



City of Nedlands

Minutes

Council Meeting

27 April 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 Wednesday 27 April 2011 at 7.00 pm.

Declaration of Opening

The Presiding Member declared the meeting open at 7.00 pm and drew attention to the disclaimer below.

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

Present and Apologies and Leave Of Absence (Previously Approved)

Councillors	Her Worship the Mayor, S A Froese	(Presiding Member)
	Councillor K E Collins	Coastal Districts Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor R M Hipkins	Dalkeith Ward
	Councillor M S Negus	Dalkeith Ward
	Councillor R M Binks	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor M L Somerville-Brown	Melvista Ward
	Councillor I Tan	Melvista Ward
	Councillor B Tyson (from 7.18 pm)	Melvista Ward

Staff	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 S Love	Executive Assistant
	Ms G Martyn	Development Services Administration Assistant

Public There were 36 members of the public present.

Press The Post Newspaper and Western Suburbs Weekly representatives.

Leave of Absence Nil.
(Previously Approved)

Apologies Mr GT Foster Chief Executive Officer
Councillor J D Bell Hollywood Ward

Absent Nil.

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1. Public Question Time

1.1 Responses to previous questions from members of the public taken on notice

Moved – Councillor Negus
Seconded – Councillor Binks

That the following questions tabled by Mr K Eastwood, Ms H Leeder and Mr C Latchem (Items 1.1.1 to 1.1.4), together with answers from Administration, are taken as having been read to the meeting due to them having been included in the meeting agenda.

**CARRIED 10/1
(Against: Cr. Hipkins)**

1.1.1 Mr K Eastwood – 7 Alexander Place, Dalkeith – 2030 Community Visioning Project Outcomes Report

At the Council meeting on 22 March 2011, Mr G Foster, Chief Executive Officer, on behalf of Mr K Eastwood, Chairman Nedlands

Electors Association Inc of 7 Alexander Place, Dalkeith tabled the following five questions in relation to Report CM02.11 - 2030 Community Visioning Project Outcomes Report.

Question 1

The City of Nedlands publication CITY NEWS Autumn 2011 notes that at the 2030 Conference on Saturday 5 February 2011 there were 100 participants in attendance. The report under consideration for Council acceptance this evening, attachment 1, draws its statistics from no more than 78 votes on any subject. This has led to incorrect percentage voting of all items mentioned in the 8 page document.

For example item 1 records the percentage in favour as 94.80% by combining the "strongly support (75.32%)" and "support (19.48%)" categories. If 100 persons were in attendance then 23 of those attendees have failed to vote on the subject which therefore results in the voting in support as 73% (58% and 15%) not 94.80%. The remainder of the percentages reported for each of the 40 questions examined are, likewise, also incorrect on the same basis.

Please confirm whether there were 100 conference participants as noted in the Autumn edition of City News?

Answer 1

Following the very successful workshops and call for submissions in which over 2,100 people took part and made over 8,500 submissions to determine a Vision for their Community, 200 people were invited to take up 100 places and participate the final conference in which these visions were to be turned into Strategies. Some of those final invitees, including members of NEA, chose not to attend nor take part for whatever reason. From all reports, those who did attend were enthusiastic in their involvement and respectful of the opportunity to contribute to the future of their own Community.

The Conference was a "think tank" of the Community to deliver the outcomes of a much wider audience.

Question 2

The report states that at Stage 1 - Gathering Information - consisted of the following consultation opportunities (17 listed). Included in the 17 sources listed are the following:

- Family Fun Day
- Children's Art Competition
- Mt Claremont Markets Consult
- Library Christmas Party Consult
- Shenton College Concert
- 4 Sure Youth Festival
- 2 Full page newspaper ads

Please outline how each of these sources provided any sort of meaningful, measurable feedback?

Answer 2

That over 8,000 submissions were received is a measure of the success of the project and the figures in Nedlands generally exceed the ratios of other similar Oregon exercises conducted throughout the world. Given the diversity of the demographic of the City (nearly 34% under the age of 25 and 65% of residents living in a home with children) it was considered that all should have an opportunity to contribute in determining the future of the place they live. Attempts were therefore made to reach all of the Community and not only listen to the “squeaky wheels”

It will be up to individual Councillors to determine for themselves how much they are prepared to accept those views and what value they place on them when it comes time for Councillors to workshop the results.

Question 3

Whilst it may be true that over 2,100 persons submitted 8,500 separate items of information, many of which will have been overlapping, duplicated or repeated or of very little value, the end analysis now provided has been the result of opinions given by just 100 (or less) selected participants in the one day conference.

Given that the population of the City is 22,400 persons how can a response from 100 participants (0.45 of 1%), or less, be considered to be the basis of a future Strategic Plan?

Answer 3

Quite rightly, it is pointed out that nearly 8,500 submissions were received from over 2,100 individuals towards determining a Vision for their city. The 100 invitees to the Conference did not set the metavision but were invited to participate in taking that Vision and turning their components into Strategies. The 13 members of Council will then take both results and workshop them for possible inclusion in the City's Strategic Plan or can choose to reject the views expressed by 2,100 members of the Community.

Question 4

The report contains a number of “motherhood statements” such as “We will live sustainably within the natural environment”, “We will live in a beautiful place”, “Many people will walk or cycle to their local community hub”, “Our gardens, streets and parks will be leafy and green despite water restrictions”, “A state of the art public and private

urban transport system”, and “Easy access to local shops, businesses, markets, community centres, libraries and parks”. Who is going to say they don’t support wider bike paths, later opening coffee shops, cleaner discharge into the Swan, faster planning processes, more efficient use of water, etc.?

How can achievement of such a subjective wish list be measured?

Answer 4

The Statements produced are the product of the views of over 2,100 residents who had every opportunity to raise whatever matters they thought appropriate. It is not up to us at this stage to change any of those or necessarily add to them, ignore or subtract from them. They are the product of Community consultation and provides Council with a clear expression of that Community’s views so that when Council needs to make some hard financial or other decisions they can remind Council of their Vision for the future.

Question 5

Of the 40 questions analysed over the 8 page Attachment 1, a number are repetitive i.e. re cycle paths, and increased density around civic and commercial hubs.

Will feedback be refined to grade items as to relevance?

Answer 5

In the normal course of consultation around Strategic Planning over the next 10 years, it would be hoped that Council would work with the Community to continuously test priorities.

1.1.2 Ms H Leeder - 3 Cuthbert Street, Shenton Park - Proposal for a temporary parking facility to be located at Highview Park

At the Council meeting on 22 March 2011, Mr G Foster, Chief Executive Officer, on behalf of Ms H Leeder of 3 Cuthbert Street, Shenton Park tabled the following 3 questions in relation to the proposal for a temporary parking facility to be located at Highview Park.

Question 1

Will the Mayor confirm that, as a Class A Reserve, the vested use of Highview Park is for Recreation, and that changing the usage will involve both Houses of State Parliament?

Answer 1

The Reserve description on the management order is Reserve Class A, and the designated purpose is recreation. Initial advice from the State land Services is that it would need to be considered by both Houses of Parliament

Question 2

Will the Mayor inform this meeting which Ministers will be involved in making this decision?

Answer 2

As the item would be before both House of parliament I would expect that they would all participate, but I would expect that the Minister for Health, the Minister for lands and possibly the ministers for the environment and Sport and recreation.

Question 3

Will the Mayor use Thursday's information session to advise residents of the State's proposal and intended plan of action, as must have been outlined to the CEO?

The questions was taken on notice and will be answered in writing, and both the questions, together with the answers, will be included in the agenda and minutes of the next ordinary Council meeting scheduled for 27 April 2011.

Answer 3

Yes the meeting is for an initial input from immediately affect landowners and stakeholders.

1.1.3 Mr C Latchem - 2 Sherwood Road, Dalkeith – Amalgamation with the City of Subiaco

At the Council meeting on 22 March 2011, Mr G Foster, Chief Executive Officer, on behalf of Mr C Latchem of 2 Sherwood Road, Dalkeith tabled the following six questions in relation to an amalgamation with the City of Subiaco.

Question 1

What specific qualifications, professional expertise and experience in business planning, strategic planning, and capital works planning, asset management, and the legal, management and financial aspects

of local government can be evidenced by the Nedlands Council's representatives on the RTG Board?

Answer 1

The Nedlands members of the RTG Board are put on there by Council decision under an agreement between and the Cities of Subiaco Nedlands and the State Government which provides legal and governance support. Independent research and advice is provided by KPMG, one of the world's largest and most respected business advisory and accounting firms.

Final decisions will be made by Councillors as a whole, each of whom also have their qualification by being elected.

Question 2

If the Business Plan put forward by KPMG does appear to be favourable to amalgamation between Nedlands and Subiaco, what steps will have been taken to ensure that the outcomes are significantly more favourable than through a possible merger between Nedlands and any other neighbouring Council - for example with Claremont, something which, in a fully and well-researched 188-page 2009 document, Nedlands Council previously advocated?

Answer 2

As advised on numerous other occasions, the Town of Claremont has rejected a number of approaches to join in an RTG process with the City of Nedlands. That the City of Subiaco did agree to enter into the process, gives it an advantage over other possible merger partners.

Question 3

Not only did Nedlands Council advocate amalgamation with Claremont in this extensive document, but it stated on page 34 that, 'The City of Nedlands also believes that there are not sufficient synergies or common communities of interest with Subiaco "proper" to warrant pursuit of a full amalgamation with the City of Subiaco'. These findings are less than two years old. What factors have changed since that time?

Answer 3

The SSS Report put together by the Western Australian Local Government Association (WALGA) in 2008 and workshopped and discussed at length since that date, pointed out the need for the Local Government sector to reform itself because of a perceived lack of capacity and resources to make it sustainable in the long term. Responding to this report, The Hon, the Minister for Local Government,

in 2009 embarked upon a program of supporting voluntary reform and amalgamation which could strengthen Local Government and enable it to carry out its responsibilities to its Citizens in a more efficient and cost effective manner. The report referred in part to “The risk for the Local government sector is that unless positive efforts are evident, change is likely to be forced on the sector”.

While the process remains voluntary at this stage, funds to carry out the research and feasibility to determine if there are indeed advantages to the Community, were only to be made available to Councils which chose to enter into the process. It was made clear at the time that Councils choosing to enter into the process voluntarily would also have the opportunity to largely determine their own future. Council ensured then, that the costs of the study were subsidised and not a direct cost to the ratepayer.

The major factor which has changed is that both Councils decided by democratic vote in open Council to enter into the RTG process, thus taking advantage of funds from the State and Commonwealth governments to research once and for all whether there are advantages in a merger or not.

Question 4

The Exploring the Potential website states that the purpose of the community visioning projects undertaken by each council are to ascertain if there is commonality between the values and vision for each community [italics added].

- Why then does the Autumn 2011 City News only state that the community workshops will be written up as a draft Community Plan and shared vision for the City of Nedlands [italics added]. Why is it not explicitly stated that the community visioning workshops were in fact part of the amalgamation process?
- Was the fact that this was the prime aim of these workshops made quite clear to all of the participants in the four community workshops?
- What conclusions, for or against any merger with Subiaco or any other Council, can be derived from the generalities in the four main themes and the ‘shared vision’ statement resulting from this expensive exercise?
- Is Subiaco the only other local government area in the western suburbs where people desire to ‘live sustainably . . . from “cradle to grave” . . . in a diverse community . . . that is vibrant, safe and inclusive’, etc?

Answer 4

The Community Visioning Exercise is valid in its own right whether or not a merger was to ever take place. While it may or may not show a

similarity in values and a vision for each Community, the major purpose of the exercise was to grant the Community the opportunity to have a say and direct input into determining what type of Community they want in the future. It is exactly what the Community often calls for – the chance to have a say and provide a lead for Councillors who are their representatives. That was the main aim and will provide invaluable input into the drawing up of a Community Plan which is a requirement of every Local Council next year.

No Council discussion has yet been held on the outcome of the exercise although that is planned for the near future. Therefore, to try to speculate what conclusions can be drawn is premature.

Similarly, it is not for us to say what other Communities may determine as their values.

Question 5

The RTG Board website states that once the feasibility study has been completed and endorsed by the Department of Local Government, 'the plan' will be considered by each council to decide whether a merger is best for its community. It also states that if either council does not endorse the feasibility study at this stage, the merger will not proceed. What steps will the Council take to make sure that all of the strengths, weaknesses, opportunities and threats of a possible merger are fully spelled out to all of the Nedlands ratepayers so that they can consider these and make their views known to their elected representatives before they vote on endorsement of the Regional Business Plan?

Answer 5

There will no doubt be widespread information and education to the Community on the topic. The whole purpose of the Feasibility study is to determine the strengths, weaknesses, opportunities and threats of a possible merger.

Question 6

The Exploring the Potential website states that 'other councils in Western Australia that have amalgamated have reported the following benefits' of a merger. The source of this 'evidence' is not cited. One assumes that these derive from proposals for amalgamation by the Shires of Mingenew, Morawa, Perenjori and Three Springs in one case, and an MOU between the City of Geraldton-Greenough and the Shire of Mullewa in the second.

- Might it not be have been more intellectually honest to explain the source of these 'findings', and to acknowledge that the needs and conditions within these non-metropolitan areas might be significantly different from those pertaining in Perth?

- Might it have been more in keeping the Council's claims of 'transparency' to have also asked and answered the question, 'What are the cons for any merger between Nedlands and Subiaco' citing, for example, eastern States findings that there are no cost benefits in amalgamating local authorities?
- What costing and other studies have been carried out in regard to amalgamations – and de-amalgamations - in the other States?

Answer 6

There are many sources of comment on the topic of mergers. In the main, and irrespective of the locality of mergers, the benefits and dis-benefits remain the same. These will all be spelt out in the Feasibility Study and, of course, applied to this particular area.

Speculation as to what the Feasibility study may or may not include, is purely that at this point of time.

Question 7

Would the Mayor accept that the ratepayers are being kept in the dark over the ruling that unless more than 50% of the electorate actually vote against any proposed merger (a special condition applying to the RTG process that does not apply generally in the Local Government Law Act), any poll will be nullified and amalgamation will then proceed without any evidence of majority approval on the part of the electorate? Would the Mayor agree that this is a fundamentally undemocratic process?

Answer 7

There are no special provisions relating to a poll applying to the RTG process therefore the question would appear to be based upon a wrong premise.

The Local Government Act makes certain provisions in respect to the calling of and conduct of a poll on the question of any proposed merger and these have been in place for many years. Until a poll is actually called it would again, seem premature and presumptuous to speculate on what decisions each Council may make and the Community reaction to any proposed merger.

1.1.4 Mr K Eastwood – 7 Alexander Place, Dalkeith – Highview Park temporary car park proposal

At the Council Committee meeting on 12 April 2011, Mr G Foster, Chief Executive Officer, on behalf of Mr K Eastwood, Chairman Nedlands Electors Association Inc of 7 Alexander Place, Dalkeith tabled the

following eight questions in relation to the Highview Park temporary car park proposal.

Question 1

Did Council authorise the traffic study being undertaken for Highview Park?

Answer 1

No, the CEO appointed the traffic consultant to undertake the study in accordance with Council's Policy of Purchasing Goods and Services.

Question 2

Did Council authorise the survey of North Hollywood residents in connection with Highview Park?

Answer 2

No, a feedback form was issued following the public meeting.

Question 3

Has the Council received a formal written offer from the Department of Health concerning use of Highview Park?

Answer 3

No.

Question 4

Who contacted you from the Department of Health concerning use of Highview Park?

Answer 4

Previously answered at Committee meeting on 12 April 2011.

Question 5

When did the Department first contact you?

Answer 5

An offer of \$4m for temporary use of the site was made on 18 February 2011.

Question 6

The \$4M offered by the Department of Health for use of Highview Park – is this a net or gross income for the City? ie. What costs come out of it?

Answer 6

It is gross income.

Question 7

Who is paying for the traffic study, survey of residents and preparation of an anticipated business case in connection with use of Highview Park?

Answer 7

The City has extended an already existing traffic study.

Question 8

Has an estimate been prepared of what costs the City is likely to incur if the parking proposal proceeds?

Answer 8

Not as yet. It will be presented to Council in due course.

1.2 Public Question Time

1.2.1 Ms R Leyland – 17 Burwood Street, Nedlands - Highview Park temporary car park proposal

Mayor Froese, on behalf of Ms R Leyland of 17 Burwood Street, Nedlands tabled the following two questions in relation to the Highview Park temporary car park proposal.

Question 1

On what date did the Health Department approach the City if Nedlands with a verbal offer of \$4M for the use of Highview Park?

Question 2

Has the verbal offer for \$4M from the Health department for the use of Highview Park been committed in writing to the City of Nedlands?

The questions were taken on notice and will be answered in writing, and both the questions, together with the answers, will be included in the agenda and minutes of the next ordinary Council meeting scheduled for 24 May 2011.

1.2.2 Ms H Moore – 10 Burwood Street, Nedlands - Highview Park temporary car park proposal

Mayor Froese, on behalf of Ms H Moore of 10 Burwood Street, Nedlands tabled the following two questions in relation to the Highview Park temporary car park proposal.

Question 1

On what date did the City of Nedlands approach the Hollywood Primary School to discuss the Highview Park proposal?

Question 2

On what date did the City of Nedlands approach the Suburban Nedlands City Hockey Club to discuss the Highview Park proposal?

The questions were taken on notice and will be answered in writing, and both the questions, together with the answers, will be included in the agenda and minutes of the next ordinary Council meeting scheduled for 24 May 2011.

1.2.3 Mr E Walker – 3 Burwood Street, Nedlands - Highview Park temporary car park proposal

Mayor Froese, on behalf of Mr E Walker of 3 Burwood Street, Nedlands tabled the following three questions in relation to the Highview Park temporary car park proposal.

Question 1

For the Highview Park proposal, the City of Nedlands has spent monies on traffic studies, survey feedback of residents and the preparation of a business case, where did the funds for this work come from and what budget item?

Question 2

Is it correct that Council has not authorised this expenditure?

Question 3

If the proposal does not proceed, will the City be reimbursed for this expenditure?

The questions were taken on notice and will be answered in writing, and both the questions, together with the answers, will be included in the agenda and minutes of the next ordinary Council meeting scheduled for 24 May 2011.

1.2.4 Ms H Leeder - 3 Cuthbert Street, Shenton Park - Highview Park temporary car park proposal

Non-Elector

Moved – Councillor Hipkins

Seconded – Councillor Negus

That Ms H Leeder, a non-electoral of the City be permitted to ask questions of the Council.

CARRIED UNANIMOUSLY 11/-

Mayor Froese, on behalf of Ms H Leeder of 3 Cuthbert Street, Shenton Park tabled the following four questions in relation to the Highview Park temporary car park proposal.

Question 1

Refer to Report D32.11 - No. 101 (Reserve 33244) Monash Avenue - QEII Medical Centre Access and Structure Plan and Master Plan - Report and Recommendations - Appendix 2 - Clause 4 "Deletion of any north south road connection from Monash Avenue to Verdun Street unless the concept is first negotiated and agreed with the City of Nedlands in consultation with the community."

Has Council been mindful of this dot point throughout all of its informal dealings with QE2MC or with the Health Department – or with any other State Departments or Ministers or their representatives in relationship to Highview Park?

Question 2

Given that the walkway & embankments between the Hollywood Primary School and the Hollywood Private Hospital is wide enough for a private road, and given that the north end of the walkway is within the boundaries of Highview Park; have the Principal and P&C of the Primary School been alerted to the fact that approving the proposal could facilitate the creation of a private road between Monash Avenue and Verdun Street?

Question 3

Does Council agree that the facility to create such an access road would account for the informal offer of \$4m for 12 months parking for a mere 350 odd cars?

Question 4

Given how difficult it is to access specific reports and attachments on the Council website, how does Council account for the website's recent award for excellence in communication?

The questions were taken on notice and will be answered in writing, and both the questions, together with the answers, will be included in the agenda and minutes of the next ordinary Council meeting scheduled for 24 May 2011.

2. Addresses by Members of the Public

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

Mr R Oates, 101 Tyrell Street, Nedlands (Spoke in support of the application)	Report D27.11
Ms M Pen, 97 Tyrell Street, Nedlands (Spoke in opposition to the application)	Report D27.11
Mrs P Millett, 12 Bellevue Avenue, Dalkeith (Spoke in opposition to the application)	Report D28.11

Councillor Tyson joined the meeting at 7.18 pm

Non-Elector

Moved – Councillor Hipkins

Seconded – Councillor Negus

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

CARRIED UNANIMOUSLY 12/-

Mr R Wilton, 36/5 55 Salvado Road, Subiaco (Spoke in support of the application)	Report D28.11
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Non-Elector

Moved – Councillor Hipkins
Seconded – Councillor Negus

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

CARRIED UNANIMOUSLY 12/-

Mr C Lowson, 414 Amaroo Place, Duncraig
(Spoke in support of the proposal)

Report CP12.11

Non-Elector

Moved – Councillor Hipkins
Seconded – Councillor Hodsdon

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

CARRIED UNANIMOUSLY 12/-

Mr S Allering, 125 Hamersley, Subiaco
(Spoke in support of the application)

Item 13.5

Mr R Steele, 78 Brookdale Street, Floreat
(Spoke in support of the application)

Item 13.5

Non-Elector

Moved – Councillor Hipkins
Seconded – Councillor Binks

That Ms R McAulay, a non-elect of the City be permitted to address the meeting.

CARRIED UNANIMOUSLY 12/-

Ms R McAulay, 152-152 St Georges Terrace, Perth
(Spoke in opposition to the application)

Item 13.5

Ms E Ambrose, 119 Rochdale Road, Mt Claremont
(Spoke in support of the application)

Item 17.2

3. Requests for Leave of Absence

3.1 Councillor Collins – 16 May to 13 June 2011

Councillor Collins requested leave of absence for the period 16 May to 13 June 2011 inclusive.

Moved – Councillor Negus
Seconded – Councillor Hodsdon

That Councillor Collins be granted leave of absence for the period 16 May to 13 June 2011 inclusive.

CARRIED UNANIMOUSLY 12/-

4. Petitions

Nil.

5. Disclosures of Financial Interest

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

5.1 Mr M Cole, Director Corporate Services – Item 17.1 - Staff Appointments

Mr M Cole, Director Corporate Services disclosed a financial interest in Item 17.1 – Staff Appointments, his interest being that it relates to his future employment at the City. He advised that he would leave the meeting during this matter.

5.2 Ms C Eldridge, Director Development Services – Item 17.1 - Staff Appointments

Ms C Eldridge, Director Development Services disclosed a financial interest in Item 17.1 – Staff Appointments, her interest being that it relates to her future employment at the City. She advised that she would leave the meeting during this matter.

5.3 Councillor Tyson - Item 13.3 – Attendance of Councillor B Tyson at the Sustainable Development Conference 2011

Councillor Tyson disclosed a financial interest in Item 13.3 – Attendance of Councillor B Tyson at the Sustainable Development Conference 2011, her interest being that Council will be considering funding the cost of her attendance at the Conference. She advised that she would leave the meeting during this matter.

5.4 Councillor Hipkins - Item 13.3 – Attendance of Councillor B Tyson at the Sustainable Development Conference 2011

Councillor Hipkins disclosed a financial interest in Item 13.3 – Attendance of Councillor B Tyson at the Sustainable Development Conference 2011, his interest being that Council will be considering funding the cost of his attendance at the Conference. He advised that he would leave the meeting during this matter.

6. Disclosures of Interests Affecting Impartiality

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

6.1 Councillor Tan – Report D28.11 - No. 10 (Lot 248) Bellevue Avenue, Dalkeith – Proposed Amendments to Existing Development Application

Councillor Tan disclosed an impartiality interest in Report D28.11 - No. 10 (Lot 248) Bellevue Avenue, Dalkeith – Proposed Amendments to Existing Development Application. She disclosed that as a Councillor of the City, there have been several occasions when she has met with one of the objectors on various issues, 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.

6.2 Councillor Tan - Item 13.5 - No. 78 (Lot 12) Brookdale St, Floreat: Proposed Child Care Centre

Councillor Tan disclosed an impartiality interest in Item 13.5 - No. 78 (Lot 12) Brookdale St, Floreat: Proposed Child Care Centre. She disclosed that Mr Steve Allerding of Allerding and Associates assisted Council in a successful SAT Hearing at which she was one of the two Council representatives, 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.

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

Nil.

8. Confirmation of Minutes

8.1 Ordinary Council meeting 22 March 2011

Moved – Councillor Negus
 Seconded – Councillor Tan

That the minutes of the ordinary Council meeting held 22 March 2011 are to be confirmed, subject to the error recorded on pages 26, 29, 33, 37, 39, 40, 42, 43 and 44 being corrected from “Carried E Bloc 9/2” to “Carried En Bloc 9/2”.

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

9. Announcements of the Presiding Member without discussion

The Presiding Member tabled the following list of functions she had attended during the past period 23 March 2011 to 27 April 2011.

28 March 2011	Opening of the new Melvista Playgroud
25 April 2011	Anzac Day Service, War Memorial, cnr Waratah Avenue and Birdwood Pde

10. Members announcements without discussion

10.1 Councillor Tan - The Art of Place Making and Creating Resilient Cities

Councillor Tan advised that on 4 and 5 April she attended a 2 part presentation by David Engwicht on The Art of Place Making and Creating Resilient Cities.

She advised that the sessions presented ideas on how the “People” can play a pivotal role in influencing what happens in their immediate neighbourhood, and work with Council and amongst themselves in a lateral instead of vertical direction to sow the seeds for a Vision for Tomorrow and create a Place that is unique to their own locality.

She added that Councillors and the Executive have been provided with Course Notes on both sessions, which she hoped would provide some interesting springboards for future discussions.

10.2 Councillor Hipkins – Functions & comments on City’s website

Councillor Hipkins tabled the following list of functions he had attended in his capacity as Deputy Mayor since the last Council meeting:

24 March 2011	CoN	Public Meeting Highview Parking
28 March 2011	CCC	Misconduct Seminar
29 March 2011	CoN	Friends of Hollywood Reserve AGM
31 March 2011	WALGA	Central Zone Meeting
02 April 2011	UBC	Western Bushland Forum
20 April 2011	CoN	City of Nedlands Sports Awards
25 April 2011	RSL	ANZAC Day service

Additionally, Councillor Hipkins commented on a letter from Mr Colin Latcham about the City's website in the last edition of the Post Newspaper, particularly the request to retain minutes more than six months, which had also been raised by Councillors and the advantages of being able to lodge comments on development applications online, which he had reported to Council after attending a conference in Sydney in 2009. Councillor Hipkins requested that the comments regarding the website be taken into account when considering any review or update.

10.3 Councillor Somerville-Brown

10.3.1 Creating Resilient Cities Workshop (Day 2) by David Engwicht – 5 April 2011

Councillor Somerville-Brown advised that he attended the second day of the workshop with Councillor Tan and found the day's sessions useful in considering alternative ways to address problems experienced by city residents especially in relation to traffic management.

He added that David Engwicht has good insights in involving residents in a positive way to find a better balance and that typically residents come to Council already with a solution eg speed bumps, changing stop signs, road closures, etc; rather than exploring the real problem and participating in developing a solution.

Councillor Somerville-Brown encouraged Councillors and Council Officers to read the papers distributed by Administration and be prepared to 'think outside the square'.

10.3.2 Metropolitan Transportation Forum – 20 April 2011

Councillor Somerville-Brown advised that he attended the Metropolitan Transportation Forum with Director Development Services, Carlie Eldridge on 20 April 2011 hosted by the City of Melville. He added that the approximately 50 attendees included Councils representatives from Wanneroo to Cockburn, Armadale to Midland; representatives from State Government planning, transport and land agencies; Senator Scott Ludlum; planning and transport "experts".

Councillor Somerville-Brown advised that a number of speakers including Prof Peter Newman, Councillor Andrew Sullivan of City of Fremantle and Senator Scott Ludlum provided presentations on proposed light rail systems and compatible urban development. Presentations included the Stirling Alliance Project, "Knowledge Arc" Light Rail, Cockburn to Coast Development, Murdoch Activity Centre, Perth Airport & Eastern Regional Development Centres.

Councillor Somerville-Brown added that an interesting observation was that all of the projects are being led by one or more Councils and that this analogy was observed in the Gold Coast light rail project which was initially funded by Gold Coast Council before finally receiving substantial funding from both State and Commonwealth Governments in May 2010.

Additionally, Councillor Somerville-Brown advised that minutes of the meeting are to be forwarded in due course and he will distribute them to the Traffic Management Committee members and other interested Councillors. Lastly, he added that further Transport Forums are proposed to align project priorities and explore options to progress projects in a timely manner.

10.3.2 City of Nedlands Sports Award – 20 April 2011

Councillor Somerville-Brown advised that he attended the City of Nedlands Sports Award on 20 April 2011 with the Deputy Mayor and a number of Councillors, nominees and sporting club representatives.

As a councillor and member of the evaluation panel, he commended all of the winners and nominees for the awards.

10.3.3 The Road Toll in WA – What's going Wrong? - Engineers Australia – 21 April 2011

I attended a presentation on Road Safety on behalf of the Traffic Management Committee on 21 April 2011 hosted by Engineers Australia and attended by road safety experts, engineers, police and local government representatives.

Three speakers included Matt Brown of RAC, Brett Hughes of Curtin Monash Accident Research Centre and Iain Cameron of the Office of Road Safety each spoke on a different perspective of the road safety in WA.

Key points included:

- WA has the 2nd highest road toll in Australia (after Northern Territory)
- 95% of WA drivers believe that they are better than average drivers;

- Just blaming “poor” drivers is insufficient and we need to change driver behaviour such that every individual takes “personal responsibility”; and ensure broader involvement of all levels of Government and organisations in road safety strategy and processes similar to worker safety programs for construction, mining and railways.
- Need for innovative road infrastructure such as active road signs; and devices in vehicle such as interlock units for seat belts and alcohol breath testers.

10.4 Councillor Smyth - Traffic congestion at challenge stadium

Councillor Smyth advised that on 18 April 2011 she, along with the Director Technical Services, attended a meeting regarding traffic congestion at Challenge Stadium. She advised that she will present her findings at a later date.

10.5 Councillor Argyle – Demolition of properties, Tawarri Jetty and letters to the Post

Councillor Argyle advised that he had recently been contacted by the owner whose neighbour’s property was being demolished. He commented that the demolition caused a dust storm, and that the notice of demolition letter received by the resident appears to be the end of the contractors’ responsibility.

Councillor Argyle also requested an update on the status of the Tawarri Jetty and noted the letter from Helen Leeder of Shenton Park in the Post Newspaper on 16 April 2011 (see attachment). Councillor Argyle requested that the City respond to Ms Leeder and acknowledge her letter.

11. Matters for Which the Meeting May Be Closed

In accordance with Standing Orders and for the convenience of the public, the Presiding Member is to notify the members of the public that the meeting will be closed for items 17.1 and 17.2 in accordance with Section 5.23(2) of the Local Government Act 1995.

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 Negus

Seconded – Councillor Somerville-Brown

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

Traffic Management Committee

5 April 2011

Un-confirmed, circulated to Councillors on 14 April 2011

Council Committee

12 April 2011

Un-confirmed, circulated to Councillors on 19 April

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

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

En Bloc

Moved - Councillor Binks

Seconded – Councillor Hodsdon

That all Committee Recommendations relating to Reports under items 12.2 and 12.3 with the exception of Report Nos. D27.11, D28.11, D33.11, CP12.11 and CP13.11 are adopted en bloc.

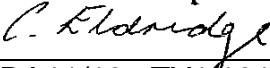
CARRIED UNANIMOUSLY 12/-

12.2 Development Services Report No's D27.11 to D34.11 (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.

D27.11	No. 101 (Lot 621) Tyrell Street Nedlands - Addition of Garage Door to Existing Carport
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Committee	12 April 2011
Council	27 April 2011

Applicant	Graham Randall Oates
Owner	Graham Randall Oates
Officer	Elle O'Connor - Planning Officer
Director	Carlie Eldridge - Director Development Services
Director Signature	
File ref	DA11/18 : TY101 : M11/05840
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Negus
 Seconded – Councillor Binks

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

CARRIED 9/3
(Against: Crs. Hodsdon Somerville-Brown & Tan)

Council Resolution / Committee Recommendation / Amended Recommendation to Committee

Council approves the application for a garage door to be constructed on the existing carport located at No.101 (Lot 621) Tyrell Street, Nedlands in accordance with the application dated 19 January 2011 subject to the following conditions:

- 1. The garage door shall be constructed with a four leaf sectional door, with the lower two sections solid to a maximum height of 1.2m and the upper two sections with 3 open window frames in accordance with the plan dated 8 April 2011 – Proposed Garage Door Design, 101 Tyrell Street, Nedlands; and**
- 2. 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.**

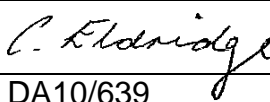
Recommendation to Committee

Council approves the application for a garage door to be constructed on the existing carport located at No. 101 (Lot 621) Tyrell Street, Nedlands in accordance with the application dated 19 January 2011 subject to the following conditions:

1. The garage door be constructed of materials that allow for 75% permeability to the satisfaction of the City; and
2. 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.

D28.11	No. 10 (Lot 248) Bellevue Avenue, Dalkeith – Proposed Amendments to Existing Development Application
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Committee	12 April 2011
Council	27 April 2011

Applicant	Oswald Homes
Owner	Mohammad Tufail Bin Mahmud
Officer	Coralie Anderson - Senior Statutory Planning Officer
Director	Carlie Eldridge - Director Development Services
Director Signature	
File ref	DA10/639
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Disclosure of Interest

Councillor Tan disclosed an impartiality interest in Report D28.11 - No. 10 (Lot 248) Bellevue Avenue, Dalkeith – Proposed Amendments to Existing Development Application. She disclosed that as a Councillor of the City, there have been several occasions when she has met with one of the objectors on various issues, 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.

Regulation 11(da) - Council believed that the proposed attic and the additional bedrooms above the garage did not meet the Amenity Clause in the City's Town Planning Scheme and would adversely impact on the amenity of the surrounding residents.

Moved – Councillor Hipkins
Seconded – Councillor Argyle

That the Committee Recommendation (printed below for ease of reference) **is adopted, subject to:**

- 1. deletion of clauses 1. a), 1. f) and 4. (re-number remaining conditions); and**
- 2. amend clause 1. b) to the following:**
 - b) additional Attic level, provided that the roof line remains in accordance with approved plans dated 31 May 2010.**

CARRIED 9/3
(Against: Crs. Binks Somerville-Brown & Horley)

Council Resolution

Council approves an application for amendments to an existing development approval located at No. 10 (Lot 248) Bellevue Avenue, Dalkeith in accordance with the application and plans dated 3 December 2010 and the amended plans dated 18 February 2011 subject to the following conditions:

- 1. This approval is only for the amendments listed below:**
 - a) additional Attic level, provided that the roof line remains in accordance with approved plans dated 31 May 2010;**
 - b) redesign Bedroom 1, Ensuite, and WIR on first floor;**
 - c) addition of Study on first floor;**
 - d) lift between ground and first floor;**
 - e) modification to stairs within the dwelling;**
- 2. The use of the attic level shall be restricted to the use as depicted in the plans dated 18 February 2011 i.e. 'storage';**

- 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 basement level and attic is subject to the restriction set out in condition 2. Above;**
- 4. 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 m² of paved or roofed surface on the property;**
- 5. 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; and**
- 6. 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

- a) Property owners are required by law to ensure that mechanical devices located on their property such as air conditioners do not create unreasonable noise to neighbouring properties. It is strongly advised that consultation be undertaken with the air conditioner installer and adjoining neighbour(s) prior to installation of any airconditioner equipment; and**
- b) 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 air conditioner 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 online fairair noise calculator online at www.fairair.com.au. Further advice can be sought from Acoustic Engineers who are listed in the Yellow Pages under "Acoustical Consultants".**

Committee Recommendation

Council approves an application for amendments to an existing development approval located at No. 10 (Lot 248) Bellevue Avenue, Dalkeith in accordance with the application and plans dated 3 December 2010 and the amended plans dated 18 February 2011 subject to the following conditions:

1. This approval is only for the amendments listed below:
 - a) additional two (2) bedrooms and bathroom above the rear garage;
 - b) additional Attic level, provided that the roof line remains in accordance with plans dated 3 December 2010;
 - c) redesign Bedroom 1, Ensuite, and WIR on first floor;
 - d) addition of Study on first floor;
 - e) lift between ground and first floor;
 - f) stairs flight to garage at rear; and
 - g) modification to stairs within the dwelling;
2. The use of the attic level shall be restricted to the use as depicted in the plans dated 18 February 2011 i.e. 'storage';
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 basement level and attic is subject to the restriction set out in condition 2. Above;
4. Without further planning approval, Bedroom 6 and Bedroom 7 shall not be used as Ancillary Accommodation;
5. 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 m² of paved or roofed surface on the property;
6. 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; and

7. 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

- a) Property owners are required by law to ensure that mechanical devices located on their property such as air conditioners do not create unreasonable noise to neighbouring properties. It is strongly advised that consultation be undertaken with the air conditioner installer and adjoining neighbour(s) prior to installation of any airconditioner equipment; and
- b) 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 air conditioner 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 online fairair noise calculator online at www.fairair.com.au. Further advice can be sought from Acoustic Engineers who are listed in the Yellow Pages under "Acoustical Consultants".

Recommendation to Committee

Council approves an application for amendments to an existing development approval located at No. 10 (Lot 248) Bellevue Avenue, Dalkeith in accordance with the application and plans dated 3 December 2010 and the amended plans dated 18 February 2011 subject to the following conditions:

1. This approval is only for the amendments listed below:
 - a) additional two (2) bedrooms and bathroom above the rear garage;
 - b) additional Attic level;
 - c) redesign Bedroom 1, Ensuite, and WIR on first floor;
 - d) addition of Study on first floor;
 - e) lift between ground and first floor;
 - f) stairs flight to garage at rear; and
 - g) modification to stairs within the dwelling.

2. The use of the attic level shall be restricted to the use as depicted in the plans dated 18 February 2011 i.e. 'storage'.
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 basement level and attic is subject to the restriction set out in condition 2. above.
4. Without further planning approval, Bedroom 6 and Bedroom 7 shall not be used as Ancillary Accommodation.
5. 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 m² of paved or roofed surface on the property.
6. 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.
7. 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

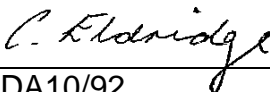
- a) Property owners are required by law to ensure that mechanical devices located on their property such as air conditioners do not create unreasonable noise to neighbouring properties. It is strongly advised that consultation be undertaken with the air conditioner installer and adjoining neighbour(s) prior to installation of any airconditioner equipment.
- b) 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 air conditioner 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 online fairair noise calculator online at www.fairair.com.au. Further advice can be sought from Acoustic Engineers who are listed in the Yellow Pages under "Acoustical Consultants".

D29.11	No. 2 (Lot 379) Alexander Road Dalkeith - Three Storey Dwelling, Pool and Front Fence
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Item withdrawn.

D30.11	No. 38 (Lot 50) Jutland Parade, Dalkeith – Proposed Four Storey Dwelling (including Swimming Pool, Front Fence, Landscaping and Fill)
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Committee	12 April 2011
Council	27 April 2011

Applicant	Milankov Designs and Project Management
Owner/s	Robert Franco
Officer	Nick Bakker - Planning Officer
Director	Carlie Eldridge - Director Development Services
Director Signature	
File ref	DA10/92
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Binks
 Seconded – Councillor Hodsdon

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

CARRIED UNANIMOUSLY EN BLOC 12/-

Council Resolution / Committee Recommendation / Recommendation to Committee


Council refuses an application under the City of Nedlands Town Planning Scheme No. 2 (TPS2) and recommends that the Western Australian Planning Commission (WAPC) refuse the application under the MRS for the proposed four storey dwelling (including swimming pool, front fence, landscaping and fill) at No. 38 (Lot 50) Jutland Parade, Dalkeith in accordance with the application dated

5 March 2010 and amended plans dated 27 January 2011, on the grounds that:

- a) the proposed dwelling is contrary to Clause 5.11 i) of TPS2 in that more than two residential storeys are proposed, and there is no discretion under TPS2 for this provision to be varied;**
- b) the proposed dwelling is contrary to Clause 5.11 ii) of TPS2, in that the height of exterior walls exceed 8.5 m from mean natural ground level at the base of the walls, and there is no discretion under TPS2 for this provision to be varied;**
- c) the proposed dwelling meets neither the Acceptable Development provisions nor the Performance Criteria under Clause 6.3.1 of the Residential Design Codes in relation to side setbacks;**
- d) the bulk and scale of the proposed development is excessive, and adversely affects amenity of neighbouring properties;**
- e) the development proposes excessive fill and retaining (up to 7.0 m), contrary to clause 5.10.3(a) of TPS2 in relation to the Controlled Development Area;**
- f) the development will have an adverse impact on the amenity of the surrounding area as viewed from the Swan River and associated parks and recreation reserves, contrary to clause 5.10.2(a) of TPS2 in relation to the Controlled Development Area.**

D31.11	No. 40 (Lot 51) Jutland Parade, Dalkeith – Proposed 2x Multi Storey Dwellings (including Swimming Pools, Front Fence, Landscaping and Fill)
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Committee	12 April 2011
Council	27 April 2011

Applicant	Milankov Designs and Project Management
Owner/s	Robert Franco
Officer	Nick Bakker - Planning Officer
Director	Carlie Eldridge - Director Development Services
Director Signature	
File ref	DA10/90 : DA10/91
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Binks
 Seconded – Councillor Hodsdon

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

CARRIED UNANIMOUSLY EN BLOC 12/-

Council Resolution / Recommendation to Committee	Committee Recommendation / Recommendation to Committee
<p>1. Council refuses an application under the City of Nedlands Town Planning Scheme No. 2 (TPS2) and recommends the Western Australian Planning Commission (WAPC) refuse the application under the MRS for the proposed three storey dwelling (including swimming pool, front fence, landscaping and fill) at No. 40 (Lot 51/ proposed Lot 61) Jutland Parade, Dalkeith in accordance with the application dated 5 March 2010 and amended plans dated 27 January 2011 and 22 February 2011, on the grounds that:</p> <p>a) Clause 5.3.1(a) of TPS2 does not allow two dwellings to be approved on the same R12.5 lot, and as</p>	

- subdivision of Lot 51 to create two new lots has not been completed, the proposal must be refused.
- b) the proposed dwelling is contrary to Clause 5.11 i) of TPS2 in that more than two residential storeys are proposed, and there is no discretion under TPS2 for this provision to be varied;
 - c) the proposed dwelling is contrary to Clause 5.11 ii) of TPS2, in that the height of exterior walls exceed 8.5m from mean natural ground level at the base of the walls, and there is no discretion under TPS2 for this provision to be varied;
 - d) the proposed dwelling does not comply with the 9 m front setback requirement under Clause 5.3.3 (a) of TPS2, and there is no discretion under TPS2 for this requirement to be varied;
 - e) the development proposes a 'non-accessible roof deck' and privacy screen within the CDA rear setback area, and there is no discretion available to allow development within that setback;
 - f) the proposed dwelling meets neither the Acceptable Development provisions nor the Performance Criteria under clause 6.3.1 of the Residential Design Codes in relation to side setbacks.
2. Council refuses an application under the City of Nedlands Town Planning Scheme No. 2 ("TPS2") and recommends the Western Australian Planning Commission (WAPC) refuse the application under the MRS for the proposed four storey dwelling (including swimming pool and fill) at No. 40 (Lot 51/ proposed Lot 62) Jutland Parade, Dalkeith in accordance with the application dated 5 March 2010 and amended plans dated 27 January 2011, on the grounds that:
- a) Clause 5.3.1(a) of TPS2 does not allow two dwellings to be approved on the same R12.5 lot, and as subdivision of Lot 51 to create two new lots has not been completed, the proposal must be refused.
 - b) the proposed dwelling is contrary to Clause 5.11 i) of TPS2 in that more than two residential storeys are proposed, and there is no discretion under TPS2 for this provision to be varied;
 - c) the proposed dwelling is contrary to Clause 5.11 ii) of TPS2, in that the height of exterior walls exceed 8.5m

from mean natural ground level at the base of the walls, and there is no discretion under TPS2 for this provision to be varied;

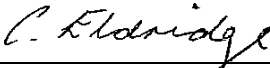
- d) the proposed dwelling meets neither the Acceptable Development provisions nor the Performance Criteria under Clause 6.3.1 of the Residential Design Codes in relation to the side setbacks;
- e) the development will have an adverse impact on the amenity of the surrounding area as viewed from the Swan River and associated parks and recreation reserves, contrary to clause 5.10.2(a) of TPS2 in relation to the Controlled Development Area;
- f) the bulk and scale of the proposed development is excessive, and adversely affects amenity of neighbouring properties.

3. Council determines pursuant to Note 2 of Appendix 1 of TPS2 that in light of the approval to subdivide Lot 51 (40) Jutland Parade into proposed Lots 61 and 62:

- a) the southern boundary of proposed Lot 61 shall be regarded as the rear boundary for the purposes of determining where the rear setback shall be applied pursuant to clause 5.10.3(b) of TPS2; and
- b) for proposed Lot 62, the existing rear boundary shown in Appendix 1 of TPS2 for Lot 51 shall remain the rear boundary for the purposes of determining where the rear setback shall be applied pursuant to clause 5.10.3(b) of TPS2.

D32.11	No. 101 (Reserve 33244) Monash Avenue - QEII Medical Centre Access and Structure Plan and Master Plan - Report and Recommendations
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Committee	12 April 2011
Council	27 April 2011

Applicant	Department of Treasury and Finance
Owner	QEII Medical Centre Trust
Officer	Jennifer Heyes - Manager Statutory Planning
Director	Carlie Eldridge - Director Development Services
Director Signature	
File ref	M01/R33244-05
Previous Item No's	DA10/645 : DA10/646l : DA10/382 : DA09/107
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Binks
 Seconded – Councillor Hodsdon

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

CARRIED UNANIMOUSLY EN BLOC 12/-

Council Resolution / Committee Recommendation

That:

- Administration organises a meeting as soon as possible between Council and representatives of the major stakeholders eg HRIT (Health Reform Implementation Taskforce), SCGH, QEII Medical Centre Trust, Department of Planning, Public Transport Authority, Department of Treasury and Finance, UWA, HPA (Hollywood Private Hospital) with a view to discuss the QEII Master Plan, and in particular access and activity centres along the North-east corner of the site fronting Winthrop Avenue in order to address ongoing concerns regarding traffic, parking and environmental issues with current and future development at the QEII Medical Centre so that a mediatory and satisfactory outcome for all concerned can be achieved;**

- 2. the City of Subiaco be invited to attend the same meeting;**
- 3. a pre-meeting workshop be held for Nedlands Councillors and Administration staff; and**
- 4. The agenda for the workshop to include the following recommendations for discussion:**
 - a) All future Development Applications incorporate:**
 - i. A Construction Management Plan, including construction traffic, noise, waste management, storage and screening;**
 - ii. An Acoustic Report;**
 - ii. A Landscaping Plan;**
 - iv. A Report on the impact on carparking;**
 - b) A comprehensive Construction Management Plan be submitted for the entire site redevelopment which includes construction traffic, noise, waste management, storage and screening;**
 - c) Additional multi-decked and/or basement parking is incorporated into all the new buildings to provide further carparking on the site;**
 - d) To resolve that the remnant bushland remain intact as identified in the original Structure Plan document and as reflected in the current Master Plan;**
 - e) Explore additional height opportunities along the Winthrop Avenue edge and within the 'core' of the site, including smaller footprints and taller buildings. This would allow for additional carparking and provide the opportunity for retention of remnant bushland and greater landscape open-space;**
 - f) Explore the opportunity of the Special Development Zone on the corner of Winthrop Avenue and Aberdare Road being increased in height to allow for a well designed entry statement to the site and provide the opportunity for carparking to be provided to a standard commercial carparking ratio in line with its proposed use for health related commercial uses;**

- g) The Access and Structure Plan is amended to provide for the additional height opportunities to achieve clause h) above;**
- h) The light rail is funded and implemented prior to the Children's and Women's Hospitals being opened; and**
- i) And any other item.**

Recommendation to Committee

Council instructs Administration to write to the QEII Medical Trust and the Department of Treasury and Finance in regards to current and future development at the QEII Medical Centre with the following recommendations:

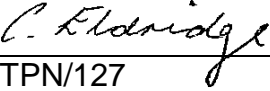
1. All future Development Applications incorporate but not limited to:
 - a) A Construction Management Plan, including construction traffic, noise, waste management, storage and screening.
 - b) An Acoustic Report.
 - c) A Landscaping Plan.
 - d) A Report on the impact on carparking.
2. A comprehensive Construction Management Plan be submitted for the entire site redevelopment which includes construction traffic, noise, waste management, storage and screening.
3. Additional multi-decked and/or basement parking is incorporated into all the new buildings to provide further carparking on the site.
4. To resolve that the remnant bushland remain intact as identified in the original Structure Plan document and as reflected in the current Master Plan.
5. Explore additional height opportunities along the Winthrop Avenue edge and within the 'core' of the site, including smaller footprints and taller buildings. This would allow for additional carparking and provide the opportunity for retention of remnant bushland and greater landscape open-space.
6. Explore the opportunity of the Special Development Zone on the corner of Winthrop Avenue and Aberdare Road being increased in height to allow for a well designed entry statement to the site

and provide the opportunity for carparking to be provided to a standard commercial carparking ratio in line with its proposed use for health related commercial uses.

7. The Access and Structure Plan is amended to provide for the additional height opportunities to achieve clause 5 above.
8. The light rail is funded and implemented prior to the Children's and Women's Hospitals being opened.

D33.11	North Hollywood/ Hampden/ Broadway Housing Diversity Study Area – Endorsement of Questionnaire for Quantitative Public Participation
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Committee	12 April 2011
Council	27 April 2011

Applicant	City of Nedlands
Owner	Various
Officer	Gabriela Poezyn - Manager Strategic Planning
Director	Carlie Eldridge - Director Development Services
Director Signature	
File ref	TPN/127
Previous Item No's	D100.10
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Negus
 Seconded – Councillor Tan

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


CARRIED 9/3
(Against: Crs. Argyle Hipkins & Collins)

Council Resolution / Committee Recommendation / Recommendation to Committee

Council endorse the attached survey be undertaken in accordance with the Project Plan.

D34.11	Refurbishment of the Maisonettes 67 (Lot 29) Stirling Highway, Nedlands
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Committee	12 April 2011
Council	27 April 2011

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Matthew Deal - Manager Property Services
Director	Carlie Eldridge - Director Development Services
Director Signature	
File ref	ST6/67-02 : TEN/317
Previous Item No's	D72.10
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Binks
 Seconded – Councillor Hodsdon

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

CARRIED UNANIMOUSLY EN BLOC 12/-

Council Resolution / Committee Recommendation

Council:

- 1. accepts the tender from Henlyn Construction Pty Ltd for the refurbishment of the Maisonettes at a cost of \$324,548.**
- 2. agrees to allocate additional funds of \$100,000 needed to fulfil the financial requirements of the tender from the 2010/11 budget review process.**

Recommendation to Committee

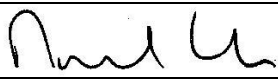
Council:

1. accepts the tender from Henlyn Construction Pty Ltd for the construction of the Maisonettes at a cost of \$324,548.

2. agrees to allocate additional funds of \$100,000 needed to fulfil the financial requirements of the tender from the 2010/11 budget review process.

12.3 Corporate Services Report No's CP12.11 to CP16.11 (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.

CP12.11		2010/2011 Mid Year Budget Review	
Committee	12 April 2011		
Council	27 April 2011		
Applicant	City of Nedlands		
Owner	City of Nedlands		
Officer	Rajah Senathirajah – Manager Finance		
Director	Michael Cole – Director Corporate Service		
Director Signature			
File ref	Fin/003-13		
Previous Item No's	Nil		
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the Local Government Act (1995).		

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

Moved – Councillor Negus

Seconded – Councillor Somerville-Brown

That the Committee Recommendation is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 12/-

Council Resolution / Committee Recommendation / Recommendation to Committee

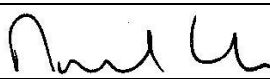
Council:

- a) receives and adopts, in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996, the budget review and the Revised Rate Setting Statement for the year ending 30 June 2011;
- b) notes the additional brought forward surplus from 2009/2010 financial year of \$790,000, including funds for approved work;
- c) notes the requested changes to the adopted 2010/11 Budget listed in the Attachment 1, and summarised in the Report;
- d) approves the Revised Budget incorporating all the changes listed in Attachment 1 of this Report, providing a net surplus of \$736,700 before allocation to the new expenses below; and
- e) approves the allocation from this surplus of the following expenses to be incurred this financial year:
 - i. Donations totalling \$202,000 to the 3 sporting clubs in Nedlands, as listed in Attachment 2;
 - ii. Design of Bushland Pathways at a cost of \$20,000, as listed in Attachment 2;
 - iii. Purchase of surveying equipment at a cost of \$52,000, as listed in Attachment 2;
 - iv. Contribution of \$30,800 towards the construction of a roundabout at Hampden Road/Park Road intersection, being 1/6 of the total project cost of \$185,000;
 - v. Replacement of a ten-year old wheel loader at net change over cost of \$145,000;
 - vi. The cost of demolition of the Hollywood After-School Activity Centre, estimated at \$14,100;
 - vii. approves the \$700,000 reduction in the drawdown from reserves for this financial year, as shown in Attachment 1; and

- viii. notes that the anticipated uncommitted funds available for carrying forward to the 2011/12 financial year, if Council accepts all the proposed changes and recommended new expenses, is \$ 272,800, compared to \$ 4,700 in the adopted budget.

CP13.11	Review of Local Law Relating to Dogs
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Committee	12 April 2011
Council	27 April 2011

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Mellanie Culhane – Senior Ranger
Director	Michael Cole – Director Corporate Services
Director Signature	
File ref.	LEG/003-07
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the Local Government Act (1995).

The Mayor read aloud the purpose and effect of the local law relating to dogs as follows:

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

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

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

Moved – Councillor Tan
 Seconded – Councillor Negus

That the Committee Recommendation is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 12/-

Council Resolution / Committee Recommendation / Recommendation to Committee

Council to authorise administration to:


- a) **Undertake a review of the Local Law relating to Dogs;**
- b) **Commence the process of adoption of the City of Nedlands dog Local Law 2011, the purpose and effect of which are:**

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

Effect: The effect of the local law is to control activities and manage dogs within the municipality; and
- c) **Report back to Council the results of the review and any submissions received as per requirements of Section 3.12 and 3.16 of the Local Government Act 1995 and the Department of Local Government Operational Guidelines.**

CP14.11	Monthly Financial Report – February 2011
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Committee	12 April 2011
Council	27 April 2011

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate Service
Director Signature	
File ref.	Fin/072-16
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the Local Government Act (1995).

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

Moved – Councillor Binks
 Seconded – Councillor Hodsdon

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


CARRIED UNANIMOUSLY EN BLOC 12/-

Council Resolution / Committee Recommendation / Recommendation to Committee

Council receives the Monthly Financial Report for February 2011.

CP15.11 Investment Report – February 2011

Committee	12 April 2011
Council	27 April 2011

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate Service
Director Signature	
File ref.	Fin/071-06
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the Local Government Act (1995).

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

Moved – Councillor Binks
 Seconded – Councillor Hodsdon

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

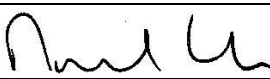
CARRIED UNANIMOUSLY EN BLOC 12/-

Council Resolution / Committee Recommendation / Recommendation to Committee

Council receives the Investment Report for the period ended 28 February 2011.

CP16.11 List of Accounts Paid – February 2011

Committee	12 April 2011
Council	27 April 2011

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate Service
Director Signature	
File ref:	Fin/072-16
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the Local Government Act (1995).

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

Moved – Councillor Binks
 Seconded – Councillor Hodsdon

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

CARRIED UNANIMOUSLY EN BLOC 12/-

Council Resolution / Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of February 2011.

13. Reports by the Chief Executive Officer

13.1 Common Seal Register Report – March 2011

Moved – Councillor Negus
 Seconded – Councillor Somerville-Brown

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

CARRIED UNANIMOUSLY 12/-

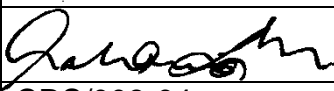
13.2 List of Delegated Authorities – March 2011

Moved – Councillor Negus
 Seconded – Councillor Somerville-Brown

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

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

13.3 Attendance of Councillor B Tyson at the Sustainable Development Conference 2011

Applicant	City of Nedlands
Owner	City of Nedlands
CEO	Graham Foster - Chief Executive Officer
CEO Signature	
File ref.	CRS/008-04
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Disclosure of Interest

Councillor Tyson disclosed a financial interest in Item 13.3 – Attendance of Councillor B Tyson at the Sustainable Development Conference 2011, her interest being that Council will be considering funding the cost of her attendance at the Conference. She advised that she would leave the meeting during this matter.

Councillor Tyson left the meeting at 8.37 pm

Councillor Hipkins disclosed a financial interest in Item 13.3 – Attendance of Councillor B Tyson at the Sustainable Development Conference 2011, his interest being that Council will be considering funding the cost of his attendance at the Conference. He advised that he would leave the meeting during this matter.

Councillor Hipkins left the meeting at 8.37 pm

Regulation 11(da) – Council considered it appropriate to send one Councillor and one staff member instead of two Councillors.

Moved – Councillor Negus

Seconded Pro Forma – Councillor Somerville-Brown

Council:

1. **Approves attendance of a member of staff at the Sustainable Development Conference 2011 being held in Sydney in June 2011; and**
2. **Upon return, formal reports are to be presented to Councillors and Directors in accordance with Council's decision of 22 March 2011.**

Amendment

Moved - Councillor Tan

Seconded - Councillor Hodsdon

That clause 1. is amended to the following:

1. **Approves attendance of Councillor B Tyson and a member of staff at the Sustainable Development Conference 2011 being held in Sydney in June 2011; and**

Adoption – The amendment was put and

CARRIED 6/5
ON THE CASTING VOTE OF THE PRESIDING MEMBER
(Against: Crs. Argyle Negus Binks Somerville-Brown & Horley)

Further amendment

Moved - Councillor Argyle

Seconded - Councillor Collins

That clause 1. is further amended to the following:

- 1. Approves attendance of Councillors B Tyson and M Hipkins and a member of staff at the Sustainable Development Conference 2011 being held in Sydney in June 2011; and**

Adoption – The further amendment was put and

LOST 2/8

(Against: Mayor & Crs. Negus Binks Hodsdon Somerville-Brown Tan Horley & Smyth)

Adoption – **The amended motion was put and**

CARRIED 9/1

(Against: Cr. Horley)

Council Resolution

Council:

- 1. Approves attendance of Councillor B Tyson and a member of staff at the Sustainable Development Conference 2011 being held in Sydney in June 2011; and**
- 2. Upon return, formal reports are to be presented to Councillors and Directors in accordance with Council's decision of 22 March 2011.**

Amended Recommendation to Council

Council:

1. Approves attendance of Councillors B Tyson and M Hipkins at the Sustainable Development Conference 2011 being held in Sydney in June 2011; and
2. Upon return, a formal report is to be presented to Councillors and Directors in accordance with Council's decision of 22 March 2011.

Recommendation to Council

Council:

1. Approves attendance of Councillor B Tyson at the Sustainable Development Conference 2011 being held in Sydney in June 2011; and
2. Upon return, a formal report is to be presented to Councillors and Directors in accordance with Council's decision of 22 March 2011.

Purpose

To gain approval for Councillor B Tyson to attend the Sustainable Development Conference 2011, being held in Sydney on 8 and 9 June 2011.

Strategic Plan

KFA 3: Built Environment

3.4 Plan and develop the sustainable provision of community infrastructure and facilities with a focus on flexible and multiple uses.

3.6 Promote programs and policies to facilitate environmentally responsible and sustainable buildings and building practices.

KFA 5: Governance

5.7 Provide Elected Members and Staff with training to assist them in complying with their legislative and implied roles and responsibilities.

Background

Cr B Tyson has sought approval to attend the Sustainable Development Conference 2011 being held in Sydney on 8 and 9 June 2011 in her role as Presiding Member of the Sustainable Nedlands Committee.

The brochure for the conference suggests that sustainability now needs to be integrated into all forms of building and infrastructure and includes new developments as well as retrofitting existing. The Sustainable Development Conference 2011 brings together decision makers from the private and public sectors to discuss the current and future directions required for the planning of building and infrastructure to achieve sustainable outcomes.

Proposal Detail

The Sustainable Development Conference 2011 is being held in Sydney on 8 and 9 June 2011.

A copy of the conference program is attached.

It is proposed to send Cr Tyson to participate.

Consultation

Required by legislation: Yes No
Required by City of Nedlands policy: Yes No

Budget/financial implications

Budget:

Within current approved budget: Yes No
Requires further budget consideration: Yes No

The total estimated cost, inclusive of registration, accommodation, airfares and incidentals is \$2,500.

Discussion

The Elected Member Entitlements and Equipment Policy states that any training or attendance at a conference of an Elected Member of more than \$1,500 or requiring interstate travel must be referred to Council for its deliberation.

The policy recognises the importance of Elected Members participating in relevant training and development opportunities. Attendance at the Sustainable Development Conference 2011 by Cr Tyson is considered relevant to her role as Presiding Member of the Sustainable Nedlands Committee.

Conclusion

The Sustainable Development Conference 2011 is the most important event for local government across Australia bringing together industry leaders, planners, scientists, conservationists and other to discuss the current and future directions required for planning.

It is recommended that Council approve Cr Tyson's attendance at the Sustainable Development Conference 2011.

Attachments


1. Sustainable Development Conference 2011 program

Councillor Tyson and Councillor Hipkins returned to the meeting at 9.00 pm.

13.4 Joint Operations Centre Depot Proposal

Report withdrawn prior to meeting by Mr G Foster, Chief Executive Officer. Report will be presented to Council at a later date.

13.5 No. 78 (Lot 12) Brookdale St, Floreat: Proposed Child Care Centre

Applicant	Allerding & Associates
Owner	Wesbrel Ptd Ltd
Officer	Coralie Anderson – Senior Statutory Planning Officer
Director	Carlie Eldridge – Director Development Services
Director Signature	
File ref	DA10/80 BR10/78
Previous Item No's	22 March 2011: Report D16.11
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Disclosure of Interest

Councillor Tan disclosed an impartiality interest in Item 13.5 - No. 78 (Lot 12) Brookdale St, Floreat: Proposed Child Care Centre. She disclosed that Mr Steve Allerding of Allerding and Associates assisted Council in a successful SAT Hearing at which she was one of the two Council representatives, 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.

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

Moved – Councillor Smyth
Seconded – Councillor Collins

Council approves the application for Child Care Centre located at No. 78 (Lot 12) Brookdale St, Floreat in accordance with application dated 24 February 2010 and amended plans dated 14 April 2011 subject to the following conditions:

1. a maximum of fifty (50) children and seven (7) staff shall be permitted for the proposed child care centre;

2. 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 child care centre is restricted to the number of children as set out in condition 1 above;
3. the child care centre shall operate from 7:00am to 6:00pm, Monday to Friday;
4. the median island adjacent to the proposed crossover is to be removed at the owners cost, to the satisfaction of the City's Technical Services Department (Refer Advice Note 1);
5. the car park, parking bays, driveway and points of ingress and egress are to be designed in accordance with the Australia Standards, to the satisfaction of the City's Technical Services Department;
6. a detailed landscaping plan shall be submitted prior to, or in conjunction with the Building Licence application, incorporating the following to the satisfaction of the City:
 - a) all existing and proposed landscaping, including hard landscaping;
 - b) all proposed landscaping shall be:
 - i. in accordance with the City's Greenways Policy 4.14 ie: indigenous species to be planted and complementary species of native flora maintained;
 - ii. implemented with an appropriate reticulation system and continuously maintained to the satisfaction of the City;
7. the acoustic screen located on the southern boundary shall be setback in accordance with the acceptable development criteria of the Residential Design Codes and shall be designed to comply with the *Environmental Protection (Noise) Regulations 1997*;
8. boundary fencing shall be constructed in accordance with Figure 5.1 of the Lloyd George Acoustics Noise Impact Assessment dated April 2011 and comply with the *Environmental Protection (Noise) Regulations 1997*;
9. a maximum of 20 children shall be allowed in the outdoor play area at any given time;

10. the children shall only be allowed in the outdoor play area for a maximum of three (3) hours per day;
11. the child care centre is to comply with the *Environmental Protection (Noise) Regulations 1997* (Refer Advice Note 2);
12. 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 m² of paved or roofed surface on the property;
13. 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;
14. the existing crossover shall be removed and the verge reinstated with grass or landscaping in accordance with Council's Verge Development Policy 4.7;
15. 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; and
16. 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:

1. the owner is to consult with the City's Technical Services Department regarding the details of removing the median island along Brookdale Street;
2. the City notes that the Lloyd George Acoustics Noise Impact Assessment dated April 2011 provides the following recommendations in order to assist in achieving compliance with the *Environmental Protection (Noise) Regulations 1997* (Refer Advice Note 2);:
 - a) no music shall be played outside;
 - b) all exhaust fans to be contained within the roof or ceiling space and then ducted to outside;

- c) air-conditioning systems to be located in areas to maximise distance to residences and use the building structure (where practicable) for shielding;
 - d) staff and parents are to be advised not to arrive at site prior to 7am in order to minimise disturbance outside of operating hours;
 - e) fixed play equipment is to be of plastic construction, alternatively any hollow metal equipment would need to be filled with expanding foam or sand to deaden the noise;
 - f) hard floor finishes (e.g. concrete, brick paving) are to be minimised in the play areas and preference given to rubber matting and synthetic grass;
3. all internal water closets and ensuites without window access to outside air must be serviced by mechanical ventilation, which is ducted to outside air. The minimum rate of air change must be equal or greater than 25 litres per second;
 4. fixtures, fittings and equipment that are designed to be connected to a sewage and waste water disposal system and discharge sewage or waste water must be connected to a sewage and waste water disposal system;
 5. liquid waste which includes kitchen, scullery and any other domestic or trade wastes that are discharged by means of a drain to a receptacle for drainage shall be disposed of by discharging it into the sewerage system of a licenced water service operator in a manner approved by the licensed water service operator;
 6. adequate staff sanitary conveniences shall be provided in accordance with the Building Code of Australia;
 7. any staff toilet hand washing facility shall be connected to a supply of warm running potable water;
 8. a designated cleaning storage area for cleaning chemicals and equipment shall be provided away from any food preparation / food storage area;
 9. applicant/proprietor shall have practices in place to ensure that odour from any waste or waste receptacle is minimised at all times;
 10. applicant/proprietor must submit a Food Business Registration / Notification Form and pay the required fee prior to

commencement of any food business activity, in accordance with the Food Act 2008 and Food Regulations 2009. The business may be subject to an annual food surveillance fee following the City's assessment of this notification form;

11. the premises shall comply with the requirements of the Australian New Zealand Food Standards Code;
12. the City recommends that the applicant refer to *AS 4674-2004 Design, construction and fit-out of a food premises* which is considered as 'best practice' in meeting the requirements of the Australian New Zealand Food Standards Code;
13. applicant shall take into the consideration the *Environmental Protection (Noise) Regulations 1997* when locating any airconditioner or refrigeration compressor / condenser unit or any other mechanical service. Reference should be made to the City's Visual and Acoustic Privacy Information document. With respect to noise from service and/pr delivery vehicles, deliveries should not occur before 7:00am or after 7:00pm Monday to Saturday or before 9:00am or after 7:00pm on Sundays and Public Holidays;
14. the premises must undergo a final inspection by an Environmental Health Officer at the City and have a Certificate of Registration of a Food Business from the City prior to opening; and
15. the applicant shall develop and implement a documented and audited food safety program in accordance with the Australian New Zealand Food Standards Code Food Safety Standard 3.3.1 and provide a copy of the program to the City's Health Section.

LOST 4/8

(Against: Mayor & Crs. Argyle Hipkins Negus Binks
Hodsdon Tan & Tyson)

Moved – Councillor Tyson
Seconded – Councillor Argyle

That the Recommendation to Council is adopted.

(Printed below for ease of reference)

CARRIED 8/4

(Against: Crs. Somerville-Brown Collins Horley & Smyth)

Council Resolution / Recommendation to Council

Council refuses the application for Child Care Centre located at No. 78 (Lot 12) Brookdale St, Floreat in accordance with application dated 24 February 2010 and amended plans dated 14 April 2011 for the following reasons:

- 1. It does not satisfy the conditions and standards of Clause 6.4.2 of the Town Planning Scheme No.2;**
- 2. It will increase existing traffic and noise impacts above the desirable levels for the residential locality; and**
- 3. It will have an overall adverse impact on the amenity of the surrounding residents.**

Purpose

At Council meeting on the 22 March 2011 it was resolved *“That this matter lay on the table in order for the proponent to address planning matters.”*

As the proponent has provided the additional information, the application is now referred back to council for determination.

Strategic Plan

- KFA 1: Infrastructure
- 1.2 Design and construct infrastructure in accordance with Australian standards and guidelines.
- KFA 3: Built Environment
- 3.2 Encourage the development of diverse residential and commercial areas to meet the future needs of the whole City.

Background

Property Address: No.78 (Lot 12) Brookdale St, Floreat
(Refer Attachment 1 for Locality Plan)

Zoning MRS: Urban

Zoning TPS No. 2: Residential R12.5

Lot Area: 823.1m²

At the Council Meeting on 22 March 2011, the Council decided to lay this application on the table for the applicant to address planning matters.

Proposal Detail

The subject lot is located in on the same (east) side of Brookdale Road, two lots south of the existing child care centre and is surrounded by residential lots on all sides. To the west of the Brookdale Street (across the road) is the Perry Lakes redevelopment site.

The subject lot is 822m² with a 26.15m frontage and angles along the southern boundary to a 10m rear boundary (Refer Attachment 2 for site plan).

The existing dwelling is to be demolished and a Two Storey Child Care Centre is proposed to be constructed on the lot.

Ten (10) on site car bays are proposed at the front of the lot, including one disabled bay. There is one vehicular crossover to access the car park.

The hours of operation are Monday to Friday from 7:00am to 6:00pm. The centre will be licenced for 50 children and requires a maximum of 7 staff, including full-time and part-time.

Additional Information

Since the application was referred back to administration at the previous Council Meeting, the applicant has provided the further information including an amended Noise Impact Assessment and a Landscaping Plan. The information is discussed as follows:

Amended Noise Impact Assessment

As per the original Noise Impact Assessment, the report still includes a number of usage and structural controls to reduce noise impacts. Please refer to attachment 11, the Noise Impact Assessment Recommendations, for details of these controls. The applicant has advised they are willing to accept these as conditions of approval.

In regards to usage controls, the applicant has provided further information advised that the outdoor play area will be used by a maximum of 20 supervised children at any given time.

In regards to structural controls, the Noise Impact Assessment has been amended to now propose an acoustic screen instead of the 2.3m over height fence for a portion of the southern boundary. The screen is proposed to be setback 0.5m from the boundary and achieves compliance with the noise regulations. Refer to the amended site plan (attachment 3) and elevation plan (attachment 9) for details of the proposed structure.

This structure is also required to provide a setback in accordance with the RCodes. The acceptable development provisions of the RCodes require this structure to be setback 1.5m from the adjoining boundary. The setback of 0.5m does not comply with this requirement and is a setback variation.

This setback variation has not been advertised to the affected adjoining neighbour. However an objection to the child care centre was received from this adjoining neighbour.

The applicant has advised that if the screen was to be setback in accordance with the acceptable development provisions of the RCodes then the design of the screen would require modification in order to ensure compliance with the noise regulations. The height of the screen would not require modification.

The applicant has provided written justification for the setback of the acoustic screen under the Performance Criteria of the Rcodes:

“As such the proposed Acoustic Structure shall be assessed under the performance criteria of clause 6.3.2 of the R Codes which state as follows:

P2 Buildings built up to boundaries other than the street boundary where it is desirable to do so in order to:

- *Make effective use of space; or*
- *Enhance privacy; or*
- *Otherwise enhance the amenity of the development;*
- *Not have any significant adverse effect on the amenity of the adjoining property; and*
- *Ensure that direct sun to major openings to habitable rooms and outdoor living areas of adjoining properties is not restricted.*

Allerding & Associates contend the proposed reduced setback of the Acoustic structure in this instance is desirable in accordance with the performance criteria as it:

- *enhances the privacy of both the child care centre with respect to overlooking from the 2 storey dwelling into the outdoor play area but also prevents noise impacts on the privacy of the 2 storey dwelling;*
- *enhances the amenity of the development through achieving compliance with the Noise Regulations;*
- *The proposed setback will not have an adverse or significant effect on the amenity of the adjoining property as already stated as it ensures compliance with the noise regulations , furthermore with the proposed addition of landscaping the*

- structure is now sensitive to the visual amenity of the adjoining property; and*
- *Lastly the proposed Acoustic treatment will not affect access to sun on adjoining properties.”*

Landscaping Plan and Amended Site Plan

The applicant has submitted a landscaping plan (attachment 10) and an updated site plan (attachment 3) which includes:

- landscaping along the frontage and in the car park area;
- verge to be landscaped as per Council requirement including two proposed trees on the verge;
- pedestrian path through the car park to the entry gate;
- location of car bay 6 and the disabled bay have been reserved;
- location of wheel stops;
- identified two trees to be retained on the southern boundary;
- The proposed acoustic screen and landscaping between this screen and the boundary fence;
- Slight shift of car bay 9 to create more area for landscaping and to retain an existing tree on the south-west corner;
- outdoor Play Area to be grassed;
- painted line markings and arrows on the crossover to clearly identify the entry and exit to the car park;
- existing redundant crossover to be removed and the verge reinstated.

The applicant has also advised that a detailed landscaping plan would be submitted at the Building Licence stage for the City’s approval.

Consultation

Required by legislation: Yes No
Required by City of Nedlands policy: Yes No

Advertising Period 5 November 2010 – 19 November 2010

Four comments (three from the same person) and a petition (signed by 15 people) were submitted prior to the advertising period.

Five (5) objections were submitted during the advertising period, including two (2) objections from people who had objected prior to the advertising.

Comments received: 5 Objections

Note: A full copy of all relevant consultation feedback received by the City has been given to the City’s Councillors prior to the meeting.

Summary of comments received:	Officers technical comment:
<p>Issue: Increase Parking and Traffic congestion along Brookdale Street</p>	<p>Support</p> <p>The traffic generated can be accommodated within the existing road network. Although it is considered the traffic generated is not in keeping with the residential nature of the locality.</p> <p>The onsite parking bays could be argued to comply with the current relevant legislation. However over flow parking is expected it is considered this will adversely impact the adjoining residential properties.</p> <p>Discussed further below.</p>
<p>Issue: Parking from existing child care centre restricts views for resident's entry/exiting driveway.</p>	<p>Support</p> <p>Another Child Care Centre would increase traffic congestion in the area and amplify traffic issues.</p> <p>Discussed further below.</p>
<p>Issue: Excessive Noise Levels, especially combined with the existing child care centre</p>	<p>Support</p> <p>In response to comments raised during the advertising period the applicant has submitted a Noise report. The report indicates compliance with the regulations subject to specific conditions.</p> <p>Even if this compliance is met, it is considered that the overall change in noise levels will have an adverse affect on the surrounding residential locality.</p> <p>Discussed further below.</p>
<p>Issue: Two Storey Child Care seems dangerous for children</p>	<p>Noted</p> <p>There is a ramp (not stairs) to the second storey. The development is also required to comply with the <i>Child Care Services Act 2007</i>.</p>
<p>Issue: Visual Privacy/overlooking from second storey</p>	<p>Dismiss</p>

	The upper storey windows comply with the privacy regulations of the RCodes.
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One comprehensive objection was submitted by a solicitor on behalf of two adjoining properties. This submission also included a Parking and Traffic Assessment Report by a Transport Consultant. This submission has been summarised and responded to separately below:

Summary of comments received:	Officers technical comment:
<p>Issue: Traffic and Parking</p> <p>Carparking layout – ineffective and difficult maneuvering; Brookdale Street – turning issues into subject lot; Perry Lakes Redevelopment will increase traffic volume; Insufficient parking on site; Sight distances – sight line issue to the north along Brookdale Street, exasperated by on street parking. On-street Parking – existing child care relies on on-street parking, cumulative effect with proposed centre; Pedestrian Safety – need to share entrance with vehicles;</p>	<p>Support</p> <p>The traffic generated can be accommodated within the existing road network. Although it is considered the traffic generated is not in keeping with the residential nature of the locality.</p> <p>The onsite parking bays could be argued to comply with the current relevant legislation. However over flow parking is expected it is considered this will adversely impact the adjoining residential properties.</p> <p>There are also concerns the design of the car park and the cumulative effect of the traffic and street parking by both Child Care Centres will have an adverse impact on the residential nature of the area.</p> <p>Discussed further below.</p>
<p>Issue: Noise</p> <p>No attempt to separate the outdoor play area from surrounding residents; Noise Regulations – No assessment has been provided to ensure noise meets the regulations Even if compliant with the regulations the noise levels can still have an adverse impact on the locality</p>	<p>Support</p> <p>In response to comments raised during the advertising period the applicant has submitted a Noise report. The report indicates compliance with the regulations subject to specific conditions.</p> <p>Even if this compliance is met, it is considered that the noise levels will have an adverse affect on the surrounding residential locality.</p>

	Discussed further below.
Issue: Size and Shape of Lot Does not Comply with Planning Bulletin 72/209 – small sized lot and irregular shape;	Support Not considered to be an appropriate size of shaped lot. Discussed further below.
Issue: Visual Amenity Doesn't comply with the provisions of Clause 6.4.2 of the TPS No.2	Support Not considered to comply with the provisions. Discussed further below

Legislation

Town Planning Scheme No.2 (TPS No.2)
Residential Design Codes 2008 (RCodes)
Planning Bulletin 72/2009 Child Care Centres

A Child Care Centre is an 'AA' use in TPS No.2. Council may approve the use if it is considered desirable, following the application being advertised for 21 days to surrounding residences in accordance with Clause 6.3.

The TPS No.2 has no specific provisions on Child Care Centre.

Planning Bulletin 72/2009 provides guidance on specific planning considerations and assessment of a Child Care Centre.

Budget/financial implications

Nil

Risk Management

Nil

Discussion

The application, including the additional information the applicant submitted as part of the application being referred back at the last Council Meeting is discussed as follows:

Location

Requirement:	The Bulletin 72/2009 states that the location of Child Care Centres are critical in meeting needs or children and families and reducing
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	<p>the impact of the child care centre may have on surrounding activities.</p> <p>The bulletin outlines aspects which make an appropriate and not appropriate location for a child care centre.</p> <p>According to the bulletin, a child care site should be:</p> <ul style="list-style-type: none"> • Distributed strategically to provide the maximum benefit to the community it serves; • Within easy walking distance or part of appropriate commercial, recreational or community nodes and educational facilities; • Adjoining uses are compatible with child care; • Serviced by public transport (where available); • No traffic issues; • Sufficient size, dimension to accommodate development and not affect amenity of area. <p>Clause 6.4.2 of the TPS No.2 also states that every application should take into consideration the following:</p> <ul style="list-style-type: none"> • nature and intensity of the proposed use of the development will not have a detrimental affect on the locality; • the proposed use is necessary to service the needs of the district's residential population and is otherwise in keeping with the TPS intentions for the locality
<p><i>Applicant Justification: (summarised)</i> <i>A full copy of all relevant consultation feedback received by the City has been given to the City's Councillors prior to the meeting.</i></p>	<p><i>Child care centres should be distributed strategically to provide maximum benefit to the community it serves. The current Play's Kool Centre is operating at full capacity and there is an extensive waiting list. In addition the provision of inner city child care centres is important and acknowledge within the bulletin, accordingly the subject site was chosen due to demand within the locality and strategic location which consists of the proximity the amenities, community services and residential catchments. Additionally the site was chosen to complement the existing centre and provide to the community a full service which caters for all age groups.</i></p>

	<p><i>Furthermore the population within the immediate area is set to grow with the Landcorp redevelopment of Perry Lakes, which will create approximately 600 dwellings.</i></p>
<p>Original Officer Comment (as per Report to Council on the 22 March 2011)</p>	<p>The proposed development is located in a residential area with residential dwellings to both sides and to the rear of the subject lot. As mentioned by the applicant, the lot is also adjacent the proposed Perry Lakes Redevelopment Area.</p> <p>It is not considered the child care centre is located strategically given there is an existing child care centre located two lots to the north which accommodates children in the immediate area.</p> <p>Furthermore, the child care will be larger and contain more children than the existing child care centre. The nature and intensity of this child care centre will have a detrimental impact on the surrounding residents. Specifically for the dwelling at No.80 Brookdale which would have child care centres on both adjoining boundaries.</p> <p>This is also not a suitable location for a child care centre as the lot is not part of or in walking distance of a commercial, recreation facility or community or educational node and located in purely a residential area.</p> <p>The traffic, while can be accommodated within the existing road network, when combined with the existing child care centre will cause congestion and be disruptive to the adjoining residents. Traffic is discussed further in this report.</p>
<p>Additional Information</p>	<p>The applicant has applied for a child care centre for a maximum of 50 children and is willing to accept this as a condition of approval.</p> <p>If approved, it is recommended that a caveat be placed on the title of the land advising of this restriction. This will avoid future owners from increasing the number of children.</p>

Site Characteristics & Design of Centre

<p>Requirement:</p>	<p>Bulletin 72/3009 states the lot should sufficiently cater for the required building and associated parking, play areas and landscaping. Generally the lot should be a regular shape and greater than 1000sqm.</p> <p>Bulletin 72/2009 requires the design of the centre to be in accordance with the points below:</p> <ul style="list-style-type: none"> • Building design, colour, scale, shape and form as per local regulations; • Visual appearance reflect the character of the area and enhance amenity; • Parking area located at front; • On-site parking bays required; • Outdoor play area safe location and away from noise-sensitive premises (ie dwellings, nursing homes); • Landscaping along street frontage to a standard equal to that required/provided for an adjacent property. <p>Clause 6.4.2 of TPS No.2 requires that any development complies with:</p> <ul style="list-style-type: none"> • plot ratio, site coverage, setbacks, heights landscaping and parking provisions in keeping with the general character of the locality; • the form, layout, appearance and material of the building is in keeping with the existing character of the locality
<p><i>Applicant Justification: (summarised)</i> <i>A full copy of all relevant consultation feedback received by the City has been given to the City's Councillors prior to the meeting.</i></p>	<p><i>The subject lot is of suitable size, configuration and topography to accommodate the proposed child care centre including structures, play areas, parking and landscaping.</i></p> <p><i>The application involves demolition of the existing building and the construction of a purpose built development. The design of the centre compliments the residential nature of the locality, as it is residential in appearance however functions as a child care centre. Accordingly in the event of the centre ceasing operations, the structure could be converted for residential purposes.</i></p>

	<p><i>Parking is located at the front of the buildings per guidelines, the provisions of parking bays reflects that of the existing Play's Kool Centre which functions efficiently and has proved adequate during its operation. The availability of extensive off street parking assists in ensuring that traffic and parking related issues will not eventuate from the centre.</i></p>
<p>Original Officer Comment (as per Report to Council on the 22 March 2011)</p>	<p>The lot is 822m² and is an irregular form with a wide frontage and a narrower rear. The parking, building and play area occupy the majority of the lot, with no formal landscaping proposed.</p> <p>The centre is proposed as a two storey development and this is an indication the lot cannot sufficiently accommodate the proposed use.</p> <p>The centre complies with regulations in terms of height, setbacks and plot ratio.</p> <p>The two storey building will have a skillon roof and is proposed to have an external appearance of hardies cladding and colourbond cladding.</p> <p>The surrounding residents are generally single storey dwellings constructed in brick and tile, including the existing child care centre. Therefore the visual appearance of the development is not in keeping with the character of the area.</p> <p>The parking has been provided at the front of the lot, as per the bulletin requirement. The number of required parking bays is discussed further in this report.</p> <p>Noise impacts of outdoor play area are discussed further in this report.</p> <p>Only 300mm of landscaping is proposed along the street. Although given the requirement to provide on-site car parking at the front of the lot and the size of the lot, this leaves minimal space to provide landscaping.</p>
<p>Additional Information</p>	<p>As discussed above, the applicant has submitted a landscaping plan (attachment 9)</p>

	<p>and an updated site plan. A more detailed landscaping plan will be provided for the City's approval if the application is approved.</p> <p>It is considered that the proposed landscaping will assist in improving the visual appearance of the child care centre as it adds additional landscaping to the verge and front setback.</p>
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Noise

<p>Requirement:</p>	<p>Bulletin 72/2009 provides the following guidance on the noise impact of childcare centres:</p> <ul style="list-style-type: none"> • Suitable hours of operation 7:00am – 7:00pm Monday – Saturday; • Noise-generating activities of the child care centre, such as outdoor play areas, parking areas and plant and equipment be located away from noise-sensitive areas (ie houses); • Where noise-generating activities are located close to noise-sensitive areas, appropriate noise mitigation is to be undertaken; • Design and construction of buildings may include noise-mitigation measures to reduce impact on external sources and to achieve acceptable indoor noise limits. <p>Clause 6.4.2 of the TPS No.2 also states that every application should take into consideration the following:</p> <ul style="list-style-type: none"> • nature and intensity of the proposed use of the development will not have a detrimental affect on the locality; • the proposed use is necessary to service the needs of the district's residential population and is otherwise in keeping with the TPS intentions for the locality
<p><i>Applicant Justification: (summarised)</i> <i>A full copy of all relevant consultation feedback received by the City has been given to the City's Councillors prior to the meeting.</i></p>	<p>The applicant has submitted a Noise Impact Assessment which concludes that noise levels have the potential to exceed those prescribed in the <i>Environmental Protection Noise Regulations 1997</i> and to mitigate noise minimum boundary wall heights are required.</p> <p><i>Implementation of the following measures have been undertaken to minimise noise:</i></p>

	<ul style="list-style-type: none"> • <i>Exhaust fans to be contain with roof space or ceiling (no roof or wall mount exhaust fans)</i> • <i>Air Conditioning System not be located at side or rear of building;</i> • <i>Play area</i> <ul style="list-style-type: none"> - <i>Plastic equipment OR metal with filled with expanding foam or sand;</i> - <i>Minimal concrete or bricked paved areas and use of synthetic grass carpet;</i> - <i>Hours of external play limited to 8:30am to 5:00pm minimise disturbance to surrounding residences;</i> • <i>Concentrated play area located at rear of building</i> • <i>Music will only be played indoors with external windows and doors closed;</i> • <i>Boundary fencing, solid concrete/masonry/brick construction, to be minimum wall height of 1.8m above finished RL of Child Care centre</i> <p>The applicant has also explained that the children are only outside for a maximum of 3 hours a day. Further, not all the children are outside together at any one time.</p>
<p>Original Officer Comment (as per Report to Council on the 22 March 2011)</p>	<p>As mentioned by the applicant, the development is required to comply with the <i>Environmental Protection (Noise) Regulations 1997</i> and measures have been taken to reduce the noise generated by the development on the adjoining properties.</p> <p>The applicant's Noise Assessment Report indicates that minimum solid fence heights are required in order to achieve compliance with the Noise Regulations.</p> <p>The majority of fencing would be the standard 1.8m in height; however some fencing along the southern boundary is required to be 2.3m in height.</p> <p>This would be considered an overheight fence under the TPS No.2 and require approval from the adjoining neighbour. Neighbour consent has not been provided at this stage, and in fact, an objection has been received from this</p>

	<p>adjoining owner.</p> <p>The noise from the child care centre, assessed in isolation, is compliant with the noise regulations if overheight fencing is constructed. Although, even if compliance is met, it is considered that noise generated from the centre, specifically in combination with the existing child care centre, will not be in keeping with existing nature of the residential area.</p> <p>All the surrounding residential properties, specifically the property at No.80 Brookdale (north of the current proposal), would be subject to noise from the existing and proposed centre.</p> <p>The design of the centre has taken into account the property at No.80 Brookdale Street by having the outdoor play area predominately to the southern side and at the rear of the lot. This means the outdoor play area will be located next to this neighbour's rear garage.</p> <p>The residential lots to the east and south will be specifically affected by the location of the play area. These lots all have their outdoor living areas located on this boundary.</p> <p>Given the size, shape and as the lot is surrounded by residential properties, it would be difficult to design a child care in which noise from the outdoor play area that had no adverse affect on the adjoining residences.</p>
<p>Additional Information Provided</p>	<p>An acoustic screen of 2.3m in height is now proposed with a 0.5m setback from the southern boundary, instead of the over height 2.3m fence.</p> <p>As discussed above the acoustic screen doesn't comply with the acceptable development setback as per the RCodes. However, if setback in accordance with the Rcodes the design of screen would need to be modified to comply ensure compliance with the noise regulations.</p> <p>It is recommended that if the application is</p>

	<p>approved the screen is setback in accordance with the acceptable development provisions of the RCodes and complies with noise regulations.</p> <p>The applicant has also stated that the outdoor play area will be limited to a maximum of 20 children at any given time. Previous correspondence from the applicant has confirmed that due to other operational policies, such as sun protection policy, the outdoor play area will only be occupied by the children for a maximum of 3 hours per day. These restrictions would require conditioning.</p>
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Parking

<p>Requirement:</p>	<p>Under TPS No.2 there is no specific car parking requirement for a Child Care Centre.</p> <p>Under the draft TPS No.3 a Child Care Centre is required to have 'One bay per 10 children and one bay per staff member'.</p> <p>Bulletin 72/2009 suggests parking should be provided at a rate of 1 bay per 5 children.</p>
<p><i>Applicant Justification: (summarised)</i> <i>A full copy of all relevant consultation feedback received by the City has been given to the City's Councillors prior to the meeting.</i></p>	<p>There are no specific council requirements in regard to parking, as such standards are at the discretion of Council.</p> <p>The proposed provision of parking bays as well as the design have been based on the previously approved centre at 82 Brookdale St, which has been proved efficient and capable of dealing with parking and traffic requirements. In addition to the proposed car bays there is significant amount of on-street parking on Brookdale Street adjacent to the proposed centre.</p> <p>The applicant has provided a Transport Statement which discusses parking.</p>
<p>Original Officer Comment (as per Report to Council on the 22 March 2011)</p>	<p>There are 10 proposed car bays on site including 1 disable bay. There is one crossover in the middle of the lot which provides access to the car bays.</p> <p>Under draft TPS No.3 twelve (12) bays would be required, based on 50 children and 7 staff.</p>

	<p>However it should be noted that some staff are part-time. Under the Bulletin 72 ten (10) bays are required.</p> <p>The car park was originally designed with two crossovers, entry and exit, in order to accommodate for easier pick-up and drop off zone. This design was changed to a single crossover to accommodate more car bays. It considered the bays provided will accommodate the proposed development.</p> <p>It should be noted that there is street parking available on both sides of Brookdale Street which can be used by staff and parents.</p>
<p>Additional Information Provided</p>	<p>The landscaping plan and amended site plan clearly indicate that the crossover has a distinctive entry and exit.</p> <p>The applicant has advised that line markings and arrows will be painted on the crossover to clearly distinguish the entry and exit to ease movement into and out of the site.</p> <p>Car bay 9 has moved slightly to the north in order to provide more landscaping and retain a tree in this corner. The Applicant's transport Traffic consultants have confirmed that shifting the car bay will not impede vehicular movements within the car park.</p>

Traffic

<p>Requirement:</p>	<p>Bulletin 72 states that the child care centre should be approved only if it can be demonstrated that it will have a minimal impact on the functionality and amenity of the area and will not create or exacerbate any unsafe conditions for children and families using the centre, or for pedestrians or road users.</p> <p>With regards to traffic Clause 6.4.2 of the TPS No.2 states:</p> <ul style="list-style-type: none"> • The vehicular flow to and from the subject land will not be disruptive to existing traffic movements or circulation patterns; • That any traffic generated must be capable of being accommodated within existing streets.
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<p><i>Applicant Justification: (summarised)</i> <i>A full copy of all relevant consultation feedback received by the City has been given to the City's Councillors prior to the meeting.</i></p>	<p>The applicant has provided a Transport Statement which concludes that the development is not expected to have a noticeably increase traffic flows on adjacent road networks.</p> <p>The Transport Statement also concludes that majority of the car bays will be utilised by staff and parents will prefer to use on street parking than the few remaining on site bays.</p>
<p>Original Officer Comment (from Report to Council on the 22 March 2011)</p>	<p>As the applicant has noted Brookdale Street is a District Distributor (a) and is designed for an average of 8000 vehicles per day currently using the street.</p> <p>Although the number of vehicles currently using Brookdale Road exceeds this number it is agreed, that the traffic generated by the development could be accommodated with the existing road network.</p> <p>Notwithstanding this, many objections during the advertising period relate to the traffic issues, particularly during the pick-up and drop-off hours.</p> <p>Objections note that during these times the number of cars that are parked in the area, restricts the vision for residents exiting and entering their driveways. This is often caused from parking on the verge or on the neighbouring property.</p> <p>The Transport Statement concludes that 2 regular and 1 universal bay will generally be available for pick-up and drop-off purposes, with the remainder of the bays utilised by staff.</p> <p>In order to provide more onsite car bays the applicant redesigned the car park to a singular vehicle entry. The transport statement specifies that manoeuvring within the car park is at least a three point turn which is acceptable as it is a low use car park.</p> <p>However, given this the statement predicts that most parents will choose to utilise on street car bays and there will be unused bays on site. Therefore, it is expected that frequent parking and the street and verge will occur.</p>

	<p>The cumulative effect of having two child care centres separated by two lots will create traffic congestion and safety issues during this drop off and pick up periods. This traffic will have a detrimental effect and is an unreasonable burden on the surrounding residential properties.</p> <p>Further, there is an existing traffic island located along Brookdale Road which will prevent right turns into and out of the car park. The owners have agreed to relocate the traffic island if the development is approved to accommodate for this turning movement. The City's Engineering Department has agreed to this relocation.</p>
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Conclusion

Although a Child Care Centre is an 'AA' use under the TPS No. 2, having two child care centres in close proximity is not desirable and will have a detrimental effect on the residential locality. This is indicated by the strong objections from the surrounding residents and the non-compliance with the TPS No.2 and the Planning Bulletin 72/2009. Regardless of the additional information submitted by the applicant, the application is still recommended for refusal.

Attachments

1. Locality Plan
2. Site Survey
3. Site Plan
4. Ground Floor Plan
5. Upper Floor Plan
6. Front and Rear Elevation
7. Side Elevations
8. Locality of Walls (Figure 5.1 of Noise Impact Assessment)
9. Proposed Acoustic Screen Elevation
10. Landscaping Plan
11. Recommendation from Noise Impact Assessment

The Presiding Member granted an adjournment for 5 minutes for the purposes of a refreshment break.

The meeting adjourned at 9.17 pm and reconvened at 9.30 pm with the following people in attendance:

Councillors	Her Worship the Mayor, S A Froese	(Presiding Member)
	Councillor K E Collins	Coastal Districts Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor R M Hipkins	Dalkeith Ward
	Councillor M S Negus	Dalkeith Ward
	Councillor R M Binks	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor M L Somerville-Brown	Melvista Ward
	Councillor I Tan	Melvista Ward
	Councillor B Tyson	Melvista Ward

Staff	Mr M Cole	Director Corporate Services
	Mr I Hamilton	Director Technical Services
	Ms C Eldridge	Director Development Services
	Ms S Love	Executive Assistant
	Ms G Martyn	Development Services Administration Assistant

Public There were 1 members of the public present.

Press The Post Newspaper and Western Suburbs Weekly representatives.

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 Collins – Amendment to Delegated Authority

At the Committee meeting during item D30.11 on 12 April 2011 Councillor Collins moved and Councillor Negus seconded the following subsequent motion which was carried 8/-.

Moved – Councillor Collins
Seconded – Councillor Negus

That the Committee Recommendation is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 12/-

Council Resolution / Committee Recommendation

That the Chief Executive Officer is authorised to refuse any development application contrary to the City's prevailing Town Plan Scheme, where no discretion to vary requirements exists.

Administration Comment

The Delegation Authority Manual is to be reviewed and will be submitted to Council in May for consideration, including the above proposed amendment.

14.2 Councillor Horley – Old Swanbourne Hospital

At the Council meeting on 22 March 2011 Councillor Horley gave notice of her intention to move the following at this meeting.

Moved – Councillor Horley
Seconded – Councillor Tan

Due to grave long-term public concerns that the heritage buildings at the Old Swanbourne Hospital are excessively vulnerable to hazards such as fire and damage resulting from apparent deficiencies in maintenance and security, the Ministers and departments responsible are requested to take appropriate measures, including strengthening legislation regarding management and protection of heritage buildings that will lead to greater security and protection for the heritage buildings at the Old Swanbourne Hospital site with regard to potential fire and damage to the buildings.

CARRIED UNANIMOUSLY 12/-

Council Resolution

Due to grave long-term public concerns that the heritage buildings at the Old Swanbourne Hospital are excessively vulnerable to hazards such as fire and damage resulting from apparent deficiencies in maintenance and security, the Ministers and departments responsible are requested to take appropriate

measures, including strengthening legislation regarding management and protection of heritage buildings that will lead to greater security and protection for the heritage buildings at the Old Swanbourne Hospital site with regard to potential fire and damage to the buildings.

Original Notice from Councillor Horley

Due to grave long-term public concerns that the heritage buildings at the Old Swanbourne Hospital are excessively vulnerable to hazards such as fire and damage resulting from apparent deficiencies in maintenance and security, the State government is requested to take appropriate measures that will lead to greater security and protection for the heritage buildings at the Old Swanbourne Hospital site with regard to potential fire and damage to the buildings while the site remains under planning consideration.

Supporting Comments from Councillor Horley

There are grave long-term concerns within the local community that the heritage buildings at the Old Swanbourne Hospital are excessively vulnerable to events such as fire and damage, due to apparent deficiencies regarding maintenance and security. Examples of community concerns reported to the City regarding the apparent lack of maintenance and security include: basic fire equipment appears to be no longer available or operational; the security and lighting systems previously used on a daily basis by the government are not being utilised or maintained; vermin previously prevented from residing within the buildings when the government was maintaining the site appear to have reached epidemic levels; and external doors and openings appear not to be secured over lengthy periods of time. Unfortunately persistent attempts by the City to have these types of matters addressed have not been successful. The City has limited powers to ensure that the buildings are protected and that fundamental security and emergency contingencies are maintained. This Notice of Motion stands to highlight concerns for the security and safety of the heritage buildings, and to request that the government exercise the powers available to ensure that the heritage buildings are protected with basic security and fire equipment.

Administration Comment

The Old Swanbourne Hospital Site is privately owned. The City can request the State Government consider the matter but as it is not their site they are not required to manage the site. Fire requirements come into effect through the building licence process.

14.3 Councillor Negus - Paid parking

At the Council meeting on 22 March 2011 Councillor Negus gave notice of his intention to move the following at this meeting.

Moved – Councillor Negus
Seconded – Councillor Binks

That the City of Nedlands will not implement paid parking throughout the City.

Amendment

Moved - Councillor Tan
Seconded - Councillor Somerville-Brown

That the City of Nedlands:

- a) will not implement paid parking throughout the City; but will consider its possible implementation in areas identified by the Community input as being severely impacted (for Safety and residential amenity reasons) by all day street parking by Visitors to the area; and
- b) will incorporate Residential Parking Permits into any consideration of paid parking in the City of Nedlands so that ratepayers of the City can and will continue to enjoy the convenience of free parking within the City.

Councillor Tyson left the meeting at 10.08 pm

Moved – Councillor Tan
Seconded – Councillor Horley

That in accordance with Standing Orders No. 11.1(e) Councillor Argyle no longer be heard.

LOST 4/7
(Against: Mayor & Crs. Argyle Hipkins Binks Hodsdon
Collins & Smyth)

Councillor Tyson returned to the meeting at 10.10 pm

Councillor Hodsdon left the meeting at 10.13 pm and returned at 10.15 pm

Adoption – The amendment was put and

LOST 3/9
(Against: Mayor & Crs. Argyle Hipkins Negus Binks
Hodsdon Tyson Collins & Smyth)

Adoption – The original motion was put and

CARRIED 10/2
(Against: Crs. Somerville-Brown & Tan)

Council Resolution

That the City of Nedlands will not implement paid parking throughout the City.

Supporting Comments from Councillor Negus

The Cities rumour mill has yet again been set alight with claims that the City of Nedlands is going to introduce paid parking across the City. I do not believe this is the intention of the Council, so I have moved this motion to clarify the matter and put a stop to the misinformation being circulated.

The Parking Local Law that is currently being advertised contains a mechanism to provide for paid parking. There is currently paid parking within Nedlands at the Hollywood Private Hospital, the Local Law must provide for this. It may be that feedback received during the advertising period suggests this clause be strengthened to say paid parking can be only implemented on private property, either way Council must follow due process and consider the feedback when received.

In the meantime I believe our existing parking throughout Nedlands should continue to be well managed using an enforcement approach that is tailored to individual areas as they evolve.

I urge that you support this motion to clarify Councils position in relation to paid parking.

Administration Comment

Administration agrees.

14.4 Councillor Hipkins - Setbacks from side and rear boundaries in low density residential zones

At the Council meeting on 22 March 2011 Councillor Hipkins gave notice of his intention to move the following at this meeting.

Moved – Councillor Hipkins
Seconded – Councillor Negus

A new policy be discussed with Councillors at a Policy Intent Workshop by the end of June 2011 with the draft objectives below as a starting point and subsequently Administration prepare a draft policy for Council consideration.

Draft Objectives

- 1. To guide the exercise of discretion for variations within low density zones of the Residential Design Codes and the operation of the amenity clause 5.5 in Town Planning Scheme No. 2;**
- 2. To preserve the open and spacious character of the City of Nedlands; and**
- 3. To assist in the maintenance of privacy and prevention of overlooking of back yards.**

**CARRIED 9/3
(Against: Crs. Somerville-Brown Tan & Smyth)**

Council Resolution

A new policy be discussed with Councillors at a Policy Intent Workshop by the end of June 2011 with the draft objectives below as a starting point and subsequently Administration prepare a draft policy for Council consideration.

Draft Objectives

- 1. To guide the exercise of discretion for variations within low density zones of the Residential Design Codes and the operation of the amenity clause 5.5 in Town Planning Scheme No. 2;**
- 2. To preserve the open and spacious character of the City of Nedlands; and**
- 3. To assist in the maintenance of privacy and prevention of overlooking of back yards.**

Original Notice of Motion from Councillor Hipkins

That the Administration is to prepare a draft policy for consideration by Council no later than the June 2011 round of meetings containing the following elements:

Objectives

1. To guide the exercise of discretion for variations within low density zones of the Residential Design Codes and the operation of the amenity clause 5.5 in Town Planning Scheme No. 2;
2. To preserve the open and spacious character of the City of Nedlands; and
3. To assist in the maintenance of privacy and prevention of overlooking of back yards.

Policy

The side and rear setbacks specified in R10, R12.5 and R15 zones of the Residential Design Codes shall be enforced without variation, interchange or boundary parapet walls, provided that:

1. a single storey building comprising a garage or carport may be constructed with a minimum setback of 1.0m from an adjoining laneway;
2. a garage or carport may be constructed with a minimum setback of 4.0m from a secondary street;
3. this policy does not apply to outbuildings as defined by the Residential Design Codes;
4. any variation to this policy, arising from a small or irregular shaped lot or any other reason, is to be submitted with justification to Council for determination.

Administration Comment

A new policy can be drafted for consideration by Council that relates to Planning and Built Form. Firstly as with all new policies it will be workshopped at a Council policy intent, the first workshop being 3 May 2011 and then a policy draft after and presented to Council for consideration. The proposed notice of motion states the draft policy will be presented to June council at the latest, given the timeframes the policy would be presented to the June meeting at the earliest. At this stage Administration have not had a workshop with all councillors and the already programmed planning work could not promise the draft policy would be presented to June Council. Also given the policy has not been workshopped with all Councillors it is premature to determine the policy contents and requirements at this stage.

The proposed alternate wording is as follows:

Administration Recommendation:

A new policy be discussed with Councillors at a Policy Intent Workshop by the end of June 2011 with the draft objectives below as a starting point and subsequently Administration prepare a draft policy for Council consideration.

Draft Objectives

1. To guide the exercise of discretion for variations within low density zones of the Residential Design Codes and the operation of the amenity clause 5.5 in Town Planning Scheme No. 2;
2. To preserve the open and spacious character of the City of Nedlands; and
3. To assist in the maintenance of privacy and prevention of overlooking of back yards.

14.5 Councillor Collins – Roses in New Court Gardens

In accordance with Standing orders, Councillor Collins gave notice of his intention to move the following at this meeting.

Moved – Councillor Collins
Seconded – Councillor Binks

That the gardens beds in the upper part of New Court Gardens be planted with roses similar to those already growing in the lower bed.

Mr M Cole, Director Corporate Services left the meeting at 10.29 pm and returned at 10.30 pm.

**CARRIED 7/5
(Against: Crs. Negus Hodsdon Somerville-Brown
Tan & Horley)**

Council Resolution

That the gardens beds in the upper part of New Court Gardens be planted with roses similar to those already growing in the lower bed.

Supporting comments from Councillor Collins

The reason for this motion is that when New Court Gardens was established 18-20 years ago all three garden beds were planted with roses. They flourished for several years until apparently the water became contaminated killing both the grass and the roses in the upper beds. The roses in the lower bed survived and are still alive and well today.

When the upper garden beds were replanted the roses were replaced by lavender and rosemary which has become very scrappy.

The staff have already removed much of the lavender and intend to replant beginning in May.

Following consultation with Ian Hamilton I was advised to survey the residents around the park to ascertain what they would like planted. Eight of the ten immediately around the park favoured roses and provided written responses.

I was then advised that I had to conduct a wider survey so went to all of the houses one street back from the park. Forty four of the fifty two respondents (approximately 85%) favoured roses and again provided signed letters to this effect.

Administration comment

It is clear that there are residents of the City of Nedlands who support both sides of planting natives vs ornamentals in streets and parks.

However, after reviewing both Council Street Tree Policy and Sustainable Nedlands Purchasing Policy, in particular the following sections from the Sustainable Nedlands Purchasing Policy that states, in part, that the Policy objectives are:

*“1.1 reducing resource waste generated through the city’s purchasing of goods and services,
1.2 Improving the overall environmental performance as a good corporate citizen,*

The Policy commitments are:

2.1 The Council will use its purchasing power to promote sustainability, when choosing products and when contracting for the provision of services “.

It is not clearly stated anywhere the City should or should not plant natives or ornamentals in streets and parks. In fact, under the Street Tree Policy tree species selection states:- *Tree species will be determined by the Council from time to time.*

Therefore, it is implied that Cr Collins would need to obtain Council approval following consultation with his fellow ward representative to proceed with the planting of drought hardy/tolerant roses in Mt Claremont.

14.6 Councillor Negus - Water smart parks strategy

In accordance with Standing orders, Councillor Negus gave notice of his intention to move the following at this meeting.

Moved – Councillor Negus
Seconded – Councillor Tan

That Council:

- 1. Implements a “Water smart parks” strategy similar to that being undertaken by the City of Stirling, and**
- 2. Measures the percentage of the City that is treed with a view to increasing that percentage over time.**

Ms G Martyn, Development Services Administration Officer left the meeting at 10.45 pm and returned at 10.46 pm.

Ms C Eldridge, Director Development Services left the meeting at 10.46 pm and returned at 10.49 pm.

ADOPTION – **Clause 1 was put and**

CARRIED 9/3
(Against: Crs. Argyle Hipkins & Hodsdon)

ADOPTION – **Clause 2 was put and**

CARRIED UNANIMOUSLY 12/-

Council Resolution

That Council:

- 1. Implements a “Water smart parks” strategy similar to that being undertaken by the City of Stirling, and**
- 2. Measures the percentage of the City that is treed with a view to increasing that percentage over time.**

Supporting comments from Councillor Negus

The City of Nedlands is currently faced with the prospect of not having enough allocated water to continue watering all of its parks. I believe we have two options, either stop watering some parks in favour of others, or better manage all of our parks, I favour the latter. Implementing a water smart parks policy will facilitate this; a broad outline of the policy taken from the City of Stirling website is detailed below.

The City of Stirling has been awarded the 'Government Leading by Example' Award for the City's 'Water Smart Parks' strategy.

Water Smart Parks is a strategy that revolves around and promotes water conservation as well as maximising water efficiency, in an effort to help preserve groundwater supplies.

The idea of being Water Smart involves categorising parks and reserves into three hydrozones. Broadly, Zone 'one' includes areas on the fringes which require less watering, whilst zones 'two' and 'three' cover core areas where heavier watering is required for community activities such as sports.

This is a far reaching project that will encourage all members of the community to become 'water smart' - whether they are involved in government, private enterprise, community groups or even individuals at home.

In relation to a water smart parks policy, treed areas require less water therefore increasing trees in the "zone one" areas of parks will result in less water use while still acknowledging the communities desire to have space to kick a footy.

Increasing the treed area of the City should correspond to a reduction in water use within the City. Measuring the percentage of the City that is treed will provide a baseline to encourage and measure the effectiveness of future greening efforts undertaken by the City and its residents.

Administration comment

Administration agrees that undertaking such a measurement would be of great use in future planning of open space redevelopment.

Whilst the City of Nedlands does not have a recognised strategy under this name, the Irrigation Operating Strategy dictates that irrigation systems that are being replaced or upgraded must include hydrozoning thus allowing for Smart Water Use.

15. Elected members notices of motion for the following ordinary meeting on 24 May 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.

In accordance with Clause 3.9(2) of Council's Standing Orders Local, The Presiding Member reminder Councillors that notices of motion for consideration at the Council Meeting to be held on 24 May 2011 are required to be given in writing to the Chief Executive Officer at least 7 clear working days before the meeting.

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

None.

17. Confidential Items

Closure of Meeting to the Public

Moved – Councillor Negus

Seconded - Councillor Hipkins

That the meeting be closed to the public in accordance with Section 5.23 of the Local Government Act 1995 to allow confidential discussion on the following Items.

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

The meeting closed to members of the public at 10.54 pm.

17.1 Staff Appointments

A confidential report was circulated to Councillors separately. The report was presented as a confidential report under section 5.23(2)(a) of the Local Government Act as it relates to the appointments of staff.

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

Council Resolution

Council receives the decision taken by the Chief Executive Officer to renew the appointment of Mr Michael Cole to the position of Director Corporate Services and Ms Carlie Eldridge to the position of Director Development Services, both for a further term of 5 years.

CARRIED UNANIMOUSLY 12/-

17.2 No. 119 (Lot 227) Rochdale Rd Mt Claremont – Proposed Single Storey Additions and Alterations

A confidential report was circulated to Councillors separately. The report was presented as a confidential report as the application is subject to a State Administrative Tribunal Review. In accordance with the section 31 (1) of the State Administrative Tribunal Act 2004 the SAT invited the Council to reconsider its decision in light of the amended plans.

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

Council Resolution

Council refuse an application for single storey additions and alterations at No.119 (Lot 227) Rochdale Rd Mt Claremont in accordance with the application and plans dated 16 March 2011 for the following reasons:

- 1. The southern parapet wall does not comply with the Acceptable Development or Performance Criteria of the Residential Design Codes;**
- 2. The overlooking from the verandah to the southern adjoining property does not comply with the Acceptable Development or Performance Criteria of the Residential Design Codes; and**
- 3. The application will have an adverse impact on the amenity of the southern adjoining property.**

**CARRIED 9/3
(Against: Crs. Argyle Tyson & Collins)**

Opening of Meeting to the Public

Moved - Councillor Hipkins

Seconded - Councillor Tan

That the meeting be re-opened to members of the public and the press.

CARRIED UNANIMOUSLY 11/-

The meeting re-opened to members of the public at 11.04 pm.

In accordance with Standing Orders 12.7(3) the Presiding Member read out the motions passed by the Council whilst it was proceeding behind closed doors and the vote of the members to be recorded in the minutes under section 5.21 of the Act.

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 11.06 pm.

Attachment to Item 10.5

Council Meeting – 27 April 2011

Members announcements without discussion
Councillor Argyle

Who is correct on the timing?

On Thursday, March 24, I attended the "information session" for local residents provided by Nedlands council at Hollywood Bowling Club.

Nedlands CEO Graham Foster said he had first heard of the proposal for a QEII carpark at Highview Park six weeks earlier, and would like to hear from anyone who could say otherwise.

I say now, and without prejudice, that on December 2, 2010, I was told Mr Foster would be talking to the Hollywood Primary School Council that same evening about a proposal to use the hockey club oval for QEII parking.

I immediately sent an email asking for more information. As it went to the many people who supported Rosalie Park, and as I had not confirmed the information, I did not include the reference to the CEO.

Subsequently, I was told the expected meeting did not take place, but the general details were confirmed.

I am concerned that a statement which appears to be inaccurate was made at a public meeting.

Helen Leeder
Cuthbert Street, Shenton Park

• More letters page 52

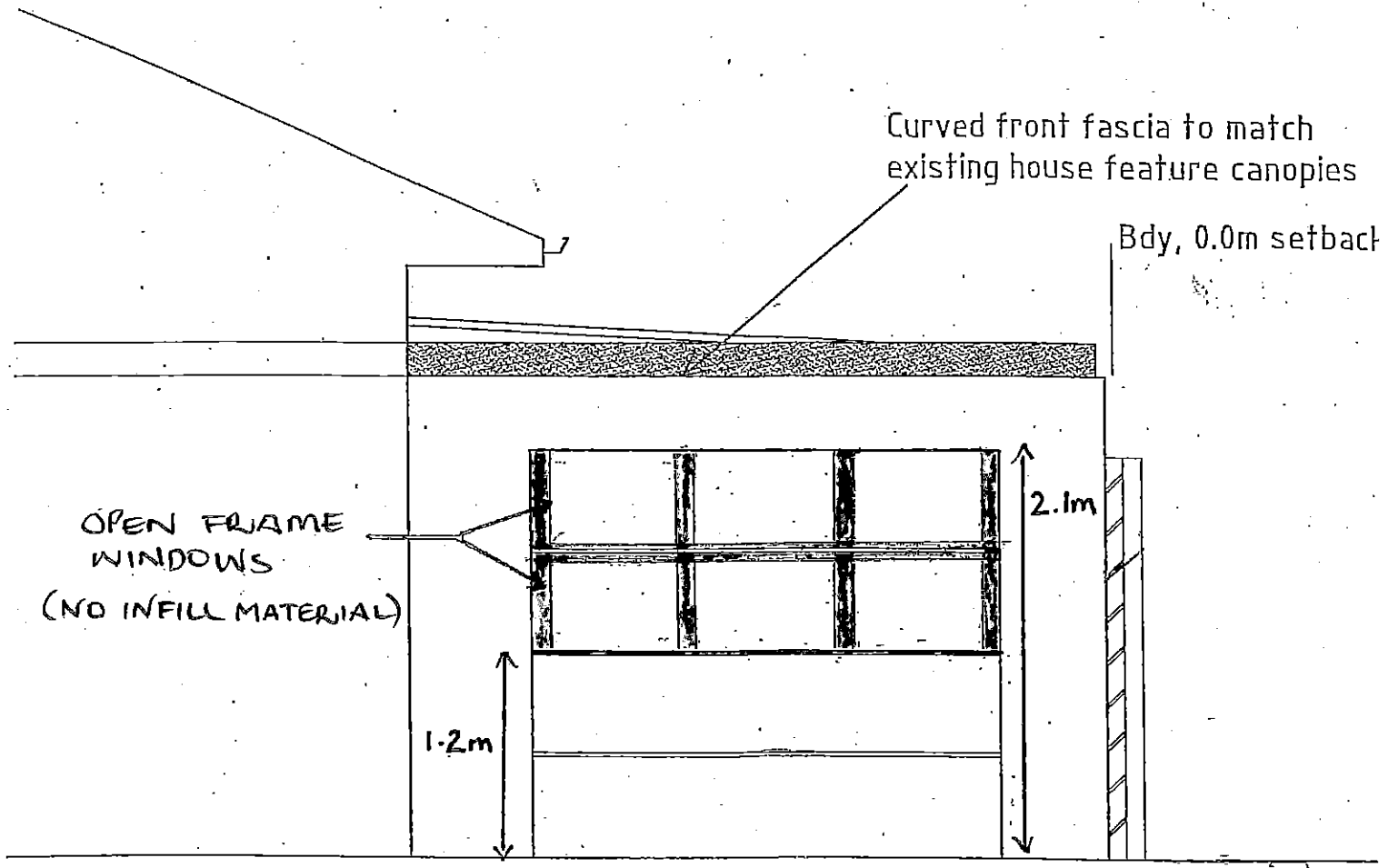
Attachment to Report D27.11

Council Meeting – 27 April 2011

No. 101 (Lot 621) Tyrell Street Nedlands -
Addition of Garage Door to Existing Carport

CITY OF NEDLANDS
RECEIVED
08 APR 2011

PROPOSED GARAGE DOOR DESIGN NO. 101 TYRELL STREET, NEDLANDS



FRONT ELEVATION

Attachment to Item 13.1

Council Meeting – 27 April 2011

Common Seal Register Report – March 2011

Common Seal Register Report

March 2011

554	2 March 2011	Corporate Services	Council Resolution 22 February 2011 Report CP01.11	City of Nedlands Standing Orders Amendment Local Law 2011
555	2 March 2011	Development Services	Delegated Authority	Notification under Section 70A – 98 (lot 604) Circe Circle, Dalkeith – the use of the basement level shall be restricted to the uses as depicted in the plans submitted dated 22 June 2010 ie wine storage area.
556	11 March 2011	Development Services	Delegated Authority	Seal Certification - Seal No. 556 – Notification under Section 70A – 50 Jutland Pde, Dalkeith – the area of the basement level that is located directly below two other storeys being used for residential use, shall be restricted to the following uses: plant and equipment, storage, toilets and the parking of wheeled vehicles.

Attachment to Item 13.2

Council Meeting – 27 April 2011

List of Delegated Authorities – March 2011

DEL11/86

Parking Infringement Withdrawn 500840

Delegation Type 9C - Withdrawal of Infringement Notices
Date Registered 2/03/2011 at 10:46 AM
Position Exercising Delegated Authority Director Corporate Services
How Delegation Is Recorded Withdrawal Notice
Applicant Mike Cole (Addressee)

DEL11/87

Parking Infringement Withdrawn 301155

Delegation Type 9C - Withdrawal of Infringement Notices
Date Registered 2/03/2011 at 10:47 AM
Position Exercising Delegated Authority Director Corporate Services
How Delegation Is Recorded Withdrawal Notice
Applicant Mike Cole (Addressee)

DEL11/84

Seal Certification - Seal No. 554 – City of Nedlands Standing Orders Amendment Local Law 2011

Delegation Type 1D - Use of Council's Common Seal and Authority to Sign Documents
Date Registered 2/03/2011 at 10:14 AM
Position Exercising Delegated Authority Chief Executive Officer
How Delegation Is Recorded Seal Register
Applicant City of Nedlands (Addressee)

DEL11/85

Seal Certification - Seal No. 555 – Notification under Section 70A – 98 (lot 604) Circe Circle, Dalkeith – the use of the basement level shall be restricted to the uses as depicted in the plans submitted dated

Delegation Type 1D - Use of Council's Common Seal and Authority to Sign Documents
Date Registered 2/03/2011 at 10:16 AM
Position Exercising Delegated Authority Chief Executive Officer
How Delegation Is Recorded Seal Register
Applicant Mario & Natalina De Felice (Address)

DEL11/88

Approval for a Vehicle on a Reserve Charles Court Reserve Adam Richards Perth Int Arts Festival

Delegation Type 1H - Authority to Grant Permission for Vehicle on Reserve
Date Registered 3/03/2011 at 1:19 PM
Position Exercising Delegated Authority Administraton Officer - Community and Str
How Delegation Is Recorded Letter (general)
Applicant Adam Richards (Addressee)

DEL11/89

Approval for a Vehicle on a Reserve Charles Allen Park Reserve Jenny Dimsey

Delegation Type 1H - Authority to Grant Permission for Vehicle on Reserve
Date Registered 3/03/2011 at 1:21 PM
Position Exercising Delegated Authority Administraton Officer - Community and Str
How Delegation Is Recorded Letter (general)
Applicant Jenny Dimsey (Addressee)

DEL11/90

Parking Infringement Withdrawn 301168 - Wayne Lawrence

Delegation Type 9C - Withdrawal of Infringement Notices
Date Registered 4/03/2011 at 7:25 AM
Position Exercising Delegated Authority Manager Corporate Services
How Delegation Is Recorded Withdrawal Notice
Applicant Wayne Lawrence (Addressee)

DEL11/91

Infringement Withdrawal 500613 & 500611

Delegation Type 9C - Withdrawal of Infringement Notices
Date Registered 9/03/2011 at 8:35 AM
Position Exercising Delegated Authority Manager Corporate Services
How Delegation Is Recorded Withdrawal Notice
Applicant Suzanne Taylor (Addressee)

Continued...

DEL11/92

Youth Grant - 2011 Australian Age Diving Championships

Delegation Type 10F - Sponsorship of Youth Initiatives Fund
Date Registered 9/03/2011 at 11:14 AM
Position Exercising Delegated Authority Manager Community Development
How Delegation Is Recorded Authorisation Form
Applicant Mercedes Carnevali (Addressee)

DEL11/93

22 (Lot 384) Bedford Street Nedlands - Garage

Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 10/03/2011 at 11:45 AM
Position Exercising Delegated Authority Manager Statutory Planning
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Martin Healy (Addressee)

DEL11/94

4 (Lot 40) Stanley Street Nedlands - Single Storey Additions

Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 10/03/2011 at 11:52 AM
Position Exercising Delegated Authority Manager Statutory Planning
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Simon Harman (Addressee)

DEL11/95

25 (Lot 259) Thomas Street Nedlands - Single Storey Additions/Alterations

Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 10/03/2011 at 11:53 AM
Position Exercising Delegated Authority Manager Statutory Planning
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Lloyd Price Carnarvon Pty Ltd (Addressee)

DEL11/96

Infringement Withdrawal 500869

Delegation Type 9C - Withdrawal of Infringement Notices
Date Registered 10/03/2011 at 2:01 PM
Position Exercising Delegated Authority Manager Corporate Services
How Delegation Is Recorded Withdrawal Notice
Applicant Sylvia Selvaratnam (Addressee)

DEL11/97

Infringement Withdrawal 301196

Delegation Type 9C - Withdrawal of Infringement Notices
Date Registered 10/03/2011 at 2:09 PM
Position Exercising Delegated Authority Manager Corporate Services
How Delegation Is Recorded Withdrawal Notice
Applicant Jonathan Carey (Addressee)

DEL11/98

16 (Lot 214) Mayfair Street Mt Claremont - Two Storey Dwelling and Pool

Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 11/03/2011 at 10:01 AM
Position Exercising Delegated Authority Manager Statutory Planning
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Webb & Brown-Neaves (Addressee)

DEL11/99

97 (Lot 619) Tyrell Street Nedlands - Amendment to Existing Planning Approval

Delegation Type 6A - TPS No 2 - Approval and Refusal of Planning Applications
Date Registered 11/03/2011 at 10:02 AM
Position Exercising Delegated Authority Manager Statutory Planning
How Delegation Is Recorded Approval Letter (Planning D'A/s)
Applicant Martin Healy (Addressee)

Continued...

DEL11/100 **16 (Lot 108) Watt Street Swanbourne - Two Storey Dwelling**
Delegation Type **6A - TPS No 2 - Approval and Refusal of Planning Applications**
Date Registered **11/03/2011 at 10:04 AM**
Position Exercising Delegated Authority **Manager Statutory Planning**
How Delegation Is Recorded **Approval Letter (Planning D'A/s)**
Applicant **Craig Sheiles Homes (Addressee)**

DEL11/101 **Seal Certification - Seal No. 556-Notification under Section 70A-50 Jutland Pde, Dalkeith -the area of the basement (located directly below 2 other storeys being used for residential use) shall be restricted**
Delegation Type **1D - Use of Council's Common Seal and Authority to Sign Documents**
Date Registered **11/03/2011 at 10:28 AM**
Position Exercising Delegated Authority **Chief Executive Officer**
How Delegation Is Recorded **Seal Register**
Applicant **Abdul Valibhoy (Addressee)**

DEL11/102 **7 (Lot 35) Birrigan Loop Swanbourne - Swimming Pool**
Delegation Type **6A - TPS No 2 - Approval and Refusal of Planning Applications**
Date Registered **11/03/2011 at 10:45 AM**
Position Exercising Delegated Authority **Manager Statutory Planning**
How Delegation Is Recorded **Approval Letter (Planning D'A/s)**
Applicant **Imperial Pools (Addressee)**

DEL11/103 **92 (Lot 345) Dalkeith Road Nedlands - Carport and Fencing**
Delegation Type **6A - TPS No 2 - Approval and Refusal of Planning Applications**
Date Registered **11/03/2011 at 11:17 AM**
Position Exercising Delegated Authority **Manager Statutory Planning**
How Delegation Is Recorded **Approval Letter (Planning D'A/s)**
Applicant **Jasper & Althea Mahon (Addressee)**

DEL11/104 **23 (Lot 4) Viribua Avenue Nedlands - Patio**
Delegation Type **6A - TPS No 2 - Approval and Refusal of Planning Applications**
Date Registered **11/03/2011 at 11:18 AM**
Position Exercising Delegated Authority **Manager Statutory Planning**
How Delegation Is Recorded **Approval Letter (Planning D'A/s)**
Applicant **Abel Roofing (Addressee)**

DEL11/105 **24 (Lot 353) Weld Street Nedlands - Singel Storey Dwelling**
Delegation Type **6A - TPS No 2 - Approval and Refusal of Planning Applications**
Date Registered **11/03/2011 at 11:20 AM**
Position Exercising Delegated Authority **Manager Statutory Planning**
How Delegation Is Recorded **Approval Letter (Planning D'A/s)**
Applicant **Lincoln Spargo (Addressee)**

DEL11/106 **38 (Lot 313) Dalkeith Road Nedlands - Retaining Wall**
Delegation Type **6A - TPS No 2 - Approval and Refusal of Planning Applications**
Date Registered **11/03/2011 at 11:25 AM**
Position Exercising Delegated Authority **Manager Statutory Planning**
How Delegation Is Recorded **Approval Letter (Planning D'A/s)**
Applicant **Lesley & Damian Meaney (Addressee)**

DEL11/107 **16 (Lot 12) Doonan Road Nedlands - Carport**
Delegation Type **6A - TPS No 2 - Approval and Refusal of Planning Applications**
Date Registered **11/03/2011 at 11:26 AM**
Position Exercising Delegated Authority **Manager Statutory Planning**
How Delegation Is Recorded **Approval Letter (Planning D'A/s)**
Applicant **Peter Jodreu Architect (Addressee)**

Continued...

DEL11/108

3 (Lot 248) Kirwan Street Floreat - Front Fencing

Delegation Type
Date Registered
Position Exercising Delegated Authority
How Delegation Is Recorded
Applicant

6A - TPS No 2 - Approval and Refusal of Planning Applications
11/03/2011 at 11:29 AM
Manager Statutory Planning
Approval Letter (Planning D'A/s)
In A Tree Landscaping Pty Ltd (Add

DEL11/109

25 (Lot 716) Cygnet Crescent Dalkeith - Flat Roof Patio and Gable Roof Patio

Delegation Type
Date Registered
Position Exercising Delegated Authority
How Delegation Is Recorded
Applicant

6A - TPS No 2 - Approval and Refusal of Planning Applications
11/03/2011 at 11:41 AM
Manager Statutory Planning
Approval Letter (Planning D'A/s)
Westral Outdoor Centre (Addressee)

DEL11/110

23 (Lot 223) Robinson Street 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
11/03/2011 at 11:42 AM
Manager Statutory Planning
Approval Letter (Planning D'A/s)
Buccaneer Pools (Addressee)

DEL11/111

No 2, 4, 6, 8 & 10 (Lot 3, 4, 5, 6 &) McHenry Lane Nedlands - Privacy Screens

Delegation Type
Date Registered
Position Exercising Delegated Authority
How Delegation Is Recorded
Applicant

6A - TPS No 2 - Approval and Refusal of Planning Applications
11/03/2011 at 11:44 AM
Manager Statutory Planning
Approval Letter (Planning D'A/s)
Tony Hatt (Addressee)

DEL11/112

11 (Lot 261) Strickland Street Mt Claremont - Two Storey Dwelling and 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
11/03/2011 at 11:46 AM
Manager Statutory Planning
Approval Letter (Planning D'A/s)
Residential Attitudes (Addressee)

DEL11/113

17 (Lot 281) Weld Street - Two 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
11/03/2011 at 11:48 AM
Manager Statutory Planning
Approval Letter (Planning D'A/s)
Antonelli Investments (Addressee)

DEL11/114

21 (Lot 10) Watkins Road Dalkeith - Two Storey Dwelling with Attic Level and Ancillary Accommodation

Delegation Type
Date Registered
Position Exercising Delegated Authority
How Delegation Is Recorded
Applicant

6A - TPS No 2 - Approval and Refusal of Planning Applications
11/03/2011 at 2:28 PM
Manager Statutory Planning
Approval Letter (Planning D'A/s)
Oswald Homes (Addressee)

DEL11/115

21 (Lot 506) Kingsway Nedlands - Retrospective Retaining and Fill and Patio

Delegation Type
Date Registered
Position Exercising Delegated Authority
How Delegation Is Recorded
Applicant

6A - TPS No 2 - Approval and Refusal of Planning Applications
11/03/2011 at 2:49 PM
Manager Statutory Planning
Approval Letter (Planning D'A/s)
Outdoor World (Addressee)

Continued...

DEL11/116 **53 (Lot 516) Beatrice Road Dalkeith - Swimming Pool**
Delegation Type **6A - TPS No 2 - Approval and Refusal of Planning Applications**
Date Registered **11/03/2011 at 2:53 PM**
Position Exercising Delegated Authority **Manager Statutory Planning**
How Delegation Is Recorded **Approval Letter (Planning D'A/s)**
Applicant **Karl Els (Addressee)**

DEL11/117 **Approval to write off of minor rate debts - February 2011 - \$133.30**
Delegation Type **3F - Write off of Minor Debts**
Date Registered **14/03/2011 at 8:27 AM**
Position Exercising Delegated Authority **Chief Executive Officer**
How Delegation Is Recorded **Authorisation Form**
Applicant **Natalie Wilson (Addressee)**

DEL11/118 **Infringement Withdrawal 500870**
Delegation Type **9C - Withdrawal of Infringement Notices**
Date Registered **14/03/2011 at 9:15 AM**
Position Exercising Delegated Authority **Manager Corporate Services**
How Delegation Is Recorded **Withdrawal Notice**
Applicant **Roland & Carol Berzins (Addressee)**

DEL11/119 **Infringement Withdrawal 100842**
Delegation Type **9C - Withdrawal of Infringement Notices**
Date Registered **15/03/2011 at 9:26 AM**
Position Exercising Delegated Authority **Manager Corporate Services**
How Delegation Is Recorded **Withdrawal Notice**
Applicant **Roger Lilleyman (Addressee)**

DEL11/120 **Infringement Withdrawal 500871**
Delegation Type **9C - Withdrawal of Infringement Notices**
Date Registered **15/03/2011 at 9:29 AM**
Position Exercising Delegated Authority **Manager Corporate Services**
How Delegation Is Recorded **Withdrawal Notice**
Applicant **Tahir Rashid (Addressee)**

DEL11/121 **Infringement Withdrawal 500910**
Delegation Type **9C - Withdrawal of Infringement Notices**
Date Registered **15/03/2011 at 9:30 AM**
Position Exercising Delegated Authority **Manager Corporate Services**
How Delegation Is Recorded **Withdrawal Notice**
Applicant **Anonymous (Addressee)**

DEL11/122 **Infringement Withdrawn 500725 & 500823**
Delegation Type **9C - Withdrawal of Infringement Notices**
Date Registered **15/03/2011 at 2:31 PM**
Position Exercising Delegated Authority **Manager Corporate Services**
How Delegation Is Recorded **Withdrawal Notice**
Applicant **Nola Murphy (Addressee)**

DEL11/123 **Infringement Withdrawn 100837**
Delegation Type **9C - Withdrawal of Infringement Notices**
Date Registered **17/03/2011 at 2:16 PM**
Position Exercising Delegated Authority **Manager Corporate Services**
How Delegation Is Recorded **Withdrawal Notice**
Applicant **Terri Hengesh (Addressee)**

Continued...

DEL11/124 **Approval for a Vehicle on a Reserve - Foreshore 3 - Dickies Tree Service - Gary Dickie**
Delegation Type **1H - Authority to Grant Permission for Vehicle on Reserve**
Date Registered **17/03/2011 at 3:29 PM**
Position Exercising Delegated Authority **Administraton Officer - Community and Str**
How Delegation Is Recorded **Letter (general)**
Applicant **Dickies Tree Services (Addressee)**

DEL11/125 **Infringement Withdrawal 500846**
Delegation Type **9C - Withdrawal of Infringement Notices**
Date Registered **18/03/2011 at 9:28 AM**
Position Exercising Delegated Authority **Director Corporate Services**
How Delegation Is Recorded **Withdrawal Notice**
Applicant **Doris Strahan (Addressee)**

DEL11/126 **Infringement Withdraw an 100776**
Delegation Type **9C - Withdrawal of Infringement Notices**
Date Registered **18/03/2011 at 10:20 AM**
Position Exercising Delegated Authority **Manager Corporate Services**
How Delegation Is Recorded **Withdrawal Notice**
Applicant **Eris Toop (Addressee)**

DEL11/127 **Infringement Withdrawn 301238**
Delegation Type **9C - Withdrawal of Infringement Notices**
Date Registered **23/03/2011 at 9:26 AM**
Position Exercising Delegated Authority **Manager Corporate Services**
How Delegation Is Recorded **Withdrawal Notice**
Applicant **Laura Kendall (Addressee)**

DEL11/128 **Youth Grant - Under 14's Water Polo Championships**
Delegation Type **10F - Sponsorship of Youth Initiatives Fund**
Date Registered **24/03/2011 at 2:29 PM**
Position Exercising Delegated Authority **Manager Community Development**
How Delegation Is Recorded **Authorisation Form**
Applicant **Georgia Symons (Addressee)**

DEL11/129 **Infringement Withdrawal 301112**
Delegation Type **9C - Withdrawal of Infringement Notices**
Date Registered **25/03/2011 at 8:49 AM**
Position Exercising Delegated Authority **Manager Corporate Services**
How Delegation Is Recorded **Withdrawal Notice**
Applicant **Kerry Carr (Addressee)**

DEL11/130 **Infringement Withdrawal 700570**
Delegation Type **9C - Withdrawal of Infringement Notices**
Date Registered **25/03/2011 at 8:57 AM**
Position Exercising Delegated Authority **Manager Corporate Services**
How Delegation Is Recorded **Withdrawal Notice**
Applicant **Kellie Stewart (Addressee)**

DEL11/131 **Infringement Withdrawal 100940**
Delegation Type **9C - Withdrawal of Infringement Notices**
Date Registered **29/03/2011 at 11:44 AM**
Position Exercising Delegated Authority **Manager Corporate Services**
How Delegation Is Recorded **Withdrawal Notice**
Applicant **Phoebe Collins (Addressee)**

Attachment to Item 13.3

Council Meeting – 27 April 2011

Attendance of Councillor B Tyson at the
Sustainable Development Conference 2011



NSW SUSTAINABLE DEVELOPMENT CONFERENCE 2011

Improving Environmental Planning in Government

8 - 9 JUNE 2011, DOCKSIDE, SYDNEY

www.halledit.com.au/nswsd2011

KEYNOTE SPEAKERS INCLUDE:



Giovanni Cirillo,
*Executive Director Urban
Renewal & Major Sites,
NSW DEPARTMENT OF
PLANNING*



Dr Michael Kennedy,
*Chief Executive Officer,
MORNINGTON PENINSULA
SHIRE*



Ben Van Der Wijngaart,
*Deputy Mayor,
KIAMA MUNICIPAL COUNCIL*



Dr Alice Howe,
*Manager Sustainability,
LAKE MACQUARIE COUNCIL*



Elizabeth Dixon,
*Senior Environmental Planner,
SHOALHAVEN COUNCIL*



Alison Winn,
*Sustainability Analyst/
Coordinator,
BLUE MOUNTAINS CITY
COUNCIL*

Sustainability now needs to be integrated into all forms of building and infrastructure. This includes new developments currently being planned, as well as retrofitting existing buildings and infrastructure.

The **NSW Sustainable Development Conference 2011** will bring together decision makers from the private and public sectors, including industry leaders, planners, scientists, conservationists and others, to discuss the current and future directions required for the planning to achieve sustainable outcomes in federal, state and local government.

While we will focus mainly on the unique constraints of NSW, we will also discuss what we have learnt from other states.

The **NSW Sustainable Development Conference** will also feature best practice case studies in sustainable development, including creating sustainable work and living places, addressing the challenges of sustainability, and providing advice for how state and local government and business can achieve sustainable development goals in a cost-effective manner.

Now that Prime Minister Julia Gillard has announced the planned introduction of a carbon tax by July 1 2012, it is important to understand how this will affect urban development, buildings and infrastructure, so the necessary plans can be put in place.

The Conference is an opportunity to discuss your ideas and concerns about the carbon tax with fellow planners, scientists, conservationists, environmentalists and industry leaders in a **Moderated Forum: What effect will Carbon Tax have on building, urban development and infrastructure planning?** This will be an open forum where ideas can be shared and discussed.

KEY TOPICS TO BE ADDRESSED:

- Renewable energy and technologies
- Responding to the carbon challenge
- Moderated Forum: What effect will Carbon Tax have on building, urban development and infrastructure planning?"
- Climate change response and planning
- Urban planning and development policies
- Retrofitting for energy efficiency
- The role of social media in sustainable planning
- Integrating land use planning and transport planning
- Meeting demand for utilities and the essential services
- Development of environmental water needs
- Treatment of hazardous and biohazardous waste
- Recycling and waste infrastructure demands
- Industrial symbiosis and ecology
- Community and council engagement
- Supporting workplaces to be more sustainable
- How private and public sectors can achieve their sustainable development goals in a cost-effective manner

**DONT MISS OUT!
STOCKLAND
CASE STUDY**

PLATINUM SPONSOR:



8:30 CONFERENCE REGISTRATION

9:00 WELCOME REMARKS FROM THE CHAIRPERSON

SESSION 1: THE FUTURE IN SUSTAINABILITY, BIODIVERSITY AND RENEWABLE ENERGY

9:10 **Cities of the Future – Imagine Sydney @ 6,000,000**

Sydney's central challenge is to grow sustainably – improve social and economic outcomes while protecting our natural environment and containing the urban footprint. The session will focus and expand on how we can achieve sustainable population growth in existing areas through urban renewal, tools and its benefits.

Giovanni Cirillo, *Executive Director Urban Renewal & Major Sites*, NSW DEPARTMENT OF PLANNING

9:35 **Driving Renewable and Clean Energy Planning**

This presentation will address the general approach for assessing the various renewable energy options available to Blue Mountains City Council. Those options discussed will include building installations covering wind energy, solar hot water, bioenergy, photovoltaics, cogeneration/trigeneration options and hydro-energy.

Alison Winn, *Sustainability Analyst/Coordinator*, BLUE MOUNTAINS CITY COUNCIL

10:00 **Biodiversity Significance Assessment and Integration into the Standard Local Environmental Plan**

Ku-ring-gai council is required to create a Local Environmental Plan under the standard template by 2011. In order to incorporate a strategic approach to the protection of biodiversity and riparian zones, a significance assessment process was developed to guide the development of overlays, appropriate zoning and provisions.

Penny Colyer, *Team Leader Natural Areas*, KU-RING-GAI COUNCIL

10:25 **Question and Answers for Session Speakers**

10:40 MORNING TEA

SESSION 2: WATER CONSERVATION AND PLANNING

11:10 **Stormwater harvesting at a regional sporting venue – Apex Oval**

Dubbo City Council is about to commence construction on a major stormwater harvesting and reuse project incorporating the City's existing stormwater infrastructure and a regional sporting complex. By undertaking this ambitious project Dubbo City Council intends to significantly further reduce our reliance on the potable and aquifer water supplies, to provide educational and learning opportunities for other Councils, businesses and individuals and to encourage and facilitate them in adopting similar strategies, and provide significant environmental benefits by reducing the volume of water extracted from the Macquarie River (part of the Murray Darling)

Ian McAlister, *Manager Horticultural Services*, DUBBO CITY COUNCIL

11:35 **Water Conservation and Water Sensitive Urban Design**

The Woollahra Council is currently undertaking a variety of projects and will share some of their ideas on water sensitive urban design.

Chris Howe, *Double Bay Ward Councillor*, WOOLLAHRA MUNICIPAL COUNCIL

12:00 **Co-existence of Threatened Frogs and Maintenance Activities**

A population explosion of a threatened frog linked to climatic events halted maintenance activities in 2010. This is the story of how Councils Civic Services came to grips with this challenging issue and helped the community and staff become more accepting of a small green and yellow resident.

Elizabeth Dixon, *Senior Environmental Planner*, SHOALHAVEN COUNCIL

12:25 **Question and Answers for Session Speakers**

12:40 LUNCH

1.35 **Moderated Forum: What Effect will Carbon Tax have on Building, Urban Development and Infrastructure Planning?**

2.10 **Stockland Case Study**

2:35 AFTERNOON TEA

SESSION 3: CLIMATE CHANGE EDUCATION

3:05 **Climate Change Workshops in Regional Councils in NSW**

This presentation will discuss how the Local Government and Shires Associations (the Associations) have assisted councils in regional and remote areas of NSW to respond to climate change. Using the Climate Change Action Planning Workshop Package, workshops were facilitated by the Associations at five councils across NSW.

Amy Lovesey, *Climate Change Training Project Manager*, LOCAL GOVERNMENT ASSOCIATION OF NSW AND SHIRES ASSOCIATION OF NSW

3:30 **Are We There Yet? - Evaluating Local Government Climate Change Actions**

The documents of 152 NSW Local Governments have been examined to find out how these councils are responding to climate change, and how they evaluate their plans and programs. The research revealed that, in general, councils are responding to climate change and many aim to exceed government targets.

Dale Fallon, *Postgraduate Researcher*, SOUTHERN CROSS UNIVERSITY

3:55 **Leading the Change on Climate Change**

An example of how to engage a community effectively around the issue of climate change. The session will cover the Mornington Peninsula's engagement program which, initiated in 2007, has received a number of leadership awards.

Gabrielle McCorkell, *Team Leader – Renewable Resources*, MORNINGTON PENINSULA COUNCIL

4:20 **Ku-ring-gai Council Case Study on Climate Change**

In 2007/08 Ku-ring-gai Council in collaboration with Macquarie and Bond Universities undertook the development of a climate change adaptation plan that focused on return on investment as a guide to prioritise adaptations. The task was to identify investment returns that were both monetary and non monetary and included in this was future costs avoided and risk reduction capacity. The results of this research have highlighted some significant lessons for climate change adaptation planning.

Jenny Stott, *Sustainability*, KU-RING-GAI COUNCIL

4:45 **Question and Answers for Session Speakers**

5:00 CLOSING REMARKS FROM THE CHAIRPERSON

5:15 NETWORKING DRINKS

8:30 CONFERENCE REGISTRATION

9:00 WELCOME REMARKS FROM THE CHAIRPERSON

SESSION 4: INFRASTRUCTURE AND TRANSPORT PLANNING

9:10 Placing Sustainability at the Centre of the Urban Land-Use and Transport Planning

Michael will outline the Shire's journey in developing its 'Commitment to a Sustainable Peninsula', which has delivered positive outcomes for the Shire and its diverse communities.

Dr Michael Kennedy, *Chief Executive Officer*, MORNINGTON PENINSULA SHIRE

9:40 **CASE STUDY** Guess What - We Listened! Cycling in Wyong

In 2010 Wyong Shire Council adopted an On-Road Bicycle and Shared Pathway Strategy. The strategy provides the framework for the development and co-ordination of bicycle lanes and shared pathways and identifies the initiatives necessary to support their use throughout the Shire. The session will examine the key findings from the public engagement phase, focusing on the identified barriers and constraints to cycling use; the elements of network development, design and management critical to network usability and the key actions necessary to support and encourage participation in cycling activities.

Stephen Prince, *Recreation Planner, Sport Leisure and Recreation*, WYONG SHIRE COUNCIL

10:10 Question and Answers for Session Speakers

10:25 MORNING TEA

11:05 Re-engineering our cities: How do we move away from traditional approaches to planning and infrastructure?

Energy, waste, water and transport needs will continue to underpin our communities and drive our economic resilience yet we know that our current systems and approaches are unlikely to serve us well into the future. This presentation looks at the leadership, governance, technical and pragmatic opportunities and challenges to changing the way we approach city planning and infrastructure.

Gary Topp, *Manager Sustainability*, KNOX CITY COUNCIL

11:35 Planning, Partnerships and Profit

Developing meaningful long term partnerships between organisations involves building trust. Platforms for achieving this incorporate identifying and then aligning what each organisation has in common. This session will explore:

Martin Prestidge, *Investments Coordinator*, NORTHERN RIVERS CATCHMENT MANAGEMENT AUTHORITY, CMA

12:20 Question and Answers for Session Speakers

12:30 LUNCH

SESSION 5: COMMUNICATING SUSTAINABILITY AND ENGAGING THE COMMUNITY

1:30 Citizen Action and the Road to Sustainability

Lake Macquarie City Council's Sustainable Neighbourhoods Program aims to reduce the city's ecological footprint by working with our community, at the neighbourhood scale, to deliver its vision for a sustainable future.

Dr Alice Howe, *Manager Sustainability*, LAKE MACQUARIE COUNCIL

2:00 Taking Steps to Create Sustainable Communities - The Ecological Footprint in Practice

This presentation will explore whether the application of the Ecological Footprint, as both a management and communication tool, can contribute significantly to the education and engagement on a regional basis, the limits to the Earth's ecological assets and assist our communities in a shift toward more sustainable and healthy lifestyles

Richard Wilson, *Project Officer 3-Council Ecological Footprint Program*, RANDWICK CITY COUNCIL

2:30 Question and Answers for Session Speakers

2:40 AFTERNOON TEA

3:10 **CASE STUDY** Life without Elastic - How to Avoid Getting Caught With Your Pants Down

'Sustainability' has joined 'eco' and 'green' in becoming a jazzy marketing term few really understand. The real probability is we are probably only 5-6 years from facing the Transition Imperative – a need for dramatic change to our way of living that is almost unimaginable – almost. There will be no opting out, but there will be much anger, grief and adjustment on the way to sustainable living in a post-carbon economy. But there is some hope.

Ben Van Der Wijngaart, *Deputy Mayor*, KIAMA MUNICIPAL COUNCIL

3:40 A Stroll Down Sustainability Street

The Sustainability Street Approach, (SSA) is a community engagement and community development program which puts people in charge of crucial decisions about culture, behaviour and sustainability. Over 200 local Sustainability Street Villages have emerged in local communities around Australia.

Frank Fitzgerald-Ryan, *Founder & Principal*, VOX BANDICOOT PTY LTD

4:20 **CASE STUDY** Sustainable Workplaces through Collaborative Capacity Building: the SAM Model

For a variety of reasons it has been difficult for small to medium businesses to engage with and maintain sustainability management programs. These include lack of resources, high costs and insufficient time. Overriding these however, is the lack of knowledge and capability to overcome these barriers and reap the rewards of foresight and efficiency including reduced costs, improved market position and reduced risk due to climate variation. The SAM model was developed to overcome these barriers through capacity building and has been successfully applied in several council areas and business precincts and categories in NSW.

Bruce Simmons, *Adjunct Associate Professor, School of Natural Sciences*, UNIVERSITY OF WESTERN SYDNEY

4:50 Question and Answers for Session Speakers

5:00 CLOSING REMARKS FROM THE CHAIRPERSON

PLATINUM SPONSOR:





NSW SUSTAINABLE DEVELOPMENT CONFERENCE 2011
Improving Environmental Planning in Government
8 - 9 JUNE 2011 DOCKSIDE, SYDNEY

FIVE EASY WAYS TO REGISTER

online, phone, fax, email, mail
www.halledit.com.au/nswsd2011
Phone: 03 8534 5000 Fax: 03 9530 8911
Email: registration@halledit.com.au
Mail: PO Box 84, Hampton, Vic 3188

ATTENDEES

Delegate 1: Name _____

Position _____

Email _____

Delegate 2: Name _____

Position _____

Email _____

Delegate 3: Name _____

Position _____

Email _____

Delegate 4: Name _____

Position _____

Email _____

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Suburb _____ Postcode _____

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Special dietary requirements _____

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CONFERENCE FEES Please indicate number of attendees for each:

EARLY BIRD RATE – Book by April 21, 2011

[] x (\$950 inc GST) Full Conference = []

FULL CONFERENCE – Book after April 21, 2011

[] x (\$1090 inc GST) First Delegate = []

[] x (\$990 inc GST) 2nd & 3rd Delegates = []

[] x (\$800 inc GST) 4th & more Delegates = []

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[] x (\$650 inc GST) Day 1 or 2 = []

Total Amount = []

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Purchase Order No: _____

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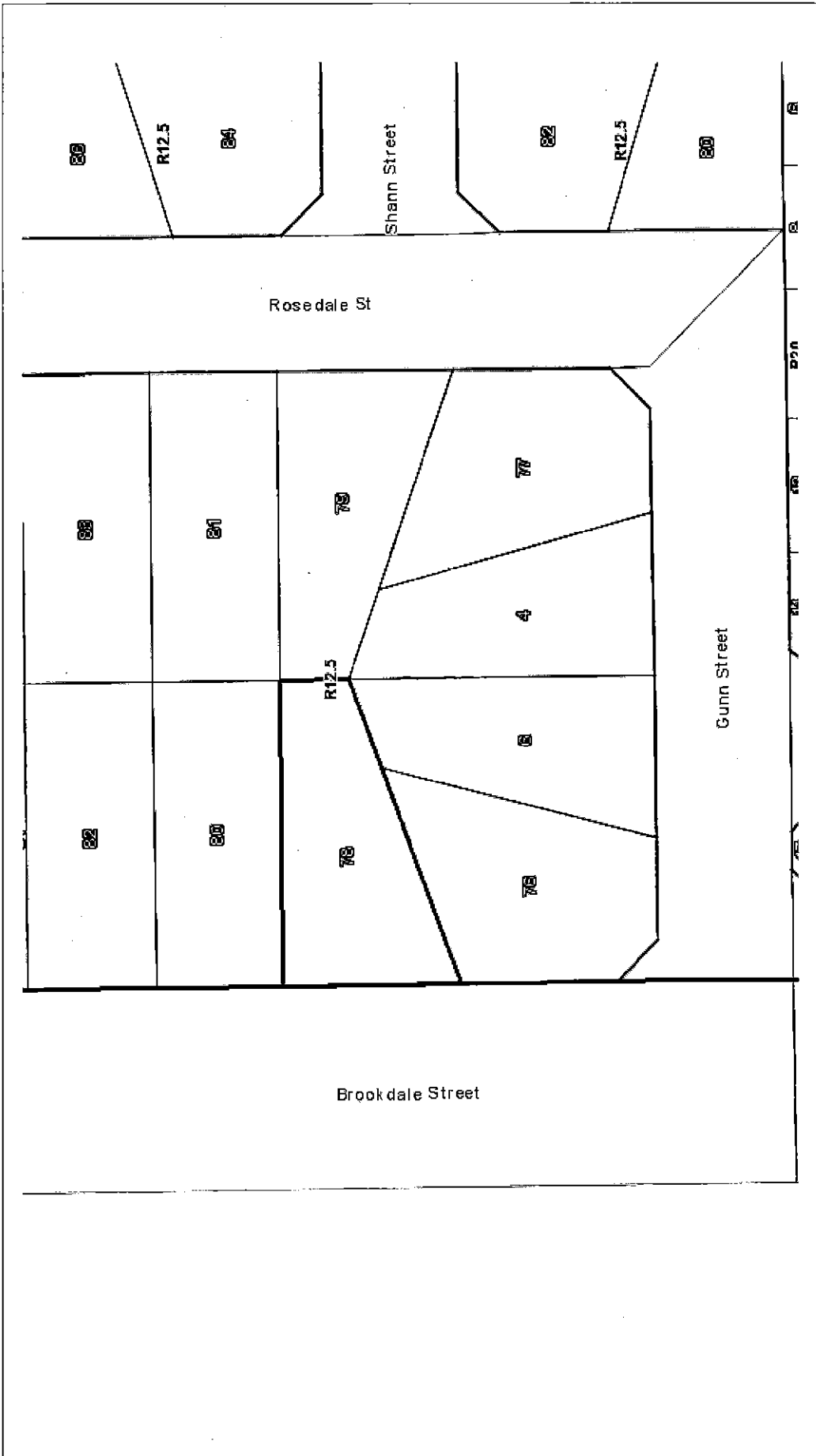
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Attachment to Item 13.5

Council Meeting – 27 April 2011

No. 78 (Lot 12) Brookdale St, Floreat:
Proposed Child Care Centre



City of Nedlands

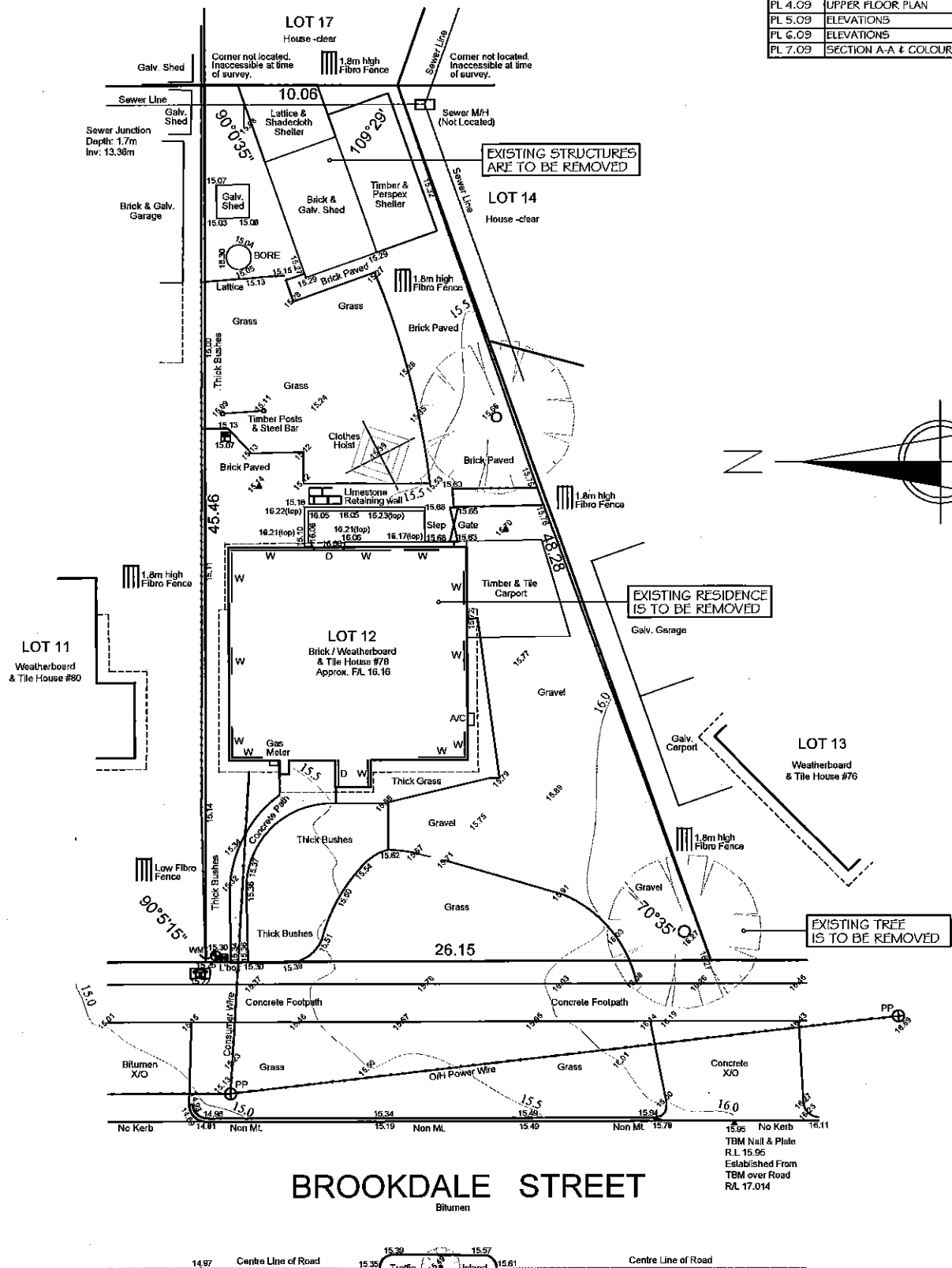
The City of Nedlands accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image

Monday, 18 April 2011

1:834



SHEET	DESCRIPTION
PL 1.09	EXISTING SITE PLAN
PL 2.09	PROPOSED SITE PLAN
PL 3.09	LOWER FLOOR PLAN
PL 4.09	UPPER FLOOR PLAN
PL 5.09	ELEVATIONS
PL 6.09	ELEVATIONS
PL 7.09	SECTION A-A & COLOUR ELEVATION



BROOKDALE STREET

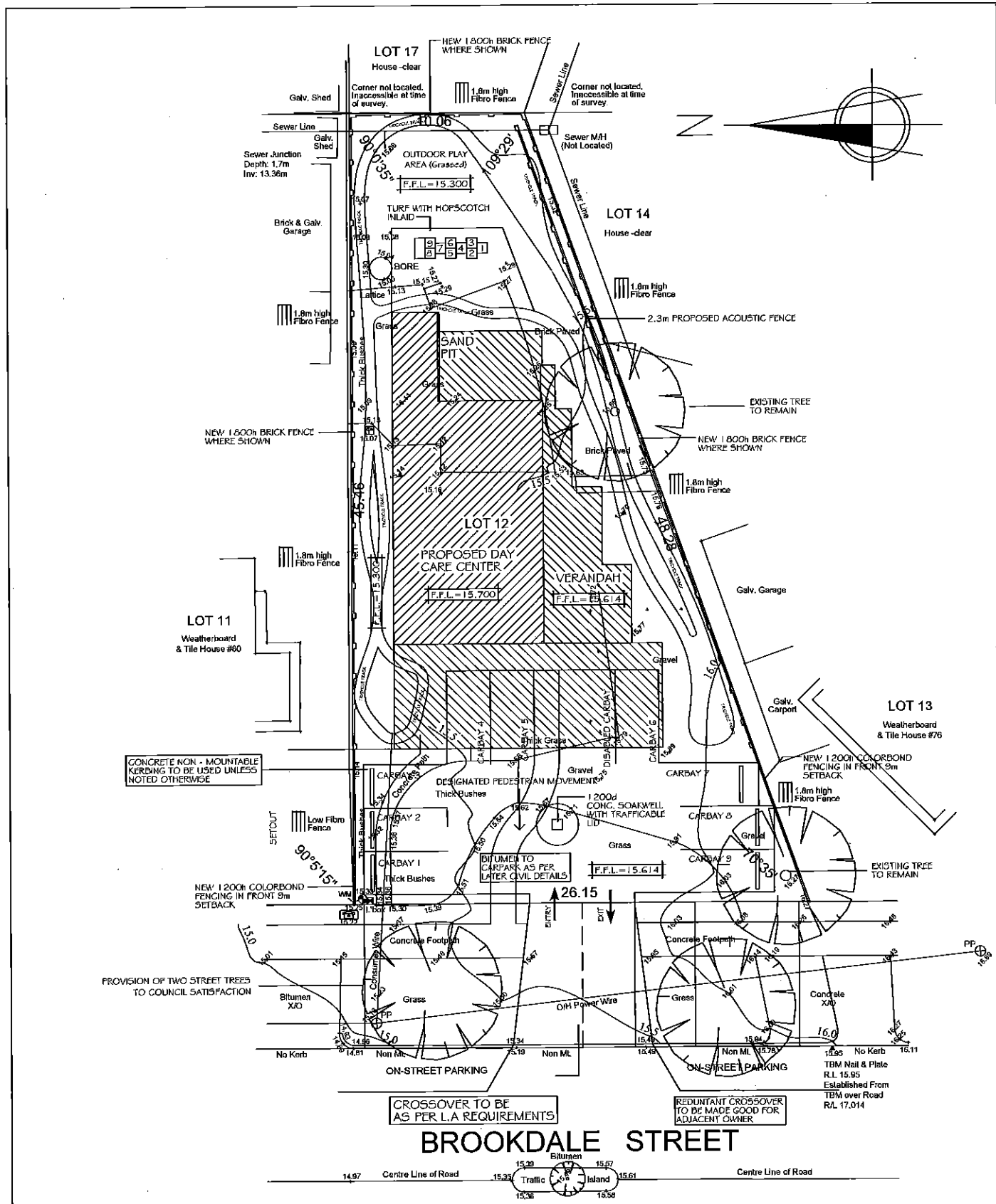
Bitumen

EXISTING SITE PLAN
SCALE: 1-200

SHEET 1 OF 7

FOR PLANNING APPROVAL

Project: PROPOSED DAY CARE CTR. LOT 12 BROOKDALE STREET FLOREAT - WA THE CITY OF NEDLANDS	client: STEELE Job ref: 12-10 drawn: D. Baker	Date: 3 28-06-10 4 19-08-10 5 05-10-10 6 18-10-10 7 26-10-10 8 28-10-10 9 21-11-10	Description: 3 REVISED AS PER CLIENTS REQUESTS 4 REVISED FOR PLANNING APPROVAL 5 AMENDED AS PER COUNCIL REQ. 6 AMENDED AS PER COUNCIL REQ. 7 AMENDED (RAISED TO AS1429.1) 8 AMENDED (RAISED TO AS1429.1) 9 AMENDED (RAISED TO AS1429.1)	10 SONTAY ARCADE PO Box 247 MANDURAH WA 6210 Tel: (08) 9581 2251 Fax: (08) 9581 5811 ACN 128 388 607	MANDURAH BUILDING BY DESIGN Building Design Consultants
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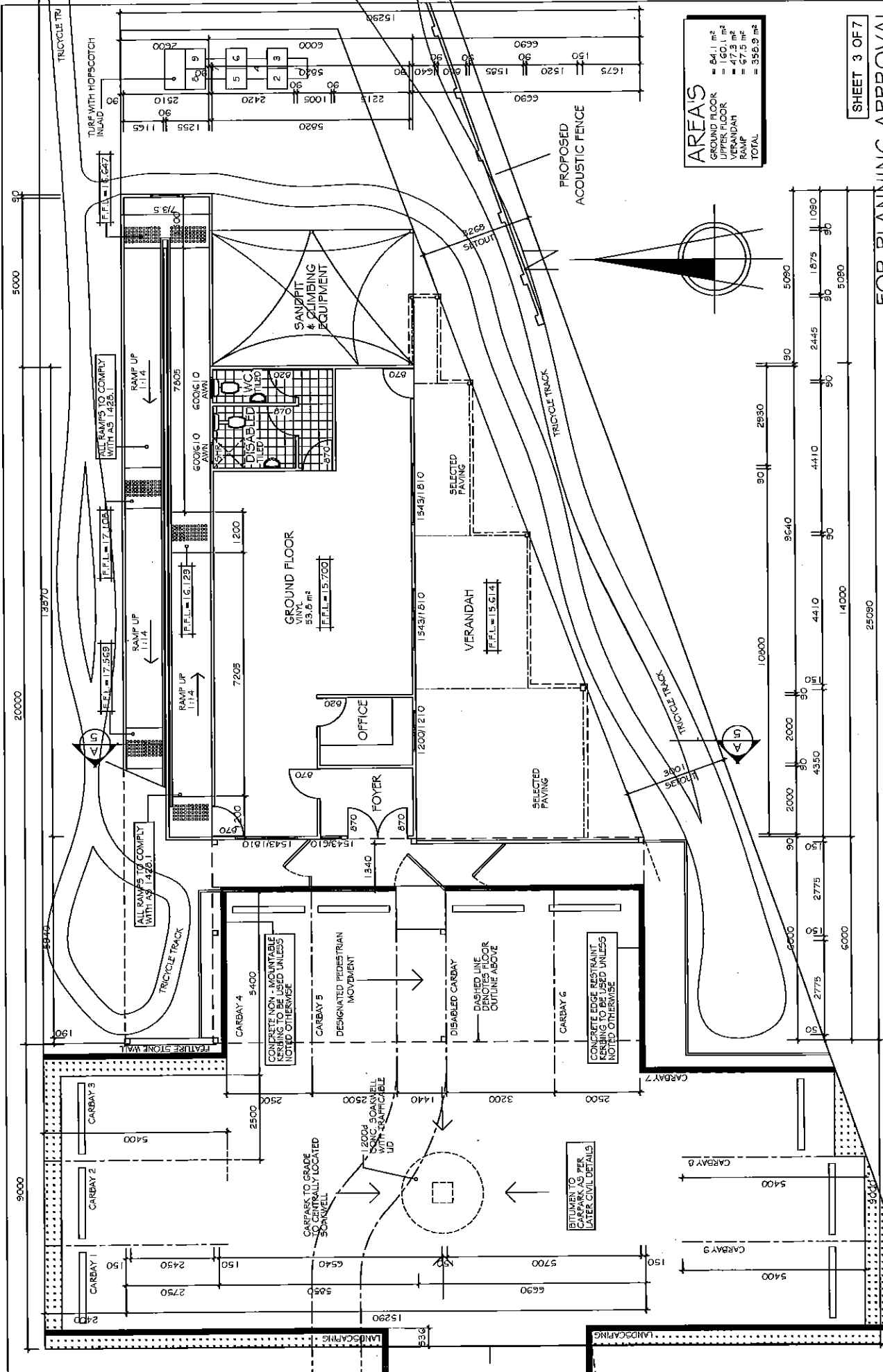


PROPOSED SITE PLAN
SCALE: 1-200

SHEET 2 OF 7

FOR PLANNING APPROVAL

Project PROPOSED DAY CARE CTR. LOT 12 BROOKDALE STREET FLOREAT - WA THE CITY OF NEDLANDS	client STEELE	Rev 3	Date 23/02/10	Description AMENDED AS PER COUNCIL REQUESTS	10 SONTROY ARCADE PO Box 247 MANDURAH WA 6210 Tel: (08) 9581 2251 Fax: (08) 9581 5811 ACN 128 388 607
job ref 12-10	scale PL 2.09 AS NOTED	4	19/06/10	RE ISSUED FOR PLANNING APPROVAL	<p>MANDURAH BUILDING BY DESIGN Building Design Consultants</p>
drawn D.Baker	checked	5	07/10/10	AMENDED AS PER COUNCIL REQ.	
		6	19/10/10	AMENDED AS PER COUNCIL REQ.	
		7	06/11/10	AMENDED DRAWINGS TO AS1428.11	
		8	28/11/10	AMENDED DRAWINGS TO AS1428.11	
		9	01/11/10	AMENDED DRAWINGS TO AS1428.11	



AREAS

GROUND FLOOR	= 53.6 m ²
UPPER FLOOR	= 160.1 m ²
VERANDAH	= 47.3 m ²
RAMP	= 57.5 m ²
TOTAL	= 356.9 m²

SHEET 3 OF 7

FOR PLANNING APPROVAL

PROJECT: PROPOSED DAY CARE CTR.
LOT 12 BROOKDALE STREET,
FLOREAT, W.A.
THE CITY OF NEDLANDS

CLIENT: STEELE

JOB NO: 12-10

DATE: 12-10

SCALE: PL 3.08

AS NOTED

DRAWN: D. Baker

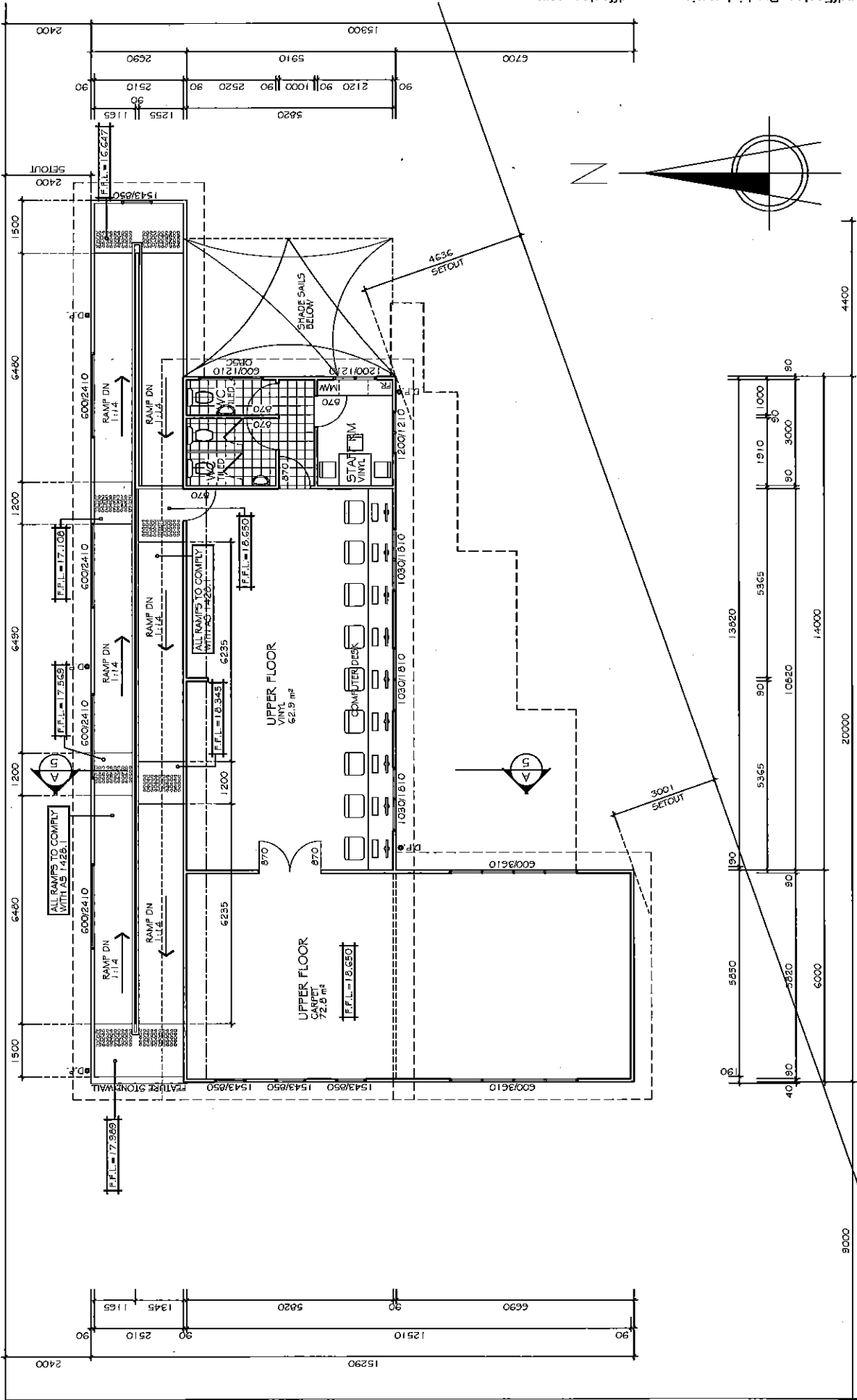
CHECKED: [initials]

MANDURAH BUILDING BY DESIGN
Building Design Consultants @ 2011

10 SONTROY ARCADE
PO BOX 247
MANDURAH WA 6210
TEL: (08) 9551 6511
FAX: (08) 9551 6511
ACN: 128 388 607

Rev	Date	Description
1	12-10-10	AMENDED WATER COURSE REQUIREMENTS
2	12-10-10	AMENDED AS PER COUNCIL REQ.
3	12-10-10	AMENDED RAMP TO A1426.1
4	12-10-10	AMENDED RAMP TO A1426.1
5	12-10-10	AMENDED RAMP TO A1426.1
6	12-10-10	AMENDED RAMP TO A1426.1
7	12-10-10	AMENDED RAMP TO A1426.1
8	12-10-10	AMENDED RAMP TO A1426.1

GROUND FLOOR PLAN
SCALE: 1:100



FOR PLANNING APPROVAL

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Building Design Consultants

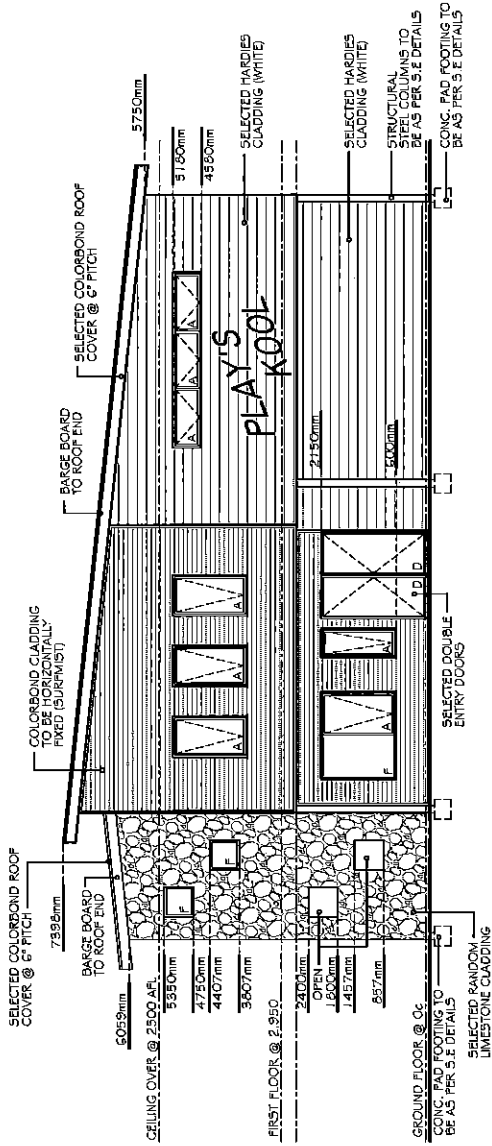
10 SONTDY ARCADE
PO BOX 247
MANDURAH WA 8210
Tel: (08) 9881 2511
Fax: (08) 9881 5811
ACN 129 588 607

SHEET 4 OF 7

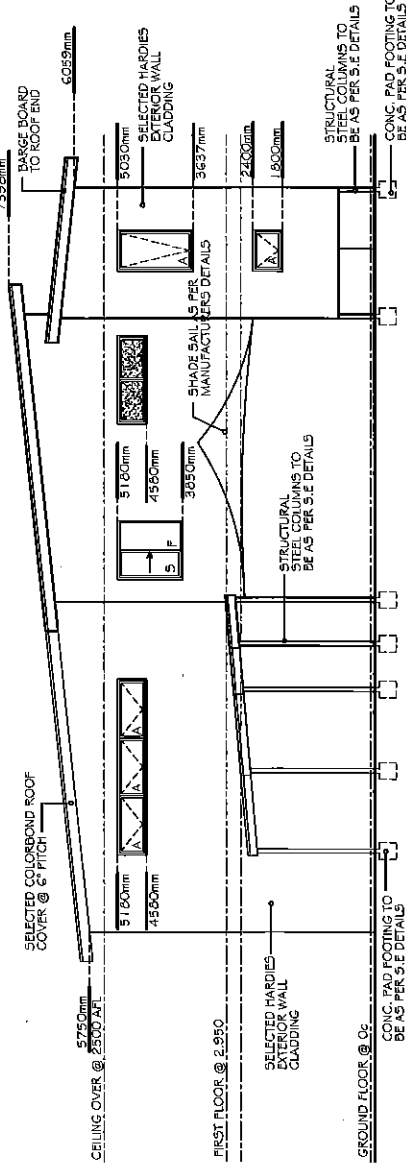
Rev	Date	Description
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2	12-01-10	AWARDED AS PER CLIENTS REQUESTS
3	12-01-10	AWARDED AS PER CLIENTS REQUESTS
4	12-01-10	AWARDED AS PER CLIENTS REQUESTS
5	12-01-10	AWARDED AS PER CLIENTS REQUESTS
6	12-01-10	AWARDED AS PER CLIENTS REQUESTS
7	12-01-10	AWARDED AS PER CLIENTS REQUESTS
8	12-01-10	AWARDED AS PER CLIENTS REQUESTS
9	12-01-10	AWARDED AS PER CLIENTS REQUESTS

Project	PROPOSED DAY CARE CTR. LOT 12 BROOKDALE STREET FLOREAT - WA THE CITY OF NEDLANDS
client	STEELE
Job Ref	12-10
Scale	PL 4.09 AS NOTED
drawn	D. Baker
checked	

FIRST FLOOR PLAN
SCALE: 1:100



FRONT ELEVATION
SCALE: 1-100



REAR ELEVATION
SCALE: 1-100

SHEET 5 OF 7

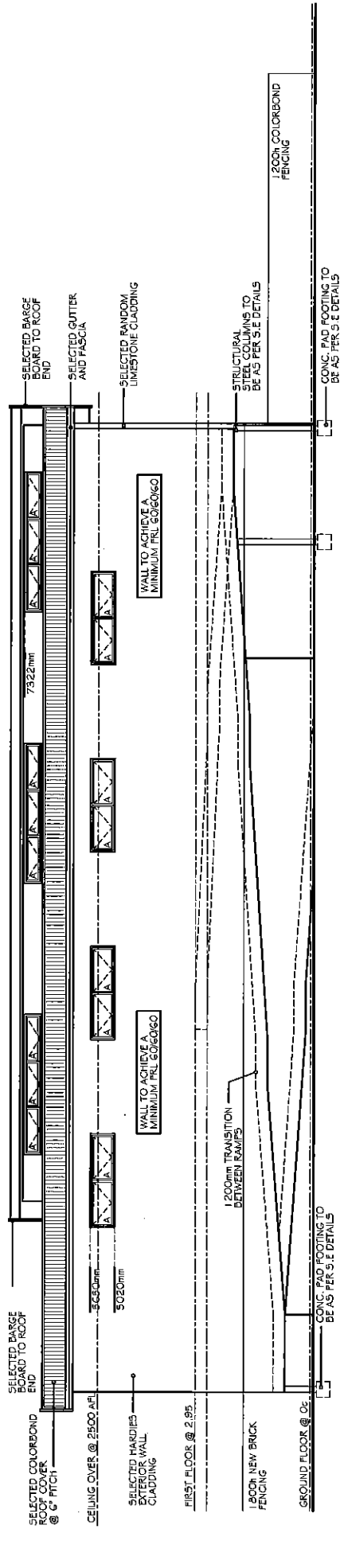
FOR PLANNING APPROVAL

Project	PROPOSED DAY CARE CTR. LOT 12 BROOKDALE STREET FLOREAT - W.A. THE CITY OF NEDLANDS	Client	STEELE
Drawn	D. Baker	Checked	
Scale	PL 5.09 AS NOTED	Scale	

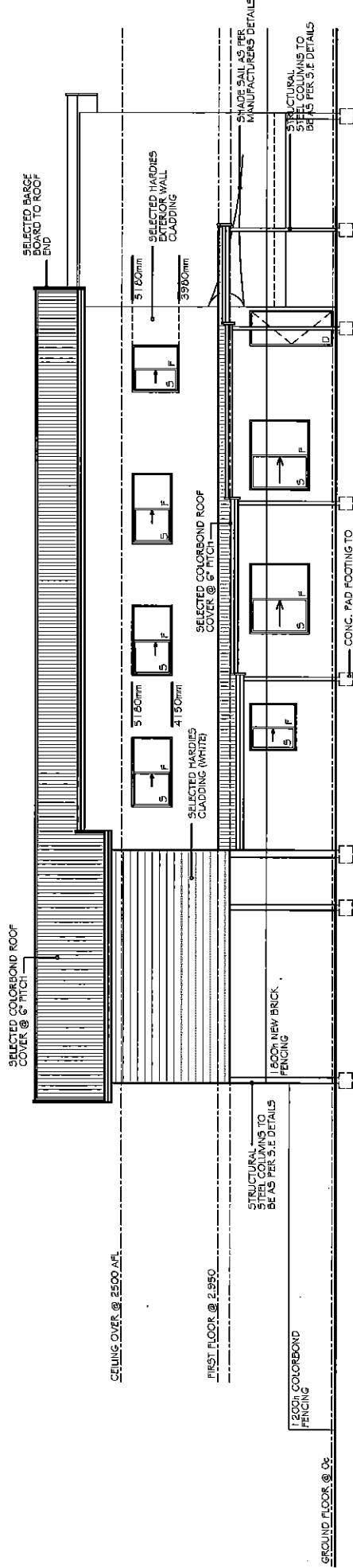
Rev	Date	Description
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2	10/11/10	AMENDED AS PER CLIENTS REQUESTS
3	10/11/10	AMENDED AS PER CLIENTS REQUESTS
4	10/11/10	AMENDED AS PER CLIENTS REQUESTS
5	10/11/10	AMENDED AS PER CLIENTS REQUESTS
6	10/11/10	AMENDED AS PER CLIENTS REQUESTS
7	10/11/10	AMENDED AS PER CLIENTS REQUESTS
8	10/11/10	AMENDED AS PER CLIENTS REQUESTS
9	10/11/10	AMENDED AS PER CLIENTS REQUESTS

10 SCANTOY ARCADE
PO Box 247
MANDURAH WA 9210
TEL: (08) 9581 2511
FAX: (08) 9581 2511
AGN: 123 398 807

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L/H SIDE ELEVATION
SCALE: 1:100



R/H SIDE ELEVATION
SCALE: 1:100

SHEET 6 OF 7

FOR PLANNING APPROVAL

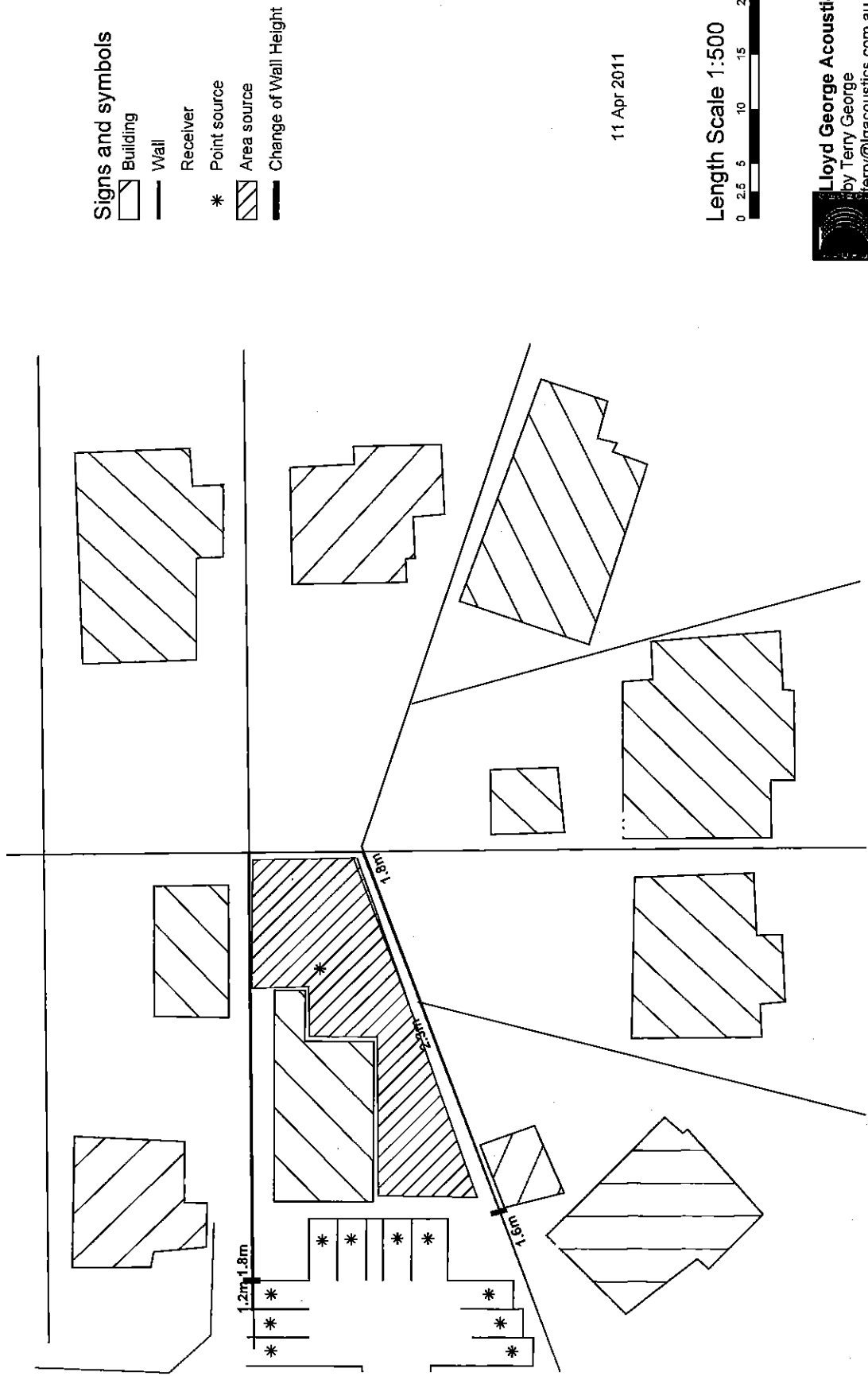
Project	PROPOSED DAY CARE CTR. LOT 12 BROOKDALE STREET FLOREAT - W.A. THE CITY OF NEDLANDS	Client	STEELE	Scale	PL 6.09 AS NOTED
Job No.	12-10	Drawn	D. Baker	Checked	
Rev.	Date	Description			
1	18-01-10	AWARDED AS PER CLIENT'S REQUIREMENTS			
2	02-01-10	AWARDED AS PER CLIENT'S REQUIREMENTS			
3	02-01-10	AWARDED AS PER CLIENT'S REQUIREMENTS			
4	02-01-10	AWARDED AS PER CLIENT'S REQUIREMENTS			
5	02-01-10	AWARDED AS PER CLIENT'S REQUIREMENTS			
6	02-01-10	AWARDED AS PER CLIENT'S REQUIREMENTS			
7	02-01-10	AWARDED AS PER CLIENT'S REQUIREMENTS			
8	02-01-10	AWARDED AS PER CLIENT'S REQUIREMENTS			
9	02-01-10	AWARDED AS PER CLIENT'S REQUIREMENTS			

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Tel: (08) 9891 2251
Fax: (08) 9891 2211
AGN 123 388 807

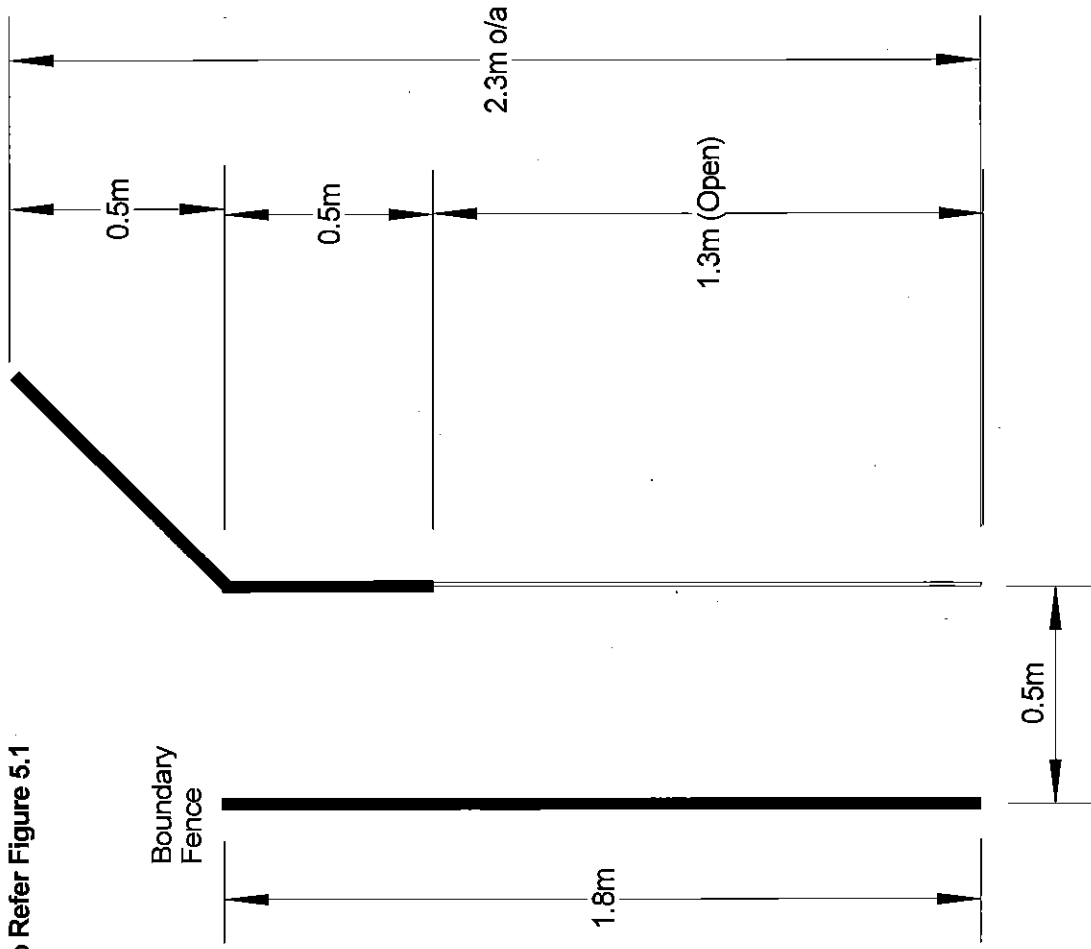
Figure 5.1

Lot 12 Brookdale Street, Floreat - Proposed Child Care Centre
 Locality of Walls - Also Refer Figure 5.2



Lloyd George Acoustics
 Lloyd Terry George
 lterry@lgaacoustics.com.au
 (08) 9401 7770

Also Refer Figure 5.1



1. Boundary wall is to be solid with no gaps.
2. Internal wall to be a maximum of 500mm from boundary wall.
3. Internal wall to overlap boundary wall by 500mm, leaving bottom 1.3m of wall to be open.
4. Peak of internal wall to be 2.3m above ground level of play area.

Barrier material to have a minimum surface mass of 10kg/sqm.

Date: Apr 2011	Scale: N.T.S.	By: T. George	Job No.: 10111709	Drawing No.: 5.2	
Floreat Child Care Centre Proposed Wall - Elevation				Lloyd George Acoustics Pty Ltd PO Box 717 Hillarys WA 6923 Ocean Reef Office Ph: 9300 4188 Fx: 9300 4199 Email: daniel@lgacoustics.com.au Mobile: 0439 032 844 Factory Office Phone: 9401 7770 Fax: 9401 7770 Email: terry@lgacoustics.com.au Mobile: 0400 414 197	

JOB CODE: STL FLO GE
DATE: 14.04.2011

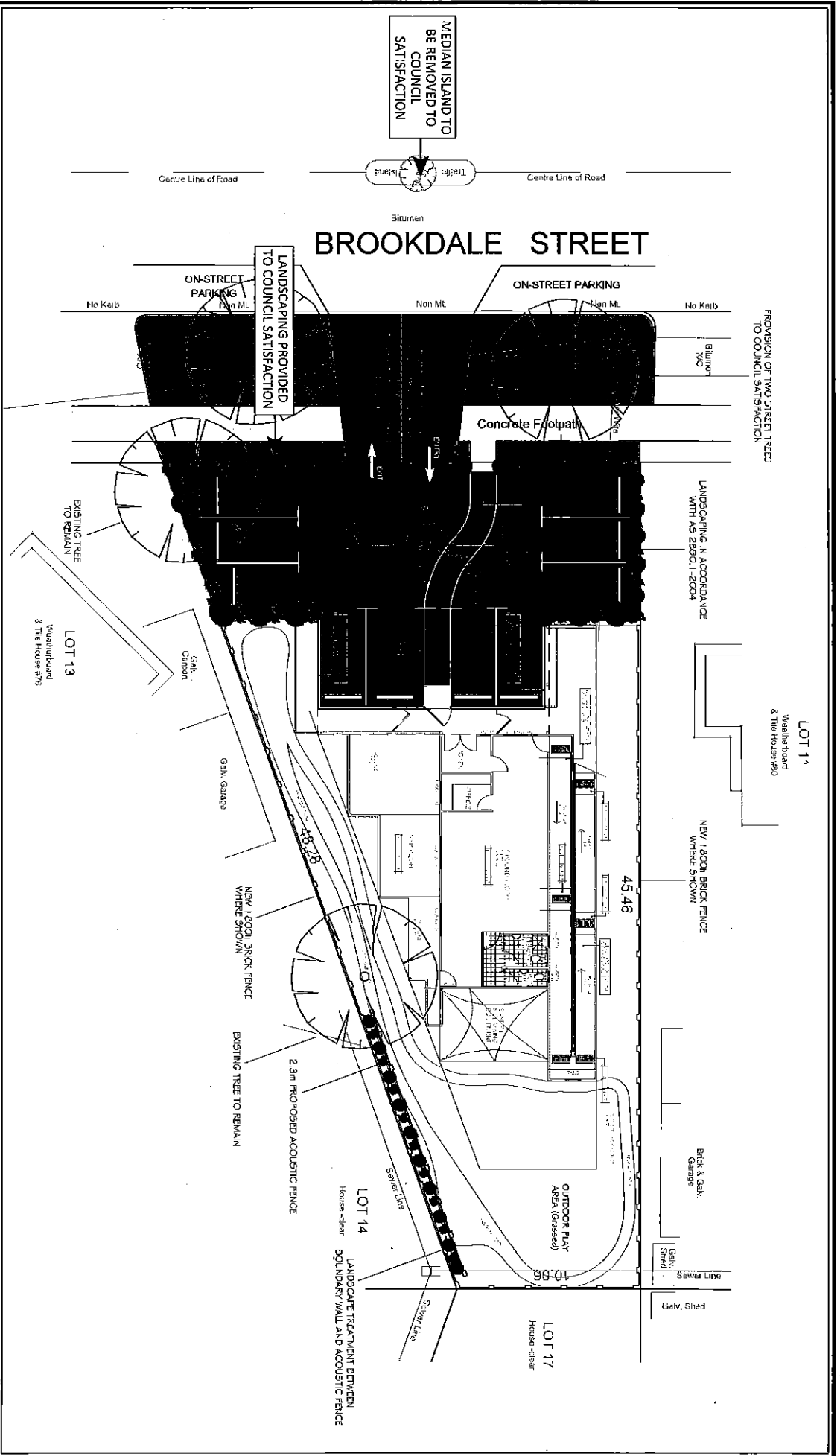
SCALE 1:200
ORIGINAL PLAN SIZE: A3

125 Hamersley Road, Subiaco W.A. 6008
PH: (08) 9382 3000 FAX: (08) 9382 3005
www.allerdingassoc.com



LANDSCAPING PLAN

LOT 12 BROOKDALE STREET FLOREAT
City of Nedlands



MEDIAN ISLAND TO BE REMOVED TO COUNCIL SATISFACTION

BROOKDALE STREET

LANDSCAPING PROVIDED TO COUNCIL SATISFACTION

PROVISION OF TWO STREET TREES TO COUNCIL SATISFACTION

LANDSCAPING IN ACCORDANCE WITH AS 2590.1-2004

LOT 11
Weatherboard & Tile House #90

NEW 1 ROOM BRICK FENCE WHERE SHOWN

BRICK & GALV. GARAGE

Galv. Shed

LOT 17
House-clear

LOT 14
House-clear
LANDSCAPE TREATMENT BETWEEN BOUNDARY WALL AND ACOUSTIC FENCE

EXISTING TREE TO REMAIN

NEW 1 ROOM BRICK FENCE WHERE SHOWN

Galv. Garage

EXISTING TREE TO REMAIN

LOT 13
Weatherboard & Tile House #78

Galv. Cinnon

ON-STREET PARKING
Non Mt.

ON-STREET PARKING
Non Mt.

Concrete Footpath

Median Island

Bitumen

Centre Line of Road

Centre Line of Road

0 2 4 6 8 10m

SCALE 1:200
ORIGINAL PLAN SIZE: A3

5 RECOMMENDATIONS

The modelling indicates that noise levels have the potential to exceed those prescribed in the *Environmental Protection Noise Regulations 1997*. To mitigate the noise, a barrier is required. Following discussions with the client, the barrier shown in Figures 5.1 & 5.2 has been proposed, which will accommodate both the planning requirements and the acoustic requirements.

In addition to the mandatory requirements, the following more general practices are encouraged to minimise the overall noise impact.

- All exhaust fans to be contained within the roof or ceiling space and then ducted to outside;
- Air-conditioning systems to be located in areas to maximise distance to residences and use the building structure (where practicable) for shielding;
- Staff and parents are to be advised not to arrive at site prior to 7am in order to minimise disturbance outside of operating hours;
- No music is to be played outside;
- Fixed play equipment is to be of plastic construction, alternatively any hollow metal equipment would need to be filled with expanding foam or sand to deaden the noise;
- Hard floor finishes (e.g. concrete, brick paving) are to be minimised in the play areas and preference given to rubber matting and synthetic grass; and
- Duration of outdoor play is to be minimised to reduce the noise impact to residents. Times for outdoor play shall consider information from the Cancer Council of WA to reduce the risk of sunburn.