



City of Nedlands

# ***Minutes***

## ***Council Meeting***

***22 November 2011***

### ***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 22 November 2011 at 7.00 pm.

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#### Declaration of Opening

The Presiding Member declared the meeting open at 7.00 pm acknowledged the Traditional Owners of the land and pay respects to Elders past and present, 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)

<b>Councillors</b>	His Worship the Mayor, R M Hipkins	(Presiding Member)
	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 K Walker	Hollywood Ward
	Councillor M L Somerville-Brown	Melvista Ward
	Councillor N Shaw	Melvista Ward

<b>Staff</b>	Mr GT Foster	Chief Executive Officer
	Ms C Eldridge	Director Development Services
	Mr M Cole	Director Corporate Services
	Mr I Hamilton	Director Technical Services
	Ms D Blake	Director Community & Strategy
	Ms N Borowicz	Executive Assistant

**Public** There were 13 members of the public present.

**Press** The Western Suburbs Weekly representative from 7.30 pm  
& The Post Newspaper representative from 7.40 pm.

<b>Leave of Absence</b>	Councillor K E Collins	Coastal Districts Ward
<b>(Previously Approved)</b>	Councillor N B J Horley	Coastal Districts Ward

<b>Apologies</b>	Councillor B G Hodsdon	Hollywood Ward
	Councillor T James	Melvista Ward

**Absent** Nil.

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### 1. Public Question Time

Moved – Councillor Shaw

Seconded – Councillor McManus

**That the Items 1.1, 1.2, 1.3, 1.4, 1.5 & 1.6 be taken as read aloud as copies of questions have been distributed to Councillors and the public gallery and will be published in the minutes.**

**CARRIED UNANIMOUSLY 9/-**

**1.1 Mr M Yelverton– 19 Portland Street, Nedlands – Regis car park**

Question 1

I believe you have moved this motion with undue haste. Having meetings at such short notice ensured many residents were unable to attend. Do you think this will help you with community confidence?

Answer 1

Cannot answer that question.

Question 2

Were all Councillors advised of the meeting at Hollywood Bowling Club to enable them to gauge residents opinions?

Answer 2

Councillors were advised of the proposed meeting on Friday 4 November 2011.

Question 3

The previous proposals for Rosalie and Highview parks were advertised with far longer lead times to enable residents to comment. Both these proposals were rejected due to residents objections. You are quoted in the Post as saying, "We just have to make sure we look after the residents. That is going to be the important thing." What made you think this proposal would be acceptable to residents?

Answer 3

Cannot answer that question.

Question 4

All streets will experience additional traffic. Vehicles wanting to go South on Stirling Highway will use Portland Street, Karella Street and Williams Road. Portland already carries additional traffic due to the closure of Williams and Karella Street. On leaving vehicles wanting to go south on Stirling Highway will use Portland Street as they are unable to turn right at Smyth road. What traffic management plan do you have to alleviate the problems caused by this car park?

Answer 4

No traffic management plan was available.

Question 5

Prior to the vote on the motion the Manager Statutory Planning completely misled the meeting. Councillor Argyle asked how many car parks were on the site before demolition. The reply by the manager was 296. This is completely incorrect as there were 10 only at the Williams Road entry near Karella Street. You should be aware 25 percent of the proposed site was a bowling green. Given this totally misleading information which I believe swayed the opinion of some Councillors can this motion be redebated or rescinded?

Answer 5

296 car spaces is for the whole site.

Question 6

Your comment in an effort to support the motion. "Are you prepared to see the front page of the Post with someone who has risked a \$500 fine for going to see their dying mother?", could the Mayor explain where such a fine is applicable particularly as there are no disabled bays on the occupied site?

Answer 6

Not sure of the question.

**1.2 Mrs J Minchin– 492/118 Monash Avenue, Nedlands – Regis car park**

Question 1

Why were residents of Hollywood Village not afforded the courtesy of a notice from Council of the Public meeting on Monday 7 November 2011 followed by the Council meeting on Tuesday 8 November 2011 until the late afternoon of the first meeting on Monday 7 November 2011?

Answer 1

The time constraints imposed did not allow full consultation as we would like.

Question 2

Were all Councillors fully aware of all facts pertaining to the Village?  
eg.

- a) The legal Memorial on the Title Dee restricting the use of the land for the purpose of aged care only unless unanimously approved by all residents;
- b) The fact of immediate proximity to frail and assisted living Hostel alongside where vehicles enter and exit.

If not, why not?

Answer 2

Question cannot be answered. Councillors have a duty to ensure they are fully informed just as much as the officers have a duty to inform them.

Question 3

How does Council propose to ensure all vehicles vacate the property by the allotted time of 7pm when all shifts have staggered finishing hours?

Answer 3

By private agreement with the Health Department of WA

Question 4

What study was undertaken to assess impact on traffic, school children and other residents given the immediate proximity of entry/exit points of Hollywood Hospital, together with the already clogging volume of traffic in Monash Avenue and surrounding relevant streets.

Answer 4

No Traffic Management Plan was undertaken due to time limitations.

### **1.3 Mr P & Mrs J Williams– 1 Meriwa Street, Nedlands – Regis car park**

Question 1

There was no consultation, well at least not to the standard set out in the City of Nedlands' policy documents on the following:

- a) City of Nedlands Council Policy Manual. Refer specifically to KFA 6.
- b) Town Planning Scheme No 2 – check out Clause 6.3.
- c) Also see Part 6, Section 1.9 of the City of Nedlands Governance Manual.

Answer 1

Nedlands prides itself on its Community Consultation. However, on this occasion, the urgency caused by the immanent destruction of remnant bushland made immediate action and decision necessary.

### **1.4 Mr G Mascarenhas – 12 Williams Road, Nedlands - Regis car park**

Question 1

Is there a Traffic Management Plan available?

Answer 1

No traffic management plan was prepared due to the lack of time.



Question 2

Will the car park be open for both entry and exit outside the 7 am to 7 pm? If people can exit in the 7 pm to 7 am time period, would this make it effectively a 24 hour car park?

Answer 2

This matter was not considered.

Question 3

Can we have an asbestos survey in this old building?

Answer 3

There are no buildings on the site which was proposed for the carpark.

Question 4

From the previous demolition of the building to the next to Regis car park proposal, already cracks had been occurred for some residential houses. Is there engineering survey of surrounding buildings?

Answer 4

No.

Question 5

What happens if the alarm of the car goes off in the middle of the night when the car is parked?

Answer 5

This question is no longer relevant.

Question 6

Nurses have shift rosters. What happens on weekends for car park for these staff?

Answer 6

The car park was to have been available and utilised on week days only.

**1.5 Ms R Coghlan – 37 Bulimba Road, Nedlands - Regis car park**

Question 1

What is the Health Department of WA (HDWA) budget for the cost of the temporary car park on the Regis owned site?

Answer 1

Question should be directed to the Health Department of WA.

Question 2

What will be the ongoing maintenance costs over the 18 months of its operation for eg security personnel, gardening and the actual car park surface maintenance?

Answer 2

Question should be directed to the Health Department of WA.

Question 3

What guarantee have residents got that the security lighting will not be intrusive? This question is directed at both the Hollywood Aged Care Village (HACV) and the residents of the local streets?

Answer 3

Every endeavour would have been made to ensure that lighting would not be intrusive. The matter, however, is no longer relevant as the Health WA has withdrawn from negotiations.

Question 4

Why is the additional entry/exit point on Karella Street required?

Answer 4

It was considered desirable to stop stacking both in the roads and within the site.

Question 5

COMPLAINTS AND INCIDENTS:

How are these going to be resourced by HDWA staff or NCC staff? Will the residents get a 6 monthly report of these incidents and complaints? How will people even know about the process and how clear will the form be. Also how will this data be collected?

Answer 5

No provision had been specifically made but Council's normal complaint handling processes would have meant that any justifiable complaint would have been addressed to the relevant authority.

Question 6

Will NCC staff be able to devote staff time and resources to this project? Then can they maintain the needed resources over the 18 month projected time frame of the project? It can't have been budgeted for in staff allocation. This is important because even though HDWA is paying for all the site works at Regis HACV there are still implications for the NCC? Also with so many contractors working on the redevelopment of QE11 and the massive works projects actually being undertaken we don't want the car park's administration to just get swallowed in HDWA administration. The HCC needs to ensure Regis is very aware of its obligations in complaints handling?

Answer 6

Negotiations would have been between Regis and the Health Department of WA with Council merely the consenting authority in respect to the land. Council's costs were to be recouped from the Health WA.

Question 7

What penalties will be imposed should the car park be needed past the stipulated 18monthsie will it be closed down at 18months and one day? Who will police this? When does the 18months actually start on 3.1.2012 when the car park is required or when it is actually ready?

Answer 7

Council stipulated a time limit for operation of the facility which was meant to be available for use on 3 January 2012.

Question 8

Does NCC believe it has met its community consultations process for the Regis car park?

Answer 8

Given the urgency of the situation, Council was not able to consult as it may have wished. It did, however, endeavour to inform nearby residents by letter drop and a public meeting.

Question 9

Is it correct that NCC can approve this project given that there is a memorial on HACV and now it will get a car park when overwhelming residents oppose it? It requires the signature of every resident before it can change the use of the site?

Answer 9

Council was made aware of the possible constraints on the site. The perceived outcome though, was considered to have community benefit.

Question 10

Does the NCC believe that given the memorial on the HACV that it has done the right thing by the residents of the three tiers of accommodation on the site i.e. 2 Hostels, Nursing Home and Independent Living Units?

Answer 10

Council believed that general long term Community benefit would result from the proposal.

Question 11

Does NCC believe that the temporary car park on the Regis owned land will be ready for the date stipulated 3.1.2012? If it does not commence on this date when does the 18 months time frame for its use actually start?

Answer 11

The general construction on the QEII site required the car park to be available on 3 January 2012.

Question 12

How does NCC feel about the disruption and road closures residents will have to put up with once a road is closed and traffic more closely redirected when the temporary car park is open?

Answer 12

Traffic would, as much as is possible, have been directed to areas of lesser impact and staff co-operation sought in accessing and accessing the site.

Question 13

How does the NCC feel about the major road disruptions which are inevitable once a huge multistorey car park and children's hospital re built concurrently? With three large contractors major players in the building industry Brookfield multiplex, Cappella group and John Holland and others working on site there will be trucks coming and going and the contractors will each want access site and there will be witches hats everywhere and it will go on for at least three years. Has the NCC thought about how this will affect residents eg noise psychologically time for car trips etc?

Answer 13

Council has always been concerned about traffic and parking issues brought about by an expanded hospital.

Question 14

Do we know the volume of traffic using Monash Avenue presently? Will this be more carefully considered once the car park is up and running?

Answer 14

Council does monitor traffic counts as it can.

Question 15

Does the NCC intend to increase the rangers patrolling in the area, they could be self funding with the fines issued?

Answer 15

Consideration will be given to increasing ranger numbers in conjunction with its budget process.

Question 16

Does NCC have any idea of the amount of money that HDWA will pay Regis for the use of their land at HACV?

Answer 16

This was a matter between Regis and the Health Department of WA but is no longer relevant.

**1.6 Mr G Tay – 10 Williams Road, Nedlands & Dr D Cox – 57A Williams Road, Nedlands - Regis car park**

Question 1

Did the owners of the land ("Land") the Subject of the proposal for a temporary car park to be constructed on 118 Monash Avenue Nedlands (Lot No. 888 DP 59743) ("Proposal") being set out at Item 6 of the Agenda for the Special Council Meeting of the Council of the City of Nedlands ("Council") on 8 November 2011 (the "Special Council Meeting"), or the Department of Health for the State of Western Australia ("DOH"), or the Minister for Health for the State of Western Australia ("Minister") or a delegate of the Minister ("Delegate") approach:

- (a) the Administration of the City of Nedlands ("Administration") in relation to the Proposal and if so:
  - (i) who was approached? .
  - (ii) when the Administration was approached?
  - (iii) State the substance of any discussions between the persons identified in answer to (1)(a)(i) above and owners of the Land the subject of the Proposal.
- (b) the Council in relation to the Proposal, and if so please state the substance of any discussions in relation to the Proposal, who participated in the discussions and when those discussions were held.
- (c) any Councillors of the City of Nedlands ("Councillors"), and if so:
  - (i) which Councillors did the owners of the Land approach in relation to the Proposal (the "Approached Councillors")?
  - (ii) when was each of the Approached Councillors approached?
  - (iii) state the substance of any discussions between each of the Approached Councillors and the owners of the Land?
  - (iv) which of the Approached Councillors declared to the Special Council Meeting on 8 November 2011 each of the matters answered in relation to the interrogations in (1)(c)(i) to (iii).
  - (v) to the extent that any approached Councillors made declarations interrogated in (1)(c)(iv), please advise whether any Approached Councillors recused themselves from the discussions and vote on the Proposal.
- (d) the Mayor of the City of Nedlands ("Mayor") in relation to the Proposal and if so:

- (i) When was the Mayor approached?
- (ii) State the substance of any discussions between the Mayor and the owners of the Land following any approach by the same in relation to the Proposal?
- (iii) Whether the Mayor declared to the Special Council Meeting each of the matters answered in relation to the interrogations in (1 )(d)(i) to (ii).
- (iv) To the extent that the Mayor made declarations interrogated in (1)(d)(iii), please advise whether the Mayor excused himself from the discussions and vote on the Proposal.

Answer 1(a)

Negotiations were left between Health WA and Regis. When remnant bushland was threatened the Mayor encouraged those discussions. An application was received on Friday 4 November 2011. The necessity for Council approval.

Answer 1(b)

In respect to this proposal the Mayor made contact with the parties.

Answer 1(c)

These questions cannot be answered.

Answer 1(d)

The Mayor was not approached by the owners of the land, the Department of Health, the Minister for Health or a delegate of the Minister.

Question 2

Were the owners of the Land the subject of the Proposal approached by:

- (a) The Administration of the council in relation to the Proposal and if so:
  - (i) Who made the approach (and under whose/what authority)?
  - (ii) When was the approach made?
  - (iii) State the substance of any discussions between the persons identified in answer to (2)(a)(i) above and the owners of the Land the subject of the Proposal.
- (b) The Council in relation to the Proposal and if so please state the substance of any discussions in relation to the Proposal, who participated in the discussions and when those discussions were held.

- (c) Any Councillors, and if so:
- (i) which Councillors approached the owners of the Land approach in relation to the Proposal (the "Approaching Councillors")?
  - (ii) When did each of the Approaching Councillors approach the owners?
  - (iii) State the substance of any discussions between each of the Approached Councillors and the owners of the Land?
  - (iv) Which of the approaching Councillors declared to the Special Council Meeting each of the matters answered in relation to the interrogations in (2)(c)(i) to (iii).
  - (iv) To the extent that any Approaching Councillors made declarations interrogated in (2)(c)(iv), please advise whether any Approached Councillors excused themselves from the discussions and vote on the Proposal.
- (d) The Mayor in relation to the Proposal and if so:
- (i) When did the Mayor make the approach?
  - (ii) State the substance of any discussions between the Mayor and the owners of the Land following any approach by the Mayor in relation to the Proposal?
  - (iii) Whether the Mayor declared to the Special Council meeting on 8 November 2011 each of the matters answered in relation to the interrogations in (2)(d)(i) to (ii).
  - (iv) To the extent that the Mayor made declarations interrogated in (2)(d)(iii), please advise whether the Mayor excused himself from the discussions and vote on the Proposal.

Answer 2(a)

Administration was not the approacher. Council Administration left negotiations to the parties concerned.

Answer 2(b)

The owners of the land were advised that any such proposal would require Council approval.

Answer 2(c)

These questions cannot be answered.

Answer 2(d)

Approximately 1 November 2011. The Mayor asked if Regis land was available for car parking. He was told it was. The Mayor advised Regis that Council Planning approval would be required. No. Not applicable.

Question 3

Did the Mayor, any Councillors or the Administration receive legal advice, and if so what was the substance of that advice on whether:

- (a) there is a Memorial on the Certificate Of Title covering the whole of the Hollywood Village site, which stipulates to the effect that the property may only be used for the purposes of/Aged Care and Retirement Village unless all residents agree and if such advice:
  - (i) was sought, was that advice tabled at the Special Council Meeting or otherwise disclosed to each of the Councillors of the City of Nedlands who attended the Special Council Meeting and voted on the Proposal?
  - (ii) was not sought or disclosed:
    - (A) why was no such advice sought?
    - (B) was a decision made to the effect that it would not be sought or so disclosed? and who made that decision?
- (b) to accept, and if accepted, what to do with, the petition tabled by Hollywood Village residents at the Special Council Meeting?
- (c) sufficient notice had been given to all of the residents in the areas surrounding the land the subject of the Proposal, and if so, what instructions were given to the legal advisors of the substance of that notice? I-' (d) the Proposal was permitted in the City of Nedlands Town Planning Scheme No. 2?

Answer 3(a)

No. An officer presented verbal response to the affect that the memorial would not prevent the proposal being approved. The Council report outlines the statutory issues relating to the proposal.

Answer 3(b)

The petition was received and no advice was requested.

Answer 3(c)

The Council report covers consultation for the proposal.

Answer 3(d)

No advice was sought.

Question 4

Did the Mayor or any Councillor moving and supporting Proposal, carry out any "due diligence" on the Proposal to satisfy themselves that the Proposal was in the best interests of the residents of the City lot Nedlands? If such due diligence was conducted, what was the nature and extent of that due diligence?



Answer 4

This question cannot be answered.

Question 5

Has the City of Nedlands entered into in agreement with either or any combination of the owners of the Land that is the subject of the Proposal, DOH, the Minister or any Delegate in which the requirements of the approval of the Council in relation to the Proposal made at the Special Council Meeting and in which the conditions of the approval have been accepted by owners of the Land that is the subject of the Proposal to be legally binding on them, if not, why not?

Answer 5

No.

Question 6

In the absence of an agreement such as is referred to in question 5, what steps have the Mayor and Council taken to guarantee that the use of the Land in accordance with the approved Proposal will cease after the 18 month period permitted by Council? And on what date will that use cease?

Answer 6

It would have been a condition of approval.

Question 7

Did the Mayor, or any Councillor, ask the CEO of the City of Nedlands to provide Council with information such as:

- (a) a traffic study to establish how the proposed car park will affect the Hollywood area?
- (b) a report on the possible effects of the suggested traffic management proposals of the Council Resolution on residential safety and amenity around the affected area, prior to the Special Council Meeting of 8th November 2011 ? If not, why not?

Answer 7(a)

No.

Answer 7(b)

No.

Question 8

Has the specific portion of the Land on which the car park the subject of the Proposal is to be situated (the "Proposal Land"):

- (a) ever had more than 50 car bays on it?

- (b) noting that a substantial portion of the northern end of the Land that is the subject of the Proposal comprised lawn bowling greens and that there was a large building located on the majority of the southern portion of the Land that is the subject of the Proposal, if the answer to 8(a) is yes:
  - (i) how many such car bays have been situated on that portion of the Land?
  - (ii) by reference to the photograph of the Proposal Land at Annexure A to these questions, please identify the:
    - A. the location of those car bays on the Proposed Land;
    - B the location of the access ways, roads and otherwise, to those car parks
    - C how many stories any car park containing those car bays comprised.

Answer 8(a)

No.

Answer 8(b)

Not applicable.

#### Question 9

By endorsing opening hours between 0600h and 1900h (7 days a week) for 250) bays:

- (a) who or which subsection of the hospital staff will be parking in the temporary car park outlined in the Proposal?
- (b) why has the Council not stipulated a closing time at 1900h and allowed exit after this time?
- (c) why has the Council not demanded a guarantee from the DOH that no permits will be issued to staff who work night shifts, to prevent staff from entering in the evenings (before 1900h) and exiting at the end of their shift (in the middle of the night or early in the morning).
- (d) what is the anticipated uptake rate, given that the poor uptake rate at the Graylands and Shenton Park, is a function of staff wanting the convenience of parking within immediate proximity of their workplace?
- (e) how many permits will be issued?
- (f) if greater than 250 permits, how will priority be assigned to users of the car park?

- (g) in the event the car park is filled what is the contribution of the 251st vehicle and subsequent vehicles on traffic flow in the area immediately around the school and the retirement village?
- (h) what is the process for reporting break-ins, the triggering of car alarms and other matters related to vehicles left in the carpark after hours?

Answer 9(a)

Question should be addressed to Health WA.

Answer 9(b-d)

Cannot answer this question.

Answer 9(e-f)

Question should be addressed to Health WA.

Answer 9(g)

Cannot answer this question.

Answer 9(h)

Advise the police.

Question 10

Has the Mayor, or any or all Councillors who voted in favour of the Proposal, or the Administration discussed with DOH, the Minister or any Delegate, why the car park is necessary given:

- a) the existence of less than fully utilised car parks in Graylands and at the Royal Perth Hospital Annex in Shenton Park;
- b) the shuttle bus or busses transporting staff of the QEII Medical Centre to those car parks; and
- c) the time taken to walk from the proposed car park to the hospital is roughly the same length as the bus ride from the Graylands or Shenton Park facilities.

Answer 10

Cannot answer this question.

Question 11

What steps has the City of Nedlands taken, or what steps does the City of Nedlands propose to take to ensure:

- a) the safety of children attending the Hollywood Primary School from the increased traffic that will be associated with the car park (noting that staff who commence work at 7am are likely to be leaving the car park around the time that the children are leaving the school at the end of the school day)?
- b) the physical safety of the residents of the surrounding areas, including residents of the Hollywood Village?

- c) the safety of all road users and the vehicles of residents in the immediate area around the car park, given that accidents have already been caused by vehicles leaving the proposed land during the recent demolition of the building on that proposed land?
- (d) that noise, whether it be vehicular, musical, speech or any other form of noise:
  - (i) emanating from the car park;
  - (ii) arising from the ingress and egress of vehicles into and from the car park; and
  - (iii) in the streets neighbouring the car park, including but not limited to Williams Road, Karella Street, Hardy Road; Portland Street; Langham Street, Smyth Road and Monash Avenue, as a result of increased traffic of both people and vehicles, will at all times be below the prescribed limits, and to the extent that noise exceeds those limits what steps had the Council put in place to ensure that, such emissions are appropriately monitored and promptly prosecuted?
- (e) that light, whether it be vehicular or otherwise, which emanates from the site of the car park or is caused cars entering or leaving the site of the car park does not cause nuisance or disrupt the amenity of the residents of the residents of the surrounding areas, including residents of the Hollywood Village?
- (f) all noxious gasses and any recognised pollutant will at all times be below the prescribed limits, and to the extent that such pollutants exceed those limits what steps had the Council put in place to ensure that such emissions monitored and are promptly prosecuted?
- (g) that street verges, and vegetation on properties on routes leading to and from QEII Medical Centre are not in any way disrupted by staff of that Medical Centre travelling between the carpark and their place of work?
- (h) the mental health of the residents of the surrounding areas, including elderly residents of the Hollywood Village is not in any way disrupted in any way by the car park, or the users of the car park?
- (i) that no cars will be able to enter the car park on that portion of the Land that is the subject of the Proposal, between the hours of 1901h and 0559h?
  - (i) who will be policing that requirement; and

- (ii) will the residents of the surrounding areas, including elderly residents of the Hollywood Village be informed of 24 hour contact details of the person or persons who will be policing that requirement?
- (j) all:
  - (i) water that falls on the car park is retained on that Portion of the Land that is the subject of the Proposal and does not flow onto any roads or neighbouring properties?
  - (ii) sand, soil and other particulate matter on the Land that is the subject of the Proposal will be stabilised or otherwise retained such that it does not at anytime flow onto surrounding properties, including properties of the residents of the Hollywood Village?
- (k) to the extent that flows such as are described in 11 a) above occur:
  - (i) what measures good provisions are in place to ensure that the owners of the Land that is the subject of the Proposal, or the Council, will remove such flows and make good the land onto which they flow?
  - (ii) what service standards will operate to ensure that the matters in 11 (k)(i) are complied with in a prompt and efficient way with as little disruption to residents?
- (l) that the visual amenity of the residents of the surrounding areas, including residents of the Hollywood Village, is protected?
- (m) that the values of the residential properties surrounding the Land that is the subject of the Proposal will not be lessened in any way by allowing the Proposal, and to the extent that any such lessening occurs, how does the Council propose to ensure that such lessening is compensated?

Answer 11(a-m)

Council agreed to a number of conditions that would seek to address items 11a to 11m.

Question 12

Has the Council set aside as "Unbudgeted Expenses" contingency for possible legal bills, damages payments, unforeseen costs for traffic management, increased out of hours Ranger costs and other costs resulting from the decision of the Council to approve the proposal?

Answer 12

No longer an issue as the proposal has been withdrawn.

Question 13

In the light of electoral promises for more Community consultation and involvement; why was:

- (a) notice of the to some of the residents in the proposal only given streets surrounding the Proposal Land and to the extent that notice was given,
- (b) so little notice (2 days only) given?

Answer 13(a-b)

The notice, albeit late, was given to those in the immediate area who may potentially be affected by the proposal, the opportunity to be made aware of the Public Meeting on the Monday and the Special Council Meeting on the Tuesday. Given the lateness in the evening on the Friday when the notices were being delivered to letterboxes, the Regis facility itself received their notice on the Monday morning.

Question 14

In relation to the photograph of the Mayor that is depicted in the Saturday 5 November 2011 edition of the post newspaper in association with an article concerning the Proposal:

- (a) who selected the location of the Photograph, noting that the photograph is taken of the Mayor located in front of the site of cleared land on the corner of Karella Street and Smyth Road (on a separate lot; being LOT 889), such land not being part of the Land that is the Subject of the Proposal;
- (b) will the City of Nedlands be notifying the public, especially the residents that the photograph does not display the Proposal Land, and if so, when and where will notice be given?

Answer 14(a)

The story and photo opportunity was not organised by the City of Nedlands staff and therefore administration is not aware of, or had any influence on, the story or photograph which appeared.

Answer 14(b)

City administration had no part or influence on the story or photograph. The accuracy of the information lies with the Post.

Question 15

Were the usual standards of the City of Nedlands for submission of an application to the City of Nedlands Planning Group met (as outlined in the information sheet) in relation to the Proposal? and in this context:

- (a) was the application complete?
- (b) if the application was incomplete:

- (i) why was the incomplete application accepted by the Administration?
- (ii) why was deemed necessary to convene a "Special Council Meeting" to consider the application?
- (iii) who so deemed?
- (iv) what did the convening of the Special Council Meeting cost?

Answer 15(a)

Yes.

Answer 15(b)

Not applicable.

Question 16

How, in Council's opinion, will the resolution accepting the Proposal benefit the people and City of Nedlands?

Answer 16

To alleviate a short term parking issue and to endeavour to retain remnant bushland.

Question 17

In relation to the bushland on Monash avenue between the UWA medical library and the Cancer Care centre that is said to have been saved from clearing by reasons of the Council approving the proposal

- (a) how many hectares of bushland have been saved?
- (b) bearing in mind that the said bushland has been earmarked to be cleared for the future development of Ronald McDonald House, is it the intention of the Council to oppose that development and thereby deny the families of sick children an opportunity to be close to their loved ones? And if it is not the intention, why was the saving of this bushland said to be the reason for the need for the Council to urgently approve the Proposal?
- (c) when is it proposed that the construction works on the proposed Ronald McDonald house will be commenced?
- (d) has an environmental study of the ecological and other environmental value of the said bushland been undertaken, if so, where can residents obtain a copy of the report of the study, and if not, why not?

Answer 17(a)

No longer relevant as the proposal was withdrawn and the land since cleared.

Answer 17(b)

See above. No longer relevant.

Answer 17(c)

This is a matter for Health WA.

Answer 17(d)

No longer relevant.

Question 18

On 10 November and 11 November 2011, REGIS, the service provider of the Aged care facility on the land that is the subject of the Proposal, issued the following statements to residence of the Hollywood Retirement Village:

"At no time has the Regis Group initiated any discussions over this proposed solution (carpark project) nor has it offered any land for sale. Following discussions at the request of the main stakeholders in this matter, the Department of Health and Nedlands City Council, the Regis Group lodged a planning application with Council"

"The Regis Group was approached by the Department of Health and Nedlands City Council to assist in providing a solution to what has become a serious local parking issue. The Regis Group is not the driver behind this proposal"

In relation to the information disclosed in that statement:

- (a) which Council member or members were involved in discussions with Regis?
- (b) on whose authority did the Council member or members named in answer to paragraph 18(a) enter into those discussions?
- (c) noting that a Code of Conduct requires all Councillors, including the Mayor, to declare all conflicts, or perceived conflicts including impartialities, before participating in discussions in Council, prior to, or during discussions at the Special Council Meeting, did the Council members or members named in answer to paragraph 18(a) each declare that they had been involved in discussions with REGIS, if not, why not?

Answer 18(a)

The Mayor facilitated these discussions.

Answer 18(b)

A Council decision would be required.



Answer 18(c)

The Mayor and Councillors have nothing to declare, as it is usual practice of elected members to be canvassed on matters coming to Council.

Question 19

With reference to Deputy Mayor Collin's amendment to Clause 1 of the Administrator's recommendation. Standing Order Local Law 10.1A requires that elected members are to submit material amendments (ie change from "refuse" to "approve" in this case) and alternative resolutions to recommendations on Council agendas to the Chief Executive Officer, with supporting reasons, by 12 noon on the day before each Council meeting, so they can be distributed to other elected members to give them an opportunity to reflect on the proposed changes.

- (a) Was a submission to amend the recommendation by the Administrators from Deputy Mayor Collins made to the CEO?
- (b) If the amendment was received the CEO, was the amendment circulated to all Councillors and when was this circulated?
- (c) if no submission was made or if Deputy Mayor's amendment was not circulated, please justify why Council should not consider revoking the resolution made at the Special Council Meeting of the 8 November 2011 to approve the application and plan for the car park.

Answer 19(a)

No.

Answer 19(b)

Not applicable.

Answer 19(c)

The resolution of Council of 8 November 2011 was revoked at the Council meeting of 22 November 2011 on the basis that the proposal had been withdrawn.

Mr G Foster, Chief Executive Officer returned to the meeting at 7.05 pm.

**2. Addresses by Members of the Public**

Mr J Anderson – 3 Adams Road, Dalkeith  
(Spoke in opposition of the proposal) Item 14.3

Ms P Anderson – 6 Adams Road, Dalkeith  
(Spoke in opposition of the proposal) Item 14.3

Mr B Minchin – Unit 492 Hollywood Village  
118 Monash Avenue, Nedlands  
(Spoke in opposition of the proposal) Regis Car Park

Ms M Gawler – 118 Monash Avenue, Nedlands  
(Spoke in relation to Hollywood Village) Hollywood Village

Ms A Jones – 97 Clifton Street, Nedlands  
(Spoke in support of the proposal) Item 14.2

**3. Requests for Leave of Absence**

Nil.

**4. Petitions**

Nil.

**5. Disclosures of Financial Interest**

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

There were no disclosures of financial interest.

**6. Disclosures of Interests Affecting Impartiality**

The Presiding Member to remind 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 Binks – Item 14.3 - Adams Road**

Councillor Binks disclosed an impartiality interest in Item 14.3 - Adams Road –his interest being that he has been contacted by residents in the street regarding the matter 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 Shaw – Item 14.3 – Adams Road**

Councillor Shaw disclosed an impartiality interest in Item 14.3 - Adams Road –his interest being that he has been contacted by residents in the street regarding the matter 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 – Item 14.3 – Adams Road**

Councillor Somerville-Brown disclosed an impartiality interest in Item 14.3 - Adams Road –his interest being that he has been contacted by residents in the street regarding the matter 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.

**6.4 Mayor Hipkins – Item 14.3 – Adams Road**

Mayor Hipkins disclosed an impartiality interest in Item 14.3 - Adams Road –his interest being that he has been contacted by residents in the street regarding the matter and he has had 2 complaints from 2 residents against him 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.

**6.5 Councillor Walker – Item 14.3 – Adams Road**

Councillor Walker disclosed an impartiality interest in Item 14.3 - Adams Road –she interest being that she has been contacted by residents in the street regarding the matter and as a consequence, there may be a perception that her impartiality on the matter may be affected. She declared that she would consider this matter on its merits and vote accordingly.

**6.6 Councillor Porter – Item 14.3 – Adams Road**

Councillor Porter disclosed an impartiality interest in Item 14.3 - Adams Road –his interest being that he has been contacted by residents in the street regarding the matter 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.

**6.7 Councillor Argyle – Item 14.3 – Adams Road**

Councillor Argyle disclosed an impartiality interest in Item 14.3 - Adams Road –his interest being that he has been contacted by residents in the street regarding the matter 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.

**6.8 Councillor Hassell – Item 14.3 – Adams Road**

Councillor Hassell disclosed an impartiality interest in Item 14.3 - Adams Road –his interest being that he has been contacted by residents in the street regarding the matter 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.

**6.9 Councillor McManus – Item 14.3 – Adams Road**

Councillor McManus disclosed an impartiality interest in Item 14.3 - Adams Road –his interest being that he has been contacted by residents in the street regarding the matter 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**

Nil.

## 8. Confirmation of Minutes

### 8.1 Ordinary Council meeting 25 October 2011

Moved – Councillor Walker  
Seconded – Councillor Argyle

The minutes of the ordinary Council meeting held 25 October 2011 are confirmed subject to the correction on page 28 Item 16.2 vote to be corrected to 7/2.

**CARRIED UNANIMOUSLY 9/-**

### 8.2 Special Council meeting 8 November 2011

Moved – Councillor McManus  
Seconded – Councillor Shaw

The minutes of the Special Council meeting held 8 November 2011 are confirmed.

**CARRIED UNANIMOUSLY 9/-**

## 9. Announcements of the Presiding Member without discussion

Mayor Hipkins tabled the following events where he represented the City since the last Council meeting on 25 October 2011:

27 October 2011	Commonwealth LG Forum	Meet and Greet
2 November 2011	National Trust (WA)	AGM
4 November 2011	Member for Nedlands	Discussion of items of mutual interest
4 November 2011	LG Managers Australia	State Conference
4 November 2011	CoN	Art Auction Tresillian – Brian Simmonds
7 November 2011	SAS	Presentation at Campbell Barracks
7 November 2011	CoN	Public Meeting – Regis Parking Development Application
9 November 2011	CoN	Civic legal re amalgamation with Subiaco
11 November 2011	RSL	Participated in Remembrance Day Ceremony
12 November 2011	Futsal Association	Opening of Season at Hollywood
12 November 2011	Metropolitan LG Review panel	Meeting with Elected Members
14 November 2011	CoN	Swearing in of new Dalkeith Councillor

14 November 2011	Nedlands Aged Persons Homes Trust (Inc)	AGM
16 November 2011	Aust Institute Urban Studies	Forum
17 November 2011	Metropolitan Regional Road Group	Annual Meeting
17 November 2011	Aust Council on Smoking & Health	State Conference
17 November 2011	CoN	Business Sundowner
18 November 2011	Friends of Allen Park	AGM
19 November 2011	Australia Day Council	Australian of the Year awards
20 November 2011	St George's Cathedral	Civic Service
22 November 2011	Shenton College	Chaplaincy Donation thank you

In addition the Mayor advised he had met with mayors of Mosman Park, Subiaco and Claremont, participated in working bees at Hollywood-Subiaco Bowling Club and Hollywood Bushland and met with proponents of Swanbourne Hospital redevelopment, AMA rebuilding, development at Bedbrook Place and a site visit to inspect dangerous trees and tree removal at Monash Bushland.

He also advised that he is currently responding to two complaints lodged with the Local Government Standards Panel in 2010 that resurfaced during the recent election – one related to Adams Road where it was claimed that he gave a favour to a landowner; the other related to property owned by his wife near Stirling Highway, where I declared an impartiality interest.

Related to the Adams Road complaint, the Mayor advised he had been asked to provide evidence in a neighbour dispute and believed he should have legal representation independent of the City. He foreshadowed that he will be asking for financial support from the City for this. In relation to the Stirling Highway complaint, the Mayor stated that he had been advised that the original complaint where it was alleged that he had a financial interest, is to be discontinued but, after more than 18 months, a proximity interest is now being investigated. I may ask for the City's financial support in this matter also.

Mayor Hipkins also provided an update on the LGAB inquiries with Subiaco:

Nedlands has advised Subiaco:

1. It will not oppose the proceedings;
2. It will abide by the decision of the Court;

3. It will write to the LGAB at the appropriate time and make a formal submission that it no longer wishes to pursue a merger with the City of Subiaco, in accordance with Council's resolution of 25 October 2011 which has already been conveyed to the LGAB;
4. It will not seek costs from Subiaco in the event Subiaco is unsuccessful at the hearing of 18 November 2011; and
5. The FOI request lodged with Subiaco has been withdrawn.

## **10. Members announcements without discussion**

### **10.1 Councillor Argyle – Announcements**

Sunset Site – Councillor Argyle advised he is presently trying again to have this special landmark listed on the National Heritage list and tabled papers regarding the site for circulation to Councillors and administration.

He also stated that Mrs Liliana from 112 Circe Circle asked for the trees on the nature strip to be trimmed.

Councillor Argyle presented an email from Mrs Soo – 73 Melvista Avenue to be given to administration and asked administration to look into the matter of falling tree branches which have become a problem.

He also mentioned that the street lights near 27 Portland Street are being blocked out by trees.

### **10.2 Councillor Walker – Events Attended**

Councillor Walker advised that she had attended the following events:

1. Shenton Park Substation Upgrade Workshops 1 & 2
  - Workshop 1 – 2 November 2011
  - Workshop 2 – 15 November 2011
2. LGMA Conference Fremantle Professor Robson speech on Metropolitan Local Government Review Panel Progress – 4 November 2011
3. Brian Simmons Art Auction Tresillian 4 November 2011
4. Integrated Strategic Planning Workshop - City of Rockingham - 7 November 2011
5. DiComm Waste Recovery Facility - Transfer Station Lemnos Street - 9 November 2011
6. Colmax Glass Recycling Plant 10 November 2011

7. Remembrance Day Service Karakatta War Cemetery – 11 November 2011
8. UWA Briefing for Local Government Representatives on Metropolitan Local Government Review - 12 November 2011
9. CEDA Breakfast 'International Markets & China - The Impact on WA - 16 November 2011

**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 Walker  
Seconded – Councillor Shaw

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

**Council Committee** **8 November 2011**  
Unconfirmed, Circulated to Councillors on 14 November 2011

**CARRIED UNANIMOUSLY 9/-**

**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 Somerville-Brown

Seconded – Councillor Shaw

**That all Committee Recommendations relating to Reports under items 12.2, 12.3 12.4 and 12.5 with the exception of Report Nos. Report D60.11 & D61.11 are adopted en bloc.**

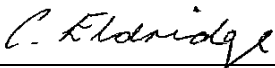
**CARRIED UNANIMOUSLY 9/-**

**12.2 Development Services Report No's D60.11 to D63.11 (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.

<b>D60.11</b>	<b>No. 114 (Lot 367) Dalkeith Road, Nedlands – Retrospective Additions (Garage) to Single House</b>
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<b>Committee</b>	8 November 2011
<b>Council</b>	22 November 2011

<b>Applicant</b>	Kim Lamb & Hatton Drafting
<b>Owner</b>	Kim Lamb
<b>Officer</b>	Laura Sabitzer – Planning Officer
<b>Director</b>	Carlie Eldridge – Director Development Services
<b>Director Signature</b>	
<b>File ref</b>	DA11/354 : DA11/114
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	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's decision was on the basis that the door has been in place for 14 years without complaint and that the owner should not be penalised for an omission of the previous owner.**

Moved – Councillor Shaw  
Seconded – Councillor Argyle

**Council:**

**Approves an application for retrospective additions (garage) to single house at No. 114 (Lot 367) Dalkeith Road, Nedlands in accordance with the application and plans dated 19 August 2011.**

Mr M Cole, Director Corporate Services left the meeting at 7.38 pm.

Mr I Hamilton, Director Technical Services left the meeting at 7.40 pm.

Mr M Cole, Director Corporate Services returned to the meeting at 7.41 pm.

**CARRIED 8/1  
(Against: Mayor Hipkins)**

**Council Resolution**

**Council:**

**Approves an application for retrospective additions (garage) to single house at No. 114 (Lot 367) Dalkeith Road, Nedlands in accordance with the application and plans dated 19 August 2011.**


Committee Recommendation / Recommendation to Committee

Council:

1. Refuses an application for retrospective additions (garage) to single house at No. 114 (Lot 367) Dalkeith Road, Nedlands in accordance with the application and plans dated 19 August 2011 for the following reasons:
  - a. The application does not comply with Council's Policy 6.23 'Carports and Minor Structures Forward of the Primary Street Setback'; and
  - b. The application does not meet Clause 5.6.2(b) and 5.6.2(d) of the City of Nedlands Town Planning Scheme No.2;
2. Instructs the removal of the garage door and the decrease in height of the northern and eastern brick walls to 1.8 m high, within 42 days of the date of this decision.

<b>D61.11</b>	<b>Reserve 33244 Monash Ave (QEI Medical Centre), Nedlands – Proposed New Mental Health Unit</b>
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<b>Committee</b>	8 November 2011
<b>Council</b>	22 November 2011

<b>Applicant</b>	Department of Treasury and Finance
<b>Owner</b>	QEI Medical Trust
<b>Officer</b>	Nick Bakker - Planning Officer
<b>Director</b>	Carlie Eldridge - Director Development Services
<b>Director Signature</b>	
<b>File ref</b>	MO1/R33244-10
<b>Previous Item No's</b>	DA10/654 : DA10/382 : DA09/107
<b>Disclosure of Interest</b>	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 Council approves the Administration Recommendation to Committee.**

Mr I Hamilton, Director Technical Services returned to the meeting at 7.47 pm.

**CARRIED 5/4**  
**(Against: Mayor Hipkins Crs. Porter Hassell & Waker)**

#### **Council Resolution**

**Council recommends approval to the Western Australian Planning Commission (WAPC) for the proposed New Mental Health Unit at Reserve 33244 (QEI Medical Centre), Nedlands in accordance with the application dated 29 July 2011 and the amended plans dated 9 August 2011 with the following conditions:**

- 1. Prior to commencement of the approved land use, a landscaping plan shall be submitted for approval by the City**

**and the land use shall not be commenced until the landscape plan has been approved and:**

- a. The landscape plan shall include all existing and proposed landscaping, including hard landscaping;**
  - b. The landscaping shall be:**
    - i. designed to provide an appropriate visual buffer between the public street and the building;**
    - ii. in accordance with the City's Greenways Policy 4.14 i.e. indigenous species to be planted and complementary species of sustainable flora maintained; (if applicable);**
    - iii. completed in accordance with the approved landscape plan and within three (3) months of the commencement of the approved land use; and**
    - iv. implemented with an appropriate reticulation system and continuously maintained to the satisfaction of the City.**
- 2. A separate detailed traffic management plan outlining; the route of construction vehicles access to, within and from the site, the location of the stacking of heavy vehicles etc, the hours of work and risk management, and temporary signage where required.**
- 3. Prior to the commencement of construction, a Construction Management Plan shall be prepared to the satisfaction of the City's Environmental Health section. The Construction Management Plan shall detail how proposed site works will be managed to minimise environmental impacts and shall address but not be limited to:**
- a. staging plan for the entire works;**
  - b. applicable timeframes and assigned responsibilities for tasks;**
  - c. on-site storage of materials and equipment;**
  - d. parking for contractors;**
  - e. waste management;**
  - f. management of noise in accordance with the control of environmental noise practices set out in section 6 of AS**

**2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition sites, as described in the *Environmental Protection (Noise) Regulations 1997*;**

- g. management of vibrations; and**
  - h. complaints and incidents.**
- 4. The approved Construction Management Plan shall be implemented.**
- 5. Prior to the commencement of construction, a noise management plan shall be prepared and shall include:**
  - a. details of and reasons for any work on the construction site that is likely to be carried out other than between 7:00 am and 7:00 pm on any day which is not a Sunday or public holiday;**
  - b. details of and duration of activities on the construction site likely to result in noise emissions that fail to comply with the standard prescribed under regulation 7 of the *Environmental Protection (Noise) Regulations 1997*;**
  - c. predictions of noise emission on the construction site;**
  - d. details of measures to be implemented to control noise (including vibration) emissions;**
  - e. procedures to be adopted for monitoring noise (including vibration) emissions; and**
  - f. complaint response procedure to be adopted.**
- 6. Prior to the commencement of any demolition works, a dust management plan shall be prepared to the satisfaction of the City's Environmental Health section; and**
- 7. A dust management plan shall detail how the proposed demolition works will be managed to minimise environmental impacts and shall address but not be limited to:**
  - a. details of how dust will be suppressed (i.e. 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; and**

- b. details of how dust and sand drift will be controlled in the event that the landscape remains bare for any period of time after demolition (consideration of more permanent dust suppression or sand drift measures such as hydromulching).**
- 8. The approved Dust Management Plan shall be implemented.**
- 9. Prior to the commencement of any demolition works, any asbestos containing material (ACM) in the structure to be demolished, shall be identified and safely removed and conveyed to an appropriate landfill which accepts ACM.**
- 10. 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 acceptable to Council.**
- 11. All storm water from building and paving areas (including driveways) shall be contained on site by draining to soakwells of adequate capacity to contain runoff from a 10 year recurrent storm event and the capacity of soakwells shall be a minimum of 1 cubic metre for every 80 m<sup>2</sup> of paved or roofed surface on the property.**
- 12. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres per second.**
- 13. 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:**

- a. Removal and disposal of asbestos containing material (ACM) shall be in accordance with Health (Asbestos) Regulations 1992, Regulations 5.43-5.53 of the Occupational Safety and Health Regulations 1996, Code of Practice for the Safe Removal of Asbestos 2<sup>nd</sup> Edition, Code of Practice for the Management and Control of Asbestos in a Workplace and any Department of Commerce Worksafe requirements; and**

- b. Where there is over 10 square metres of asbestos containing material (ACM) or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.**

Committee Recommendation

That Council recommends refusal to the Western Australian Planning Commission (WAPC) for the proposed New Mental Health Unit at Reserve 3324 (QEII Medical Centre), Nedlands, for reasons of security, noise and excessive traffic generation through the adjoining residential area.

That the Administrative recommendation refers to sustainable landscaping instead of native landscaping.

Recommendation to Committee

Council recommends approval to the Western Australian Planning Commission (WAPC) for the proposed New Mental Health Unit at Reserve 33244 (QEII Medical Centre), Nedlands in accordance with the application dated 29 July 2011 and the amended plans dated 9 August 2011 with the following conditions:

1. Prior to commencement of the approved land use, a landscaping plan shall be submitted for approval by the City and the land use shall not be commenced until the landscape plan has been approved and:
  - a. The landscape plan shall include all existing and proposed landscaping, including hard landscaping;
  - b. The landscaping shall be:
    - i. designed to provide an appropriate visual buffer between the public street and the building;
    - ii. in accordance with the City's Greenways Policy 4.14 i.e. indigenous species to be planted and complementary species of sustainable flora maintained; (if applicable);
    - iii. completed in accordance with the approved landscape plan and within three (3) months of the commencement of the approved land use; and
    - iv. implemented with an appropriate reticulation system and continuously maintained to the satisfaction of the City.



2. A separate detailed traffic management plan outlining; the route of construction vehicles access to, within and from the site, the location of the stacking of heavy vehicles etc, the hours of work and risk management, and temporary signage where required.
3. Prior to the commencement of construction, a Construction Management Plan shall be prepared to the satisfaction of the City's Environmental Health section. The Construction Management Plan shall detail how proposed site works will be managed to minimise environmental impacts and shall address but not be limited to:
  - a. staging plan for the entire works;
  - b. applicable timeframes and assigned responsibilities for tasks;
  - c. on-site storage of materials and equipment;
  - d. parking for contractors;
  - e. waste management;
  - f. management of noise in accordance with the control of environmental noise practices set out in section 6 of AS 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition sites, as described in the *Environmental Protection (Noise) Regulations 1997*;
  - g. management of vibrations; and
  - h. complaints and incidents.
4. The approved Construction Management Plan shall be implemented.
5. Prior to the commencement of construction, a noise management plan shall be prepared and shall include:
  - a. details of and reasons for any work on the construction site that is likely to be carried out other than between 7:00 am and 7:00 pm on any day which is not a Sunday or public holiday;
  - b. details of and duration of activities on the construction site likely to result in noise emissions that fail to comply with the standard prescribed under regulation 7 of the *Environmental Protection (Noise) Regulations 1997*;

- c. predictions of noise emission on the construction site;
  - d. details of measures to be implemented to control noise (including vibration) emissions;
  - e. procedures to be adopted for monitoring noise (including vibration) emissions; and
  - f. complaint response procedure to be adopted.
6. Prior to the commencement of any demolition works, a dust management plan shall be prepared to the satisfaction of the City's Environmental Health section; and
7. A dust management plan shall detail how the proposed demolition works will be managed to minimise environmental impacts and shall address but not be limited to:
- a. details of how dust will be suppressed (i.e. 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; and
  - b. details of how dust and sand drift will be controlled in the event that the landscape remains bare for any period of time after demolition (consideration of more permanent dust suppression or sand drift measures such as hydromulching).
8. The approved Dust Management Plan shall be implemented.
9. Prior to the commencement of any demolition works, any asbestos containing material (ACM) in the structure to be demolished, shall be identified and safely removed and conveyed to an appropriate landfill which accepts ACM.
10. 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 acceptable to Council.
11. All storm water from building and paving areas (including driveways) shall be contained on site by draining to soakwells of adequate capacity to contain runoff from a 10 year recurrent storm event and the capacity of soakwells shall be a minimum of 1 cubic metre for every 80 m<sup>2</sup> of paved or roofed surface on the property.

12. All internal water closets and ensuite without fixed or permanent window access to outside air or which open onto a hall, passage, lobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres per second.
13. 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:

- a. Removal and disposal of asbestos containing material (ACM) shall be in accordance with Health (Asbestos) Regulations 1992, Regulations 5.43-5.53 of the Occupational Safety and Health Regulations 1996, Code of Practice for the Safe Removal of Asbestos 2<sup>nd</sup> Edition, Code of Practice for the Management and Control of Asbestos in a Workplace and any Department of Commerce Worksafe requirements; and
- b. Where there is over 10 square metres of asbestos containing material (ACM) or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.

<b>D62.11</b>	<b>City of Nedlands Climate Change Declaration</b>
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<b>Committee</b>	8 November 2011
<b>Council</b>	22 November 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Phoebe Huigens - Sustainability Officer
<b>Director</b>	Carlie Eldridge - Director Development Services
<b>Director Signature</b>	
<b>File ref.</b>	M11/19533
<b>Previous Item No's</b>	N/A
<b>Disclosure of Interest</b>	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 UNANIMOUSLY EN BLOC 9/-**

<b>Council Resolution / Committee Recommendation / Recommendation to Committee</b>
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<p><b>Council adopts the City of Nedlands Climate Change Declaration as attached (attachment 1) as recommended by the Sustainable Nedlands Committee.</b></p>
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<b>D63.11</b>	<b>City of Nedlands Carbon Inventory and Management Report Baseline Year 2009–2010</b>
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<b>Committee</b>	8 November 2011
<b>Council</b>	22 November 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Phoebe Huigens - Sustainability Officer
<b>Director</b>	Carlie Eldridge - Director Development Services
<b>Director Signature</b>	
<b>File ref.</b>	M11/19537
<b>Previous Item No's</b>	N/A
<b>Disclosure of Interest</b>	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) – The baseline year for the carbon inventory was changed from 2009-10 to 2010-11.**

Moved – Councillor Somerville-Brown

Seconded – Councillor Shaw

**That the Recommendation to Council is adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 9/-**

#### **Council Resolution / Committee Recommendation**

**That Council:**

- 1. Receives the Carbon Inventory and Management Report Baseline Year 2009–2010 as recommended by the Sustainable Nedlands Committee.**
- 2. Commissions the Carbon Inventory process for 2010–2011 to establish a valid baseline year to support the development of an effective Carbon Reduction Strategy and Action Plan.**

## Recommendation to Committee

### Council:

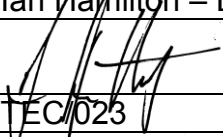
1. Receives the Carbon Inventory and Management Report Baseline Year 2009–2010 as recommended by the Sustainable Nedlands Committee.
2. Agrees to publish the Carbon Inventory and Management Report Baseline Year 2009–2010 on the City's website and be available to residents.
3. Endorses the development of draft Carbon Reduction Strategy and Action Plan for consultation with the community and consideration by Council.
4. Endorses future annual inventories be prepared and be published on the City's website and be made available to the community.

**12.3 Technical Services Report No's T12.11 (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.

<b>T12.11</b>	<b>Beecham Road Retaining Wall Stage 1 &amp; 2 Tender</b>
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<b>Committee</b>	8 November 2011
<b>Council</b>	22 November 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Maria Hulls - A/Manager Engineering Services
<b>Director</b>	Ian Hamilton – Director Technical Services
<b>Directors Signature</b>	
<b>File ref.</b>	TEC/023
<b>Previous Item No's</b>	T10.10 - 30 March 2010 / Item 14.5 – 24 May 2011
<b>Disclosure of Interest</b>	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 UNANIMOUSLY EN BLOC 9/-**

<b>Council Resolution / Committee Recommendation / Recommendation to Committee</b>
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<p><b>Council accepts the tender submitted by Italia Stone Group Pty Ltd for the construction of stage one and two of the Beecham Road retaining wall at a cost of \$710,976.00 (excluding GST).</b></p>
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**12.4 Community & Strategy Report No's CM10.11 to CM11.11 (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.

<b>CM10.11</b>	<b>Policy Review</b>
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<b>Committee</b>	8 November 2011
<b>Council</b>	22 November 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Carlie Eldridge – Director Development Services and Ian Hamilton – Director Technical Services
<b>Director</b>	Darla Blake - Director Community and Strategy
<b>Directors Signature</b>	
<b>File ref.</b>	CRS/065
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	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 UNANIMOUSLY EN BLOC 9/-**

**Council Resolution / Committee Recommendation**

**That this matter be referred back to Administration for further consideration.**




Recommendation to Committee

Council approves the following policies:

1. Trading in Public Places
2. Elected Members – Entitlements
3. Graffiti Management
4. Underground Power – Council Schemes

<b>CM11.11</b>	<b>Nedlands Aged Persons Homes Trust Inc. (Lisle Villages) – Proposed Change to Constitution</b>
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<b>Committee</b>	8 November 2011
<b>Council</b>	22 November 2011

<b>Applicant</b>	Nedlands Aged Persons Homes Trust Inc. (Lisle Villages)
<b>Owner</b>	Nedlands Aged Persons Homes Trust Inc. (Lisle Villages)
<b>Director</b>	Darla Blake - Director Community and Strategy
<b>Director Signature</b>	
<b>File ref.</b>	CMS/155
<b>Previous Item No's</b>	Report C73.04 – Item 14.5 – 14 December 2004 Report C10/133 – Item 13.3 – 26 October 2010
<b>Disclosure of Interest</b>	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 UNANIMOUSLY EN BLOC 9/-**

**Council Resolution / Committee Recommendation**

**That this item be deferred to the next meeting to allow Councillor Collins time to meet with the executives of the Nedlands Aged Persons Homes Trust (Inc) before discussion of the item takes place.**

Recommendation to Committee

1. Council approves the withdrawal of the section of the Nedlands Aged Persons Home Trust Inc (Lisle Villages) Constitution requiring City of Nedlands approval for any changes to the constitution (Clause 21) subject to:

A restrictive covenant first being registered against the certificates of title to:

- i. 125 (Lot 93) Alfred Road, Mount Claremont;
- ii. 53-57 (Lots 104 and 105) Lisle Street, Mount Claremont;

pursuant to section 129BA of the *Transfer of Land Act 1893*, in which the owner of that land agrees that the land may not be used for any purpose other than accommodation for aged persons; to which, the Council agrees that the Rules of the Association (Constitution) for the Nedlands Aged Persons Home Trust (Inc) may be amended accordingly.

2. In the event the Chief Executive Officer forms the opinion that the registration of the restrictive covenant required by the preceding resolution is not possible or is impractical, as an alternative a deed between the owner of the land and the City of Nedlands may be prepared, in which the owner covenants to use the land only for aged persons accommodation, and charges the land in favour of the City of Nedlands to allow the lodgement of an absolute caveat against the certificates of title.
3. The restrictive covenant (or the deed and caveat if required) is to be prepared to the satisfaction of the Chief Executive Officer by the City's solicitors. All costs associated with the preparation and registration of the documents, are to be borne by Nedlands Aged Persons Homes Trust Inc (Lisle Villages).
4. Once a restrictive covenant or other mechanism is in place to ensure that the land remains as aged persons accommodation, Council agrees to activate the Council resolution of 14 December 2004 (relevant to Clause 9 (v) of the Nedlands Aged Persons Home Trust Inc (Lisle Villages) Constitution), that resolved:

*That the Nedlands Aged Persons Home Trust (Inc) be advised that the Council no longer wishes to have a Councillor representative on its Management Committee and would support an amendment to the Nedlands Aged Persons Homes Trust (Inc) constitution to put this change into effect.*

**12.5 Corporate Services Report No's CP37.11 to CP41.11 (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.

<b>CP37.11 Monthly Financial Report – September 2011</b>	
<b>Committee</b>	8 November 2011
<b>Council</b>	22 November 2011
<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>Director</b>	Michael Cole – Director Corporate Service
<b>Director Signature</b>	
<b>File ref.</b>	Fin/072-17
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	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

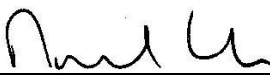
**That the Recommendation to Council is adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 9/-**

Council	Resolution	/	Committee	Recommendation	/
Recommendation to Committee					

Council receives the Monthly Financial Report for September 2011.					
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<b>CP38.11</b>	<b>Investment Report – September 2011</b>
<b>Committee</b>	8 November 2011
<b>Council</b>	22 November 2011
<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>Director</b>	Michael Cole – Director Corporate Service
<b>Director Signature</b>	
<b>File ref.</b>	Fin/071-07
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	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

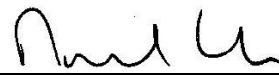
**That the Recommendation to Council is adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 9/-**

**Council Resolution / Committee Recommendation / Recommendation to Committee**

**Council receives the Investment Report for the period ended 30 September 2011.**

<b>CP39.11</b>	<b>List of Accounts Paid – September 2011</b>
<b>Committee</b>	8 November 2011
<b>Council</b>	22 November 2011
<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>Director</b>	Michael Cole – Director Corporate Service
<b>Director Signature</b>	
<b>File ref:</b>	Fin/072-17
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	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 UNANIMOUSLY EN BLOC 9/-**

**Council Resolution / Committee Recommendation / Recommendation to Committee**

**Council receives the List of Accounts Paid for the month of September 2011.**

<b>CP40.11</b>	<b>City of Nedlands Code of Conduct</b>
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<b>Committee</b>	8 November 2011
<b>Council</b>	22 November 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Director</b>	Michael Cole - Director Corporate Services
<b>CEO</b>	Graham Foster – Chief Executive Officer
<b>CEO Signature</b>	
<b>File ref.</b>	CRS/007
<b>Previous Item No's</b>	CP34.10 – 26 October 2010
<b>Disclosure of Interest</b>	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 UNANIMOUSLY EN BLOC 9/-**

**Council Resolution / Committee Recommendation**

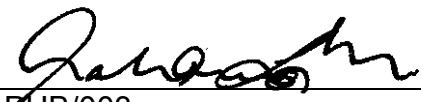
**Council workshops the City of Nedlands' Code of Conduct to ensure that the principles and values of the Code reflect and reinforce a culture of best practice in professional conduct.**

Recommendation to Committee

Council adopts the City of Nedlands' Code of Conduct in accordance with section 5.103(1) of the *Local Government Act 1995*.

<b>CP41.11</b>	<b>Annual Report and Annual Electors Meeting</b>
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<b>Committee</b>	8 November 2011
<b>Council</b>	22 November 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Director</b>	Michael Cole - Director Corporate Services
<b>CEO</b>	Graham Foster – Chief Executive Officer
<b>CEO Signature</b>	
<b>File ref.</b>	PUB/003
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	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 Local Government Act (1995).

**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 UNANIMOUSLY EN BLOC 9/-**

**Council Resolution / Committee Recommendation / Recommendation to Committee**

**That Council:**

1. receives the Annual Report of the City of Nedlands for the Financial Year ended 30 June 2011 comprising:
  - a. report from the Mayor;
  - b. report from the Chief Executive Officer;
  - c. financial report; and
  - d. the Auditor's Report

**In accordance with the provisions of Section 5.54 of the *Local Government Act 1995*; and**



**2. agrees to hold the Annual Meeting of Electors for the City of Nedlands on Tuesday 6 December 2011 at 6.00 pm at the Council Chambers.**

**13. Reports by the Chief Executive Officer**

**13.1 Common Seal Register Report – October 2011**

Moved – Councillor Porter  
Seconded – Councillor McManus

**That the attached Common Seal Register Report for the month of October 2011 is received.**

**CARRIED UNANIMOUSLY 9/-**

**13.2 List of Delegated Authorities – October 2011**

Moved – Councillor Binks  
Seconded – Councillor Somerville-Brown

**That the attached List of Delegated Authorities for the month of October 2011 is received.**

**CARRIED UNANIMOUSLY 9/-**

**13.3 No.7 (Lot No.112) Riverview Court Dalkeith – Proposed Four Storey Dwelling, front fence and Swimming Pool**

<b>D59.11</b>	<b>No.7 (Lot No.112) Riverview Court Dalkeith – Proposed Four Storey Dwelling, front fence and Swimming Pool</b>
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<b>Committee</b>	11 October 2011
<b>Council</b>	22 November 2011

<b>Applicant</b>	Milenkov Designs and Project Management
<b>Owner</b>	Carla Di Latte
<b>Officer</b>	Nick Bakker - Planning Officer
<b>Director</b>	Carlie Eldridge - Director Development Services
<b>Director Signature</b>	
<b>File ref.</b>	R12/7-02
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	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 Shaw

**That the Recommendation to Council is adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 9/-**

**Council Resolution / Recommendation to Council**

Council approves an application for a proposed four storey dwelling (including swimming pool and front fence) at No.7 (Lot 112) Riverview Court, Dalkeith in accordance with an application dated 28 April 2011 and the amended plans dated 6 September 2011 and 25 October 2011 attached hereto, subject to the following conditions:

1. The proposed screen located on the southern side of balcony 4 shall be increased in length by 1.2 m to protrude a total of 4.7 m, in order to comply with Clause 6.9.1 of the Residential Design Codes (RCodes) (as marked in red on the approved plans).

- 2. The use of the basement and lower levels shall be restricted to the uses as depicted in the plans submitted and dated 6 September 2011 i.e. wine cellar, boat shed, cool room, communications room, toilet, and equipment store for the basement level and; garage, air conditioning plant room, garden store, document store, pool store, and toilet on the lower level.**
- 3. Prior to the issue of a Building Licence for the development the owner 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 basement and lower levels is subject to the restriction set out in condition 2 above.**
- 4. All stormwater from building and paving areas (including driveways) shall be contained on site by draining to soakwells of adequate capacity to contain runoff from a 10 year recurrent storm event. Capacity of soakwells shall be a minimum of 1.0 m<sup>3</sup> for every 80 m<sup>2</sup> of paved or roofed surface on the property.**
- 5. All crossovers to street shall be constructed to the Council's Crossover Specifications and the applicant/owner to obtain levels for crossovers from the Council's Infrastructure Services under supervision on-site, prior to commencement of works.**
- 6. The parapet wall and footings shall be constructed wholly inside the allotment.**
- 7. 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 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 acceptable to Council.**
- 8. 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 soakwell situated within the property.**
- 9. Any swimming pool soakwell shall not be situated closer than 1.8 m to any boundary of a lot, building, septic tank or other soak well.**

- 10. The proposed new retaining wall along the boundary with the Parks and Recreation reservation shall be constructed of natural limestone masonry. (Swan River Trust)**
- 11. The area between the existing and new retaining walls shall be landscaped with local native species in order to reduce water and fertiliser requirements (see Advice Note). (Swan River Trust)**
- 12. The boundary at the foot of the proposed ramp shall be fitted with a gate to provide adequate delineation between the private property and the Parks and Recreation reservation. (Swan River Trust)**
- 13. The proposed swimming pool shall be below the natural ground level and fenced with either glass or open style fencing. (Swan River Trust)**
- 14. No fill, building materials, sediment, rubbish or any other deleterious matter shall be placed on the Parks and Recreation Reserve or allowed to enter the river as a result of the development. (Swan River Trust)**
- 15. No wastewater/backwash from the swimming pool is to be discharged into the river or the local government drainage system. (Swan River Trust)**
- 16. Stormwater drainage shall be contained on site, or connected to the local government stormwater drainage system. (Swan River Trust)**
- 17. 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:**

- a. Without limiting Condition 17, it is advised that further planning approval shall be required for:**
  - i. any proposed dividing fence greater than 1.8 m above natural ground level;**
  - ii. any additional fill/retaining not shown on the plans;**
- b. All internal WC's and ensuites without window access to outside air must be serviced by mechanical ventilation, which is ducted to outside air and the minimum rate of air change must be equal or greater than 25 litres per second.**

- c. All swimming pool waste water is to be disposed of into an adequate dedicated soakwell located on the same lot, or in a manner approved by the Council's Sustainable Nedlands department.**
- d. Ensure that airconditioner unit(s) comply with relevant Australian Standards and that noise emissions comply with the Environmental Protection (Noise) Regulations 1997.**
- e. It is strongly advised that consultation is undertaken with the installer and adjoining neighbour(s) prior to installation of air-conditioning equipment. In the event of a noise complaint being received by the City, remedial action (including potential relocation or other attenuation measures) may be required or the airconditioner may be prohibited from being used. It is recommended that applicants refer to the City's Visual and Acoustic Privacy Information document and also the fairair noise calculator online at [www.fairair.com.au](http://www.fairair.com.au).**
- f. Any pump or pump enclosure and filter equipment for the swimming pool/spa pool should be carefully located so as to ensure that a nuisance is not caused by unreasonable noise or vibration. Should noise levels exceed those stipulated in the Environmental Protection (Noise) Regulations 1997, equipment may require relocation or other attenuation measures, or the equipment may be prohibited from being used. It is recommended that applicants refer to the City's Visual and Acoustic Privacy Information document.**
- g. The applicant is advised that launching a vessel directly from a trailer into waters in the Trust Development Control Area is an offence under the Swan and Canning Rivers Management Regulations 2007, except at a permitted launching place. (Swan River Trust)**
- h. With regard to Condition 2, the Trust can be contacted for assistance to select appropriate species for landscaping. (Swan River Trust)**
- i. The applicant is advised that the selected building materials and colour scheme for the development should be of a low reflective standard, and harmonise with the river environment. (Swan River Trust)**
- j. The applicant is advised that the Swan River Trust does not permit the discharge of swimming pool water or backwash water into the river as the treated water may contain chemicals that are detrimental to riverine ecology. The use of limestone-lined soak wells may be appropriate to carry out this function. (Swan River Trust)**

**k. The applicant is advised to contact the Department of Indigenous Affairs to ensure that the proposed works do not breach any section of Part IV (Protection of Indigenous Sites) of the Aboriginal Heritage Act 1972. (Swan River Trust)**

Committee Recommendation / Recommendation to Committee

Council approves an application under the City's Town Planning Scheme No. 2 (TPS2) and recommends that the Western Australian Planning Commission (WAPC) approve the application under the MRS for the proposed four storey dwelling (including swimming pool and front fence) at No.7 (Lot 112) Riverview Court, Dalkeith in accordance with an application dated 28 April 2011 and the amended plans dated 6 September 2011 attached hereto, subject to the following conditions:

1. prior to the issue of a building licence, the plans shall be amended to show the proposed screen located on the southern side of balcony 4 shall be increased in length by 1.2 m to protrude a total of 4.7 m, in order to comply with Clause 6.9.1 of the Residential Design Codes (RCodes) (as marked in red on the approved plans);
2. the proposed roof decks are to remain non-accessible;
3. the use of the basement and lower levels shall be restricted to the uses as depicted in the plans submitted and dated 6 September 2011 i.e. wine cellar, boat shed, cool room, communications room, toilet, and equipment store for the basement level and; garage, air conditioning plant room, garden store, document store, pool store, and toilet on the lower level;
4. prior to the issue of a Building Licence for the development the owner 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 basement and lower levels is subject to the restriction set out in condition 2 above;
5. all stormwater from building and paving areas (including driveways) shall be contained on site by draining to soakwells of adequate capacity to contain runoff from a 10 year recurrent storm event and the capacity of soakwells shall be a minimum of 1.0 m<sup>3</sup> for every 80 m<sup>2</sup> of paved or roofed surface on the property;
6. all crossovers to street shall be constructed to the Council's Crossover Specifications and the applicant/owner to obtain levels for crossovers from the Council's Infrastructure Services under supervision on-site, prior to commencement of works;

7. the parapet wall and footings shall be constructed wholly inside the allotment;
8. 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 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 acceptable to Council;
9. 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 soakwell situated within the property;
10. any swimming pool soakwell shall not be situated closer than 1.8 m to any boundary of a lot, building, septic tank or other soak well; and
11. 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:

- a. Without limiting Condition 10, it is advised that further planning approval shall be required for:
  - i. any proposed dividing fence greater than 1.8 m above natural ground level;
  - ii. any additional fill/retaining not shown on the plans;
- b. you are advised that a new easement along the southern side of the lot is needed for the purposes of stormwater drainage;
- c. with specific reference to the Water Corporation sewer easement located adjacent to the eastern and southern boundaries, you are advised to ensure that the proposed dwelling is clear of all easements located on the property or alternatively the necessary arrangements have been made with the appropriate authorities.
- d. all internal WC's and ensuites without window access to outside air must be serviced by mechanical ventilation, which is ducted to outside air and the minimum rate of air change must be equal or greater than 25 litres per second;

- e. all swimming pool waste water is to be disposed of into an adequate dedicated soakwell located on the same lot, or in a manner approved by the Council's Sustainable Nedlands department;
- f. ensure that airconditioner unit(s) comply with relevant Australian Standards and that noise emissions comply with the Environmental Protection (Noise) Regulations 1997.
- g. it is strongly advised that consultation is undertaken with the installer and adjoining neighbour(s) prior to installation of air-conditioning equipment. In the event of a noise complaint being received by the City, remedial action (including potential relocation or other attenuation measures) may be required or the airconditioner may be prohibited from being used. It is recommended that applicants refer to the City's Visual and Acoustic Privacy Information document and also the fairair noise calculator online at [www.fairair.com.au](http://www.fairair.com.au);
- h. any pump or pump enclosure and filter equipment for the swimming pool/spa pool should be carefully located so as to ensure that a nuisance is not caused by unreasonable noise or vibration. Should noise levels exceed those stipulated in the Environmental Protection (Noise) Regulations 1997, equipment may require relocation or other attenuation measures, or the equipment may be prohibited from being used. It is recommended that applicants refer to the City's Visual and Acoustic Privacy Information document; and

**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 Binks – Traffic Humps in Carrington Street**

At the Council meeting on 25 October 2011 Councillor Binks gave notice of his intention to move the following at this meeting.

Moved – Councillor Binks

Seconded – Councillor Hassell

**Council directs Administration to remove the Traffic Humps in Carrington Street.**

**CARRIED 7/2  
(Against: Crs. Shaw & Somerville-Brown)**

#### **Council Resolution**

**Council directs Administration to remove the Traffic Humps in Carrington Street.**

Supporting comment.

Since the "traffic calming devices" further safety initiatives have been done by administration, that being connecting the chicane just West of the Dalkeith Road roundabout. It is now possible for adults and children using Carrington Street to cross at a point which is not congested by vehicles using the roundabout. There is also a reasonable distance for both vehicular traffic and pedestrians to observe each other, making the crossing safer. It is possible for people South of Carrington Street to only cross a major road once as they can get to the controlled crossing at Smyth and Monash Roads using pathways on the west side of Dalkeith and Smyth.

#### **Administration Comment**

The remaining two "traffic calming devices" are within MRWA standards and within construction tolerance. Since their installation the two remaining "traffic calming devices" have reduced the speed of vehicles travelling on Carrington St. In addition, there has been no reported crashes/ accident at the roundabout at Broome St and Carrington St (AMCO Steel guard barriers).

It has also been observed that children still cross at the roundabout at Dalkeith Rd and Carrington St. Therefore with the above mentioned information in mind, administration does not support the removal or modification of the existing two "traffic calming devices" as it may have a detrimental effect on traffic speed / vehicle / pedestrian crashes.

## 14.2 Councillor Argyle – Rename Verges

Councillor Argyle gave notice of his intention to move the following at this meeting.

Moved – Councillor Argyle

Seconded – Councillor Porter

That verges be renamed and become known as "Nature Strips".

Lost 4/5

(Against: Crs. McManus Hassell Binks  
Shaw & Somerville-Brown)

Supporting Comments from Councillor Argyle:

Verges/nature strips exist extensively throughout the city of Nedlands, usage is by convention, a partnership between Ratepayers, Residents and their City Council. The word verge came into being as society organised itself; the word nature was in place before society organised itself, as in Crown lands, as set aside since, by society as Parks and Gardens; Verges/Nature strips.

Meaning of the Word "Verge" - To have a particular direction to lie or extend towards a specific point. The bounds, limits, or precincts of a particular place. The extreme edge, brink, border of a surface area, but regarded as having definite limits. A limiting or bounding belt or strip. A grass edging of flower-bed, etc from a walkway or road. Edge of tiles projecting over a gable - board. Wand or rod carried before bishop, dean etc, as an emblem of office.

Meaning of the Word "Nature" - Based on the innate moral sense, instinctive (natural law justice and virtue) established by nature and natural resources. Process favouring survival best adapted to our environment. An arrangement according to natural features. Nature study (as school subject), practical study of plant, animal, in particular bird life. Trail path through woods etc, set aside to draw attention to interesting natural objects. "Nature Strip" a piece of street lawn with or without trees in front of a place of living between fence or footpath and roadway or between dual carriageways, as in Hackett Drive, Thomas Street, through Nedlands and Subiaco. To stimulate pride and awareness in our society as to the importance of our natural surrounds.

Administration Comment:

Verge is the term in current use amongst the majority of Local Governments in WA and is considered all encompassing in its characteristic, whereas the implication of "nature strip" may harbour a belief that the area is naturally landscaped. There are considerable

hard stand areas between the boundary and the edge of the carriageway that contain no vegetation. The Local Government Act 1995 also uses the term 'verge' to mean that part of the land between the carriageway and the land which abuts the thoroughfare.

### **14.3 Adams Road**

Mr G Foster, Chief Executive Officer, Ms C Eldridge, Director Development Services & Mr I Hamilton, Director Technical Services left the meeting at 8.32 pm.

#### **Councillor Binks – Impartiality interest**

Councillor Binks disclosed an impartiality interest in Item 14.3 - Adams Road –his interest being that he has been contacted by residents in the street regarding the matter 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 Shaw – Impartiality interest**

Councillor Shaw disclosed an impartiality interest in Item 14.3 - Adams Road –his interest being that he has been contacted by residents in the street regarding the matter 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**

Councillor Somerville-Brown disclosed an impartiality interest in Item 14.3 - Adams Road –his interest being that he has been contacted by residents in the street regarding the matter 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.

**Mayor Hipkins – Impartiality interest**

Mayor Hipkins disclosed an impartiality interest in Item 14.3 - Adams Road –his interest being that he has been contacted by residents in the street regarding the matter and he has had 2 complaints from 2 residents against him 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 Walker – Impartiality interest**

Councillor Walker disclosed an impartiality interest in Item 14.3 - Adams Road –she interest being that she has been contacted by residents in the street regarding the matter and as a consequence, there may be a perception that her impartiality on the matter may be affected. She declared that she would consider this matter on its merits and vote accordingly.

**Councillor Porter – Impartiality interest**

Councillor Porter disclosed an impartiality interest in Item 14.3 - Adams Road –his interest being that he has been contacted by residents in the street regarding the matter 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 Hassell – Impartiality interest**

Councillor Hassell disclosed an impartiality interest in Item 14.3 - Adams Road –his interest being that he has been contacted by residents in the street regarding the matter 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 McManus – Impartiality interest**

Councillor McManus disclosed an impartiality interest in Item 14.3 - Adams Road –his interest being that he has been contacted by residents in the street regarding the matter 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 Argyle – Impartiality interest**

Councillor Argyle disclosed an impartiality interest in Item 14.3 - Adams Road –his interest being that he has been contacted by residents in the street regarding the matter 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.

Moved – Councillor Somerville-Brown

Seconded – Councillor Shaw

That all road works at Adams Road Dalkeith be undertaken in accordance with option 1 as approved by Council on 17 November 2010.

Lost 3/6

(Against: Mayor Hipkins Crs. Argyle  
Porter Hassell Binks & Walker)

Moved – Councillor Hassell

Seconded – Councillor McManus

**That further consideration of this matter be put aside until after we seek and obtain legal advice as to whether the sign off in the Supreme Court debars consideration of other options and that meanwhile no work be undertaken.**

Moved – Councillor Binks

Seconded – Councillor Shaw

**That the motion be put**

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

**The substantive motion was put and**

**CARRIED 7/2**  
**(Against: Crs. Shaw & Somerville-Brown)**

**Council Resolution**

**That further consideration of this matter be put aside until after we seek and obtain legal advice as to whether the sign off in the Supreme Court debars consideration of other options and that meanwhile no work be undertaken.**

### Committee Recommendation

That all road works at Adams Rd Dalkeith be postponed to enable Council to properly consider option 3 as presented by the engineers McDowall Affleck.

### Comment:

1. Options 1, 2 and 3 were presented by the engineers and sent for public comment. Option 3 was then discarded on the basis that all consulted neighbours, with the exception of Mr Marron and one other, objected to option 3. Mr Marron requested option 3 as his preferred option and was very happy with this outcome. Elected members have been advised by administration that the objections of the neighbours were the main reasons that option 3 was discarded. It was therefore never debated or considered by council. This is considered to be an unsafe basis upon which to have discarded option 3 due to the obvious ongoing tension between Mr Marron and his neighbours.
2. Option 3 has not been costed but enquiries reveal that it may be less expensive.
3. The planned road works impact exclusively on Mr Marron.
4. The planned road works provide encouragement for vehicles to venture onto the steep lower section of Adams Road.
5. The planned road works do not provide the best outcome in terms of providing ease of access for the rubbish truck.
6. Option 3 appears from the drawings to be more aesthetically pleasing and more functional in terms of the objectives of the road works required and it seems to address the problems in the street more totally than the current proposed road works.
7. To provide procedural fairness to Mr Marron, the council ought to fully consider this 3<sup>rd</sup> option.

The Presiding Member granted an adjournment for 5 minute recess.

The meeting adjourned at 9.35 pm and reconvened at 9.40 pm with the following people in attendance:

<b>Councillors</b>	His Worship the Mayor, R M Hipkins	(Presiding Member)
	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 K Walker	Hollywood Ward
	Councillor M L Somerville-Brown	Melvista Ward
	Councillor N Shaw	Melvista Ward

<b>Staff</b>	Mr GT Foster	Chief Executive Officer
	Ms C Eldridge	Director Development Services
	Mr M Cole	Director Corporate Services
	Mr I Hamilton	Director Technical Services
	Ms D Blake	Director Community & Strategy
	Ms N Borowicz	Executive Assistant

**Public** There were 7 members of the public present.

**Press** The Post Newspaper Representative.

#### **14.4 Metropolitan Local Government Review**

Moved – Councillor Somerville-Brown

Seconded – Councillor Shaw

**That the Recommendation to Council is adopted subject to a new clause 2 being added as follows and renumbering remaining clauses.**

- 2. the submission should address the questions arising in the six issues identified in the "Metropolitan Local Government Review Issues Paper October 2011" and the Supplementary Questions for Local Government to provide a Comprehensive response that reflect the views of its citizens.**

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

#### **Council Resolution**

**That:**

- 1. the City of Nedlands prepares and lodges a submission to the Metropolitan Local Government Review Panel by 23 December 2011 ;**
- 2. the submission should address the questions arising in the six issues identified in the "Metropolitan Local Government Review Issues Paper October 2011" and the Supplementary Questions for Local Government to provide a comprehensive response that reflect the views of its citizens;**
- 3. the submission should emphasize the importance of building on the history and structure of governance existing in the Perth metropolitan area, not importing an alien model from elsewhere; and**
- 4. the submission is to include an examination of the option of retaining existing local governments in Perth's western suburbs and strengthening and developing a group entity with multi-functional regional responsibilities.**



## Committee Recommendation

That:

1. the City of Nedlands prepares and lodges a submission to the Metropolitan Local Government Review Panel by 23 December 2011 ;
2. the submission should emphasise the importance of building on the history and structure of governance existing in the Perth metropolitan area, not importing an alien model from elsewhere;
3. the submission is to include an examination of the option of retaining existing local governments in Perth's western suburbs and strengthening and developing a group entity with multi-functional regional responsibilities.

## Comment:

At the Local Government Managers Australia conference at Fremantle on 4 November 2011, the Chair of the Metropolitan Local Government Review Panel, Professor Alan Robson, spoke on the review. He stated the terms of reference provided a strong mandate for change and this was a once-in-a-lifetime opportunity. He interpreted this as a directive to examine the appropriateness of alternative governance structures for capacity building in regional, financial and social planning. The review was looking at Auckland, with its metropolitan government and local boards (a top down approach) and Vancouver with its over-arching voluntary metropolitan board (a bottom up approach). Professor Robson said "If starting again, it is unlikely there would be 30 local governments in the Perth metropolitan area". He wanted to avoid metropolitan mediocrity and there was a strong desire for change. Leadership was about making decisions; history remembers people with courage, not the naysayers.

There were many questions to Professor Robson, which he had difficulty answering.

It is understandable that the State Government wants to reduce the number of local governments it has to deal with: 30 in the metropolitan area and 139 throughout WA. If it dealt only with regional groups for the distribution of road funds, Royalties for Regions grants, etc, the number could be reduced to less than 10 in country areas and around the same number in the metropolitan area.

This could be the basis of the City of Nedlands' submission to the Metropolitan Local Government Review.

**14.5 Scheme Amendment No. 192 Town Planning Scheme No. 2 – Dalkeith Special Control Area Provisions**

**Regulation 11(da) – Not applicable**

Moved – Councillor Hassell

Seconded – Councillor Porter

**That this matter be deferred pending receipt of legal advice.**

**CARRIED UNANIMOUSLY 9/-**

**Council Resolution**

**That this matter be deferred pending receipt of legal advice.**

**Committee Recommendation**

The Ministers instructions are taken under protest as the Scheme Amendment No. 192 is:

- contrary to the views of the majority of the community;
- contrary to the outcomes of extensive community consultation;  
and
- contrary to orderly and proper planning undertaken by the City.

**Recommendation to Committee**

That the City of Nedlands discontinues amendment No. 192 of Town Planning Scheme No. 2.

**Comment:**

The City of Nedlands in good faith initiated scheme amendment No. 192 of Town Planning Scheme No. 2 to increase commercial and residential densities along Waratah Avenue Dalkeith, in accordance with State Government policies. After much community consultation a compromise was reached and documents submitted to the Minister for Planning, for approval.

The Minister requested changes to further increase densities, which were rejected by a clear majority of submissions from the community. Notwithstanding, the minister has resolved to override all objections.

It is now considered that Amendment No. 192 is unacceptable to the community and City of Nedlands.

A town planning scheme amendment initiated by a local government can be discontinued at any time. However under clause 76 of the Planning and Development Act, the Minister has the power to order a local government to prepare or adopt a scheme or amendment.

It is recommended that the City of Nedlands discontinues Amendment No. 192. The Minister could instruct the Council to finalise the amendment. However in that event, the responsibility for the amendment would lie squarely with the Minister, not the Council who would keep faith with the community.

Council's solicitors have been asked to confirm the wording of the resolution.

**15. Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 13 December 2011**

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.

**15.1 Councillor Hodsdon – Parking Restrictions – North Hollywood**

In accordance with Standing Orders, Councillor Hodsdon gave notice of his intention to move the following at the Council Meeting to be held on 13 December 2011.

**That the City**

- 1. sends a letter to ratepayers in the area bounded by Aberdare Road, Kingston Street, Verdum Street and Kitchener Street and those bound by Williams Road, Hampden Road, Stirling Hwy Smyth Road and Monash Avenue to gather the information on whether they would like no parking on both sides of the street Monday to Friday from 9am to 5pm**

2. **should the response be an absolute majority then that street will be actioned with no parking Monday to Friday from 9am to 5pm**
3. **each resident is given one temporary parking permit valid for outside their residence only with the condition that the cars owner is at the residence while the car is there.**

**LAPSED DUE TO NO MOVER**

Administration Comment

Administration have engaged an independent traffic consultant to investigate various issues such as traffic movements, traffic volumes, vehicle types and potential traffic solutions in the North Hollywood Precinct as per Traffic Management Committee Resolution on 2 June 2011.

Committee Recommendation

Committee:

- a. receives the report;
- b. requests Administration undertake a traffic and parking monitoring program for a minimum of 3 consecutive months in length to determine traffic movement patterns, parking patterns and heavy vehicle and truck movements in North Hollywood residential area and report back by December 2011;
- c. requests Administration investigate and implement temporary measures to prevent QEII construction traffic particularly trucks from using the North Hollywood residential area; and
- d. requests Administration write to all residents in North Hollywood and advise them on the traffic management.

In addition through Administrations internal Integrated Strategic Transport Working Group, Administration will be reviewing the 2009 Draft Parking Strategy which will encompass issues at both the individual precincts and at a city wide level/approach.

Therefore Administration does not support this notice of motion.

## **15.2 Councillor Hodsdon – Parking Smyth Road and Park Road**

In accordance with Standing Orders, Councillor Hodsdon gave notice of his intention to move the following at the Council Meeting to be held on 13 December 2011.

**That the City implements “No parking on verge Monday to Friday from 9am to 5pm” On Smyth Road between Verdun Street and Monash Avenue and the same on Park Street from Hampton Road to Williams Road.**

### **LAPSED DUE TO NO MOVER**

#### Administration Comment

At the Traffic Management Committee held 2 August 2011, the Committee Recommendation a similar outcome as follows:

#### Committee Recommendation

1. Administration be instructed to implement a two (2) hour parking restriction (2P) 8 am to 5 pm, Monday to Friday “Verge only” on the eastern side of Smyth Road from Monash Avenue to Verdun Street and that no verge parking be permitted on the western side of Smyth Road from Monash Avenue to Verdun Street for a trial period of six (6) months;
2. Instruct Administration to undertake community consultation with residents and stakeholders within the area including hospital staff; and
3. Investigate options for formalised street and off street parking on Smyth Road.

Points 1 & 2 have been completed and point 3 is being investigated.

**15.3 Councillor Hodsdon – Parking near UWA Campus**

In accordance with Standing Orders, Councillor Hodsdon gave notice of his intention to move the following at the Council Meeting to be held on 13 December 2011.

**That the City designates parking bordering UWA campus on Gordon Street and Clifton Street becomes 2 hours only for Monday to Friday from 9am to 5pm.**

**LAPSED DUE TO NO MOVER**

Administration Comment

Administration supports and therefore should go out to Community Consultation with the results being presented to Council.

**15.4 Councillor Hodsdon – Resource Sharing – Planning and Ranger Services**

In accordance with Standing Orders, Councillor Hodsdon gave notice of his intention to move the following at the Council Meeting to be held on 13 December 2011.

**That the City looks at sharing planning and ranger services with Town of Claremont and the City of Subiaco.**

**LAPSED DUE TO NO MOVER**

Administration Comment

Supported. Discussions have been held in respect to sharing rangers but have been unsuccessful due to other Councils withdrawing from discussions.

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

Moved – Councillor Porter  
Seconded – Councillor McManus

In accordance with Standing Order 14.1 (2) that the resolution of the Special Council meeting 8 November 2011 be revoked.

**CARRIED UNANIMOUSLY 9/-**

In support of this motion, the Mayor presented a motion supported in writing by 8 elected members in accordance with Regulation 10 of the *Local Government (Administration) Regulation 1996*.

**17. Confidential Items**

Nil.

**Declaration of Closure**

There being no further business, the Presiding Member declared the meeting closed at 9.50 pm.

**Attachment to Item 13.1**

**Council Meeting – 22 November 2011**

Common Seal Register Report – October 2011



**OCTOBER 2011**

583	4 October 2011	Development Services	Council Resolution 23 August 2011	Mt Claremont Cafe Lease (2 copies) 19 Haldane Street Mt Claremont – between City of Nedlands and La Mousse Cafe & Patisserie
584	26 October 2011	Development Services	Delegated Authority	Notification under Section 70A – Lot 259 No. 101 Victoria Avenue Dalkeith – Restrict Use of garage level to garage or storage.
585	26 October 2011	Development Services	Delegated Authority	Notification under Section 70A –Lot 753 No. 11 Circe Circle Dalkeith – Restrict use of basement level (ie garage, store or wine cellar)

**Attachment to Item 13.2**

**Council Meeting – 22 November 2011**

List of Delegated Authorities – October 2011

**DELEGATED AUTHORITY REPORT**

List of Delegated Authority - October 2011

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Date 15/11/2011

Time 3:38:20 PM

Login Name Nicole Borowicz

**DEL11/521****Mt Claremont Cafe Lease (2 copies) 19 Haldane Street Mt Claremont – between City of Nedlands and La Mousse Cafe & Patisserie***Delegation Type* 1D - Use of Council's Common Seal and Authority to Sign Documents*Date Registered* 4/10/2011 at 5:06 PM*Position Exercising Delegated Authority* Chief Executive Officer*How Delegation Is Recorded* Seal Register*Applicant* City of Nedlands (Addressee)**DEL11/522****Approval to write off of minor rate debts - Sept 2011 - \$128.64***Delegation Type* 3F - Write off of Minor Debts*Date Registered* 6/10/2011 at 8:13 AM*Position Exercising Delegated Authority* Chief Executive Officer*How Delegation Is Recorded* Authorisation Form*Applicant* City of Nedlands (Addressee)**DEL11/523****7 ( Lot 192 ) Kinninmont Avenue Nedlands - Additions to Carport and Patio***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 10/10/2011 at 7:27 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Midland Outdoor Centre (Addressee)**DEL11/524****39 ( Lot 37 ) Langham Street Nedlands - Two Storey Additions/Alterations and Carport***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 10/10/2011 at 7:28 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Tascone Design Team (Addressee)**DEL11/525****86 ( Lot 237 ) Birkdale Street Floreat - Single Storey Additions to Dinning Room Only***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 10/10/2011 at 7:30 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* David Allen Brittain (Addressee)**DEL11/526****35 ( Lot 215 ) Verdun Street Nedlands - Two Storey Dwelling***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 10/10/2011 at 7:31 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Arkitek 10 (Addressee)**DEL11/527****7 ( Lot 127 ) Archdeacon Street Nedlands - Front and Rear Boundary Fencing***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 10/10/2011 at 7:33 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Luke & Karen O'Malley (Addressee)**DEL11/528****86 ( Lot 8 ) Brookdale Street Floreat - Single Storey Additions/Alterations***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 10/10/2011 at 7:35 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Tangent Nominees Pty (Addressee)

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**DEL11/529****30 ( Lot 380 ) Bedford Street Nedlands - Swimming Pool****Delegation Type** 6A - TPS No 2 - Approval and Refusal of Planning Applications**Date Registered** 10/10/2011 at 7:36 AM**Position Exercising Delegated Authority** Manager Statutory Planning**How Delegation Is Recorded** Approval Letter (Planning D'A/s)**Applicant** Sapphire Pools (Addressee)**DEL11/530****57 ( Lot 3850 ) Goldsmith Road Dalkeith - Front Fence****Delegation Type** 6A - TPS No 2 - Approval and Refusal of Planning Applications**Date Registered** 10/10/2011 at 7:37 AM**Position Exercising Delegated Authority** Manager Statutory Planning**How Delegation Is Recorded** Approval Letter (Planning D'A/s)**Applicant** Gerard & Margaret Andre (Addressee)**DEL11/531****25 ( Lot 314 ) Lisle Street Mt Claremont - Amendments to Approval - Rainwater tank Installation, Removal of Obscured Glazing and Screening****Delegation Type** 6A - TPS No 2 - Approval and Refusal of Planning Applications**Date Registered** 10/10/2011 at 7:38 AM**Position Exercising Delegated Authority** Manager Statutory Planning**How Delegation Is Recorded** Approval Letter (Planning D'A/s)**Applicant** Peter & Nicola Netherway (Addressee)**DEL11/532****24 ( Lot 383 ) Bedford Street Nedlands - Swimming Pool****Delegation Type** 6A - TPS No 2 - Approval and Refusal of Planning Applications**Date Registered** 10/10/2011 at 7:40 AM**Position Exercising Delegated Authority** Manager Statutory Planning**How Delegation Is Recorded** Approval Letter (Planning D'A/s)**Applicant** Todd Mitsos (Addressee)**DEL11/533****52 ( Lot 674 ) Gallop Road Dalkeith - Outbuilding to Single House****Delegation Type** 6A - TPS No 2 - Approval and Refusal of Planning Applications**Date Registered** 10/10/2011 at 7:41 AM**Position Exercising Delegated Authority** Manager Statutory Planning**How Delegation Is Recorded** Approval Letter (Planning D'A/s)**Applicant** Stratco (WA) Pty Ltd (Addressee)**DEL11/534****6 ( Lot 271 ) The Lodge Mt Claremont - Additions to Ground Floor of Single House****Delegation Type** 6A - TPS No 2 - Approval and Refusal of Planning Applications**Date Registered** 10/10/2011 at 7:42 AM**Position Exercising Delegated Authority** Manager Statutory Planning**How Delegation Is Recorded** Approval Letter (Planning D'A/s)**Applicant** Neil Wilson Constructions (Addressee)**DEL11/535****12/49 ( Lot 12 ) Broome Street Nedlands - Additions to Garage and Boundary Wall to Grouped Dwellings****Delegation Type** 6A - TPS No 2 - Approval and Refusal of Planning Applications**Date Registered** 10/10/2011 at 7:44 AM**Position Exercising Delegated Authority** Manager Statutory Planning**How Delegation Is Recorded** Approval Letter (Planning D'A/s)**Applicant** Alan L Gibbs (Addressee)**DEL11/536****22 ( Lot 158 ) Neville Road Dalkeith - Retrospective Retaining Wall****Delegation Type** 6A - TPS No 2 - Approval and Refusal of Planning Applications**Date Registered** 10/10/2011 at 7:46 AM**Position Exercising Delegated Authority** Manager Statutory Planning**How Delegation Is Recorded** Approval Letter (Planning D'A/s)**Applicant** Webb & Brown-Neaves (Addressee)

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**Continued...****DEL11/537****137a ( Lot 802 ) Rochdale Road Mt Claremont - Front Fence and Gatehouse to Single House***Delegation Type***6A - TPS No 2 - Approval and Refusal of Planning Applications***Date Registered***10/10/2011 at 7:47 AM***Position Exercising Delegated Authority***Manager Statutory Planning***How Delegation Is Recorded***Approval Letter (Planning D'A/s)***Applicant***Andrew & Katherine Bathgate (Addr****DEL11/538****95 ( Lot 255 ) Smyth Road Nedlands - Swimming Pool to Single House***Delegation Type***6A - TPS No 2 - Approval and Refusal of Planning Applications***Date Registered***10/10/2011 at 7:49 AM***Position Exercising Delegated Authority***Manager Statutory Planning***How Delegation Is Recorded***Approval Letter (Planning D'A/s)***Applicant***Sapphire Pools (Addressee)****DEL11/539****29 ( Lot 312 ) Lisle Street Mt Claremont - Amendments from DA10/59 and Retrospective Approval for Loft Windows***Delegation Type***6A - TPS No 2 - Approval and Refusal of Planning Applications***Date Registered***10/10/2011 at 7:50 AM***Position Exercising Delegated Authority***Manager Statutory Planning***How Delegation Is Recorded***Approval Letter (Planning D'A/s)***Applicant***Savvy Construction (Addressee)****DEL11/540****Community Grant - Church Music Concert - NOT APPROVED (Core business of applicant)***Delegation Type***10E - Community and Cultural Development Fund***Date Registered***10/10/2011 at 11:58 AM***Position Exercising Delegated Authority***Manager Community Development***How Delegation Is Recorded***Authorisation Form***Applicant***Nathan & Chanelle Clifford (Address****DEL11/541****Community Grant - International Day for People with Disability Breakfast***Delegation Type***10E - Community and Cultural Development Fund***Date Registered***11/10/2011 at 3:43 PM***Position Exercising Delegated Authority***Manager Community Development***How Delegation Is Recorded***Authorisation Form***Applicant***Tanya McDonald (Addressee)****DEL11/542****Community Grant - Swanbourne Xmas Carols***Delegation Type***10E - Community and Cultural Development Fund***Date Registered***17/10/2011 at 11:17 AM***Position Exercising Delegated Authority***Manager Community Development***How Delegation Is Recorded***Authorisation Form***Applicant***Maxine Mazzucchelli (Addressee)****DEL11/543****Youth Grant - Under 15's Men's State Hockey Championships***Delegation Type***10F - Sponsorship of Youth Initiatives Fund***Date Registered***17/10/2011 at 3:48 PM***Position Exercising Delegated Authority***Manager Community Development***How Delegation Is Recorded***Authorisation Form***Applicant***James Raymond Benetti (Addressee)****DEL11/544****Youth Grant - Future Problem Solving Championships National Finals***Delegation Type***10F - Sponsorship of Youth Initiatives Fund***Date Registered***17/10/2011 at 3:52 PM***Position Exercising Delegated Authority***Manager Community Development***How Delegation Is Recorded***Authorisation Form***Applicant***Claire McCarthy (Addressee)**

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**Continued...****DEL11/553****64 ( Lot 2 ) Jutland Parade Dalkeith - Three Storey Dwelling***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***6A - TPS No 2 - Approval and Refusal of Planning Applications****21/10/2011 at 11:36 AM****Manager Statutory Planning****Approval Letter (Planning D'A/s)****Milankov Designs (Addressee)****DEL11/554****62 ( Lot 421 ) Stanley Street Nedlands - Outbuilding to Single House***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***6A - TPS No 2 - Approval and Refusal of Planning Applications****21/10/2011 at 11:41 AM****Manager Statutory Planning****Approval Letter (Planning D'A/s)****Vincent & Eileen van Helden (Addre****DEL11/555****114 ( Lot 243 ) Rochdale Road Mt Claremont - Additions to Patio and Outbuilding to Single House***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***6A - TPS No 2 - Approval and Refusal of Planning Applications****21/10/2011 at 11:42 AM****Manager Statutory Planning****Approval Letter (Planning D'A/s)****Judith McDougall (Addressee)****DEL11/556****83 ( Lot 33 ) Birdwood Parade Dalkieth - Additions to Patio to Single House***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***6A - TPS No 2 - Approval and Refusal of Planning Applications****21/10/2011 at 11:45 AM****Manager Statutory Planning****Approval Letter (Planning D'A/s)****R Colin (Addressee)****DEL11/557****54 ( Lot 30 ) Doonan Road Nedlands - Additions to Carport to Single House***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***6A - TPS No 2 - Approval and Refusal of Planning Applications****21/10/2011 at 11:47 AM****Manager Statutory Planning****Approval Letter (Planning D'A/s)****Carport Constructions (Addressee)****DEL11/558****11 ( Lot 330 ) Florence Road Nedlands - Swimming Pool***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***6A - TPS No 2 - Approval and Refusal of Planning Applications****21/10/2011 at 11:49 AM****Manager Statutory Planning****Approval Letter (Planning D'A/s)****Buccaneer Pools (Addressee)****DEL11/559****91 ( Lot 645 ) Thomas Street Nedlands - Tennis Court and Lights***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***6A - TPS No 2 - Approval and Refusal of Planning Applications****21/10/2011 at 11:50 AM****Manager Statutory Planning****Approval Letter (Planning D'A/s)****Pierre & Justine Schinazi (Adresse****DEL11/560****31 ( Lot 2 ) Cooper Street Nedlands - Additions to Two Storey to Grouped Dwelling***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***6A - TPS No 2 - Approval and Refusal of Planning Applications****21/10/2011 at 11:51 AM****Manager Statutory Planning****Approval Letter (Planning D'A/s)****Juliette Coakes (Addressee)**

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**DEL11/561**      **13 ( Lot 275 ) Hampden Road Nedlands - Change of Use from Showroom to Consulting Rooms and Proposed Fence**

<i>Delegation Type</i>	<b>6A - TPS No 2 - Approval and Refusal of Planning Applications</b>
<i>Date Registered</i>	<b>21/10/2011 at 12:05 PM</b>
<i>Position Exercising Delegated Authority</i>	<b>Manager Statutory Planning</b>
<i>How Delegation Is Recorded</i>	<b>Approval Letter (Planning D'A/s)</b>
<i>Applicant</i>	<b>Tang Hee Family Trust (Addressee)</b>

**DEL11/562**      **75 ( Lot 642 ) Waratah Avenue Dalkeith - Outbuilding to Single House**

<i>Delegation Type</i>	<b>6A - TPS No 2 - Approval and Refusal of Planning Applications</b>
<i>Date Registered</i>	<b>21/10/2011 at 12:11 PM</b>
<i>Position Exercising Delegated Authority</i>	<b>Manager Statutory Planning</b>
<i>How Delegation Is Recorded</i>	<b>Approval Letter (Planning D'A/s)</b>
<i>Applicant</i>	<b>Ralf Dresen (Addressee)</b>

**DEL11/563**      **10 ( Lot 4300 ) Kathryn Crescent Dalkeith - Two Storey Dwelling**

<i>Delegation Type</i>	<b>6A - TPS No 2 - Approval and Refusal of Planning Applications</b>
<i>Date Registered</i>	<b>21/10/2011 at 12:12 PM</b>
<i>Position Exercising Delegated Authority</i>	<b>Manager Statutory Planning</b>
<i>How Delegation Is Recorded</i>	<b>Approval Letter (Planning D'A/s)</b>
<i>Applicant</i>	<b>Webb &amp; Brown-Neaves (Addressee)</b>

**DEL11/564**      **99 ( Lot 541 ) Broadway Nedlands - Retaining and Portion of South Boundary Fence to Non-Residential Premises**

<i>Delegation Type</i>	<b>6A - TPS No 2 - Approval and Refusal of Planning Applications</b>
<i>Date Registered</i>	<b>21/10/2011 at 12:14 PM</b>
<i>Position Exercising Delegated Authority</i>	<b>Manager Statutory Planning</b>
<i>How Delegation Is Recorded</i>	<b>Approval Letter (Planning D'A/s)</b>
<i>Applicant</i>	<b>MCD Construction (Addressee)</b>

**DEL11/565**      **83 ( Lot 3 ) Vincent Street Nedlands - Two Storey Dwelling**

<i>Delegation Type</i>	<b>6A - TPS No 2 - Approval and Refusal of Planning Applications</b>
<i>Date Registered</i>	<b>21/10/2011 at 12:15 PM</b>
<i>Position Exercising Delegated Authority</i>	<b>Manager Statutory Planning</b>
<i>How Delegation Is Recorded</i>	<b>Approval Letter (Planning D'A/s)</b>
<i>Applicant</i>	<b>Arcologic Design (Addressee)</b>

**DEL11/566**      **103 ( Lot 43 ) Clement Street Swanbourne - Two Storey Dwelling and Swimming Pool**

<i>Delegation Type</i>	<b>6A - TPS No 2 - Approval and Refusal of Planning Applications</b>
<i>Date Registered</i>	<b>21/10/2011 at 12:16 PM</b>
<i>Position Exercising Delegated Authority</i>	<b>Manager Statutory Planning</b>
<i>How Delegation Is Recorded</i>	<b>Approval Letter (Planning D'A/s)</b>
<i>Applicant</i>	<b>Lyons Architecture &amp; Interiors (Addressee)</b>

**DEL11/567**      **Seal Certification - Seal No. 584 - Notification under Section 70A – Lot 259 No. 101 Victoria Avenue Dalkeith – Restrict Use of garage level to garage or storage.**

<i>Delegation Type</i>	<b>1D - Use of Council's Common Seal and Authority to Sign Documents</b>
<i>Date Registered</i>	<b>26/10/2011 at 11:25 AM</b>
<i>Position Exercising Delegated Authority</i>	<b>Chief Executive Officer</b>
<i>How Delegation Is Recorded</i>	<b>Seal Register</b>
<i>Applicant</i>	<b>Jahnn Stati (Addressee)</b>



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**DEL11/568****Seal Certification - Seal No. 585 Notification under Section 70A –Lot 753 No. 11 Circe Circle Dalkeith – Restrict use of basement level (ie garage, store or wine cellar)***Delegation Type* 1D - Use of Council's Common Seal and Authority to Sign Documents*Date Registered* 26/10/2011 at 11:34 AM*Position Exercising Delegated Authority* Chief Executive Officer*How Delegation Is Recorded* Seal Register*Applicant* Julian Feng (Addressee)**DEL11/569****Infringement Withdrawal 501812 - Stephen Kriel***Delegation Type* 9C - Withdrawal of Infringement Notices*Date Registered* 27/10/2011 at 12:08 PM*Position Exercising Delegated Authority* Director Corporate Services*How Delegation Is Recorded* Withdrawal Notice*Applicant* Stephen Kriel (Addressee)**DEL11/570****Infringement Withdrawal 101285 - Pei Shan Chow***Delegation Type* 9C - Withdrawal of Infringement Notices*Date Registered* 31/10/2011 at 10:15 AM*Position Exercising Delegated Authority* Director Corporate Services*How Delegation Is Recorded* Withdrawal Notice*Applicant* Pei Shan Chow (Addressee)

**Attachment to Item 16**

**Council 22 November 2011**

**Notice of Motion to Revoke a Decision of Council**

## **NOTICE OF MOTION TO REVOKE A DECISION OF COUNCIL**

In accordance with Standing Order 14.1 (2):

- (a) Substantive resolution to be revoked, from Special Council meeting of 8 November 2011:

6. **118 Monash Avenue Nedlands (Lot No. 888 DP 59743) – Proposed Temporary Carpark for use by QEII Hospital.**

### **Council Resolution**

1. **Council approves the application and plans dated 4 November 2011 for a temporary landscaped carpark at 118 Monash Avenue, Nedlands with the following conditions:**
- a) **The carpark is to be designed to accommodate a maximum of 250 vehicles, in accordance with the master plan for the site;**
  - b) **The hours of operation shall be limited to 6:00am – 7:00pm;**
  - c) **Outside of the operation hours the carpark area shall be secured so that vehicles cannot enter the site;**
  - d) **The use of the carpark shall cease after a maximum period of 18 months from commencement or at the time of opening the first stage of the QEII multi-storey carpark, whichever is the sooner;**
  - e) **On the cessation of the use of the carpark, the carparking site shall be rehabilitated to the satisfaction of the City;**
  - f) **The carpark shall be marked, drained and maintained to the satisfaction of the City;**
  - g) **There shall be an additional entry/exit point on Karella Street;**
  - h) **Prior to commencement of use of the carpark, entry/exit signage shall be implemented in conjunction with, and to the satisfaction of, the City. This shall include compulsory STOP signs at exits;**
  - i) **Prior to the commencement of use of the carpark, the corner of Karella Street and Williams Road shall be widened by the applicant/owner to the satisfaction of**

the City at the owners/applicants cost;

- j) Prior to the commencement of the development, a Construction Management Plan shall be prepared to the satisfaction of the City, this plan shall detail how proposed site works will be managed to minimise impacts and shall address but not be limited to:
  - i. Hours of operation;
  - 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*;
  - vii. Management of vibrations;
  - viii. Control of dust; and
  - ix. Complaints and incidents;
- k) Prior to commencement of the development, an Operational Management Plan shall be prepared to the satisfaction of the City to include:
  - i. security;
  - ii. contact person(s) for resident complaints;
  - iii. process for resolving noise and/or traffic issues; and
  - iv. maintenance.
- l) Prior to commencement of use of the site, a detailed landscape plan shall be prepared and implemented by the applicant/owner to the satisfaction of the City. This Landscaping shall include:
  - i. all existing and proposed, hard and soft landscaping;
  - ii. a buffer landscaping strip around the carpark, with a minimum width of 5 m, excluding the road verges;
  - iii. retention of all existing trees on the site;
  - iv. compliance with the City of Nedlands Greenways Policy 4.14 and;
  - v. an appropriate reticulation system.

Once approved, the landscape plan shall be continuously maintained to the satisfaction of the City;

- m) An acoustic barrier shall be constructed to a height

that ensures compliance with the relevant Noise Regulations on the northern and western boundaries of the carpark;

- n) The operation of the carpark must comply with the *Environmental Protection (Noise) Regulations 1997* at all times;
  - o) Prior to commencement of use of the carpark, independent expert advice from a suitably qualified person(s) shall be prepared and implemented to ensure the lighting proposed will not cause adverse amenity impacts on the surrounding owners and occupiers and comply with the relevant Australian Standards;
  - p) Prior to commencement of use of the carpark, a Dust Management Plan shall be prepared to the satisfaction of the City to ensure any dust from the carpark surface(s) is managed to minimise impacts;
  - q) All costs associated with the development shall be at the cost of the owners/applicants, including costs associated with managing traffic into and out of the site and any landscaping approved on the verges.
2. Council initiates, with community consultation, full or partial closure of Hardy Road at the intersection with Williams Road for the period of the temporary carpark operation.
3. Council advises the Ministers for Health and Environment of the community's strong desire for the Monash Avenue Bushland, as shown in the master plan for the QEII site, to be retained in perpetuity.

**Advice Notes:**

**A demolition license shall be required prior to any demolition of buildings on the site.**

- (b) Reason for revocation:

The Health Department no longer wishes to proceed with the proposed car park.

Revocation would prevent the owner of the site proceeding to construct a commercial car park.

(c) Signatures in support of the revocation:

Max Hiptin

MRB ~~Barrell~~

Waller

Jon L. Beggs

~~Loft~~  
~~Maat~~ ~~Shaw~~

Mike Sumb-B

Port.