental Health section, the following advice notes are provided:
 - a. Bins shall be stored in an enclosure (or enclosures) at all times except when removed and waiting to be emptied;
 - b. Bins shall not be placed where they or the waste contractor's vehicle will impede car-parking bays in Betty Street; or where parked vehicles will impede a waste contractor's vehicle;

- c. Where a waste contractor vehicle enters private property to empty bins, this shall not occur before 7:00am or after 7:00pm Monday to Saturday, or before 9:00am or after 7:00pm on a Sunday or public holiday; and
 - d. Bins shall be replaced in an enclosure (or enclosures) after being emptied.
- 3. Following a referral to the City's Building section, the following advice notes are provided:
 - a. Physical access from the street to the principal entrance of each building is required, but not shown on the plans, in accordance with AS1428;
 - b. Each entrance door to every unit is required to have door widths as stipulated in AS1428;
 - c. General consideration should be given with regard to accessibility to satisfy the BCA 2012 and AS1428;
 - d. The fire separation distances shown require the walls to have a 90/60/30 rating, and the openings (i.e. windows) maybe a problem, but could be resolved without moving walls; and
 - e. It appears the proposed basement and building may have structural implications on the existing retaining wall. The proposed structural elements should be engineered designed to take into account any retained existing structures.
- 4. Following a referral to the City's Environmental Health section, the following advice notes are provided:
 - a. All internal water closets and ensuites without window access to outside air must be serviced by mechanical ventilation, which is ducted to outside air. The minimum rate of air change must be equal or greater than 25 litres per second;
 - b. Fixtures, fittings and equipment that are designed to be connected to a sewage and waste water disposal system and discharge sewage or waste water must be connected to a sewage and waste water disposal system;
 - c. Liquid waste which includes kitchen, scullery and any other domestic or trade wastes that are discharged by means of a drain to a receptacle for drainage shall be disposed of by discharging it into the sewerage system of a licensed water service operator in a manner approved by the licensed water service operator;

- d. Prior to the commencement of any demolition works, any asbestos containing material (ACM) in the structure to be demolished must have been identified and removed and conveyed to an appropriate landfill which accepts ACM;
- e. Removal and disposal of ACM must be in accordance with *Health (Asbestos) Regulations 1992*, Regulation 5.45 of the *Occupational Safety and Health Regulations 1996* and any Department of Commerce Worksafe requirements (where there is over 10 square metres of ACM or any amount of friable ACM, it must be removed by a licensed and trained individual or business);
- f. Prior to the commencement of any demolition works, a Dust Management Plan shall be prepared to the satisfaction of the City's Environmental Health department. This should detail how the proposed demolition works will be managed to minimise environmental impacts and should address but not be limited to:
 - i. Details of how dust will be suppressed (e.g. by use of water tanker, independently powered water pumps, high volume hoses) or whether an approval from the Water Corporation for hydrant standpipe has been granted;
 - ii. Details of how dust and sand drift will be controlled should the landscape remain bare for more than 30 days after demolition (consideration of more permanent dust suppression or sand drift measures such as hydromulching);
 - iii. Parking for contractors;
 - iv. Waste management;
 - v. Management of noise in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997; and
 - vi. Complaints and incidents.
- g. The approved Dust Management Plan shall be implemented;
- h. Prior to the commencement of development, a Construction Management Plan shall be prepared to the satisfaction of the City's Environmental Health department. This should detail how the proposed site works will be managed to minimise environmental impacts and should address but not be limited to:

- i. Staging plan for the entire works;
 - ii. Applicable timeframes and assigned responsibilities for tasks;
 - iii. On-site storage of materials and equipment;
 -
 - iv. Parking for contractors;
 -
 - v. Waste management;
 - vi. Management of noise in accordance with the requirements of the Environmental Protection (Noise) Regulations 1997; and
 - vii. Complaints and incidents.
- i. The approved Construction Management Plan shall be implemented; and
 - j. Prior to the design and location of any mechanical plant (e.g. air-conditioners), the City's Visual and Acoustic Privacy Advisory Information document is to be consulted and measures shall be taken to mitigate noise from mechanical plant to meet the requirements of the Environmental Protection (Noise) Regulations 1997.

Purpose

The purpose of this item is to report back to Council and provide a modified recommendation on amended plans received for the subject site, following the Council's previous decision on item PD40.12:

Council Resolution

That this matter be referred back to Administration for further discussion with the applicant to address the matters identified in the administration recommendation.

Strategic Plan

- KFA 3: Built Environment
 - 3.3 Promote urban design that creates attractive and liveable neighbourhoods.
 - 3.8 Facilitate appropriate development of existing residential housing to complement the surrounding residential amenity.
- KFA 5: Governance
 - 5.6 Ensure compliance with statutory requirements and guidelines.

Background

Property Address: No. 20 (Lot 25) Betty Street, Nedlands.
(Refer to Attachment 1)

Zoning MRS: Urban

Zoning TPS2: Residential R12.5

Lot Area: 4,397 m²

This report is a response to a Council decision to defer the determination on a previous item, and refer the applicant back to the City to address outstanding issues. Subsequently, the applicant has provided amended plans.

Further background, including the history of the site is provided in the previous report.

Proposal Detail

The proposal involves the demolition of an existing nursing facility and the construction of 10 Multiple Dwellings (Aged or Dependant Persons' Dwellings) in a 3-storey building on the site, as depicted in the amended plans (refer to **Attachments 2-6**). Furthermore, the site photographs show the relationship of the site with the surrounding built environment (refer to **Attachment 7**), which are included again for reference.

The amended plans have been assessed, however the following issues still remain:

- Residential density;
- Heritage values;
- Bin storage and rubbish collection issues;
- Storage;
- Vehicle manoeuvring
- Disabled accessibility;
- Visual privacy; and
- Amenity.

Referrals

Heritage

As the building has not changed in any meaningful way with respect to heritage values, it is not accepted that the applicant has resolved the previously stated concerns from the City's heritage consultant, which are included again for reference:

- The Melvista Lodge & Nursing home is listed on the City of Nedlands Municipal Heritage Inventory – Management Category 'C'.

- Original architect with a design philosophy to translate the human scale of European villages into Perth.
- Proposal completely contrasts with the values deliberately and carefully achieved in the existing complex. Very invasive in terms of the heritage values of the original complex. All of the aesthetic values appear to have been ignored in the proposal:
 - Horizontal low-rise emphasis replaced by vertically emphasis;
 - Unity lost with the removal of solid walls, particularly on the balconies. Open balconies compromise the established solid to void ratio of the complex.
 - Hipped roof structure is as opposed to the original gabled roof.
 - Industrial patterned, low pitch, metal deck roofing into a tiled roof complex.
 - The spaces between the new buildings could result in accelerated wind flows.
 - Privacy severely compromised.
 - Wide palette of new materials- fibre-reinforced cladding, masonry, limestone, metal louvers, metal roofing, varied colours.

Sustainable Environment

Based upon new information being provided, the City's Environmental Health section advises of the following:

- Visual Sightlines- the City cannot supply a refuse disposal service, as per the applicant's proposal. This is because the bins cannot be presented anywhere suitable on Betty Street or Melvista Avenue, for the City to collect. Specifically, visual sightlines will be obstructed by the large number of bins, their proximity to the road intersection, and due to the bus service along this corner.
- Accessibility- noting that the footpath along Betty Street is located adjacent to the road pavement (and not the property boundary line), a large number of bins will cause accessibility issues for pedestrians, particularly aged or dependant persons as per the residents of this development proposal.
- Damage During Operation- given the large number of street trees along Betty Street, rubbish collection from the verge will cause damage to rubbish trucks and street trees.
- City Service- the units are 'lease for life' and hence, not individually rated. This means that the City is not required to provide a refuse disposal service. The nursing home can opt to use a commercial refuse disposal service through its own private contractual arrangement.

- Commercial Service- for a commercial service, the City does not stipulate a minimum enclosure size or minimum number of bins. This is up to the applicant to resolve. Any bins supplied must be of an adequate size and volume to receive and contain waste from the premises. The enclosure (or enclosures) must be of adequate size with adequate door widths to accommodate the storage, collection and cleaning of those bins. The above information has been requested of the applicant, however it has not been provided.
- Commercial Service Plan- based on the current plans the proposed development will need to opt for a privately arranged commercial refuse disposal service. The current plans do not show any location where the bins will be presented for collection. Plans need to show where bins will be presented and the pathway used from the enclosure to where they will be presented. The City needs confirmation of who will be conveying bins to be put out for collection and retrieving them once emptied, back to the enclosures. The City also needs confirmation that a waste service vehicle will be able to empty the bins from the selected location where they will be presented, which cannot be via the lifts for health reasons. The above information has been requested of the applicant, however it has not been provided.
- Summary- based on the information provided, Health cannot support the DA as it does not demonstrate numerous aspects of an adequate provision of a refuse disposal service for the proposed development. The above information has been requested of the applicant, however it has not been provided.

Engineering Services

Based upon new information being provided, the City's Engineering section advises of the following:

- In terms of vehicular movements, rubbish collection on the verge is not be possible due to car-parking along Betty Street.
- The proposed garage door is unacceptable due to insufficient access and manoeuvring as required by Australian Standards. According to AS/NZS 2890.1, where there are controlled entry points (garage doors), there has to be a queuing area for two vehicles (each space being 6m long and 12m in total). Additionally, '...there shall be no parking space manoeuvring within the queuing area.' As there are 2 visitor bays proposed which would conflict with this requirement, the garage door cannot be approved.
- Mirrors are an acceptable solution to the vehicular manoeuvring issue in the basement car-park.
- A 3.0m - 5.5m crossover is acceptable in accordance with Australian Standard 2890.1:2004.
- The no standing sign will not need to be removed if the crossover is 4.0m in width.

Property Services

The City's Building section advises of the following:

- Physical access from the street to the principal entrance of each building is required, but not shown on the plans, in accordance with AS1428.
- Each entrance door to every unit is required to have door widths as stipulated in AS1428.
- General consideration should be given with regard to accessibility to satisfy the BCA 2012 and AS1428.
- The fire separation distances shown require the walls to have a 90/60/30 rating, and the openings (i.e. windows) maybe a problem, but could be resolved without moving walls.
- It appears the proposed basement and building may have structural implications on the existing retaining wall. The proposed structural elements should be engineered designed to take into account any retained existing structures.

Parks Services

The City's Parks Services section previously advised that two street trees are permitted to be demolished to make way for the proposed crossover (if required).

Where applicable, approval conditions / refusal reasons are recommended for outstanding issues (see Recommendation to Council section).

Consultation

Due to internal and external timeframes, the amended plans have not been subject to further neighbour consultation. However, all submitters have been advised of the amended plans being available for viewing, prior to the date of this report.

Comments received: Six (6) objections and two (2) non-objections.

The following additional comments have been received.

Summary of comments received	Officer's technical comment
<p>Issue: residential density</p> <p>The proposal is beyond the existing density, and will set a dangerous precedence for the rest of the site.</p>	<p>Upheld</p> <p>See Discussion section.</p>
<p>Issue: vehicular – traffic</p> <p>Increase in traffic from a high-density development.</p>	<p>Not Upheld</p> <p>The road reserve is technically capable of vehicular movements (traffic) far in excess of what will be generated by the proposed development.</p>
<p>Issue: vehicular – private car-parking</p> <p>Potential for approximately 2 vehicles per dwelling, whereas only 1 bay provided. Insufficient parking in the street.</p> <p>The proposal will result in a street car-parking bay to be removed.</p> <p>It is likely that the residents will have carers who will require car-parking facilities.</p>	<p>Noted</p> <p>Whilst it is agreed that this is likely, the RCodes requirement is for only 1 bay per dwelling.</p>
<p>Note: A full copy of all relevant consultation feedback received by the City has been given to the City's Councillors prior to the meeting.</p>	

Legislation / Policy

- City of Nedlands Town Planning Scheme No. 2 (TPS2)
- Residential Design Codes of WA 2010 (RCodes)

Budget / Financial Implications

The application is for works to be constructed on a private lot, and therefore has no budget / financial implications for the City.

Risk Management

Nil.

Discussion

As discussed in the original report, a property with a non-conforming land use enjoys distinctly different planning requirements to that of a normal property. Legal advice has been gained that suggests that the City should determine non-conforming use applications having regard to specific Scheme clauses:

- Clause 6.4.2 (general provisions);
- Clause 6.4.1 (land use);
- Clause 4.1.2 (extensions to buildings); and
- Clause 6.5.1 (orderly and proper planning).

Clause 6.4.2 – General Provisions

The amended plans have suitably resolved the front setback issue.

Clause 6.4.1 – Land Use

As discussed in the previous report, it is accepted that this clause has been met.

Clause 4.1.2 – Extensions to Buildings

Part IV of the Scheme controls non-conforming land uses; with clause 4.1.2 containing provisions for extensions (emphasis added):

*‘No provision of the Scheme prevents: Where in respect of land zoned under Part 3 of the Scheme a non-conforming use exists or was authorised as mentioned in Clause 4.1 of this Part on that land, and provided the prior consent in writing of the Council has been obtained, **buildings may be extended to the limits prescribed by the Uniform Building By-Laws** made under the Local Government Act 1960 (as amended), or by any other by-laws made under that Act for the purpose of limiting the size, location and distance from boundaries and any other matter required by law for that class of use within the boundary of the lot or lots on which the use was carried on immediately prior to the coming into force of the Scheme.’*

Legal advice suggests that the reference to the superseded ‘Uniform Building By-Laws’ empowers the subsequent RCodes, with such requirements discussed further in this section.

Legal advice suggests that an extension of a building associated with a non-conforming use may be permitted by the Council in its discretion, however as a general principle *it should not increase the extent to which the development does not comply (i.e. a direct breach) with the Scheme.*

For example, where an existing building does not comply with a residential density restriction, a further increase to density generally should not be permitted, as this would materially increase the extent of the non-compliance with the requirement, and may be refused on that basis.

As this application proposes an increase in density that increases the extent to which the current non-conforming development breaches the Scheme, and the density is not in keeping with the existing streetscape, the proposed density is not supported.

As a condition to enforce density would require a major redesign, possibly creating further variations, such a condition is considered inappropriate. Being a 'lynch-pin' issue, the application is not recommended for approval.

RCodes – Residential Density

As per the previous report, made relevant by the Uniform Building By-Laws this site is coded R12.5 under the Scheme.

The site has 24 existing dwellings (independent living units) and an existing nursing facility, all with an area of 4,397m². Accordingly, the existing residential density is R55.

Taking into account the 24 existing dwellings and 10 proposed dwellings, the proposed residential density is R77.

The applicant argues that the number of beds in the existing nursing facility (30) is comparable to the number of people that would reside in the proposed dwellings (10-20).

In response, residential density does not take into account non-residential facilities because the uses are not comparable. A dedicated aged care facility shares areas and activities such as laundries, kitchens, hallways, stairs and transportation. Conversely, the 10 proposed dwellings have duplicate communal and non-communal areas and activities, resulting in a considerably different building form.

The residential control for the site adopted by the Council put in place development controls beyond merely the number of beds, but also the built form and ultimately the character of the locality. To override this established control, procedure requires a scheme amendment, which was offered to the applicant approximately 2 years ago. An amendment would also invoke the local landowners' right to wide-spread consultation and representation by councillors of the majority view.

Accordingly, the proposal will materially increase the extent to which the development does not comply with the required residential density, and is incompatible with the surrounding area (R10-R12.5). As a result, the proposal is not recommended for approval.

RCodes – Waste Facilities & Services

Element 6.4.5 of the RCodes requires bin stores to be conveniently located; whilst element 6.10.3 requires rubbish collection to be available from the street. The proposal does not comply due to:

- Unacceptable distances between the bin stores and the street (65 m);
- The significant number of bins on the footpath would create access (especially for the aged or dependant residents) and safety issues (visual sightlines for cars and buses);
- Damage during waste collection to the rubbish truck and a significant number of street trees; and
- Referrals to the City's Engineering and Environmental Health sections resulted recommendations to refuse the proposal (see Referral section).

The applicant's response is that bins for the nursing home were collected from the street, and this would continue.

Accordingly, this aspect of the application does not comply and is not recommended for approval, however a municipal or commercial inside-bin service would resolve this matter if approved.

RCodes – Visitor Bays

Element 6.5.3 of the RCodes require visitor bays to be outside security barriers. The amended plans depict this, however Australian Standards prevent them being in this location (see Referral section).

Should the bays be removed from the plans, there would be a car-parking variation. In considering this variation, the following is considered:

- There are no surplus car-parking bays proposed, and the number of bays is likely to be insufficient, as the number of residents could be between 10-40 people (i.e. 2 people per room x 2 rooms x 10 dwellings), with residents likely to have a high rate of vehicle ownership (local residents of high socio-economic status, 'aging in place').
- The proposed crossover will remove an on-street car bay.
- Neighbour consultation resulted in objections to this aspect of the design (see Consultation section).

Accordingly, this aspect of the proposal does not comply and is not recommended for approval.

RCodes – Storage

Element 6.10.3 of the RCodes requires enclosed and lockable storerooms of a minimum area of 4m² for each dwelling to be provided (40m² aggregate). As the proposal includes 3 storerooms with an aggregate area of 21m², the proposal does not comply. A referral to the City's Engineering section also resulted in a recommendation to truncate the southern storeroom for vehicle manoeuvring, thereby decreasing the area for storage (see Referral section).

In line with the principles of 'aging in place', it is suggested that the local residents that have a need for this dwelling type will have a considerable volume of possessions that will need to be stored and secured. Noting that the proposed dwellings are small, and the residents only have to be aged over 55 years or be a dependant person, it is suggested that the proposed and required amounts of storage will be insufficient.

Accordingly, this aspect of the proposal does not comply and is not recommended for approval.

RCodes – Visual Privacy

Element 6.8.1 of the RCodes requires Major Opening to habitable rooms to be set back from the boundary by a minimum of 6.0m. It is proposed that the Unit 6 Lounge window facing north is set back 5.3m, and overlooks Major Openings of the neighbouring property.

Accordingly, this aspect of the proposal does not comply and is not recommended for approval.

Clause 6.5.1 – Orderly & Proper Planning

As per the previous report, Scheme clause 6.5.1 (Determination by Council) states (emphasis added):

*'The Council may determine an application by granting approval, refusing approval or granting approval subject to such conditions as it thinks fit, having regard to the **orderly and proper planning** of the area.'*

In response, the development does not comply with Scheme provisions, with some discretionary variations which are not recommended for approval (as discussed elsewhere). Accordingly, it is considered that the proposed development does not represent orderly and proper planning in accordance with clause 6.5.1, and is not recommended for approval.

Clause 5.5.1 – Preservation of Amenity

TPS2 clause 5.5.1 (Preservation of Amenity) states (emphasis added):

*‘Without limiting the generality of Clause 6.5 the Council may refuse to approve any development if in its opinion the development would **adversely affect the amenity of the surrounding area having regard to the likely effect on the locality in terms of the external appearance** of the development, traffic congestion and hazard, noise or any other factor inconsistent with the use for which the lot is zoned.’*

In response, the residential density of the development is incompatible with the streetscape (as discussed elsewhere). Traffic congestion and noise will also be intensified compared with the existing nursing facility or typical Single House developments at the required density.

In line with the principles of ‘aging in place’, it is suggested that the local residents that have a need for this dwelling type will on average have a greater number of vehicles and visitors requiring parking bays than that proposed.

Noting that the proposed dwellings are able to house two people, the residents only have to be aged over 55 years or be a dependant person, and the proposed visitor bays abutting the driveway do not comply with Australian Standards, it is suggested that the proposed and required amounts of car-bays is insufficient.

Accordingly, it is considered that the proposed development will adversely affect the amenity of the surrounding area, and the proposed development is therefore not recommended for approval.

Conclusion

The applicant has resolved some of the issues of the design since last before Council, however has not meaningfully addressed some issues, whilst no attempt has been made on others.

It is accepted that setbacks, landscaping, excavation and hard surfaces all within the front setback area have been suitably resolved.

This application involves a non-conforming land use, resulting in a planning assessment that is atypical. Guided by legal advice and a preliminary decision from the SAT, the assessment has revealed that the proposal has the following unresolved issues:

- Residential density;
- Heritage values;
- Bin storage and rubbish collection issues;
- Storage;
- Vehicle manoeuvring

- Disabled accessibility;
- Visual privacy; and
- Amenity.

Accordingly, the application is recommended for refusal.

Procedurally, the applicant should prepare a scheme amendment to impose suitable planning controls (including but not limited to zoning and density), being subject to community and Council investigation and scrutiny, however against advice the applicant has declined.

Attachments

1. Location plan (aerial)
2. Survey plan
3. Site plan
4. Floor plans
5. Elevations
6. Perspectives
7. Photographs of the site and surrounds
8. Heritage consultant's comments

Note: As far as possible all the following reports under items 12.2, 12.3, 12.4 and 12.5 will be moved en-bloc and only the exceptions (items which Councillors wish to amend) will be discussed.

En Bloc

Moved - Councillor James

Seconded – Councillor Collins

That all Committee Recommendations relating to Reports under items 12.2, 12.3, 12.4 and 12.5 with the exception of Report Nos. TS25.12, TS26.12, CM10.12, CM11.12, CPS51.12 & CPS 55.12 are adopted en bloc.

CARRIED UNANIMOUSLY 10/-

Moved – Councillor Collins

Seconded – Councillor McManus

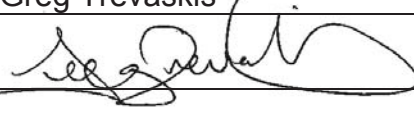
That item 13.6 be brought forward.

CARRIED UNANIMOUSLY 10/-

Councillor Horley retired from the meeting at 8.20 pm.

13.6 Naked Fig Café Variation of Sub-lease

PLEASE NOT THIS ITEM WAS BROUGHT FORWARD

Council	11 December 2012
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Peter Mickleson – Director Planning & Development
Director	Peter Mickleson – Director Planning & Development
CEO	Greg Trevaskis
CEO Signature	
File ref.	
Previous Item No's	
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Council agreed to minor changes to instruct the Mayor to sign the variation of the lease at the suggestion of the Mayor. Council also clarified that more than 1 substantiated complaint was required under 2. a. iiii.

Moved – Councillor Hassell
Seconded – Councillor McManus

That the Recommendation to Council is adopted subject to in clause 2. changing the word “authorises” to “instructs” and changing the word “agree” to “sign”.

Amendment

Moved - Councillor Porter
Seconded - Councillor Shaw

That the word “any” in point 2. a. iiii, be removed.

AMENDMENT CARRIED UNANIMOUSLY 10/-

Adoption - The amended motion was put and

**CARRIED 8/2
(Against: Mayor Hipkins Cr. Collins)**

Council Resolution

That Council:

- 1. notes the decision of the Western Australian Planning Commission (WAPC) issued by letter dated 13 March 2012 in response to application for review to State Administrative Tribunal (SAT) on application No 08-50124-1 by the Naked Fig Pty Ltd; and**
- 2. instructs the Mayor and Chief Executive Officer to sign a Variation of Sub-lease with Naked Fig Pty Ltd and Greer Julia Marns and Lorna Alexandra Marns for the period to 30 June 2013 in strict accordance with the Western Australian Planning Commission (WAPC) decision referred to above, specifically on the following terms:**
 - a. Approved hours of operation are as follows:**
 - i. Core Hours**

Sunday 7 am to 10 pm;
Monday to Thursday 7 am to 10 pm;
Friday and Saturday 7 am to 12 midnight; and
New Year's Eve 7 am to 1 am the following day.
 - ii. Extended Hours**

Sunday 6:30 am to 10 pm;
Monday to Thursday 6:30am to 11pm;
Friday and Saturday 6:30am to 12 midnight; and
New Year's Eve 6:30 am to 1 am the following day.
 - iii. If substantiated complaints are received in respect to the extended hours, approval for the extended hours will be rescinded and the hours of operation will revert to the core hours. (Substantiation of complaints will be determined by City of Nedlands after an officer/s of the City has attended the site, and has verified that the approved Noise Management Plan dated February 2012 has not been complied with and/or any noise or disturbance arising from the café has exceeded noise levels regulated by the *Environmental Protection (Noise) Regulations 1997*).**
 - b. The approved Noise Management Plan dated February 2012 must be implemented at all times during operation of the premises.**

- c. Commencement of the extended hours of operation granted under Condition 2 is not to occur until the bi-fold doors approved under this application have been constructed and are operational and the City of Nedlands has been notified and completed an inspection of the doors.
3. deletes any reference to “functions” in the sub-lease.
4. concurrently with 2. above instructs Administration to initiate a period of proactive monitoring of the conditions of approval focusing on closing times and compliance with the noise monitoring plan in addition to reacting to any complaints received.
5. notes the additional cost of this pro-active monitoring has not been budgeted and Council will address this cost at the mid-year budget review.
6. instructs Administration to nominate a dedicated officer to be the “point of contact” for all compliance issues relating to the operation of the Naked Fig café.
7. instructs Administration that the results of the monitoring be reported to Council in July 2013 and if the operator is in substantial compliance with all conditions the sub-lease will be amended to be in strict compliance with the WAPC decision issued 13 March 2012.

Recommendation to Council

That Council:

1. notes the decision of the Western Australian Planning Commission (WAPC) issued by letter dated 13 March 2012 in response to application for review to State Administrative Tribunal (SAT) on application No 08-50124-1 by the Naked Fig Pty Ltd; and
2. authorises the Mayor and Chief Executive Officer to agree a Variation of Sub-lease with Naked Fig Pty Ltd and Greer Julia Marns and Lorna Alexandra Marns for the period to 30 June 2013 in strict accordance with the Western Australian Planning Commission (WAPC) decision referred to above, specifically on the following terms:
 - a. Approved hours of operation are as follows:
 - i. Core Hours

Sunday 7 am to 10 pm;
Monday to Thursday 7 am to 10 pm;
Friday and Saturday 7 am to 12 midnight; and
New Year's Eve 7 am to 1 am the following day.

ii. Extended Hours

Sunday 6:30 am to 10 pm;
Monday to Thursday 6:30am to 11pm;
Friday and Saturday 6:30am to 12 midnight; and
New Year's Eve 6:30 am to 1 am the following day.

iii. If any substantiated complaints are received in respect to the extended hours, approval for the extended hours will be rescinded and the hours of operation will revert to the core hours. (Substantiation of complaints will be determined by City of Nedlands after an officer/s of the City has attended the site, and has verified that the approved Noise Management Plan dated February 2012 has not been complied with and/or any noise or disturbance arising from the café has exceeded noise levels regulated by the *Environmental Protection (Noise) Regulations 1997*).

b. The approved Noise Management Plan dated February 2012 must be implemented at all times during operation of the premises.

c. Commencement of the extended hours of operation granted under Condition 2 is not to occur until the bi-fold doors approved under this application have been constructed and are operational and the City of Nedlands has been notified and completed an inspection of the doors.

3. deletes any reference to "functions" in the sub-lease.
4. concurrently with 2. above instructs Administration to initiate a period of proactive monitoring of the conditions of approval focusing on closing times and compliance with the noise monitoring plan in addition to reacting to any complaints received.
5. notes the additional cost of this pro-active monitoring has not been budgeted and Council will address this cost at the mid-year budget review.
6. instructs Administration to nominate a dedicated officer to be the "point of contact" for all compliance issues relating to the operation of the Naked Fig café.

7. instructs Administration that the results of the monitoring be reported to Council in July 2013 and if the operator is in substantial compliance with all conditions the sub-lease will be amended to be in strict compliance with the WAPC decision issued 13 March 2012.

Purpose

To consider further information in relation to endorsing amended terms of a Deed of Variation of Sub-lease for the Naked Fig Café Swanbourne.

Executive Summary

The suggested way forward is as follows:

1. Agree to a trial of the new conditions of approval including allowing the extended hours of operation as per the 2012 Development Approval by varying the lease until 30 June 2013.
2. Delete reference to "Functions" in the sub-lease.
3. Concurrently with the above the City initiate a period of proactive monitoring of the conditions of approval focusing on closing times and compliance with the noise monitoring plan in addition to reacting to any complaints received.
4. That a dedicated officer be nominated as the "point of contact" for all compliance issues relating to the operation of the Naked Fig café.
5. That the results of the monitoring be reported to Council in July 2013 and if the operator is in substantial compliance with all conditions the sub-lease will be amended to be in strict compliance with the WAPC decision issued 13 March 2012.

Strategic Plan

KFA 5: Governance

- 5.6 Ensure compliance with statutory requirements and guidelines.
- 5.8 Establish and actively manage a range of partnerships with government, private and not-for-profit sectors.
- 5.9 Identify, manage and seek to minimise risk.

Background

Council at its meeting of 27 November 2012 considered a recommendation from the Committee to refuse to endorse a variation to the sub-lease to bring it in to alignment with a decision from the Western Australian Planning Commission (WAPC).

Council asked Administration to further consider and provide advice in relation to the following matters:

1. Functions and how they are defined
2. Enforcement of conditions of the Development Application
3. Special Events – definition and how they may be approved
4. Evidence of behavioral change in the location – Police incidents

It is important to acknowledge that the decision to allow the Naked Fig café to operate on the Swanbourne site has been made. Presumably the Council of the day determined, after considering all the relevant information that it was in the best interests of the wider community to do so. That decision is unlikely to be overturned.

Such a decision did not mean that there would be no adverse effects on the community and Council has attempted to address these effects by recommending conditions that the operator must comply with both in the lease and in the recommended conditions of development approval.

It would appear that the question Council must determine is “do the conditions of approval strike an appropriate balance between the interests of the operator, the community and the immediate neighbours?” If so the sub-lease conditions should mirror the development approval and if not additional conditions may be introduced through the sub-lease but only to the extent that the operator, as a party to the sub-lease, agrees.

Proposal Detail

Functions

The CEO in 2009 wrote to the Naked Fig as follows:

At present, while the sub-lease refers to functions, the term “function” has not been defined.

We have sought advice from McLeods Barristers and Solicitors and have been advised that a function as defined under the Liquor Control Act 1988 (WA) is:

“a gathering, occasion or event (including a sporting contest, show, exhibition, trade or other fair, or reception) at which it is proposed that liquor be sold or supplied to those present”.

The City accepts that definition for the purposes of the sub-lease.

It should be noted that the above definition is from the Liquor Control Act and therefore may not reflect all situations relating to functions.

However it is the definition that has been agreed to between the City and the operator when referring to the lease document.

The term “functions” is referred to in the sub-lease but not in the Noise Management Plan. This is because reference to this term was done away with at the first SAT mediation meeting as it caused confusion depending on its context and held no value with respect to noise mitigation and was immaterial to the purpose of mediation.

As noted above the definition of “functions” supplied to the City by McLeod’s as it applies to the sub-lease is in the context of liquor control. However there are other contexts the term “functions” can be applied to and it may not be appropriate to apply just one meaning.

In relation to noise, which appears to be one of the major issues, the question needs to be asked as to what purpose defining this term holds in terms of noise mitigation? If there is no purpose then the term should be removed from the sub-lease in order to align with the WAPC determination as it is outside the scope of noise. If it is to be defined for reasons not related to noise, this should be made clear and considered in other discussion.

Large Group Bookings are referred to in the Noise Management Plan (which forms part of the Development Approval) but are not defined. Special Events (discussed below) are similarly also not defined. However in terms of effects there is probably little distinction between all three terms - Functions, Large Group Bookings and Special Events.

Enforcement

A question was raised in relation to the practical implications of the City being able to enforce the following condition of approval:

- i. If any substantiated complaints are received in respect to the extended hours, approval for the extended hours will be rescinded and the hours of operation will revert to the core hours. (Substantiation of complaints will be determined by City of Nedlands after an officer/s of the City has attended the site, and has verified that the approved Noise Management Plan dated February 2012 has not been complied with and/or any noise or disturbance arising from the café has exceeded noise levels regulated by the Environmental Protection (Noise) Regulations 1997).*

This condition was the result of exhaustive discussions during the application mediation and Administration has confidence that the condition is able to be enforced.

Council’s current level of service in relation to noise complaints is probably not sufficient to deal with the nature of complaints that have

arisen in relation to this operation. This is because monitoring of conditions, closing times in particular, requires a pro-active approach rather than the current reactive response to complaints

Additionally in order to effectively carry out the monitoring of the conditions of approval it is important that all parties have one point of contact to direct complaints or enquiries through. That is, one officer who understands the issues and has had a consistent working knowledge of all the issues.

It is proposed that the City undertake proactive monitoring of the site over the next few months. This would involve monitoring that is in addition to any complaints that may be received. This monitoring would focus primarily on compliance by the operator with the approved hours of operation which indirectly is associated with the noise issue.

This proactive approach to monitoring will give Council good information, over a period of time, as to the levels of compliance by the operator with the conditions of approval.

There will be additional costs of this approach to monitoring which will be picked up through the midyear budget review however given the cost to date of all matters associated with the site it is considered a reasonable method of gathering accurate information to assist with Council decision making

Special Events

Special Events are not defined in either the sub-lease or the Development Approval. It is assumed that Council may consider special events to be limited to those events that only occur perhaps once in any year and are of special significance to the majority of the community such as New Year's Eve, ANZAC Day etc. For the purposes of this definition it is not considered that an individual's birthday, wedding or work function is a "Special Event".

Therefore it is the Administration's view that the provisions in the current sub-lease adequately cover the types of events that would be considered special. This provision states: "without prior approval from the City, functions may only occur on Friday and Saturday nights and must be finished and vacated by 12:00 midnight."

This provision allows for the operator to apply for and obtain approval from the Council for a single or series of functions that may be considered different (or "special") to the normal operation of the café. Such approval is at the sole discretion of the Council.

In practical terms this clause in the sub-lease is somewhat redundant if the new hours of operation are endorsed as the normal activities of the café, functions and special events are in effect one and the same. The

key issue is the hours of operation, noise levels and adverse effects associated with these two conditions of approval.

It should be noted that the Development Approval provides for the café to operate on New Year's Eve from 6:30 am to 1am the following day. This condition could be incorporated into the sub-lease, if the entire development approval conditions are not, to avoid the need for the operator to seek approval from Council every year for operating on New Year's Eve.

Police Incidents

The Police have been asked for a copy of the incidences of undesirable behavior for the period predating the establishment of the Naked Fig through to the present day. At the time of writing this has not been received.

Consultation

Required by legislation: Yes ☐ No ☒

Required by City of Nedlands policy: Yes ☐ No ☒

Legislation

Planning and Development Act 2005

Environmental Protection (Noise) Regulations 1997

Budget/financial implications

Budget:

Within current approved budget: Yes ☒ No ☐

Requires further budget consideration: Yes ☒ No ☐

Financial:

A proactive approach to monitoring compliance with the conditions of approval will require additional resources.

Risk Management

A risk exists with having two documents that control the operation of the Naked Fig that do not align. This creates confusion for the operator, Council and the community and can result in conflict as to which provision applies.

A further risk is that any changes to the sub-lease document must be agreed to by both parties to the sub-lease. Therefore any proposed change must be reasonable and satisfy the interests of both parties.

Discussion

This matter has been considered by Council on a number of occasions and has proved a difficult matter to resolve. Because the development approval was determined by the WAPC the Council in 2010 decided that it would abide by whatever decision was made by the WAPC and amend the sub-lease to be in strict compliance with that decision. Presumably this was done to avoid conflict between the two documents that authorise and condition the use of the site.

The process that resulted in the issuing of the development approval was rigorous, thorough and involved expert evidence and opinion. It is unlikely that a similar process conducted today would result in a different decision.

The current development approval allows for hours of operation beyond that currently authorized by the sub- lease.

There is a perception by some that these increased hours will result in noise above the permitted levels or noise that cannot be controlled by the operator later into the night. While these are legitimate concerns it seems unreasonable to anticipate that this will occur without allowing the operator a chance to prove they can operate the café within the conditions of approval.

The Council, in agreeing to this type of development in this location, must take some responsibility for the off-site effects that generally are associated with a café activity and are beyond the control of the operator. Presumably these effects were considered alongside the types of activities that were occurring prior to the development of the café. It then follows that allowing a café was considered to be in the best interests of the wider community.

However the Council is also entitled to manage these off-site effects through conditions placed on the operator (in the sub-lease) subject to the operator agreeing to such conditions. In fact controlling the hours of operation through the sub-lease is probably the only effective control Council has over off-site effects. However whether it is appropriate to control these effects by potentially penalising the operator is a judgment for Council.

In this case it is suggested that a balance must be reached between the commercial objectives of the operator and the community good objectives of the landlord (Council).

The suggested way forward is as follows:

- a. Agree to a trial of the new conditions of approval including allowing the extended hours of operation as per the 2012 Development Approval by varying the sub-lease until 30 June 2013.
- b. Delete the reference to functions in the sub-lease as it is the effects of the use that are at issue and these can be managed through the conditions of the development approval.
- c. Concurrently with the above the City initiate a period of proactive monitoring of the conditions of approval focusing on closing times and compliance with the noise monitoring plan in addition to reacting to any complaints received.
- d. That a dedicated officer be nominated as the “point of contact” for all compliance issues relating to the operation of the Naked Fig café.
- e. That the results of the monitoring are reported to Council in July 2013 and if the operator is in substantial compliance with all conditions the sub-lease will be amended to be in strict compliance with the WAPC decision issued 13 March 2012.

Conclusion

The conditions relating to the operation of the Naked Fig café have been the subject of much consideration by Council. A trial period of the new development approval conditions is appropriate in order to confirm that the operator can comply with these conditions. A proactive monitoring regime will confirm to Council whether the operating conditions can be complied with.


Councillor Horley retired from the meeting at 8.20 pm.

12.2 Planning & Development Report No's PD54.12 to PD57.12 (copy attached)

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.

PD54.12	Sea Containers
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Committee	4 December 2012
Council	11 December 2012

Applicant	Barry McMahon
Owner	Princep Pty Ltd
Officer	Elle O'Connor - Planning Officer
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File ref.	DA12/422 : ST2/7
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act 1995</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor James
Seconded – Councillor Collins

That the Recommendation to Council is adopted.

(Printed below for ease of reference)


CARRIED UNANIMOUSLY EN BLOC 10/-

Council Resolution / Committee Recommendation

Council requests Administration to draft a Policy on sea containers within the City.

PD56.12	Metropolitan Region Scheme Amendment 1236/57 - Bush Forever Area Definition, Clause Insertion and Removal of Clause 16 (1a)(a) for New Similar Clause Insertion 16 (1a) and (ba) in the Metropolitan Scheme Text – response to public consultation.
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Committee	4 December 2012
Council	11 December 2012

Applicant	Western Australian Planning Commission
Owner	City of Nedlands
Officer	Jason Moore- Strategic Planning Officer
Director	Peter Mickleson - Director Planning & Development
Director Signature	
File ref.	TPN/067-04
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor James
Seconded – Councillor Collins

That the Recommendation to Council is adopted.

(Printed below for ease of reference)


CARRIED UNANIMOUSLY EN BLOC 10/-

Council Resolution / Committee Recommendation / Recommendation to Committee

Council advises the Western Australian Planning Commission that it supports the proposed Metropolitan Region Scheme Amendment 1226/57 entitled “Bush Forever Area Definition Clause Insertion and Removal of Clause 16 (1a)(a) for New Similar Clause Insertion 16 (1a) and (ba) in the Metropolitan Scheme Text.”

PD57.12	Proposed Scheme Amendment No. 198 – To add a clause to Schedule V – Special use Zone - that facilitates that a current Master Plan for the site controls its development Scheme Amendment No. 194
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Committee	4 December 2012
Council	11 December 2012

Applicant	Peter Driscoll, Landvision on behalf of Hollywood Hospital
Owner	Hollywood Private Hospital Board
Officer	Gabriela Poezyn – Manager Strategic Planning
Director	Peter Mickelson – Director Planning & Development
Director Signature	
File ref.	TPN/A198
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor James
Seconded – Councillor Collins

That the Recommendation to Council is adopted.
(Printed below for ease of reference)

CARRIED UNANIMOUSLY EN BLOC 10/-

Council Resolution / Committee Recommendation / Recommendation to Committee

Council:


- 1. initiates the proposed scheme amendment to Town Planning Scheme No. 2 by:**
 - a. adding the following additional provision to Schedule V – Special Use Zone for Pt Loc 1715 and Pt Loc 8697 Monash Avenue, Nedlands (Hollywood Private Hospital) that states:**
 - l. the development of the site shall be in accordance with the current Master Plan applicable to this Special Use Zone as approved by Council from time to time, following the procedure as set out in clause 8.3 of the Scheme.***
- 2. progresses the above scheme amendment in accordance with the *Planning and Development Act 2005*.**

12.3 Technical Services Report No's TS25.12 to TS26.12 (copy attached)

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.

TS25.12	Survey Results – Establishing a Dog Park South of Stirling Highway
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Committee	4 December 2012
Council	11 December 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Andrew Dickson – Manager Parks Services
Director	Mark Goodlet – Director Technical Services
Director Signature	
File ref.	ST6-08
Previous Item No's	Item 12.3 report TS17.12 – Council Meeting – 28 August 2012
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor Binks

Seconded – Councillor McManus

Council:

1. receives the results from the survey of residents surrounding the three (3) identified potential locations for a fenced dog park South of Stirling Highway;
2. instructs Administration to prepare a landscape plan for Paul Hasluck Reserve that is consistent with the recommendations of the Foreshore Enhancement and Management Plan (Volume 2 – 2010) and that makes provision for a fenced dog park; and
3. approves the inclusion of \$60,000 for consideration in the 2013/14 Parks Services capital budget submission for

preparation of a landscape plan and for establishment of a fenced dog park located at Paul Hasluck Reserve, subject to Swan River Trust approvals.

Mrs N Ceric, Executive Assistant left the room at 9.10 pm and returned at 9.12 pm.

**CARRIED ON THE CASTING VOTE OF THE PRESIDING MEMBER 6/5
(Against: Crs. Collins Argyle Hassell James & Shaw)**

Council Resolution

Council:

- 1. receives the results from the survey of residents surrounding the three (3) identified potential locations for a fenced dog park South of Stirling Highway;**
- 2. instructs Administration to prepare a landscape plan for Paul Hasluck Reserve that is consistent with the recommendations of the Foreshore Enhancement and Management Plan (Volume 2 – 2010) and that makes provision for a fenced dog park; and**
- 3. approves the inclusion of \$60,000 for consideration in the 2013/14 Parks Services capital budget submission for preparation of a landscape plan and for establishment of a fenced dog park located at Paul Hasluck Reserve, subject to Swan River Trust approvals.**

Committee Recommendation

That Council does not proceed with the establishment of a Dog Park South of Stirling Highway.


Recommendation to Committee

Council:

1. receives the results from the survey of residents surrounding the three (3) identified potential locations for a fenced dog park South of Stirling Highway;
2. instructs Administration to prepare a landscape plan for Paul Hasluck Reserve that is consistent with the recommendations of the Foreshore Enhancement and Management Plan (Volume 2 – 2010) and that makes provision for a fenced dog park; and
3. approves the inclusion of \$60,000 for consideration in the 2013/14 Parks Services capital budget submission for preparation of a landscape plan and for establishment of a fenced dog park located at Paul Hasluck Reserve, subject to Swan River Trust approvals.

TS26.12	Big Day Out Concert – Monday 28 January 2013 at Claremont Show Grounds, Claremont
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Committee	4 December 2012
Council	11 December 2012

Applicant	Keiran McNamara, Director General - Department of Environment and Conservation
Owner	Altered State (WA) Pty Ltd
Officer	Katy Trevaskis – Environmental Health Officer
Director	Mark Goodlet – Director Technical Services
Director Signature	
File ref.	ENV/017-056
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Council agreed to add an advice note requiring the organisers to provide sufficient toilets, following recent publicity about events at the Claremont Show Grounds.

Moved – Councillor James
Seconded – Councillor Shaw

That the Recommendation to Council is adopted subject to adding an advice note, that the organisers of the event provide sufficient toilets.

CARRIED UNANIMOUSLY 10/-

Council Resolution

Council, pursuant to Regulation 18 (12) of the *Environmental Protection (Noise) Regulations 1997*, agrees to the Department of Environment and Conservation's proposed conditions, (refer to attachment 1) for the Big Day Out music festival to be held at the Claremont Showgrounds on Monday 28 January 2013 subject to the Department of Environment and Conservation or Altered State (WA) Pty Ltd notifying the City of Nedlands Health Section of any noise complaints received from City of Nedlands residents, within 7 days after the event and the organisers of the event provide sufficient toilets.

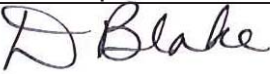
Committee Recommendation / Recommendation to Committee

Council, pursuant to Regulation 18 (12) of the *Environmental Protection (Noise) Regulations 1997*, agrees to the Department of Environment and Conservation's proposed conditions, (refer to attachment 1) for the Big Day Out music festival to be held at the Claremont Showgrounds on Monday 28 January 2013 subject to the Department of Environment and Conservation or Altered State (WA) Pty Ltd notifying the City of Nedlands Health Section of any noise complaints received from City of Nedlands residents, within 7 days after the event.

12.4 Community & Organisational Development Report No's CM10.12 to CM11.12 (copy attached)

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.

CM10.12 All Abilities Play Space – Concept Plan

Committee	4 December 2012
Council	11 December 2012
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Marion Granich – Manager Community Development
Director	Darla Blake - Director Community & Organisational Development
Director Signature	
File ref.	CRS/5054
Previous Item No's	CM09.12
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor Somerville-Brown
Seconded – Councillor Shaw

That the Recommendation to Council is adopted.

(Printed below for ease of reference)

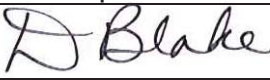
CARRIED 9/1
(Against: Cr. Argyle)

Council Resolution / Committee Recommendation to Committee
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Council endorses the Concept Plan for the All Abilities Play Space on Beaton Park, the Esplanade, Dalkeith, as at Attachment A.

CM11.12	Approval of Applications to the Community Grants Fund and Youth Grants Fund
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Committee	4 December 2012
Council	11 December 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Marion Granich – Manager Community Development
Director	Darla Blake - Director Community & Organisational Development
Director Signature	
File ref	CMS/505
Previous Item No's	CP35.12
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Mayor Hipkins – Proximity Interest

His interest being that he lives in Minora Road. He advised that he would leave the meeting during this matter.

Mayor Hipkins left the room at 9.27 pm.

Deputy Mayor Collins assumed the chair as Presiding Member.

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor Hassell

Seconded – Councillor McManus

That the Recommendation to Council is adopted.

(Printed below for ease of reference)

**CARRIED 8/1
(Against: Cr. Argyle)**

Council Resolution / Committee Recommendation / Recommendation to Committee

Council approves applications to the Community Grants Fund or the Youth Grants Fund (excluding GST) for the following events:

- 1. Swanbourne Christmas Carols Event - \$1,000;**
- 2. Christmas Carols on the Lawn Event - \$1,000;**
- 3. Community Christmas Event - \$1,000;**
- 4. Stanley Street Christmas Party - \$250;**
- 5. Kingsway Christmas Party - \$250;**
- 6. Minora Road Christmas Party - \$250 and**
- 7. United Nations Youth Association National Evatt Trophy Final 2012 - \$250**

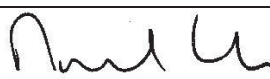
Mayor Hipkins returned the room at 9.28 pm and resumed the chair as Presiding Member.

12.5 Corporate & Strategy Report No's CP50.12 to CP55.12 (copy attached)

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.

CPS50.12 List of Accounts Paid – October 2012

Committee	4 December 2012
Council	11 December 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole - Director Corporate & Strategy
Director Signature	
File ref.	FIN/072-17
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor James
Seconded – Councillor Collins

That the Recommendation to Council is adopted.
(Printed below for ease of reference)


CARRIED UNANIMOUSLY EN BLOC 10/-

Council Resolution / Committee Recommendation to Committee

Council receives the List of Accounts Paid for the month of October 2012 (refer to attachment).
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CPS51.12	Local Laws Review
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Committee	4 December 2012
Council	11 December 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Phoebe Huigens, A/Manager Corporate Services
Director	Michael Cole - Director Corporate & Strategy
Director Signature	
File ref.	LEG/024
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Please note that under section 3.12(2) of the *Local Government Act 1995*, the Presiding Member read aloud the purpose and effect of the proposed local laws:

Local Law Relating to Reserves, Foreshores and Beaches:

Purpose: To provide for the regulation, control and management of activities conducted on Council reserves, foreshores and beaches throughout the District.

Effect: To establish a system regulating activities on reserves, foreshores and beaches with which persons wishing to conduct such activities must observe.

Local Law Relating to Site Erosion and Sand Drift:

Purpose: To provide for the regulation of issues relating to site erosion and sand drift within the municipality.

Effect: To enable better management of issues relating to site erosion and sand drift within the municipality.

Local Law Relating to Council Halls:

Purpose: To establish the conditions under which halls, centres, buildings or premises owned or vested in or under the care, control and management of the City may be hired.

Effect: To properly manage and maintain the City's built assets and facilities.

Signs Local Law:

Purpose: To provide for the regulation, control and management of signs within the District

Effect: To establish the requirements with which any person seeking to erect a sign within the City of Nedlands must comply.

Councillor Hassell left the room at 9.29 pm.

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor James

Seconded – Councillor Shaw

That the Recommendation to Council is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 9/-


Council Resolution / Committee Recommendation / Recommendation to Committee

Council authorises Administration to:

- 1. Undertake a review of the:**
 - a. Local Law Relating to Reserves, Foreshores and Beaches;**
 - b. Local law Relating to Site Erosion and Sand Drift;**
 - c. Local Law Relating to Council Halls; and**
 - d. Signs Local Law.**
- 2. Report back to Council the results of the review and any submissions received as per requirements of Section 3.12 and 3.16 of the Local Government Act 1995 and the Department of Local Government Operational Guidelines.**

CPS52.12 Request for Exemption of Council Rates
--

Committee	4 December 2012
Council	11 December 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Mathew Ayre – Rates Officer
Director	Michael Cole - Director Corporate & Strategy
Director Signature	
File ref.	RTV/049
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor James
Seconded – Councillor Collins

That the Recommendation to Council is adopted.
(Printed below for ease of reference)


CARRIED UNANIMOUSLY EN BLOC 10/-

Council Resolution / Committee Recommendation / Recommendation to Committee
--

<p>Council grants an exemption from rates for the property at 95A Waratah Avenue, Dalkeith in accordance with <i>Section 6.26(2)(d) Local Government Act 1995.</i></p>

CPS53.12 Delegation of Authority – Awards of Tenders during the Council Recess

Committee	4 December 2012
Council	11 December 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rajah Senathirajah, Manager Finance Services
Director	Michael Cole - Director Corporate & Strategy
Director Signature	
File ref.	CRS/058
Previous Item No's	N/A
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor James
Seconded – Councillor Collins

That the Recommendation to Council is adopted.
(Printed below for ease of reference)


CARRIED UNANIMOUSLY EN BLOC 10/-

Council Resolution / Committee Recommendation / Recommendation to Committee
--

Council delegates to the Chief Executive Officer the authority to determine tenders in accordance with the *Local Government Act (Functions and General) Regulations 1996* over the Council recess to a maximum of \$500,000 (excl GST).

CPS54.12 City of Nedlands Strategic Community Plan “Nedlands 2023”
--

Committee	4 December 2012
Council	11 December 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rajah Senathirajah, Manager Finance Services
Director	Michael Cole - Director Corporate & Strategy
Director Signature	
File ref.	CRS/058
Previous Item No's	N/A
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor James
 Seconded – Councillor Collins

That the Recommendation to Council is adopted.
 (Printed below for ease of reference)

CARRIED UNANIMOUSLY EN BLOC 10/-

Council Resolution / Committee Recommendation / Amended Recommendation

Council adopts the City of Nedlands Strategic Community Plan 2013-2023, “Nedlands 2023”, with the following changes:

- 1. The addition of the Strategic Community Plan indicators (attached to this Memo for your consideration);**
- 2. On page 7, the addition of a caption for the diagram, “Age distribution for the City of Nedlands, ABS 2011”;**
- 3. Page 20, change “Swanbourne Surf Lifesaving Club” to “Swanbourne Nedlands Surf Lifesaving Club”;**
- 4. Page 39, changing the paragraph for “Housing Types” to:**

The Table below shows the areas the City identified as being suitable for housing diversity and the percentage of participants who would be agreeable to the different housing types in these identified areas; and

5. Page 39, under “Housing Types”, change “Mt Claremont” to “Specific areas of Mt Claremont”.


Recommendation to Council

Council adopts the City of Nedlands Strategic Community Plan 2013-2023, “Nedlands 2023”.

ABSOLUTE MAJORITY REQUIRED

CPS55.12 City of Nedlands Dogs Amendment Local Law 2012

Committee	4 December 2012
Council	11 December 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Phoebe Huigens, Acting Manager Corporate Services
Director	Michael Cole - Director Corporate & Strategy
Director Signature	
File ref.	LEG/024
Previous Item No's	N/A
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Councillor Hassell returned to the room at 9.30 pm.

Please note that under section 3.12(2) of the *Local Government Act 1995*, the Presiding Officer read aloud the purpose and effect of the proposed local law.

Purpose: The purpose of the local law is to provide for the regulation, control and management of dogs and issues relating to dogs within the municipality.

Effect: The effect of the local law is to control activities and manage dogs within the municipality.

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor James
Seconded – Councillor Collins

That the Recommendation to Council is adopted.
(Printed below for ease of reference)

CARRIED UNANIMOUSLY 10-

Council Resolution / Committee Recommendation / Recommendation to Committee

Council approves advertising the City of Nedlands Dogs Amendment Local Law 2012.

13. Reports by the Chief Executive Officer

13.1 Common Seal Register Report – November 2012

Moved – Councillor James
Seconded – Councillor Collins

The attached Common Seal Register Report for the month of November 2012 is received.

CARRIED UNANIMOUSLY 10/-

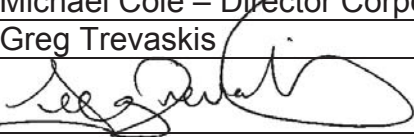
13.2 List of Delegated Authorities – November 2012

Moved – Councillor James
Seconded – Councillor McManus

The attached List of Delegated Authorities for the month of November 2012 is received.

CARRIED UNANIMOUSLY 10/-

13.3 Outcomes of negotiation process for City of Nedlands Membership of the Western Metropolitan Regional Council

Committee	4 December 2012
Council	11 December 2012
Applicant	City of Nedlands
Director	Michael Cole – Director Corporate & Strategy
CEO	Greg Trevaskis
CEO Signature	
File ref.	ORN/016-21
Previous Item No's	13.3 – 28 August 2012 TS11.12 – 26 June 2012
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor James
Seconded – Councillor Hassell

That the Recommendation to Council is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 10/-

Council Resolution / Committee Recommendation

Council:

1. defer negotiations to join the Western Metropolitan Regional Council until after the State Government has responded to the Metropolitan Local Government Review; and
2. request administration to call for expressions of interest for the disposal of waste.

Recommendation to Committee

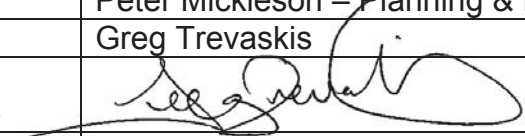
Council:

1. Defer negotiations to join the Western Metropolitan Regional Council until after the State Government has responded to the Metropolitan Local Government Review.
2. Enter into a Waste Delivery Agreement with the Western Metropolitan Regional Council on the same terms as the Western Metropolitan Regional Council member Councils.

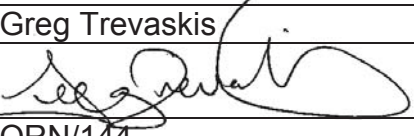
13.4 Claremont Nedlands Lions Club – Proposed Lease for revised location

PLEASE NOTE: THIS ITEM WAS BROUGHT FORWARD (see page 14)

Committee	4 December 2012
Council	11 December 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rebecca Boley – Property Management Officer
Director	Peter Mickleson – Planning & Development
CEO	Greg Trevaskis
CEO Signature	
File ref.	CMS/216
Previous Item No's	PD50.12 on November 27 2012
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

13.5 Endorsement of the Western Metropolitan Regional Council's Regional Investment Plan

Council	11 December 2012
Applicant	City of Nedlands
Owner	N/A
Officer	Andrew Melville – Manager Sustainable Environment
Director	Mark Goodlet – Director Technical Services
CEO	Greg Trevaskis
CEO Signature	
File ref.	ORN/144
Previous Item No's	D72.09
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor Shaw

Seconded – Councillor Collins

That the Recommendation to Council is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 10/-

Council Resolution / Recommendation to Council

Council:

1. endorses the Western Metropolitan Regional Council's Regional Investment Plan titled "Bulky Waste Sorting"; and
2. authorises the Chief Executive officer to sign the Regional Investment Plan, presented as an attachment to this report.

Purpose

A fixed funding allocation of \$208,708 (ex GST) is available from the Western Australian Waste Authority to the Regional Council Group of which the City is a part) until June 2013 to implement projects identified in the Strategic Waste Management Plan that will contribute towards achieving one or more of the State Waste Strategy targets.

Applications for funding must be submitted in the form of a Regional Investment Plan, approved by all members of the Regional Council Group and signed by all member Council's Chief Executive Officers.

Strategic Plan

KFA 5: Governance

- 5.8 Establish and actively manage a range of partnerships with government, private and not-for-profit sectors.

KFA 7: Economic Development

- 7.3 Work collaboratively with WESROC and State Government agencies in developing and implementing regional strategies.

Background

In May 2007 a funding program for local governments to deliver waste management initiatives was announced through the development of the Zero Waste Plan Development Scheme.

The scheme involved the establishment of Regional Council Groups and allocated funding for the development and implementation of Strategic Waste Management Plans. Following the endorsement of Strategic Waste Management Plans by the Department of Environment and Conservation (DEC), Regional Council Groups were eligible to apply for funding between 2008 and 2010 to implement projects identified in the Strategic Waste Management Plan.

The City of Nedlands formed a Regional Council Group with Town of Claremont, Town of Cottesloe, Town of Mosman Park, Shire of Peppermint Grove and City of Subiaco.

The Western Metropolitan Regional Council (WMRC) is the lead authority for administering the Regional Council Group's Strategic Waste Management Plan grant funding.

The Strategic Waste Management Plan was finalised and supported in principle by Council in April 2009 (however it was recognised that the City of Nedlands is not supportive of an expansion of the existing waste

collection site at Brockway Road). The Plan includes the following regional priorities:

- Minimise the direct and indirect environmental impacts of waste and its management in the region over the next five years;
- Manage waste in a sustainable manner; and
- Increase community awareness of the impact of waste issues on the environment.

The Plan includes 36 key actions; four of which were completed by the WMRC with \$135,754 Strategic Waste Management Plan funding:

1. Appointment of a Waste Officer to implement the Strategic Waste Management Plan (a consultant was engaged).
2. Upgrade the recycling area at the Waste Transfer Station.
3. Install signage in the recycling area at the Waste Transfer Station.
4. Development of a Waste Management Sustainability Policy.

Many of the other actions identified in the Strategic Waste Management Plan have been completed since its development. This includes investigating the potential for joint tendering of waste and recycling services, establishment of a permanent household hazardous waste facility in the region, construction of the DiCOM system, introduction of Living Smart courses, adoption of a waste wise schools program, establishment of e-waste recycling at the Waste Transfer Station and a study into improvements in verge waste collections.

Proposal Detail

In May 2011, the Minister for Environment; Water announced the establishment of the Regional Funding Program as the preferred method to support the ongoing implementation of Strategic Waste Management Plans. In 2011 all Regional Council Group members approved the WMRC to manage the Regional Funding Program as it was the entity that managed the Strategic Waste Management Plan process. Applications for Regional Funding Program funding must be submitted in the form of a Regional Investment Plan and be approved by all members of the Regional Council Group.

The funding program is structured as follows:

- 1 July 2011 – 28 June 2013: Fixed funding stream
- 2014 – 2016: Competitive bid funding stream

A fixed funding allocation of \$208,708 (ex GST) is available to the WMRC lead group to implement projects that are identified in the Strategic Waste Management Plan and will contribute towards achieving one or more of the Waste Strategy targets (identified in

‘Western Australian Waste Strategy: Creating the Right Environment’, 2012).

Outstanding actions in the WMRC’s Strategic Waste Management Plan include:

- Resource sharing feasibility study (joint infrastructure)
- Encourage builders to recycle investigation
- Commercial recycling promotion
- Event recycling strategy development
- Charitable partnerships investigation
- Land acquisition (followed by):
 - Greenwaste processing expansion
 - Wood waste recycling
 - Construction and demolition (C&D) recycling
- Public place recycling
- Biodegradable workplace study

It is proposed that the Strategic Waste Management Plan funding be utilised for civil works at the Brockway Waste Transfer Station to:

- Expand the residential / self-haul recycling drop-off area within the current site; and
- Construct a hardstand to receive and sort bulky hard waste.

The proposed project aligns with the Strategic Waste Management Plan actions. The project will also contribute towards achieving the Waste Strategy targets for municipal solid waste and commercial waste. Advice from the Department of Environment and Conservation on 3 September 2012 states:

“Regional Investment Plans are required to be endorsed by all Regional Council Group members to ensure that all member LGAs have had an appropriate level of input into the process of determining regional priorities, proposed activities and expected outcomes. Regional Investment Plans submitted by Regional Council Groups that fall under the governance of a formal regional council or an incorporated group may be signed by the Chief Executive Officer (CEO), subject to provision of evidence of delegation of decision making powers to the regional council or incorporated entity for the current Regional Funding Program. If this is not available, Regional Investment Plans must be signed by all member LGA CEOs. For those Regional Council Groups without a formal governance arrangement, Regional Investment Plans must be signed by all member LGA CEOs.”

It is proposed that all Regional Council Group members delegate authority to their CEO to sign the WMRC’s Regional Investment Plan application. Another outstanding Strategic Waste Management Plan action that was considered suitable for Regional Investment Plan

funding was 'public place recycling'. It was proposed that receptacles be developed for residents to drop off batteries, fluorescent lights and mobile phones. Discussions with the DEC suggested this project would be unlikely to be approved as it is something they would prefer to see done on a metropolitan-wide scale with a DEC developed standard.

Consultation

Required by legislation: Yes ☐ No ☒

Required by City of Nedlands policy: Yes ☐ No ☒

Legislation

Nil

Budget/financial implications

Budget:

Within current approved budget: Yes ☒ No ☐

Requires further budget consideration: Yes ☐ No ☒

Financial:

The WMRC and City of Nedlands' application for Regional Investment Plan funding for \$208,708 to build a hardstand at the transfer station does not require any funds to be contributed from the City of Nedlands. The remaining \$413,129 required to build the hardstand will be funded from WMRC Reserves.

Risk Management

The City of Nedlands involvement in this initiative enables the WMRC Regional Council Group to access an additional amount of funding that is only available to a Regional Council Group.

The City does, however, need to sign off on the Regional Investment Plan application in order for the full amount of funding to be received. The Regional Investment Plan funding has been structured such that there is a defined funding allocation available to groups of councils, and the funding available increases for larger groups. This funding is not available to individual councils.

Discussion

Applications for Regional Funding Program funding must be submitted in the form of a Regional Investment Plan and be approved by all members of the Regional Council Group.

A fixed funding allocation of \$208,708 (ex GST) is available to the WMRC led group to implement projects that are identified in the Strategic Waste Management Plan and will contribute towards achieving one or more of the Waste Strategy targets (identified in 'Western Australian Waste Strategy: Creating the Right Environment', 2012).

It is proposed that the Strategic Waste Management Plan funding be utilised for civil works at the Brockway Waste Transfer Station to:

- Expand the residential / self-haul recycling drop-off area within the existing site; and
- Construct a hardstand to receive and sort bulky hard waste.

The proposed project aligns with the Strategic Waste Management Plan without the need to acquire additional land. The project will also contribute towards achieving the Waste Strategy targets for municipal solid waste and commercial waste.

Advice from the Department of Environment and Conservation on 3 September 2012 states:

“Regional Investment Plans are required to be endorsed by all Regional Council Group members to ensure that all member LGAs have had an appropriate level of input into the process of determining regional priorities, proposed activities and expected outcomes. Regional Investment Plans submitted by Regional Council Groups that fall under the governance of a formal regional council or an incorporated group may be signed by the Chief Executive Officer (CEO), subject to provision of evidence of delegation of decision making powers to the regional council or incorporated entity for the current Regional Funding Program. If this is not available, Regional Investment Plans must be signed by all member LGA CEOs. For those Regional Council Groups without a formal governance arrangement, Regional Investment Plans must be signed by all member LGA CEOs.”

Conclusion

In 2011 the Minister for Environment; Water announced a Regional Funding Program to support the ongoing implementation of local governments Strategic Waste Management Plans. The City of Nedlands is a member of a Regional Council Group, which is led by the WMRC

The Strategic Waste Management Plan was developed and approved in 2009 and a number of priority actions identified in the Plan have since been completed. A fixed funding allocation of \$208,708 (ex GST) is available to the Regional Council Group until June 2013 to implement projects identified in the Strategic Waste Management Plan that will contribute towards achieving one or more of the State Waste Strategy targets.

Applications for funding must be submitted in the form of a Regional Investment Plan, which must be approved by all members of the Regional Council Group and signed by all member CEOs.

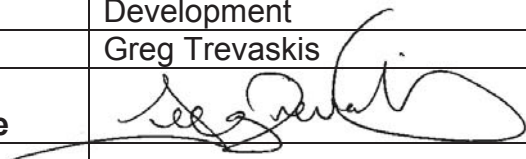
It is proposed the funding be used to expand the residential recycling drop-off area at the Brockway Waste Transfer Station and construct a hardstand at the site to receive and sort bulky hard waste.

Attachments

1. Draft Regional Investment Plan: Bulky Waste Sorting

13.6 Naked Fig Café Variation of Sub-lease

PLEASE NOTE: THIS ITEM WAS BROUGHT FORWARD (see page 38)

Council	11 December 2012
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Peter Mickleson – Director Planning and Development
Director	Peter Mickleson – Director Planning and Development
CEO	Greg Trevaskis
CEO Signature	
File ref.	
Previous Item No's	
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

14. ELECTED MEMBERS NOTICES OF MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to a Councillor who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by Administration to the Council meeting considering the motion.

14.1 Councillor Hodsdon – Mayor Subcommittee

On 5 December 2012 Councillor Hodsdon gave notice of his intention to move the following at this meeting.

Motion lapsed as Councillor Hodsdon was not present.

That the subcommittee of four (one from each ward) is formed to monitor the use of the Mayors position in relation to the state elections. The emphasis will include:

- a. Use of City of Nedlands funds;
- b. ensuring or minimising the possible misunderstanding in the community over statements made as Mayor and those of a candidate.
- c. reports to council at the end of march 2013 and this can be forwarded to the Electoral commission.
- d. This committee can correct or report any anomalies.

Supporting Comment

There is already confusion out there in the community about the Mayor running as a candidate. I have had people ask me if the comments made by the Mayor (as a candidate) are those of the City. The Mayor represents the City so his comments as a candidate are easily misunderstood as position of Cr and the city. We already have his campaign manager responding "in absence of the mayor". This is confusing. At WSA meetings he is being introduced as the Mayor of Nedlands. This is a mixed message and is confusing. The committee would monitor the Mayors progress and sure that the city's funds and resources are not compromised. I note he is paid a large amount (compared to mayors of surrounding districts) and is he campaigning in

his Mayoral time of his own. Who knows? This is different from the Kerry Walker's motion in that the last motion was a request. Can I respectfully suggest that we are all be careful about the way we refer to the Mayor and his role in the city. Yes the Mayor is the ONLY person who speaks for council and thus the city. We have a candidate and a Mayor who is representing the city and thus we all must be careful about how this is interpreted by our community. At first I thought he should stand down as Mayor at the calling of the election (approx 6 weeks and similar to all public servants) but I now feel he should do it TODAY. This is not likely to happen. Is he is being asked to speak at the WSA as the MAYOR or as a candidate? (Conflict?) Can we realistically expect our community to distinguish when he is acting as a candidate and when he is the Mayor? What a mess. I feel, in my opinion this is a significant conflict of interest. This could rightly become very messy. I note a newsletter was distributed to all households with the Mayors photo and comments. (It could be argued (incorrectly?) that this is the City using ratepayers money to improve the Mayors profile in the community and thus improving his electoral prospects) Is this electoral material? Will he be introduced at meetings and WSA as mayor of the city or as a candidate or both? I can see this becoming a disaster for the city and more importantly, I feel, it could reflect badly on the role and standing of the position of mayor and his ability to speak on behalf of City without political bias associated with being the candidate. This will protect the Mayor and the city.

Administration Comment

Section 5.68 of the Local Government Act 1995 sets out the requirements for the establishment of a Committee. "A local government may establish * committees of 3 or more persons to assist the council and to exercise the powers and discharge of duties of the local government that can be delegated to committees. *Absolutely Majority".

Rather than establish a committee, there are already provisions within the State Electoral Act, the Local Government Act 1995, Local Government (Rules of Conduct) Regulations and the City's Code of Conduct that elected members must adhere to and any person can lodge a complaint should they feel a breach has occurred. A committee would simply add a level of bureaucracy.

14.2 Councillor Hodsdon – Councillor Allowances

On 5 December 2012 Councillor Hodsdon gave notice of his intention to move the following at this meeting.

Motion lapsed as Councillor Hodsdon was not present.

That all councillors allowances, Mayoral allowances and deputy Mayor allowances are adjusted to be the average (mean) of the City of Subiaco and Town of Claremont.

Supporting Comment

As per last time but would save council money and in all fairness bring us in line with like councils that boarder us. We all have very similar roles. That allowance to the Mayor, Deputy Mayor and Councillors would be as follows. It includes all sitting fees and allowances (Communications and IT).

Mayor \$25,000

Deputy Mayor \$12,000

Councilors \$8,700

The above figure is the average (mean) of the Claremont and Subiaco. Based on last years budgets or information requests.

Current approx data

	Claremont	Subiaco	Nedlands
Revenue	21m	37m	25m
Mayor	24K	26K	58K
Deputy Mayor	12K	12K	19K
Councillors	8K	9.5K	8.8K

Administration Comment

The Salaries and Allowances Tribunal are currently in the process of reviewing elected members allowances. The Department of Local Government have advised that they are expecting more information at the end of the calendar year, as nothing has been deliberated as yet. It is envisaged that the SAT will determine a band for each Council, along similar lines to the recent changes for CEO salaries and allowances. It is recommended Council await the decision of the Salaries and Allowances Tribunal, for elected members before making a decision on this matter.

15. Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 26 February 2013

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to a Councillor who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by Administration to the Council meeting considering the motion.

Notices of motion for consideration at the Council Meeting to be held on 26 February 2013 to be tabled at this point in accordance with Clause 3.9(2) of Council's Local Law Relating to Standing Orders.

There were no notice of motions.

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

PLEASE NOTE: THIS ITEM WAS BROUGHT FORWARD (see page 17)

16.1 No. 20 (Lot 25) Betty Street, Nedlands – Proposed Change on Non-Conforming Use (from Aged Care Facility) to 10 Multiple Dwellings (Aged or Dependant Persons' Dwellings) in a 3 Storey Building

Council	11 December 2012
Applicant	Hawkestone Property Development Pty Ltd
Owner	Aged Persons Homes Trust & Melvista Nursing Home
Officer	Matt Stuart – A/Manager Statutory Planning
Director	Peter Mickelson - Director Planning & Development Services
Director Signature	
File ref.	BE8/20-02 : DA11/115
Previous Item No's	PD40.12
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

16.2 Censure Motion – Councillor Hodsdon

Moved – Councillor Porter
Seconded – Councillor James

Councillor Hodsdon is censured for bringing Item 14.1 forward which may bring Council into disrepute.

Dissent Motion

Moved – Councillor McManus
Seconded – Councillor Argyle

To allow Councillor McManus to speak on this item.

CARRIED 7/3
(Against: Mayor Hipkins Crs. James & Shaw)

Lost 3/7
(Against: Mayor Hipkins Crs. McManus Argyle
Hassell Binks Shaw & Somerville-Brown)

17. Confidential Items

Nil.

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 10.00 pm.

Attachment to Item 13.1

Council Meeting – 11 December 2012

Common Seal Register Report – November 2012

Common Seal Register Report

NOVEMBER 2012

623	13 November 2012	Planning & Development	Council Resolution CP10.12 28 February 2012	Lease of a portion of Mount Claremont Depot for Storage Purposes: Reserve 45054 between City of Nedlands and Town of Claremont (3 copies)
624	16 November 2012	Planning & Development	Delegated Authority	Notification Under Section 70A – Lot 159 HN 5 Bruce Street Nedlands – Restricts occupation of the ancillary accommodation on the land to members of the same family as existing main dwelling.

Attachment to Item 13.2

Council Meeting – 11 December 2012

List of Delegated Authorities – November 2012

**DELEGATED AUTHORITY REPORT**

List of Delegated Authority - November 2012

Page 1

Date 6/12/2012

Time 3:24:57 PM

Login Name Nicole Ceric

DEL12/593**Seal Certification - Seal No 623 - Lease of a portion of Mount Claremont Depot for Storage Purposes: Reserve 45054 between City of Nedlands and Town of Claremont (3 copies)**

Delegation Type	1D - Use of Council's Common Seal and Authority to Sign Documents
Date Registered	13/11/2012 at 3:25 PM
Position Exercising Delegated Authority	Chief Executive Officer
How Delegation Is Recorded	Seal Register
Applicant	City of Nedlands (Addressee)

DEL12/594**305 (Lot 84) Stubbs Terrace Mt Claremont - Two-Storey Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 9:34 AM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Perceptions (Addressee)

DEL12/595**24 (Lot 10) Watkins Road Dalkeith - Front Fence to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 9:37 AM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Oswald Homes (Addressee)

DEL12/596**18 (Lot 111) Shann Street Floreat - Additions (Patio) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 9:40 AM
Position Exercising Delegated Authority	Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Great Aussie Patios (Addressee)

DEL12/597**38 (Lot 313) Dalkeith Road Nedlands - Additions (Patio) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 9:43 AM
Position Exercising Delegated Authority	Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Softwoods Timberyards (Addressee)

DEL12/598**22 (Lot 119) Tyrell Street Nedlands - Additions (Two Patios and Pergola) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 9:54 AM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Softwoods Timberyards (Addressee)

DEL12/599**2 (Lot 779) Viking Road Dalkeith - Additions (2x Pergola) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 10:04 AM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	LAS Contracting (Addressee)

DEL12/600**91 (Lot 394) Hardy Road Nedlands - Two-Storey Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 10:06 AM
Position Exercising Delegated Authority	Manager Statutory Planning
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Kensington Design Australia Pty Ltd (

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DEL12/601**6 (Lot 242) Mountjoy Road Nedlands - Two-Storey Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 10:10 AM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Peter Stannard Homes (Addressee)

DEL12/602**11 (Lot 173) Waratah Avenue Dalkeith - Pool & Retaining to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 10:15 AM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Instyle Concrete Pools (Addressee)

DEL12/603**9 (Lot 349) Baird Avenue Nedlands - Outbuilding to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 10:23 AM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Consortium Builders Pty Ltd (Addressee)

DEL12/604**7 (Lot 399) Cleland Street Mt Claremont - Two-Storey Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 10:26 AM
Position Exercising Delegated Authority	Manager Statutory Planning
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Peter Stannard Homes (Addressee)

DEL12/605**34 (Lot 356) Clifton Street Nedlands - Single-Storey Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 12:56 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	APG Homes Pty Ltd (Addressee)

DEL12/606**12 (Lot 295) Robinson Street Nedlands - Pool/Spa to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 12:59 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Aqua Technics (WA) Pty Ltd (Addressee)

DEL12/607**124 (Lot 76) Stirling Highway Nedlands - Signage to Light Pole**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 1:01 PM
Position Exercising Delegated Authority	Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Christian City Church Crawley (Addressee)

DEL12/608**1 (Lot 64) 64 Jutland Parade Dalkeith - Portico/Carport**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 1:03 PM
Position Exercising Delegated Authority	Manager Statutory Planning
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Greg Rowe and Associates (Addressee)

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DEL12/609**154 (Lot 200) Stirling Highway Nedlands - Signage to Shopping Centre**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 1:05 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Destination Holdings Pty Ltd (Address)

DEL12/610**132 (Lot 100) Victoria Avenue Dalkeith - Amendments (Retaining, Fill, Stairs and Landscaping) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 1:15 PM
Position Exercising Delegated Authority	Manager Statutory Planning
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Western Australian Planning Commis

DEL12/611**12 (Lot 168) Hynes Road Dalkeith - Additions (Garage) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 1:24 PM
Position Exercising Delegated Authority	Manager Statutory Planning
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Addstyle Constructions Pty Ltd (Address)

DEL12/612**12 (Lot 410) Mckenna Glen Mt Claremont - Additions (Patio) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 1:35 PM
Position Exercising Delegated Authority	Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Westral Outdoor Centre (Addressee)

DEL12/613**7 (Lot 399) Cleland Street Mt Claremont - Pool to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 1:37 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Compass Pools Perth (Addressee)

DEL12/614**48 (Lot 276) Bulimba road Nedlands - Single-Storey Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 1:39 PM
Position Exercising Delegated Authority	Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Hofman & Brown Architects (Address)

DEL12/615**77A (Lot 28) Alfred Road Mt Claremont - Two-Storey Single House, Front Fence & Over-height Dividing Fence**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 1:42 PM
Position Exercising Delegated Authority	Manager Statutory Planning
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Grand View Homes (WA) Pty Ltd (Address)

DEL12/616**1 (Lot 15061) Brockway Road Mt Claremont - Telecommunications Facility to Hospital**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 1:44 PM
Position Exercising Delegated Authority	Manager Statutory Planning
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Western Australian Planning Commis

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Continued...**DEL12/617****13 (Lot 97) Tyrell Street Nedlands - Swimming Pool to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 1:48 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Leisure Pools Perth Pty Ltd (Addressee)

DEL12/618**72 (Lot 4118) Vincent Street Nedlands - Amendments to DA11/237 (Retaining & Windsows) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 1:50 PM
Position Exercising Delegated Authority	Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	BGC Residential Pty Ltd (Addressee)

DEL12/619**47 (Lot 87) Portland Street Nedlands - Pool to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 2:09 PM
Position Exercising Delegated Authority	Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Aqua Technics (WA) Pty Ltd (Addressee)

DEL12/620**15 (Lot 125) Reeve Street Swanbourne**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 2:56 PM
Position Exercising Delegated Authority	Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Berman (Addressee)

DEL12/621**43 (Lot 120) Alexander Road Dalkeith - Outbinding, Front Fence, Patio, Extension to Swimming Pool and Additions (Ground Floor) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 2:58 PM
Position Exercising Delegated Authority	Manager Statutory Planning
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Louise Sang (Addressee)

DEL12/622**54 (Lot 521) Meriwa Street Nedlands - Additions (Garage, Store & Patio) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 3:13 PM
Position Exercising Delegated Authority	Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	M N Tran (Addressee)

DEL12/623**74 (Lot 535) Archeacon Street Nedlands - Swimming Pool to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 3:15 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Pierre Albert Schinazi (Addressee)

DEL12/624**21 (Lot 352) Haldane Street Mt Claremont - Additions (Ground Floor) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 3:18 PM
Position Exercising Delegated Authority	Manager Statutory Planning
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Carolyn & Stephen Martin (Addressee)

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List of Delegated Authority - November 2012

Continued...**DEL12/625****19 (Lot 85) Burwood Street Nedlands - Outbuilding to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 3:21 PM
Position Exercising Delegated Authority	Manager Statutory Planning
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Amy Long (Addressee)

DEL12/626**37 (Lot 605) Viewway Nedlands - Retrospective Landscaping to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 3:24 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Vijay (Addressee)

DEL12/627**15 (Lot 471) Viewway Nedlands - Additions (Ground Floor) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 3:26 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Alan Nicoll (Addressee)

DEL12/628**91 (Lot 645) Thomas Street Nedlands - Retrospective Tennis Court Lights to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 3:50 PM
Position Exercising Delegated Authority	Manager Statutory Planning
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Pierre & Justine Schinazi (Addressee)

DEL12/629**61 (Lot 165) Smyth Road Nedlands - Re-Roof to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 3:52 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Allen Starkey (Addressee)

DEL12/630**72 (Lot 51) The Avenue Nedlands - Demolition of Single House on Municipal Heritage**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	15/11/2012 at 3:56 PM
Position Exercising Delegated Authority	Manager Statutory Planning
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Charles Johnson (Addressee)

DEL12/631**Seal Certification - Seal No. 624 - Notification Under Section 70A - Lot 159 HN 5 Bruce Street Nedlands - Restricts occupation of the ancillary accommodation on the land to members of the**

Delegation Type	1D - Use of Council's Common Seal and Authority to Sign Documents
Date Registered	16/11/2012 at 9:14 AM
Position Exercising Delegated Authority	Chief Executive Officer
How Delegation Is Recorded	Seal Register
Applicant	Renlong Han (Addressee)

DEL12/632**25 (Lot 91) Doonan Road Nedlands - Additions (Carport) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	19/11/2012 at 2:17 PM
Position Exercising Delegated Authority	Manager Statutory Planning
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	By Design Carports and Patios (Addressee)

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Continued...**DEL12/633****31 (Lot 184) Waratah Avenue Dalkeith - Pool to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	19/11/2012 at 2:21 PM
Position Exercising Delegated Authority	Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Riverina Pools (Addressee)

DEL12/634**8a (Lot 1) Strickland Street Mt Claremont - Additions (Ground) & Re-Roof to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	19/11/2012 at 2:28 PM
Position Exercising Delegated Authority	Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Ty Kilburn (Addressee)

DEL12/635**41 (Lot 58) Vincent Street Nedlands - Additions (Ground Floor) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	19/11/2012 at 2:34 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Brooks Construction Pty Ltd (Addressee)

DEL12/636**55 (Lot 369) Haldane Street Mt Claremont - Additions (Retaining Wall, Front Facing & Fill) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	19/11/2012 at 2:38 PM
Position Exercising Delegated Authority	Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Catherine McDonald (Addressee)

DEL12/637**31 (Lot 184) Waratah Avenue Dalkeith - Additions (Garage, Outbuilding) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	19/11/2012 at 2:42 PM
Position Exercising Delegated Authority	Planning Officer
How Delegation Is Recorded	Approval Letter (building D'A/s)
Applicant	P B Designs (Addressee)

DEL12/638**89 (Lot 700) Stanley Street Nedlands - Three-Storey Single House, Pool, Front Fence & Portico**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	21/11/2012 at 2:51 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Design Management Group (Addressee)

DEL12/639**38 (Lot 402) Abbey Garden Mt Claremont - Two-Storey Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	21/11/2012 at 2:53 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Beaumonde Homes (Addressee)

DEL12/640**1 (Lot 414) Dorset Cove Mt Claremont - Two-Storey Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	21/11/2012 at 2:54 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Danmar Homes Pty Ltd (Addressee)

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Continued...**DEL12/641****22 (Lot 119) Tyrell Street Nedlands - Pool to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	21/11/2012 at 2:56 PM
Position Exercising Delegated Authority	Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Riverina Pools (Addressee)

DEL12/642**129 (Lot 3) Waratah Avenue Dalkeith - Change of Use (from Shopt) to Office-General**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	23/11/2012 at 3:28 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	David Alder (Addressee)

DEL12/643**18 (Lot 144) Bulimba road Nedlands - Outbuilding to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	23/11/2012 at 3:30 PM
Position Exercising Delegated Authority	Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	A.B. & J.G. Brown (Addressee)

DEL12/644**46 (Lot 8) Lisle Street Mt Claremont - Addition (Loft) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	23/11/2012 at 3:38 PM
Position Exercising Delegated Authority	Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Adrian DeFrancesco (Addressee)

DEL12/645**78 (Lot 105) Minora Road Dalkeith - Additions (Veranda) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	23/11/2012 at 3:42 PM
Position Exercising Delegated Authority	Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Elizabeth & George Melville (Address)

DEL12/646**14 (Lot 17) Nidjalla Look Swanbourne - Two-Storey Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	23/11/2012 at 3:47 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Broadway Homes (Addressee)

DEL12/647**4 (Lot 408) Dorset Cove Mt Claremont - Two-Storey Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	23/11/2012 at 3:50 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Danmar Homes Pty Ltd (Addressee)

DEL12/648**29 (Lot 2) Karella Street Nedlands - Re-Roof Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	23/11/2012 at 3:52 PM
Position Exercising Delegated Authority	Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	RBD Building and Maintenance (Add)

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Continued...**DEL12/649****19 (Lot 214) Whitfield Street Floreat - Additions (Ground Floor) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	23/11/2012 at 3:59 PM
Position Exercising Delegated Authority	Manager Statutory Planning
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Addstyle Constructions Pty Ltd (Addi

DEL12/650**8 (Lot 405) Barrow Court Mt Claremont - Two-Storey Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	23/11/2012 at 4:00 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Danmar Homes Pty Ltd (Addressee)

DEL12/651**195 (Lot 252) Selby Street Shenton Park - Two-Storey Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	28/11/2012 at 11:02 AM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	David Bylund (Addressee)

DEL12/652**72 (Lot 200) Bruse Street Nedlands - Additions (Ground Floor) to Public Worship**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	28/11/2012 at 11:04 AM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Nedlands Uniting Church (Addressee)

DEL12/653**2 (Lot 407) Dorset Cove Mt Claremont - Two-Storey Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	28/11/2012 at 11:06 AM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Danmar Homes Pty Ltd (Addressee)

DEL12/654**14 (Lot 232) Dalkeith Road Nedlands - Two-Storey Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	30/11/2012 at 9:44 AM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Ross Griffin Homes (Addressee)

DEL12/655**5 (Lot 503) Earls Court Mt Claremont - Additions (Patio) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	30/11/2012 at 9:48 AM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Eden Outdoor Living (Addressee)

DEL12/656**2 (Lot 7) Cameron Green Floreat - Spa to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	30/11/2012 at 9:57 AM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Aqua Technics (WA) Pty Ltd (Addressee)

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Continued...**DEL12/657****46 (Lot 1) Mengler Avenue Mt Claremont - Swimming Pool to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	30/11/2012 at 11:04 AM
Position Exercising Delegated Authority	Manager Statutory Planning
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Karl Spargo Building Design (Addressee)

DEL12/658**52 (Lot 7) Nidijalia Loop Swanbourne - Two-Storey Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	30/11/2012 at 1:37 PM
Position Exercising Delegated Authority	Manager Statutory Planning
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Kevin & Michelle Williams (Addressee)

DEL12/659**25 (Lot 620) Stirling Highway Nedlands - Additions (Ground Floor) to Restaurant.**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	30/11/2012 at 1:42 PM
Position Exercising Delegated Authority	Manager Statutory Planning
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Softwoods Timberyards (Addressee)

DEL12/660**36 (Lot 38) Meriwa Street Nedlands - Front Fence and Gate to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	30/11/2012 at 1:47 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Michael Swift & Susan Leighton (Addressee)

DEL12/661**59 (Lot 798) Esplanade Nedlands - Additions (Two-Storey) to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	30/11/2012 at 1:48 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Riverstone Construction Company (Addressee)

DEL12/662**5 (Lot 410) Dorset Cover Mt Claremont - Two-Storey Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	30/11/2012 at 1:50 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Danmar Homes Pty Ltd (Addressee)

DEL12/663**133 (Lot 3) Stirling Highway Nedlands - Retrospective Signage**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	30/11/2012 at 1:53 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	Kim Stergiou (Addressee)

DEL12/664**70 (Lot 3870) Doonan Road Nedlands - Front Fence to Single House**

Delegation Type	6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered	30/11/2012 at 1:54 PM
Position Exercising Delegated Authority	Senior Statutory Planning Officer
How Delegation Is Recorded	Approval Letter (Planning D'A/s)
Applicant	John and Karen Sanders (Addressee)



DELEGATED AUTHORITY REPORT

List of Delegated Authority - November 2012

Page 10

Date 6/12/2012

Time 3:25:09 PM

Login Name Nicole Ceric

Continued...

DEL12/665

8 (Lot 1) Nidjalla Loop Swanbourne - Two-Storey Single House

Delegation Type

6A - TPS No 2 - Approval and Refusal of Planning Applications

Date Registered

30/11/2012 at 3:38 PM

Position Exercising Delegated Authority

Senior Statutory Planning Officer

How Delegation Is Recorded

Approval Letter (Planning D'A/s)

Applicant

APG Homes Pty Ltd (Addressee)

Attachment to Item 13.5

Council 11 December 2012

**Endorsement of the Western Metropolitan Regional Council's Regional
Investment Plan**



Waste Authority

Towards
ZERO WASTE
www.zerowastewa.com.au

Regional Funding Program for Local Government Authorities 2011/2012 - 2015/2016

Regional Investment Plan

(Western Metropolitan Regional Council)

(Bulky Waste Sorting)

An initiative of the Waste Authority

Acronyms

DEC	Department of Environment and Conservation
LGA	Local Government Authority
RIP	Regional Investment Plan
RIPAG	Regional Investment Plan Assessment Group
RCG	Regional Council Group
RFP	Regional Funding Program
SWMP	Strategic Waste Management Plan
WALGA	Western Australian Local Government Association
WARR Account	Waste Avoidance and Resource Recovery Account
Waste Authority	Waste Authority of Western Australia

Definitions

Regional Council Group (RCG); *two or more Local Government Authorities within metropolitan and non-metropolitan Western Australia working together to deliver regional waste management priorities identified within Strategic Waste Management Plans (SWMP).*

Waste Strategy priorities; for the purpose of this document Waste Strategy priorities include the priorities, aims, objectives, targets and strategies outlined within the *Western Australian Waste Strategy: “Creating the Right Environment”* (Waste Strategy)

Contact Details

Regional Funding Program Co-ordinator - Brendan Mohr

Department of Environment and Conservation
Waste Management Branch
7th Floor The Atrium
168 St Georges Terrace
Perth WA 6000

Phone / Fax

Tel: 08-6467 5297 | Mob: 0438 805 292 | Fax: 08-6467 5562

Postal address

Locked Bag 104
Bentley Delivery Centre WA 6983

Email

rfp@dec.wa.gov.au

Please complete all sections of this form to access funding through the Regional Funding Program (RFP). Additional information in support of proposed project can be provided as an attachment.

PART A – REGIONAL COUNCIL GROUP

Regional Council Group (RCG) Name: Western Metropolitan Regional Council

Local Government Authority (LGA) Members:

- | | |
|------------------------|------------------------------|
| 1. Town of Claremont | 4. City of Nedlands |
| 2. Town of Cottesloe | 5. Shire of Peppermint Grove |
| 3. Town of Mosman Park | 6. City of Subiaco |

List your RCG's regional priorities (as indicated in its SWMP):

The SWMP doesn't specifically identify "regional priorities" but states the goals of the plan are to:

- Minimise the direct and indirect environmental impact of waste and its management in the region over five years.
- Manage waste in a sustainable manner.
- Increase community awareness of the impact of waste issues on the environment.

The three focus areas of the SWMP are listed as:

1. Introduction of the DiCOM Alternative Waste Treatment Facility [note: this is complete].
2. Cooperation through the Technical Committee to maximise opportunities to share resources and improve productivity and economic synergies across the region.
3. Promote waste reduction initiatives to the local communities to educate, foster a caring ethos and encourage ownership in creating a sustainable society by:
 - Promoting programmes such as living smart, waste wise schools, event recycling, partnerships with charities and end user responsibility.
 - Instigate recycling in all Council controlled premises.
 - Incorporate in Council policies the need to address sustainability, recycling and accountability for activities undertaken by the Councils, residents, communities and developers in the WMRC region.

Additionally, the plan identifies a series of priority actions that could be undertaken at the Brockway Waste Transfer Station if additional land is acquired. These actions include:

- Expanding greenwaste recycling
- Introducing wood waste recycling
- Introducing C&D recycling
- Expanding the e-waste drop-off zone
- Expanding plastic recycling

Is the lead organisation that will administer the grant funds registered for GST purposes?

Yes

PART B – PROJECT INFORMATION

Project Name: Bulky Waste Sorting

Project Manager / Contact Person details:

Ms Rebecca Goodwin

Business Development Manager

Western Metropolitan Regional Council

Phone: (08) 9384 4003; Mobile: 0419 979 516

Email: Rebecca.Goodwin@wmrc.wa.gov.au

Project duration (start and finish dates):

From: 1 February 2013

To: 31 August 2013

Summary of Project (Key Features):

The WMRC operates the Brockway Waste Transfer Station in Shenton Park. Funding is sought for civil works to:

1. Expand the residential / self-haul recycling drop-off area; and
2. Construct a new internal road and hardstand to receive and sort bulky waste.

1. Expand the residential/self-haul recycling drop-off area.

A number of free recycling and disposal services are available to local residents at the Waste Transfer Station (including batteries, cardboard, e-waste, hazardous waste and scrap metal). Expansion of this area will:

- Encourage increased use of the area as more parking bays will be available.
- Increase the number of services available to residents.
- Improve access for recycling contractors' vehicle / container access.

2. Construct a new internal road and hardstand to receive and sort bulky waste.

For many years, WMRC has unsuccessfully sought to acquire additional land adjacent to the Waste Transfer Station to provide space for bulky waste sorting and resource recovery activities. A new design has been developed that will allow WMRC to sort bulky waste without the need to acquire additional land.

The works will provide an area for approximately 5,500 tonnes of bulky waste per annum to be sorted and recyclables recovered. Under the current set-up, less than 2% of bulky waste received is separated for recycling. Bulky waste includes:

- Council collected verge (hard) waste
- Self-haul waste (e.g. tip passes)
- Bulky waste delivered in 2-3m³ skip bins

Project Methodology (align with Projected Milestone Schedule – Part D):

Expand residential/self-haul recycling drop-off area:

1. Appoint head contractor.
2. Demolish existing landscaping and bitumen.
3. Lay new kerbing and bitumen.
4. Install new landscaping.
5. Install electrical connection for cardboard compactor bin.
6. Coordinate new bins / collection systems.
7. Complete directional line painting.
8. Install directional and materials signage.
9. Promote new recycling services.

Construct internal road and hardstand

1. Install drainage.
2. Lay new bitumen and concrete.
3. Replace existing retaining wall.
4. Construct 'hut' for attendant/s.
5. Connect electricity to hut.
6. Coordinate new bins/collection systems.

Project Investment

Regional Funding Program funds requested for this project (Excluding GST)	\$208,708
Amount of funding contributed by RCG (in-kind)	\$-
Amount of funding contributed by RCG (cash)	\$413,129
Other funding program investment (list)	\$-
Total	\$620,837

PART C - FUNDING CRITERIA

Project alignment with SWMP:

Is the project identified as a regional priority within the RCG's SWMP?

The SWMP identifies a series of priority actions if additional land is acquired at the Waste Transfer Station. Additional land has not been acquired, but the works proposed will allow the priority actions to be achieved on the existing land. This includes:

- Action 25: Additional plastic recycling available at Brockway Transfer Station.
- Action 28: Development of an expanded greenwaste recycling facility on a portion of the acquired land adjoining the Brockway facility.
- Action 29: Establish wood waste recycling as part of the redevelopment of Brockway.
- Action 30: Establish C&D recycling as part of the redevelopment of Brockway Waste Transfer Station.
- Action 33: Investigate changes to materials separation and collection frequencies [for Council bulk waste] to improve waste diversion from landfill.

Additionally the following actions are identified in the WMRC's Corporate Business Plan and regional priorities:

- 1.1.5 Provide expanded waste recycling services
- 3.3.1 Sort waste from residents for recycling

Outline the regional priority(s), objectives and deliverables that this project will achieve or contribute towards achieving:

At implementation:

Regional Priorities:

- Manage waste in a sustainable manner.
- Provide expanded waste recycling services.
- Sort waste from residents for recycling.

Objectives:

- To establish a suitable area to sort bulky waste received at the Brockway Waste Transfer Station.
- To provide the necessary equipment and personnel to sort bulky waste received at the Brockway Waste Transfer Station.

Deliverables:

- The residential/self-haul recycling drop-off area at the Brockway Waste Transfer Station is increased in area, capacity and use.
- At least one additional free recycling or disposal services is available to residents at the Brockway Waste Transfer Station.
- An area is available to sort bulky waste received at the Brockway Waste Transfer Station to increase the quantity of waste recovered for recycling.

Five years from implementation:

Regional Priorities:

- Divert increased quantities of bulky waste from landfill.

Objectives:

- By 2017, over 50% of all bulky waste received at the Brockway Waste Transfer Station is recovered for recycling.
- By 2017 65% of residential self-haul waste is sorted for recycling in the residential/self-haul drop off area.

Deliverables:

- WMRC LGA members have highest waste recovery rates among Australia.
- Increased quantities of waste from the Brockway Waste Transfer Station diverted from landfill.

Indicate the Waste Strategy target(s) that this project will contribute towards achieving:

The introduction of the DiCOM Waste Processing System at the Brockway Waste Transfer Station in mid-2013 will see the WMRC LGA members' diversion from landfill reach between 72% and 74%. This is already well above the Waste Strategy's targets for MSW of:

- 50% diversion from landfill of material presented for collection in the metropolitan region by 30 June 2015 and 65% diversion by 30 June 2020.

Currently no material is sorted from the bulky hard waste received at the Brockway Waste Transfer Station. A study by Mindarie Regional Council (*Best Practice Bulky Hard Waste and Greenwaste verge collections*, Hofstede and Associates) identifies the largest types of waste disposed through verge collections are scrap metal, timber, cardboard and mattresses. A visual audit at the WMRC's site on 15 November 2012 confirmed this. By 2015, WMRC expects to be recovering at least 60% of Council bulk waste. This will lift the LGA members' diversion from landfill to between 77% and 80%; well above the 2015 diversion target for MSW and among the best performing Councils in Australia.

The proposed bulky waste sorting area will also sort approximately 2,000 tonnes of commercial and industrial (C&I) waste delivered in small skip bins. The Waste Strategy identified targets for C&I waste of 55% by 30 June 2015 and 70% by 2020. This project will contribute towards achievement of these C&I targets.

Indicate how the project will acknowledge the contribution that RFP funding will make towards improvement in waste avoidance, resource recovery or disposal:

Signage will be erected stating "recycling services provided with assistance of the Waste Authority."

Outline if the project is a new initiative or if it will add value to an existing activity:

The proposed project will value-add to the existing sorting/recycling services provided at the Waste Transfer Station.

Briefly outline how the project will meet Project Criteria and how it will impact on the region.

(Section 7: Regional Funding Program for Local Government Authorities 2011-2016 Funding Guidelines)

If required this form can be completed in A3 format.

Fixed Funding Stream and Competitive Funding Stream - Project Criteria	How project meets criteria
Makes a measurable contribution towards meeting Waste Strategy targets.	<p>The proposed project works towards achieving the Waste Strategy targets for MSW and C&I. The project will drive WMRC's LGA members anticipated MSW diversion rates to over 75% by 2015. This is well above the 65% diversion target of the Waste Strategy.</p> <p>The proposed project will achieve actual waste diversion. It is not yet another study on how to achieve diversion.</p>
Project identified in regional SWMP	<p>The proposed project will allow WMRC to achieve the regional priorities identified in the SWMP for activities to complete if extra land is acquired, without the need to acquire additional land.</p>
Meets or makes significant advance towards meeting current industry best practice in waste management services and infrastructure.	<p>The project makes advancement towards setting the best practice for the management of bulky waste. WMRC is unaware of other Councils investing significant effort into the recovery bulky waste post-collection.</p> <p>The expected recovery of 50-60% from Council collected bulk hard waste will place the WMRC LGA's with a total waste diversion of >75%, placing them among the leading Councils in Australia.</p>
Clearly identifies the contribution that the proposed project will make towards improvement in waste avoidance, resource recovery or disposal	<p>The proposed project is focussed on resource recovery.</p> <p>As stated above, the project will divert increased quantities of waste from landfill ongoing.</p> <p>The current recovery rate of bulky waste received at the Waste Transfer Station is less than 2%. It is anticipated that 50-60% of bulky waste can be diverted from landfill after five years.</p>
Provides or will lead to a benefit to the whole region.	<p>The Transfer Station is utilised by every WMRC LGA member and their residents; therefore the project deliverables are region-wide.</p> <p>The recovery of Council collected bulk hard waste will increase every WMRC's LGA members' waste recovery rates without increased costs to each Council.</p>
Achieves continuous improvement in waste avoidance, resource recovery or disposal.	<p>The project will create a system for the ongoing diversion of bulky wastes from landfill.</p> <p>The ongoing recycling/sorting will be funded through recycling revenue and disposal gate fees.</p>
Demonstrates resource use efficiency.	<p>The project aims to recover valuable resources from material currently sent to landfill. This reduces the reliance on virgin materials.</p> <p>The project utilises land already identified for waste management.</p>
Demonstrates that end markets have been or can be established (where applicable).	<p>Recycling services will only be established where viable recycling markets are available. Strong markets currently exist for batteries, cardboard, e-waste, hazardous/chemical mattresses and timber.</p>
Outlines the environmental, social and economic impacts (both positive and negative).	<p><u>Environmental benefits:</u></p> <ul style="list-style-type: none"> Increased waste diversion from landfill (not generating methane and not consuming valuable landfill airspace). Promotes the reuse of valuable resources. <p><u>Economic</u></p> <ul style="list-style-type: none"> Recovers revenue generating material (scrap metal and cardboard). Recovers materials that can be recycled at a cost lower to landfill (timber). Removes bulky materials to increase quantity of waste in each truck/bin which reduces transport costs (mattresses). Improved recovery is expected to reduce overall bulky waste management costs as the cost of landfill continues to rise.

	<u>Social</u> <ul style="list-style-type: none">• More recycling services will be available at the Waste Transfer Station for residents.• Councils will achieve higher waste diversion from landfill on behalf of residents.
Outlines how the benefits of the project will be communicated to relevant stakeholders.	Recycling / waste diversion rates are reported in the WMRC's Annual Report each year. WMRC Councillors and member Council officers are provided with waste receipt statistics on a monthly basis. Once waste is being recovered from the bulk hard waste, this data will be added to the report.
Other (describe)	

Resources / Approvals									
<p>What time and skills, or other resources (including, staff; services; materials; equipment; technology; intellectual property rights / access; etc) will be required to complete the project on time and within budget?</p> <p>Please provide details (including how these resources will be funded / sourced):</p> <p>The preliminary design has been completed by WMRC's Engineer.</p> <p>All works will be carried out by specialised contractors, under the supervision of a Head Contractor. The Head Contractor will be responsible for ensuring the project is completed on time and within budget.</p> <p>The required materials will be supplied by contractors.</p>									
<p>Are any planning, environmental or other approvals required for this project? TBC</p> <p>Provide details:</p> <p>The proposed works form part of site-wide refurbishment. Planning approval was received from the City of Nedlands in October 2011; however the design has been amended and WMRC is in discussions with the City of Nedlands as to whether a new planning permit is required.</p> <p>Have these approvals been issued? <i>(Please provide a copy of the relevant approval/s)</i> TBC</p> <p>See above.</p>									
Project stakeholders									
<p>List the LGAs directly involved in this project and a summary of their involvement.</p> <table border="1"> <tbody> <tr> <td>1. City of Nedlands</td> <td>The Waste Transfer Station is located in the City of Nedlands Planning approval for the works may be required (see above).</td> </tr> <tr> <td>2. Town of Claremont</td> <td rowspan="5">All LGAs in the region will promote the sorting/recycling services to their residents.</td> </tr> <tr> <td>3. Town of Cottesloe</td> </tr> <tr> <td>4. Town of Mosman Park</td> </tr> <tr> <td>5. Shire of Peppermint Grove</td> </tr> <tr> <td>6. City of Subiaco</td> </tr> </tbody> </table>		1. City of Nedlands	The Waste Transfer Station is located in the City of Nedlands Planning approval for the works may be required (see above).	2. Town of Claremont	All LGAs in the region will promote the sorting/recycling services to their residents.	3. Town of Cottesloe	4. Town of Mosman Park	5. Shire of Peppermint Grove	6. City of Subiaco
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3. Town of Cottesloe									
4. Town of Mosman Park									
5. Shire of Peppermint Grove									
6. City of Subiaco									
<p>List any partner organisations and their role in the project (including other funding programs, consultants, sub contractors etc), where known.</p> <table border="1"> <tbody> <tr> <td>1. Q3 Architecture</td> <td> <ul style="list-style-type: none"> AutoCAD drawings for incorporation into tender and contract documents. </td> </tr> <tr> <td>2. Head Contractor for Civil Works (to be appointed)</td> <td> <ul style="list-style-type: none"> Detailed design Contract documentation Contract administration </td> </tr> <tr> <td>3. Geotechnical consultant (to be appointed)</td> <td> <ul style="list-style-type: none"> Obtain geotechnical information required for the project design </td> </tr> </tbody> </table>		1. Q3 Architecture	<ul style="list-style-type: none"> AutoCAD drawings for incorporation into tender and contract documents. 	2. Head Contractor for Civil Works (to be appointed)	<ul style="list-style-type: none"> Detailed design Contract documentation Contract administration 	3. Geotechnical consultant (to be appointed)	<ul style="list-style-type: none"> Obtain geotechnical information required for the project design 		
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3. Geotechnical consultant (to be appointed)	<ul style="list-style-type: none"> Obtain geotechnical information required for the project design 								

PART D – PROJECT MILESTONES

If required the following forms can be submitted in A3 format.

Note: This table provides a projection of the Regional Funding Program funding that will be required on completion of project milestones.

Projected Milestone Schedule – Regional Funding Program contribution

Project Name:

Activity	Milestone		Anticipated Milestone Completion Date	Regional Funding Program payment on completion of milestone (Excluding GST)
Contract agreement	No. 1	Submission and approval of RIP	31/12/2012	20% being: \$41,741.60
Civil works	No. 2	Demolish existing landscaping & bitumen		40% being:
	No. 3	New drainage, bitumen, concrete and landscaping		\$83,483.20
Structural works	No. 4	Replace retaining wall		10% being:
	No. 5	Construct hut for attendant		\$20,870.80
Electrical works	No. 6	Install electrical needs		10% being: \$20,870.80
Signage	No. 7	Complete directional line painting		10% being:
	No. 8	Install services signage		\$20,870.80
Final Project Evaluation Report		Submission and approval of Final Project Evaluation Report	31/08/2013	10% being: \$20,870.80
Total Regional Funding Program Funding (Excluding GST)				\$208,708

PART E - PROJECT BUDGET

If required, the following tables can be submitted in A3 format.

This table outlines the projected costs and how the project will be funded.

Projected Expenditure				
Item	Projected Expenditure			
	Regional Funding Program (Excluding GST)	RCG (in-kind)	RCG (cash)	Funds from other sources
<u>Salaries/Wages/Fees</u>				
In house labour costs				
Consultant & Subcontractor fees				
Demolish existing bitumen and landscaping	\$9,824			
Lay new kerbing, bitumen and concrete	\$145,179		\$140,396	
Install drainage	\$47,705			
Install new landscaping			\$1,233	
Install electrical connections	\$4,000			
Line marking / painting	\$1,000			
<u>Direct Project Costs</u>				
Capital items (list)				
Construct hut for attendants			\$50,000	
Directional signage	\$1,000			
Replace retaining wall			\$220,500	
Equipment hire (list)				
Expendables (list)				
Freight & transport				
Vehicle expenses				
Insurance/s				
Printing, advertising, distribution (promote new recycling services)			\$1,000	

Accounting / Legal fees				
Administration costs (list)				
Other (detail)				
Sub - total	\$208,708	\$	\$413,129	\$
Total Projected Expenditure	\$620,837			

Regional Investment Plan Checklist	
Please complete this checklist to ensure that the project meets the required funding and assessment criteria.	✓
You have read and understand the <i>Regional Funding Program for Local Government Authorities 2011-2016: Funding Guidelines - January 2012</i> (Funding Guidelines).	✓
Your RCG has lodged a Strategic Waste Management Plan with Department of Environment and Conservation (DEC) and it has been endorsed.	✓
All LGAs within your RCG have completed and submitted the most recent DEC local government census of waste services and recycling.	✓
The project was identified as a regional priority within the RCG's DEC endorsed SWMP.	✓
The project will clearly identify and recognise the contribution that RFP funding makes towards improvement in waste avoidance, resource recovery or disposal.	✓
You have provided proof of delegation of decision making powers from all LGAs to the nominated lead authority of the RCG for the current RFP (Section 8.1.1 Funding Guidelines) and The RIP has been signed by the delegated authority; or the RIP has been signed by all LGA member Chief Executive Officers (CEOs).	
	✓
The project will make a measurable contribution towards meeting Waste Strategy targets.	✓
The project will achieve continuous improvement in waste avoidance, recovery or disposal.	✓
The project meets all applicable Project Investment Criteria, (Section 7: Funding Guidelines).	✓
The Regional Investment Plan (RIP) includes all details of project funding, including details of funding under other funding programs (including Waste Authority programs).	✓
The project includes a recipient contribution totalling 20% of the overall project cost (cash if a competitive bid funding application).	✓
The RIP is submitted within the applicable funding period (Section 1 Funding Guidelines).	✓
You have completed all applicable sections of the RIP template.	✓
You have submitted one electronic and one signed hard copy of your RIP.	✓

Note: This report must be signed by the CEO of the regional council, lead local government representing the RCG or all group CEOs as applicable.

Add declarations as required.

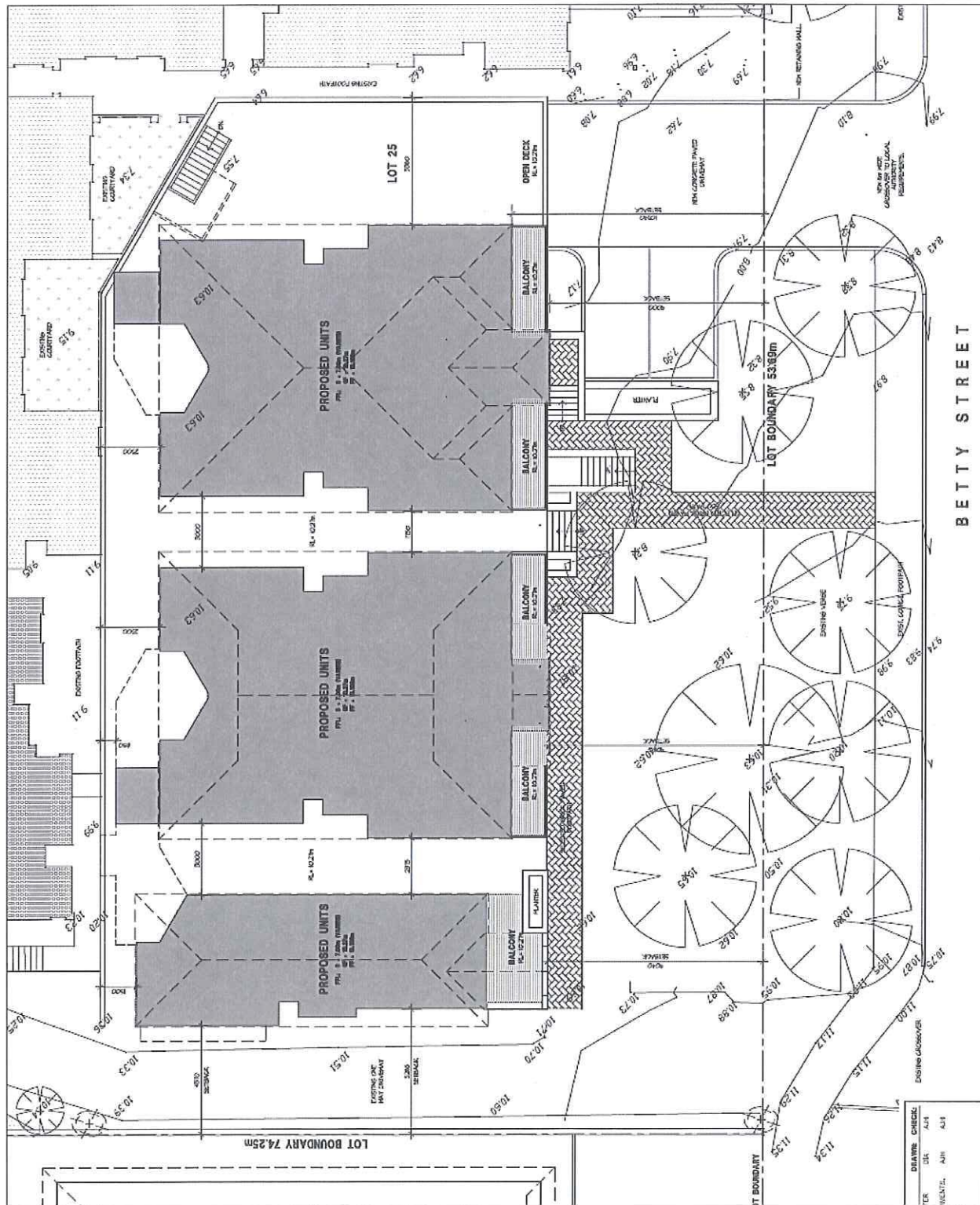
PART F - DECLARATION	
<p>I, Adam Johnson, Chief Executive Officer of Western Metropolitan Regional Council</p> <p>declare that the information given in this <i>Regional Investment Plan</i> and all attached documents are complete and correct to the best of my knowledge, information and belief.</p>	
Signature of Chief Executive Officer:	<p>.....(signature)</p> <p>Mr Adam Johnson</p> <p>..... (date)</p>
Witnessed by:	<p>.....(signature)</p> <p>Mrs Rebecca Goodwin</p> <p>Business Development Manager</p> <p>..... (date)</p>

Attachment to Item 16.1

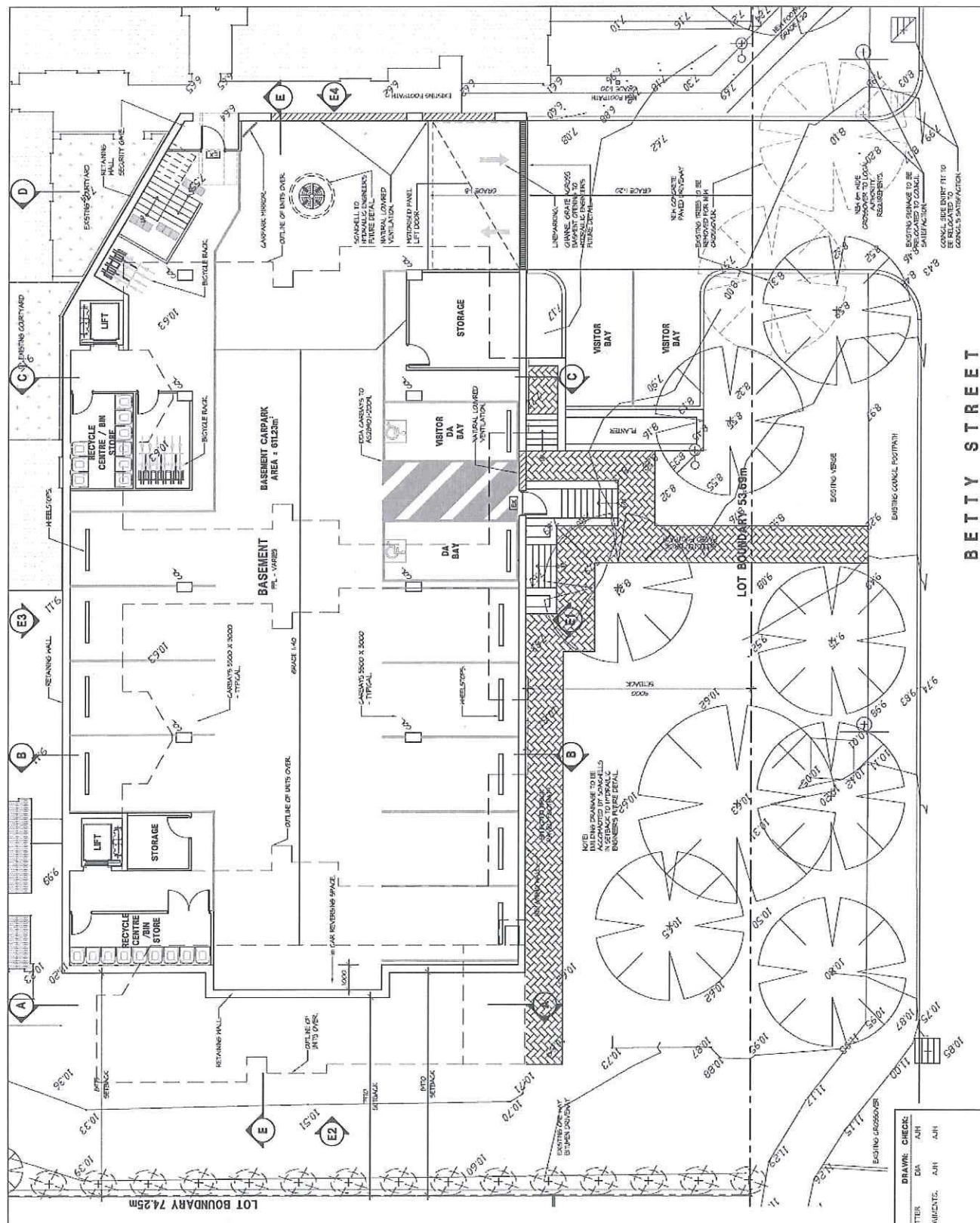
Council 11 December 2012

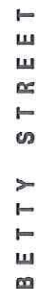
No. 20 (Lot 25) Betty Street, Nedlands – Proposed Change on Non-Conforming Use (from Aged Care Facility) to 10 Multiple Dwellings (Aged or Dependant Persons' Dwellings) in a 3 Storey Building



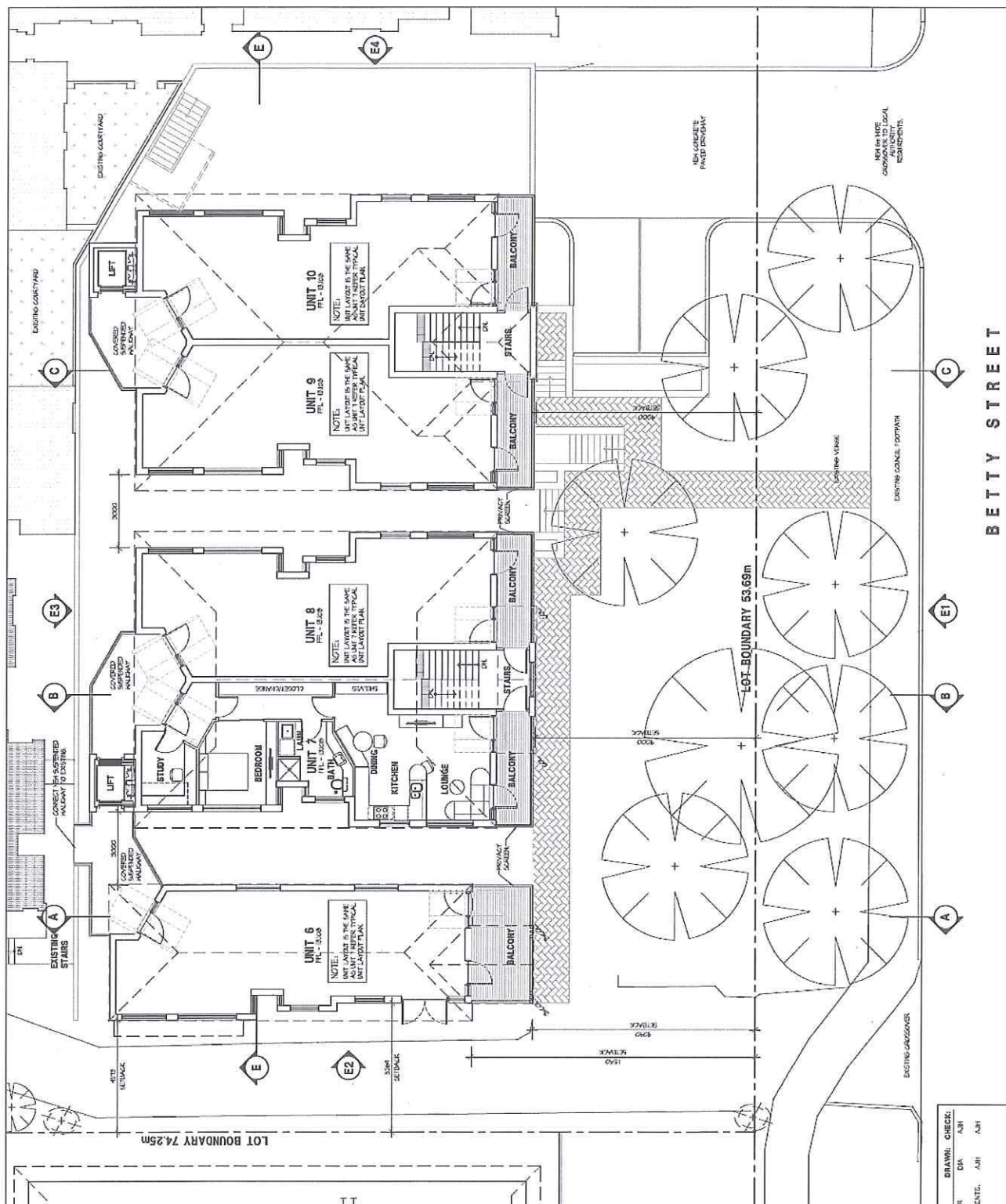


North



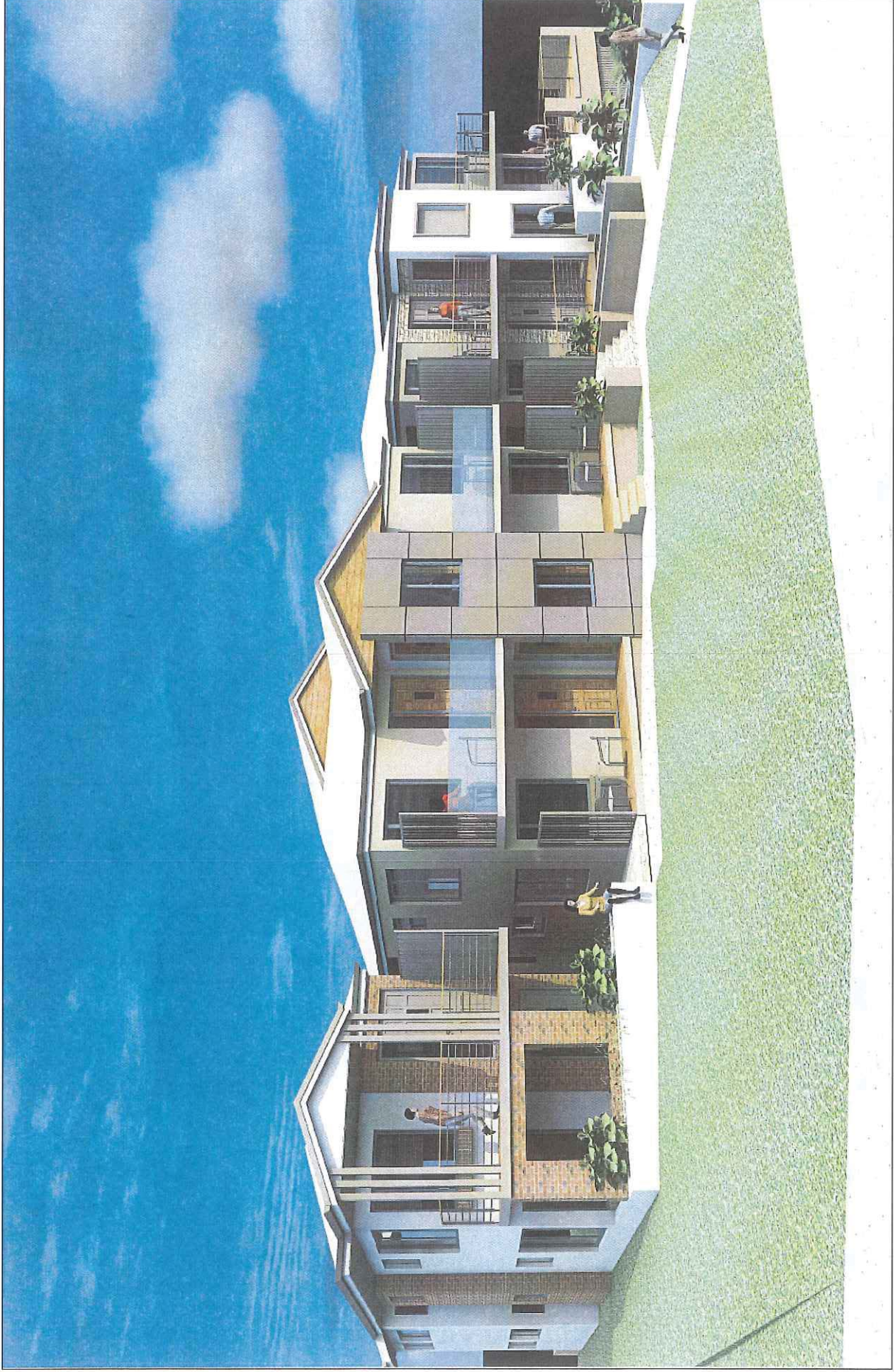


No. 20 Betty Street, Nedlands



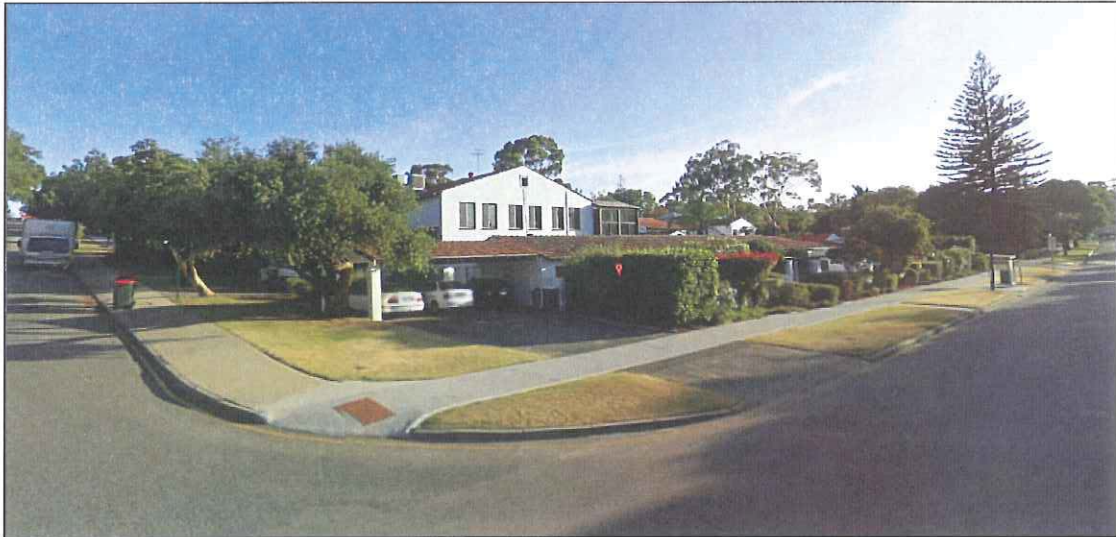








No. 20 Betty Street, Nedlands



The Site - Crn Melvista Av & Betty St (Southwest)



The Site - Melvista Av (Northwest)



Neighbouring Properties – Abutting (North)

No. 20 Betty Street, Nedlands



Neighbouring Properties – Opposite (West)



Neighbouring Properties – Opposite (Southwest)

The present proposal

The City of Nedlands has received a development application to demolish the Nursing Home component on the west side of the *Melvista Lodge and Nursing Home* and to construct ten residential units set on a podium of underground parking in the resulting space. Other minor internal alterations are proposed to two adjoining units and the nearby Common Room. These internal alterations have not formed part of this Report

The ten units on the podium are double storied in a vertical pair and two groups of four with common walls of almost identical plan, but mirrored as needed. The project has been evaluated from the lodged drawings DA01, DA02, DA03, DA05, DA06, DA07, DA10, DA12, DA13 and DA32 without detailed information on the final colours or textures proposed for the build.

Description of existing improvements

20 Betty Street is a complex better known as Melvista Lodge and Nursing Home. The complex is a cohesive grouping of colourwashed brick and Marseilles pattern tiled buildings designed by the well-known Architect Julius Elischer and built by W Fairweather and Son in 1975. The accommodation includes 27 independent living units and a 30 bed nursing home with frontages to Betty Street, Melvista Avenue and Doonan Road. The Nursing Home which faces the Betty Street frontage is proposed to be demolished and replaced.

The whole complex abuts single residences on the north side and the southern elevation faces Mason's Gardens and is therefore seen through the verdant vegetation from a wide area including Hackett Road and Adelma Road, with peeps from Kathryn Crescent.

Heritage Status of existing complex

Melvista Lodge and Nursing Home is entered as Place Number N17 in the City of Nedlands Municipal Heritage Inventory [MHI] and was assigned Management Category C when the MHI was adopted in 1999. The relevant section of the entry for this level of significance in the MHI is repeated below:

"Management Category C

Retain and conserve if possible: endeavour to conserve the significance of the place through the provisions of the City of Nedlands Planning Scheme; a more detailed Heritage Assessment/Impact Statement* may be required prior to approval being given for any major redevelopment or demolition; photographically record the place prior to any major redevelopment or demolition.

*The term Heritage Assessment/Impact Statement referred to in ... Category C is defined as:

*A brief, independent evaluation by a heritage architect or heritage consultant. It is not to be confused with a **Conservation Plan**, which is a more extensive, detailed and costly document."*

Heritage evaluation

Unfortunately, there is very little of the many carefully designed aesthetic characteristics mentioned in Folio N17 in the MHI entry. More is made of the social and historical sequence of the project from its formation. Accordingly, there is little of the basic ethical and aesthetic values perhaps brought to, but certainly incorporated in the design concept of the original complex by Elischer.

Elischer was born in Hungary and trained in Europe. He was a fastidious, determined and consistent practitioner who held to his ideals of economical materials, high quality design and practical

construction. This resulted in a thriving architectural practice with a number of highly regarded residential, ecclesiastical, commercial and community buildings. His reputation was sustained both by his peers, owners, occupiers and the public. His design philosophy was clearly influenced by the works of Le Corbusier and others, but he translated the human scale of the European village very effectively into the Perth scene, particularly in this case.

Elischer was also very keen to ensure that his buildings respected the built environment in which his work was to be set.

It is therefore considered important, in the absence of interim reviews of the MHI, that the acknowledged Historic, Social and Representative criteria of the Complex are complemented by the addition of Aesthetic significance particularly in the context of the townscape, the streetscape and within the complex itself.

The Aesthetic values deliberately achieved by Elischer can be summed up as follows:

1. Design unity achieved by a selection of simple wall and roof materials, carefully limited colours, simple proportions, sensibly positioned openings and a consistent solid to void ratio in walls throughout the complex.
2. Horizontal emphasis from the walls around the perimeter of the project to visually tie the complex together and provide context to the community accommodated within.
3. Respect for the values of the pattern and context of the urban setting particularly in terms of colour, scale, building height and built form.
4. Simple gable roof form generally throughout.
5. Carefully controlled spaces between the buildings to provide appropriate privacy, scale and interesting access for the target age group.
6. Restrained building heights around the perimeter of the site with higher buildings in the centre of the grouping to allow air flow and outlook.

Evaluation of the Proposal

The replacement buildings proposed for the site present a complete contrast to the values deliberately and carefully achieved in the buildings comprising the existing complex. All of the aesthetic values enunciated above appear to have been ignored in the proposal. The replacement design incorporates the following characteristics:

- The horizontal low rise emphasis is to be replaced by three vertically separated two-storey structures with very narrow gaps between all accentuated by the vertical proportion of the covered stairways;
- The unity of the original complex is lost with the removal of the solid walls particularly on the balconies;
- The scale of the external fibre reinforced cement imitation weatherboard cladding material proposed is in contrast with the scale of the standard brick used originally and totally out of context in this residential environment;
- The use of a wide palette of new materials introduced to the complex – fibre reinforced cladding, masonry, limestone, metal louvres, metal roofing – none of which were utilised in the original carefully restrained selection.
- The varied colours proposed for the external cladding break up the unity and continuity compared with the original overall white;
- The proposal introduces industrial pattern low pitch metal deck roofing into a tiled complex;
- The roof structure is hipped as opposed to the original gable roof form;
- The spaces between the new buildings do not reflect the subtlety of the original and could result in accelerated wind flows which can be difficult for the target age group;

- The plan of the accommodation units indicates for example, bedroom windows opposite each other and very close to the neighbouring units thereby severely compromising privacy for the occupants;
- The lack of solid balconies compromises the solid to void ratio achieved in the original grouping

Conclusion

For various reasons, it is conceded that the operational need for the Nursing Home portion of the Complex to remain has passed. The responsibility remains however, as enunciated in the citation for Management Category C, for the applicant to 'endeavour to conserve the significance of the place' in any proposal for the replacement building.

There is no real concern for the removal of the existing Nursing Home. However, from the submission reviewed, it is considered that the Proposal will be very invasive in terms of the heritage values of the original complex. In addition, every avenue should be pursued to achieve high quality outcomes for the target group.

Recommendation

That the proposed design be referred back to the designers to prepare contract documentation for a less invasive development which will better meet the six Aesthetic and other Heritage values presented in the Heritage evaluation of this Report and the City's Municipal Heritage Inventory.

David Kelsall

18th September 2012