



City of Nedlands

# ***Minutes***

## ***Council Meeting***

***27 September 2011***

### ***ATTENTION***

***These minutes are subject to confirmation.***

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

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## City of Nedlands

### Minutes of an ordinary meeting of Council held in the Council chambers, Nedlands on Tuesday 27 September 2011 at 7.01 pm.

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#### Declaration of Opening

The Presiding Member declared the meeting open at 7.01 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).

<b>Councillors</b>	Her Worship the Mayor, S A Froese	(Presiding Member)
	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 J D Bell	Hollywood 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

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

**Public** There were 15 members of the public present.

**Press** The Post Newspaper and Western Suburbs Weekly representatives.

**Leave of Absence (Previously Approved)** Councillor K E Collins Coastal Districts Ward

**Apologies** Councillor B Tyson Melvista Ward

**Absent** Nil.

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### 1. Public Question Time

Moved – Councillor Negus  
Seconded – Councillor Bell

**That the Items 1.1 be taken as read aloud as copies of questions and answers were published in the agenda and will be published in the minutes.** (Printed below for ease of reference)

**CARRIED 9/2  
(Against: Crs. Hipkins & Smyth)**

#### 1.1 Mr C Latchem – 2 Sherwood Road Dalkeith – Merger Proposal

Question 1

On whose authority was the 8 July 2011 Media Release “Nedlands vote sets precedent for Perth council” issued?

Answer 1

The media release was the subject of an announcement by the Mayor at the last Council meeting.

Question 2

On what authority did the Mayor use the words “forced merger” in this Media Release when these did not feature in the motion approved by Council at the previous day’s meeting?

Answer 2

The media release was the subject of an announcement by the Mayor at the last Council meeting.

Question 3

Why did the Mayor not mention this intention in her interview with the Mayor of Subiaco and Geoff Hutchinson on ABC 720 on 8 July, only a few hours before the issue of this Media Release?

Answer 3

Unanswerable.

Question 4

What is the response of the CEO to reports in the POST and Western Suburbs that the Mayor and CEO of Subiaco are considering legal action against the City of Nedlands on the grounds that the Council:

1. is in breach of its undertaking under the RTG agreement
2. has misused the documentation prepared for the RTG, and
3. has laid down conditions for a merger process which the LGAB could not possibly meet?

Answer 4

Subiaco’s actions, proposed or not, are a matter for Subiaco.

Question 5

Will the CEO report on all discussions or correspondence he has had with the LGAB and the Mayor and CEO of Subiaco on these matters?

Answer 5

No. If the matter is to be subject to legal action, there will be no debate through the media.

**1.2 Ms K Walker - 3 Burwood Street, Nedlands - Amalgamation Transition Costs / Parking on Smyth Road / GCS site office / Asbestos**

Mr G Foster, Chief Executive Officer on behalf of Ms K Walker tabled the following questions received on 26 September 2011 along with the answers in relation to Amalgamation transition costs / Parking on Smyth Road and GCS site office.

## **Amalgamation Transition Costs**

### Question 1

Will the ratepayers of the City of Nedlands bear the 4.1 million transition costs identified to implement the merger between the two Cities?

### Answer 1

The KPMG report identified conservative annual cost savings from any amalgamation between the Cities of Nedlands and Subiaco as \$4,400,000. On current levels of service, these savings would be apparent every year. The report also identified once off costs of the exercise as \$4,100,000 so annual savings, on the figures produced more would more than cover the costs associated with any such exercise in the first year should it ever occur.

Irrespective of that, the State Government has stated it would invite the City to make an application for cost recovery of the \$4.1 million as it had under the RTG process. That situation has not changed.

### Question 2

Will the ratepayers of the City of Nedlands pay for the cost of the LGAB inquiry given that the LG Act suggests it is the initiating Local Government who will bear the costs of the process?

### Answer 2

The State Government has indicated a preparedness to bear the costs of the inquiry.

### Question 3

When will the City of Nedlands formally request funding for the forced merger proposal from the Minister?

### Answer 3

Funding will be requested at the appropriate time should the process proceed to that point.

## **Parking on Smyth Road**

### Question 1

When did the CoN undertake community consultation with the residents within the area?

### Answer 1

Community consultation was undertaken with residents and stakeholders within the area of Smyth Road between Verdun Street and Monash Avenue as stated in the 2 August Traffic Management Committee resolution (east and west sides of Smyth Road from Verdun Street to Monash Avenue), a meeting was held with the Hollywood Primary School Principal, Hollywood Primary School Parents and

Citizens Association Inc. and the President of the Hollywood Bowling Club on 5 August 2011, of which all the feedback was positive and supportive of the 2 hour parking restriction.

In addition, a meeting was held on 17 August 2011 with the representatives of the QEII Hospital of who were also positive and supportive of the 2 hour parking restriction. Since then, correspondence has been received from the Hollywood Primary School and the Hollywood Primary School P & C Association further confirming their approval and satisfaction with the resolution. Administration has since received correspondence from residents in other surrounding areas advising of their approval and support of the resolution also.

Question 2

Who was (which streets) were residents consulted within the area?

Answer 2

Consultation was undertaken as per Councils Community Engagement Plan (approved by Council) with the stakeholders in the area the parking restriction was to be implemented – Smyth Road between Verdun Street and Monash Avenue.

Question 3

What questions were asked in the community consultation process?

Answer 3

There were no specific questions as such, Administration held a general discussion with the Stakeholders on the outcome of the Traffic Management Committee and provided details of the 2 August Traffic Management Committee resolution. The Stakeholders were then given the opportunity to ask questions and give Administration feedback.

Question 4

How many responses were received by residents?

Answer 4

Question cannot be answered.

Questions 5

How many responses were received by staff?

Answer 5

Two residents responded plus discussions with other stakeholders whose comments were noted.

Question 6

How many responses were received by stakeholders?

Answer 6

Question cannot be answered.

Question 7

Which stakeholders were consulted?

Answer 7

As per answer 4 and 6, Residents as per Council's Community Engagement Plan, Hollywood Primary School, Hollywood Primary School Parents and Citizens Association, QEII Representatives and Hollywood Bowling Club.

**GCS Site Office**

Question 1

There has been a GCS site office delivered to the corner of the verge on Verdun Street. On tracking down the hire of such an office – it appears that this has been hired by the North Metropolitan Health Authority. (Please note there is also the exact same GCS site office being delivered to Kilgour Park which is being temporarily used as a QEII tradies' car park). Please could you advise what is the purpose of these site offices and when did Nedlands Council grant permission to the North Metropolitan Health Authority to put site offices on the verge on Verdun Street?

Answer 1

The site office in question is located within the hospital site and not within Verdun Street or Council managed land. Verdun Street road reserve ends adjacent to Kingston Street and the road east to the hospital forms part of Gardiner Drive which is contained within the hospital and not a council managed road. The site office is part of the state approved construction works that form part of the hospital redevelopment.

**Asbestos**

Question 1

The Hollywood Bowling Club is currently having asbestos removed from the roof of the Club house. Could the CoN confirm that no other outbuilding or lean-to sheds have asbestos within their structures?

Answer 1

The City's Asbestos register has identified that the buildings located onsite: Subs Hockey Pavilion & YMCA after school care, could have potential asbestos linings of walls, ceilings, eaves and power boards. However all of these buildings were allocated with a low risk rating due to the asbestos in situ being in good condition and having been painted. There were no immediate risks that needed to be addressed at these buildings. No visible signs of asbestos have been determined in the buildings associated with sand volley ball.

**1.3 Ms H Moore - 10 Burwood Street, Nedlands - Public Questions taken on notice**

Mr G Foster, Chief Executive Officer on behalf of Ms H Moore tabled the following questions received on 26 September 2011 along with the answers in relation to the Public Questions taken on notice.

**Question 1**

At other Council's questions by the general public raised on or around the date of the Council meeting are answered on the evening of the Council meeting – Can the CoN advise how many public questions in the last 12 months have the City taken on notice?

**Answer 1**

The City has taken 15 sets of questions on notice over the last 12 months from September 2010.

Contrary to the comments made within the question, most Councils do take questions on notice, thus allowing the preparation of more accurate and comprehensive answers for the electors concerned.

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

Addresses by members of the public who have completed Public Address Session Forms to be made at this point.

Mr P Mannolini, 81 Mountjoy Road, Nedlands Report D53.11  
(spoke in opposition of the motion)

Ms T Jupp, 45A Kirwan Street, Floreat Report D54.11  
(spoke in opposition)

Mr K Eastwood, 7 Alexander Place, Dalkeith Item 13.6  
(spoke in support)

Mr H Carnachan, 11 McKenna Glen, Mt Claremont Item 14.13  
(spoke in support of the motion)

**3. Requests for Leave of Absence**

Councillor Horley requests leave of absence for the Council meeting on the 25 October 2011 & Council meeting on the 22 November 2011.

Moved – Councillor Negus  
Seconded – Councillor Hodsdon

**That Councillor Horley be granted leave of absence for the Council meeting on the 25 October 2011 and the Council Meeting on the 22 November 2011.**

**CARRIED UNANIMOUSLY 11/-**

**4. Petitions**

Nil.

**5. Disclosures of Financial Interest**

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

**5.1 Mayor Froese – Report D56.11 – Lot 2103 Brockway Road, Mt Claremont – Proposed Limited Outline Development Plan for the University of Western Australia Sports Hockey Precinct**

Mayor Froese disclosed a financial interest in Report D56.11 – Lot 2103 Brockway Road, Mt Claremont – Proposed Limited Outline Development Plan for the University of Western Australia Sports Hockey Precinct, her interest being that both she and her son are members of the UWA Hockey Club. She advised that she would leave the meeting during this matter and that the Deputy Mayor would assume the role of Presiding Member during that time.

**5.2 Councillor Horley – D56.11 - Lot 2103 Brockway Road, Mt Claremont – Proposed Limited Outline Development Plan for the University of Western Australia Sports Hockey Precinct**

Councillor Horley disclosed a financial interest in Report D56.11 – Lot 2103 Brockway Road, Mt Claremont – Proposed Limited Outline Development Plan for the University of Western Australia Sports Hockey Precinct, her interest being that she was an employee of the University of Western Australia. She advised that she would leave the meeting during this matter.



**5.3 Mr G Foster, Chief Executive Officer - Report D54.11 – No. 47 (Lot 101) Kirwan Street, Floreat (Fortyseven Kirwan Cafe) Increase in seating capacity and proposed alfresco dining**

Mr Foster disclosed a financial interest in Report D54.11 – No. 47 (Lot 101) Kirwan Street, Floreat (Fortyseven Kirwan Street Cafe) – Increase in seating capacity and proposed alfresco dining. He disclosed that his daughter has a business in the immediate vicinity, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He advised he will leave the room during this matter.

**5.4 Councillor Negus – Item 13.6 - Dalkeith Redevelopment – Feedback on Additional Advertising required by the Western Australian Planning Commission for Finalisation of Scheme Amendment No. 192**

Councillor Negus disclosed a financial interest in Item 13.6 – Dalkeith Redevelopment – Feedback on Additional Advertising required by the Western Australian Planning Commission for Finalisation of Scheme Amendment No. 192, his interest being that he owns residential property at 10 Philip Road adjoining the development precinct, his family owns the property at 87 Waratah Avenue inside the proposed development precinct and that his election posters are being displayed in several shop windows inside the development precinct. He advised that he would leave the meeting during this matter.

**6. Disclosures of Interests Affecting Impartiality**

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

**6.1 Councillor Negus – Report D54.11 - No. 47 (Lot 101) Kirwan Street, Floreat (Fortyseven Kirwan Cafe) Increase in seating capacity and proposed alfresco dining**

Councillor Negus disclosed an impartiality interest in Report D54.11 - No. 47 (Lot 101) Kirwan Street, Floreat (Fortyseven Kirwan Cafe) Increase in seating capacity and proposed alfresco dining. He disclosed that he has an association with the applicant, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

**6.2 Councillor Somerville-Brown – Report D57.11 – Draft Public Transport Plan for Perth 2031 – Request for Public Comment**

Councillor Somerville-Brown disclosed an impartiality interest in Report D57.11 Draft Public Transport Plan for Perth 2031 – Request for Public Comment. He disclosed that while he has an association with the Public Transport Authority (PTA) as an employee of the PTA, his interest is in common with a significant number of electors. However, as an employee of the PTA, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

**6.3 Councillor Smyth – Report D55.11- Review of State Planning Policy 3.1 – Residential Design Codes (RCodes)**

Councillor Smyth disclosed an impartiality interest in Report D55.11 – Review of State Planning Policy 3.1 – Residential Design Codes (RCodes). She disclosed that while she has an association with the Department of Planning as an employee her interest is in common with a significant number of electors. However as an employee of the Department of Planning, there may be a perception that her impartiality on the matter may be affected. She declared that she would leave the meeting during this matter.

**6.4 Councillor Smyth – Item 13.6 - Dalkeith Redevelopment – Feedback on Additional Advertising required by the Western Australian Planning Commission for Finalisation of Scheme Amendment No. 192**

Councillor Smyth disclosed an impartiality interest in Item 13.6 – Dalkeith Redevelopment – Feedback on Additional Advertising required by the Western Australian Planning Commission for Finalisation of Scheme Amendment No. 192. She disclosed that while she has an association with the Department of Planning as an employee her interest is in common with a significant number of electors. However as an employee of the Department of Planning, there may be a perception that her impartiality on the matter may be affected. She declared that she would leave the meeting during this matter.

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

Nil.

**8. Confirmation of Minutes**

**8.1 Ordinary Council meeting 23 August 2011.**

Moved – Councillor Tan  
 Seconded – Councillor Bell

**That the minutes of the ordinary Council meeting held 23 August 2011 are confirmed subject to:**

- 1. the correction of wording on page 82, change the word “Original” to Substantive”;**
- 2. the correction of vote on page 89, change vote from “8/3” to “93”.**

**CARRIED UNANIMOUSLY 11/-**

**9. Announcements of the Presiding Member without discussion**

The Presiding Member tabled the following list of functions she had attended during the past period 24 August 2011 – 27 September 2011.

Wednesday September 2011	21		Mt Claremont Oval Changeroom Opening
Wednesday September 2011	21	Australian Institute of Management	Katitjin Centre Launch Invitation
Thursday September 2011	22	Hollywood- Subiaco Bowling Club	Presidents Luncheon

Mayor Froese drew attention to the Katitjin Centre was opened by Governor General. She went on a tour and stated it was a pristine building to have in our City. It is one of a few 6 star environmentally friendly buildings. The City’s planning staff were thanked for their assistance.

Mayor Froese stated this was her last Council meeting and that it had been an honour to have been able to serve the community in this chamber for 13 years. She felt very privileged to have worked with some wonderful people over that period.

Mayor Froese wished both the City and all Councillors the very best for the future.

## 10. Members announcements without discussion

### 10.1 Councillor Hipkins - Functions

Councillor Hipkins table the following list of functions he had attended in his capacity as Deputy Mayor since the last Council Meeting.

11 September 2011	Dalkeith Bowling Club	Open Day
12 September 2011	National Trust (WA)	Council Meeting (WALGA nominee)
16 September 2011	Riverside Lions Hockey Club	Junior Wind up
21 September 2011	CoN	Mt Claremont Change Rooms Opening
26 September 2011	Nedlands Electors Association	AGM

### 10.2 Councillor Somerville-Brown - Functions

Councillor Somerville-Brown advised that during September 2011 he was pleased to attend the following local sporting club functions as a Councillor for the City of Nedlands:

#### 1. Dalkeith-Nedlands Junior Football Club - Trophy Presentations, 11 Sept 2011

Councillor Somerville-Brown advised that this function was hosted by the Dalkeith Nedlands Junior Football Club which has a range of teams from 14s down to 9s and Auskick for junior players. The function was well attended and the day included:

- Presentations to teams and individual players
- The Club Annual General Meeting and election of officials
- Bouncy Castle, Bucking Bronco, slides, Sausage Sizzle and other activities

#### 2. Riverside Lions Junior Hockey Club - Trophy Presentations, 16 Sept 2011

Councillor Somerville-Brown advised that this function was hosted by the Riverside Lions Hockey Club which has an extensive membership of some 600 junior players. The function was well attended despite the stormy weather and the evening included:

- Presentations to teams and individual players
- The Club Annual General Meeting and election of officials
- A Disco for junior players

### **3. City of Nedlands - Mt Claremont Club Rooms – Official Opening, 21 Sept 2011**

Councillor Somerville-Brown advised that he attended the official opening of the Mt Claremont Change Rooms by Mayor Sheryl Froese along with four other Councillors. He said the Clubrooms include a small function room, kitchen/servery and change rooms and will form a base for training and competition for the recently relocated UWA Nedlands Junior Football (Soccer) Club, Junior Cricket and the Mt Claremont Primary School.

#### **10.3 Councillor Smyth - Functions**

Councillor Smyth advised that she had attended the Swanbourne Primary School Fun Run and Fair last Sunday 18 September 2011 which was a very successful community event.

She advised that City of Nedlands was thanked for their support. She also advised that she received a great deal of community feedback at this event which was extremely well organised and attended by many community groups.

Councillor Smyth said she understood the P&C raised \$12.5k on the day. Amongst the key organisers were the mainstays from the Swanbourne Nedlands Surf Club who are enthusiastic community leaders and she believed key stakeholders should be congratulated for the wellbeing initiatives. She said she was also impressed with the material available through the Matt Stewart (the defence Force Transition Aide at Swanbourne Primary).

Councillor Smyth tabled the following brochures:

- Moving Schools – Making the transition Positive – Teacher’s Resource Kit
- Home is where the family is – Moving House with Children
- Parenting at Home and away
- Australian Government – School Posting Passport
- Going Solo Dealing with Absence in Defence Families
- Don’t Forget it’s Bin Night – Stepping Up when Mum or Dad is away

Councillor Smyth advised that she also attended the Change Room Opening at the Mt Claremont Oval Sports Pavilion on 21 September 2011.

#### **10.4 Councillor Bell - Statement**

Councillor Bell thanked the Mayor for her gentle approach towards all Councillors and others. Councillor Bell thanked the CEO and Directors for all their assistance. Finally, Councillor Bell thanked all the other

Councillors, but made particular mention of Councillors Binks and Hodsdon. He also then thanked the media and wished them well in the future.

#### **10.5 Councillor Argyle - Statement**

Councillor Argyle mentioned an approach about aircraft noise from Mrs Fender. Her children were upset and he advised her to notify the Australian Air Service Authority. He has spoken to Professor Giles of Viking Road regarding the Dalkeith Redevelopment.

Councillor Argyle then spoke of Mayor Froese, who he had know for 8 years. He always admired her as a very gracious and delightful woman, while they had their differences, he said she had always been a good sport and wished her well.

#### **11. Matters for Which the Meeting May Be Closed**

Nil.

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

##### **12.1 Minutes of Council Committees**

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

Moved – Councillor Negus  
Seconded – Councillor Hipkins

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

<b>CEO Performance Review Committee</b>	<b>25 August 2011</b>
Un-confirmed, Circulated to Councillors on 8 September 2011	
<b>Traffic Management Committee</b>	<b>6 September 2011</b>
Un-confirmed, Circulated to Councillors on 21 September 2011	
<b>Council Committee</b>	<b>13 September 2011</b>
Un-confirmed, Circulated to Councillors on 20 September 2011	

**CARRIED UNANIMOUSLY 11/-**

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

En Bloc  
 Moved - Councillor Binks  
 Seconded – Councillor Somerville-Brown

**That all Committee Recommendations relating to Reports under items 12.2, 12.3, 12.4 and 12.5 with the exception of Report Nos. D53.11, D54.11, D55.11, D56.11 D57.11 and CM09.11 are adopted en bloc.**

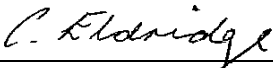
**CARRIED UNANIMOUSLY 11/-**

**12.2 Development Services Report No's D53.11 to D57.11 (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.

**D53.11**      **No. 81 (Lot 197) Mountjoy Road, Nedlands – Proposed Amendments to DA11/245**

<b>Committee</b>	13 September 2011
<b>Council</b>	27 September 2011

<b>Applicant</b>	Exclusive Residence
<b>Owner</b>	Peter and Lynne Mannolini
<b>Officer</b>	Laura Sabitzer – Planning Officer
<b>Director</b>	Carlie Eldridge – Director Development Services
<b>Director Signature</b>	
<b>File ref</b>	DA11/361 : M05/81
<b>Previous Item No's</b>	N/A
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

**Regulation 11(da) – Council agreed to approve the application for proposed amendments to DA11/245 at No. 81 (Lot 197) Mountjoy Road, Nedlands in accordance with the application and plans dated 21 September 2011 as they had the written approval of their neighbour.**

Moved – Councillor Binks  
Seconded – Councillor Negus

**Council approves an application for proposed amendments to DA11/245 at No. 81 (Lot 197) Mountjoy Road, Nedlands in accordance with the application and plans dated 21 September 2011.**

**CARRIED 8/3  
(Against: Crs. Hipkins Somerville-Brown & Smyth)**

#### **Council Resolution**

**Council approves an application for proposed amendments to DA11/245 at No. 81 (Lot 197) Mountjoy Road, Nedlands in accordance with the application and plans dated 21 September 2011.**

#### Committee Recommendation

That this item lay on the table until the Council Meeting subject to amended plans for the parapet wall being submitted.

#### Recommendation to Committee

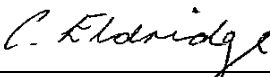
Council refuses an application for proposed amendments to DA11/245 at No. 81 (Lot 197) Mountjoy Road, Nedlands in accordance with the application and plans dated 23 August 2011 for the following reasons:

1. the southern parapet wall does not comply with the Acceptable Development or Performance Criteria of the Residential Design Codes;
2. the external appearance of the development will have an adverse effect on the amenity of the surrounding area; and
3. the proposal will not be orderly and proper planning.



<b>D54.11</b>	<b>No. 47 (Lot 101) Kirwan Street, Floreat (Forty seven Kirwan Street Cafe) – Increase in seating capacity and proposed alfresco dining</b>
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<b>Committee</b>	13 September 2011
<b>Council</b>	27 September 2011

<b>Applicant</b>	Karen Hughie-Williams
<b>Owner</b>	Karen Hughie-Williams
<b>Officer</b>	Elle O'Connor – Planning Officer
<b>Director</b>	Carlie Eldridge – Director Development Services
<b>Director Signature</b>	
<b>File ref</b>	KI6/47 : DA2011/243 : M11/16738
<b>Previous Item No's</b>	
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Councillor Binks left the meeting at 8.45 pm

**Mr G Foster – Financial Interest**

Mr Foster disclosed a financial interest in Report D54.11 – No. 47 (Lot 101) Kirwan Street, Floreat (Fortyseven Kirwan Street Cafe) – Increase in seating capacity and proposed alfresco dining. He disclosed that his daughter has a business in the immediate vicinity, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He advised he will leave the room during this matter.

Mr G Foster, Chief Executive Officer left the meeting at 7.46 pm.

**Councillor Negus – Impartiality Interest**

Councillor Negus disclosed an impartiality interest in Report D54.11 - No. 47 (Lot 101) Kirwan Street, Floreat (Fortyseven Kirwan Cafe) Increase in seating capacity and proposed alfresco dining. He disclosed that he has an association with the applicant, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

**Regulation 11(da) – Council agreed to install additional bike racks to encourage other modes of transport and healthy activities in Nedlands.**

Moved – Councillor Horley

Seconded – Councillor Hodsdon

**That the Recommendation to Council is adopted subject to the addition 4) approves the provision of a parking bay in front of the Polio Association for disabled parking.**

- 1. Council approves the application for additional seating, including alfresco dining at No. 47 (Lot 101) Kirwan Street in accordance with the application and plans dated 2 June 2011 subject to the following conditions:**
  - a. the hours of operation shall be limited to 7:00 am to 5:00 pm, Monday to Sunday;**
  - b. the alfresco dining shall not extend further than 700 mm from the front wall of the building as outlined on the approved plans;**
  - c. the tandem carparking bays shown as bays 11, 12, 13 & 14 on the site plan, shall only be used by staff and marked accordingly;**
  - d. the verandah/fascia sign is approved as part of this application, but any further signage will require further planning approval; and**
  - e. 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; and**
- 2. approves the allocation of two bays for the Hairdresser Business for the purpose of elderly clientele to be reviewed at any change of use.**
- 3. that the parking arrangements in the area are referred to the Traffic Management Committee for review.**
- 4. the provision of a parking bay in front of the Polio Association for disabled parking.**
- 5. Directs Administration to install additional bike racks to accommodate up to 20 bicycles in the immediate vicinity, in keeping with the City's 2030 Vision to encourage other modes of transport and healthy activities in Nedlands.**

**CARRIED UNANIMOUSLY 11/-**

**Council Resolution**

**That the Recommendation to Council is adopted subject to the addition 4) approves the provision of a parking bay in front of the Polio Association for disabled parking.**

- 1. Council approves the application for additional seating, including alfresco dining at No. 47 (Lot 101) Kirwan Street in accordance with the application and plans dated 2 June 2011 subject to the following conditions:**
  - a. the hours of operation shall be limited to 7:00 am to 5:00 pm, Monday to Sunday;**
  - b. the alfresco dining shall not extend further than 700 mm from the front wall of the building as outlined on the approved plans;**
  - c. the tandem carparking bays shown as bays 11, 12, 13 & 14 on the site plan, shall only be used by staff and marked accordingly;**
  - d. the verandah/fascia sign is approved as part of this application, but any further signage will require further planning approval; and**
  - e. 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; and**
- 2. approves the allocation of two bays for the Hairdresser Business for the purpose of elderly clientele to be reviewed at any change of use.**
- 3. that the parking arrangements in the area are referred to the Traffic Management Committee for review.**
- 4. the provision of a parking bay in front of the Polio Association for disabled parking.**
- 5. Directs Administration to install additional bike racks to accommodate up to 20 bicycles in the immediate vicinity, in keeping with the City's 2030 Vision to encourage other modes of transport and healthy activities in Nedlands.**

### Committee Recommendation

1. Council approves the application for additional seating, including alfresco dining at No. 47 (Lot 101) Kirwan Street in accordance with the application and plans dated 2 June 2011 subject to the following conditions:
  - a. the hours of operation shall be limited to 7:00 am to 5:00 pm, Monday to Sunday;
  - b. the alfresco dining shall not extend further than 700 mm from the front wall of the building as outlined on the approved plans;
  - c. the tandem carparking bays shown as bays 11, 12, 13 & 14 on the site plan, shall only be used by staff and marked accordingly;
  - d. the verandah/fascia sign is approved as part of this application, but any further signage will require further planning approval; and
  - e. 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; and
2. approves the allocation of two bays for the Hairdresser Business for the purpose of elderly clientele to be reviewed at any change of use.
3. that the parking arrangements in the area are referred to the Traffic Management Committee for review.

### Recommendation to Committee

Council approves the application for additional seating, including alfresco dining at No. 47 (Lot 101) Kirwan Street in accordance with the application and plans dated 2 June 2011 subject to the following conditions:

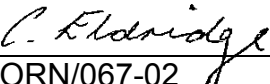
1. the hours of operation shall be limited to 7:00 am to 5:00 pm, Monday to Sunday;
2. a maximum number of thirty (30) seats shall be permitted at the premise (including inside and outside dining);
3. the alfresco dining shall not extend further than 700 mm from the front wall of the building as outlined on the approved plans;

4. the tandem carparking bays shown as bays 11, 12, 13 & 14 on the site plan, shall only be used by staff and marked accordingly;
5. the verandah/fascia sign is approved as part of this application, but any further signage will require further planning approval; 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.

Mr G Foster, Chief Executive Officer returned to the meeting at 7.53 pm.

<b>D55.11</b>	<b>Review of State Planning Policy 3.1 - Residential Design Codes (RCodes)</b>
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<b>Committee</b>	13 September 2011
<b>Council</b>	27 September 2011

<b>Applicant</b>	WAPC
<b>Owner</b>	WA State Government
<b>Officer</b>	Matt Stuart - Senior Statutory Planning Officer
<b>Director</b>	Carlie Eldridge - Director Development Services
<b>Director Signature</b>	
<b>File ref.</b>	ORN/067-02
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

**Councillor Smyth – Impartiality Interest**

Councillor Smyth disclosed an impartiality interest in Report D55.11 – Review of State Planning Policy 3.1 – Residential Design Codes (RCodes). She disclosed that while she has an association with the Department of Planning as an employee her interest is in common with a significant number of electors. However as an employee of the Department of Planning, there may be a perception that her impartiality on the matter may be affected. She declared that she would leave the meeting during this matter.

Councillor Smyth left the meeting at 7.54 pm.

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

Moved – Councillor Negus  
 Seconded – Councillor Hipkins

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution / Committee Recommendation**

**Council endorses the comments as outlined in Attachments 1 and 2 as the City's submission to the WAPC's Review of State Planning Policy 3.1 – Residential Design Codes (RCodes), subject to inclusion of the following additions to clause 7.3.1 in Attachment 1:**

- a. under streetscape – 5.2 D7;**
- b. under boundary walls – 5.3 D3; and**
- c. add open space – 5.5 D1-D5.**

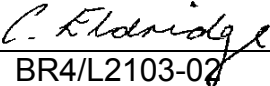
Recommendation to Committee

Council endorses the comments as outlined in Attachments 1 and 2 as the City's submission to the WAPC's Review of State Planning Policy 3.1 – Residential Design Codes (RCodes).

Councillor Smyth returned to the meeting at 7.56 pm.

<b>D56.11</b>	<b>Lot 2103 Brockway Road, Mt Claremont – Proposed Limited Outline Development Plan for the University of Western Australia Sports Hockey Precinct</b>
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<b>Committee</b>	13 September 2011
<b>Council</b>	27 September 2011

<b>Applicant</b>	CLE Town Planning and Design
<b>Owner</b>	University of Western Australia
<b>Officer</b>	Gabriela Poezyn – Manager Strategic Planning
<b>Director</b>	Carlie Eldridge – Director Development Services
<b>Director Signature</b>	
<b>File ref.</b>	BR4/L2103-02
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

#### **Councillor Horley - Financial Interest**

Councillor Horley disclosed a financial interest in Report D56.11 – Lot 2103 Brockway Road, Mt Claremont – Proposed Limited Outline Development Plan for the University of Western Australia Sports Hockey Precinct, her interest being that she was an employee of the University of Western Australia. She advised that she would leave the meeting during this matter.

#### **Mayor Froese – Financial Interest**

Mayor Froese disclosed a financial interest in Report D56.11 – Lot 2103 Brockway Road, Mt Claremont – Proposed Limited Outline Development Plan for the University of Western Australia Sports Hockey Precinct, her interest being that both she and her son are members of the UWA Hockey Club. She advised that she would leave the meeting during this matter and that the Deputy Mayor would assume the role of Presiding Member during that time.

Mayor Froese and Councillor Horley left the room at 7.55 pm and Councillor Hipkins assumed the role of Presiding Member.



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

Moved – Councillor Negus

Seconded – Councillor Somerville-Brown

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 9/-**

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

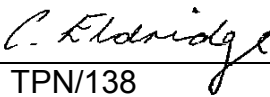
**Council:**

- 1. approves, in principle, the limited ODP for the UWA Hockey Precinct at Lot 2103 Brockway Road, Mt Claremont, as per Clauses 3.8.3 of Town Planning Scheme No. 2 (TPS2), for the purpose of seeking consent from the Western Australian Planning Commission to formally advertise the limited ODP;**
- 2. instructs administration to refer the limited ODP to the Western Australian Planning Commission for consent to advertise; and**
- 3. instructs administration to advertise the proposed limited ODP in accordance with Clauses 3.8.4 and 3.8.5 of Town Planning Scheme No. 2 (TPS2), upon receiving consent to advertise from the Western Australian Planning Commission.**

Mayor Froese and Councillor Horley returned to the meeting at 7.56 pm and Mayor Froese resumed the role of Presiding Member.

<b>D57.11</b>	<b>Draft Public Transport Plan for Perth 2031 - Request for Public Comment</b>
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<b>Committee</b>	13 September 2011
<b>Council</b>	27 September 2011

<b>Applicant</b>	Department of Transport
<b>Owner</b>	WA State Government
<b>Officer</b>	Gabriela Poezyn – Manager Strategic Planning
<b>Director</b>	Carlie Eldridge – Director Development Services
<b>Director Signature</b>	
<b>File ref.</b>	TPN/138
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

**Councillor Somerville-Brown – Impartiality Interest**

Councillor Somerville-Brown disclosed an impartiality interest in Report D57.11 Draft Public Transport Plan for Perth 2031 – Request for Public Comment. He disclosed that while he has an association with the Public Transport Authority (PTA) as an employee of the PTA, his interest is in common with a significant number of electors. However, as an employee of the PTA, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

**Regulation 11(da) – Council agree to clarify wording of clause 2 (vii) with regard to the 2 types of railway stations.**

Moved – Councillor Hipkins  
 Seconded – Councillor Negus

**That the Recommendation to Council is adopted subject to the rewording of the following:**

2.
  - vii. **The public transport plan needs to identify and distinguish between 2 types of railway stations within thr Perth railway network being those that function as for park and ride facilities and those that service development nodes.**

3. **Require the Public transport Authority to:**
  - i. **address additional cross suburb connections within the City of Nedlands apart from those provided in the Draft Plan:**

Amendment

Moved Councillor Somerville-Brown  
Seconded Councillor Tan

That the Recommendation to Council is adopted subject to the following

2.
  - vii. The public transport plan needs to identify and distinguish between 2 types of railway stations within the Perth railway network being those that function as for park and ride facilities and those that are public transport interchange stations (eg bus and train)

LOST 4/7

(Against: Mayor Froese Crs. Argyle Hipkins  
Negus Binks Hodsdon Smyth)

Put motion

Moved Councillor Argyle  
Seconded Councillor Hodsdon

That the motion be put

LOST 4/7

(Against: Mayor Froese Crs. Negus Bell  
Somerville-Brown Tan Horley & Smyth)

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

**CARRIED 7/4**

**(Against: Crs. Bell Binks Somerville-Brown & Tan)**

**Council Resolution**

**Council:**

1. **supports the Draft Public Transport Plan for Perth 2031 in principle;**
2. **identifies the following omissions, issues and requests that in regard to the matters listed below further information is to be included in the final report:**

- i. an overall principles section, overall definitions section and lessons learnt section focusing on implementation of Bus Rapid Transit;**
- ii. an action/implementation table and additional detail related to funding of proposed projects;**
- iii. details of completion and/or initiation of ferry infrastructure;**
- iv. include initiatives to improve accessibility of public transport for bicycle users; and**
- v. a new public transport link to service the expanded Regional Sporting Precinct at Challenge Stadium and an expansion to the existing limited public transport network to the broader Mt Claremont area;**
- vi. The existing public transport service along Stirling Highway needs to be identified in the public transport plan for upgrading in order to cater for the proposed use of Stirling Highway as an activity corridor under Directions 2031.**
- vii. The public transport plan needs to identify and distinguish between 2 types of railway stations within the Perth railway network being those that function as for park and ride facilities and those that are public transport interchange stations (eg bus and train)**
- viii. Within the City of Nedlands the public transport plan needs to identify**
  - a. at least one park and ride train station and expand its parking facilities so that long term parking is available; and**
  - b. the public transport services from the surrounding residential areas (eg Mt Claremont) that serve those stations identified as public transport interchange stations in order to improve on the existing bus service.**
- ix. As an international city Perth requires that there is an efficient and direct public transport link rail or light rail that goes directly as a single transport journey from the airport to the city centre.**

- 3. Require the Public Transport Authority to:**
  - i. additional cross suburb connections within the City of Nedlands apart from those provided which the Draft Plan has addressed;**
  - ii liaise with the City of Nedlands to implement a trial basis initially of a dedicated local area bus service to promote cross suburb connections.**

Committee Recommendation

Council:

1. supports the Draft Public Transport Plan for Perth 2031 in principle;
2. identifies the following omissions, issues and requests that in regard to the matters listed below further information is to be included in the final report:
  - i. an overall principles section, overall definitions section and lessons learnt section focusing on implementation of Bus Rapid Transit;
  - ii. an action/implementation table and additional detail related to funding of proposed projects;
  - iii. details of completion and/or initiation of ferry infrastructure;
  - iv. include initiatives to improve accessibility of public transport for bicycle users; and
  - v. a new public transport link to service the expanded Regional Sporting Precinct at Challenge Stadium and an expansion to the existing limited public transport network to the broader Mt Claremont area;
  - vi. The existing public transport service along Stirling Highway needs to be identified in the public transport plan for upgrading in order to cater for the proposed use of Stirling Highway as an activity corridor under Directions 2031.
  - vii. The public transport plan needs to identify and distinguish between 2 types of railway stations within the Perth

railway network being those that function as for park and ride facilities and those that are public transport interchange stations (eg bus and train)

- viii. Within the City of Nedlands the public transport plan needs to identify
    - a. at least one park and ride train station and expand its parking facilities so that long term parking is available; and
    - b. the public transport services from the surrounding residential areas (eg Mt Claremont) that serve those stations identified as public transport interchange stations in order to improve on the existing bus service.
  - ix. As an international city Perth requires that there is an efficient and direct public transport link rail or light rail that goes directly as a single transport journey from the airport to the city centre.
3. Require the Public Transport Authority to:
- i. additional cross suburb connections within the City of Nedlands apart from those provided which the Draft Plan has addressed;
  - ii. liaise with the City of Nedlands to implement a trial basis initially of a dedicated local area bus service to promote cross suburb connections.

#### Recommendation to Committee

#### Council:

- 1. supports the Draft Public Transport Plan for Perth 2031 in principle;
- 2. identifies the following omissions, issues and requests that in regard to the matters listed below further information is to be included in the final report:
  - i. an overall principles section, overall definitions section and lessons learnt section focusing on implementation of Bus Rapid Transit;
  - ii. an action/implementation table and additional detail related to funding of proposed projects;

- iii. details of completion and/or initiation of ferry infrastructure;
  - iv. include initiatives to improve accessibility of public transport for bicycle users; and
  - v. a new public transport link to service the expanded Regional Sporting Precinct at Challenge Stadium;
  - vi. The existing public transport service along Stirling Highway needs to be identified in the public transport plan for upgrading in order to cater for the proposed use of Stirling Highway as an activity corridor under Directions 2031.
  - vii. The public transport plan needs to identify and distinguish between 2 types of railway stations within the Perth railway network being those that function as for park and ride facilities and those that are public transport interchange stations (eg bus and train)
  - viii. Within the City of Nedlands the public transport plan needs to identify
    - a. at least one park and ride train station and expand its parking facilities so that long term parking is available; and
    - b. the public transport services from the surrounding residential areas (eg Mt Claremont) that serve those stations identified as public transport interchange stations in order to improve on the existing bus service.
  - ix. As an international city Perth requires that there is an efficient and direct public transport link rail or light rail that goes directly as a single transport journey from the airport to the city centre.
3. Require the Public Transport Authority to:
- i. additional cross suburb connections within the City of Nedlands apart from those provided which the Draft Plan has addressed;
  - ii. liaise with the City of Nedlands to implement a trial basis initially of a dedicated local area bus service to promote cross suburb connections.

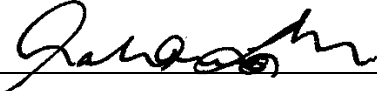
**12.3 Technical Services Report No's T06.11 to T10.11 (copy attached)**

Note: Regulation 11(da) of the *Local Government (Administration) Regulations 1996* requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70, but not a decision to only note the matter or to return the recommendation for further consideration.



<b>T06.11</b>	<b>Roads to Recovery Program</b>
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<b>Committee</b>	13 September 2011
<b>Council</b>	27 September 2011

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

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

Moved – Councillor Binks

Seconded – Councillor Somerville-Brown

**That the Committee Recommendation is adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 11/-**

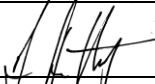
<b>Council Resolution / Committee Recommendation / Recommendation to Committee</b>
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**Council:**

1. supports a new Roads to Recovery Program; and
2. instructs Administration to write to the Prime Minister, Leader of the Opposition, Minister for Infrastructure and Transport, Opposition spokesperson for Transport and a Local Federal member of Parliament to advise them of Councils' support for a new Road to Recovery Program, as requested by the Australian Local Government Association (ALGA).

<b>T07.11</b>	<b>Tender No. 2010/11.15 – General Tree Surgery Works</b>
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<b>Committee</b>	13 September 2011
<b>Council</b>	27 September 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Andrew Dickson – A/Manager Parks Services
<b>Director</b>	Ian Hamilton – Director Technical Services
<b>Director Signature</b>	
<b>File ref:</b>	TEN/314
<b>Previous Item No's.</b>	Item T4.08 –12 August 2008
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Binks  
 Seconded – Councillor Somerville-Brown

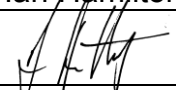
**That the Committee Recommendation is adopted.**  
 (Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 11/-**

<b>Council Resolution / Committee Recommendation / Recommendation to Committee</b>
<p><b>Council:</b></p> <ol style="list-style-type: none"> <li>1. accepts the tender submitted by Tree Amigos Tree Surgeons Pty Ltd for the provision of general tree surgery works for the 2011/12 financial year in accordance with the submitted schedule of rates; and</li> <li>2. accepts the option to extend the contract for two (2) twelve month periods at the end of the initial period ending 30 June 2012, at the principal's discretion.</li> </ol>

<b>T08.11</b>	<b>Tender No. 2010/11.11 – Kerb Grinding and Profiling</b>
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<b>Committee</b>	13 September 2011
<b>Council</b>	27 September 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Maria Hulls– A/Manager Engineering Services
<b>Director</b>	Ian Hamilton – Director Technical Services
<b>Director Signature</b>	
<b>File ref</b>	TEN/310
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Binks

Seconded – Councillor Somerville-Brown

**That the Committee Recommendation is adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 11/-**

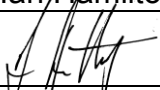
**Council Resolution / Committee Recommendation / Recommendation to Committee**

**Council:**

1. accepts the tender submitted by WA Profiling Pty Ltd for the supply of kerb grinding & profiling services for the 2011/12 financial year in accordance with the submitted schedule of rates; and
2. accepts the option to extend the contract for two (2) twelve month periods at the end of the initial period ending 30 June 2014, at the principals discretion.

<b>T09.11</b>	<b>Tender No. 2010/11.12 – Street Tree Pruning Under Power Lines</b>
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<b>Committee</b>	13 September 2011
<b>Council</b>	27 September 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Andrew Dickson – A/Manager Parks Services
<b>Director</b>	Ian Hamilton – Director Technical Services
<b>Director Signature</b>	
<b>File ref.</b>	TEN/311
<b>Previous Item No's</b>	Item 12.3 – Council Minutes – 22 April 2008
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Binks

Seconded – Councillor Somerville-Brown

**That the Committee Recommendation is adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 11/-**

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

**Council:**


1. accepts the tender submitted by Classic Tree Services for the provision of street tree pruning under power lines for the 2011/12 financial year in accordance with the submitted schedule of rates; and
2. accepts the option to extend the contract for two (2) twelve month periods at the end of the initial period ending 30 June 2012, at the principal's discretion.

**12.4 Community & Strategy Report No's CM08.11 to CM09.11 (copy attached)**

Note: Regulation 11(da) of the *Local Government (Administration) Regulations 1996* requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70, but not a decision to only note the matter or to return the recommendation for further consideration.

<b>CM08.11</b>	<b>Policy Review</b>
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<b>Committee</b>	13 September 2011
<b>Council</b>	27 September 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Director</b>	Mike Cole – Director Corporate Services
<b>Director</b>	Darla Blake - Director Community and Strategy
<b>Director Signature</b>	
<b>File ref.</b>	CRS/065
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Binks  
 Seconded – Councillor Somerville-Brown


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

**CARRIED UNANIMOUSLY EN BLOC 11/-**

<p><b>Council Resolution / Committee Recommendation / Recommendation to Committee</b></p> <p><b>Council approves the Use of City of Nedlands Copyrighted Material By Elected Members, Staff and Others Policy (reviewed and amended).</b></p>
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<b>CM09.11</b>	<b>Nedlands Rugby Union Football Club Fee Donation Request</b>
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<b>Committee</b>	13 September 2011
<b>Council</b>	27 September 2011

<b>Applicant</b>	Nedlands Rugby Union Football Club
<b>Owner</b>	Nedlands Rugby Union Football Club
<b>Officer</b>	Paul Goodley – Senior Community Development Officer Marion Granich – Manager Community Development
<b>Director</b>	Darla Blake – Director Community and Strategy
<b>Director Signature</b>	
<b>File ref.</b>	CMS/505
<b>Previous Item No's</b>	D81.09, 24 November 2009
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Negus  
Seconded – Councillor Binks

Councillor Tan left the meeting at 8.17 pm and returned at 8.19 pm.

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

**CARRIED 9/2**  
**(Against: Crs. Argyle & Hipkins)**

**Council Resolution / Committee Recommendation**

**Council:**

- 1. acknowledges the significant achievement of the Nedlands Rugby Club in planning and achieving funding for the redevelopment of their clubrooms; and**
- 2. Council agrees to donating Council imposed fees payable by the Nedlands Rugby Club relating to the planning and building of their clubroom's.**

Recommendation to Committee

Council:

1. acknowledges the significant achievement of the Nedlands Rugby Club in planning and achieving funding for the redevelopment of their clubrooms; and
2. does not agree to making a donation equivalent to fees associated with the project.

**12.5 Corporate Services Report No's CP31.11 to CP33.11 (copy attached)**

Note: Regulation 11(da) of the *Local Government (Administration) Regulations 1996* requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70, but not a decision to only note the matter or to return the recommendation for further consideration.

<b>CP31.11</b>	<b>Monthly Financial Report – July 2011</b>
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<b>Committee</b>	13 September 2011
<b>Council</b>	27 September 2011

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

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

Moved – Councillor Binks  
 Seconded – Councillor Somerville-Brown

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

**CARRIED UNANIMOUSLY EN BLOC 11/-**

<b>Council Resolution / Committee Recommendation / Recommendation to Committee</b>
<b>Council receives the Monthly Financial Report for July 2011.</b>



<b>CP32.11</b>	<b>Investment Report – July 2011</b>
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<b>Committee</b>	13 September 2011
<b>Council</b>	27 September 2011

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

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

Moved – Councillor Binks  
 Seconded – Councillor Somerville-Brown

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

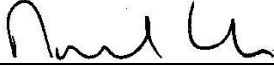
**CARRIED UNANIMOUSLY EN BLOC 11/-**

<b>Council Resolution / Committee Recommendation / Recommendation to Committee</b>
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<b>Council receives the Investment Report for the period ended 31 July 2011</b>
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<b>CP33.11</b>	<b>List of Accounts Paid – July 2011</b>
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<b>Committee</b>	13 September 2011
<b>Council</b>	27 September 2011

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

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

Moved – Councillor Binks  
 Seconded – Councillor Somerville-Brown

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

**CARRIED UNANIMOUSLY EN BLOC 11/-**

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

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

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

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

Moved – Councillor Negus  
Seconded – Councillor Hodsdon

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

**CARRIED UNANIMOUSLY 11/-**

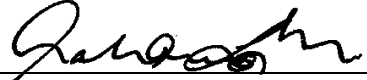
**13.2 List of Delegated Authorities – August 2011**

Moved – Councillor Negus  
Seconded – Councillor Smyth

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

**CARRIED UNANIMOUSLY 11/-**

**13.3 No.10 (Lot 1) Knutsford Street Swanbourne - Proposed Additions to an Existing Carport**

<b>Council</b>	27 September 2011
<b>Applicant</b>	Lawrie and Karen Tremaine
<b>Owner</b>	Lawrie and Karen Tremaine
<b>Officer</b>	Nick Bakker – Planning Officer
<b>Director</b>	Carlie Eldridge – Director Development Services
<b>CEO</b>	Graham Foster – Chief Executive Officer
<b>CEOs Signature</b>	
<b>File ref</b>	DA10/640
<b>Previous Item No's</b>	DA08/66
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Mr M Cole, Director Corporate Services left the meeting at 8.27 pm.

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

Moved – Councillor Negus  
 Seconded – Councillor Smyth

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 11/-**

**Council Resolution / Recommendation to Council:**

**That Council, pursuant to section 31 of the *State Administrative Tribunal Act 2004*:**

- 1. Sets aside the decision on the application at No. 10 (Lot 1) Knutsford Street, Swanbourne on the 24 May 2011; and**
- 2. Substitutes the decision with a new decision as follows:**

**Approves an application for amendments to an existing development approval for additions to an existing carport at No. 10 (Lot 1) Knutsford Street, Swanbourne in accordance with the application dated 2 December 2010 and the plans dated 22 July 2011 subject to the following conditions:**

- i. the proposed aluminium battens around the carport are to be at least 50 % visually permeable in accordance with the Residential Design Codes and the attached plans dated 22 July 2011;**
- ii. 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.**

### **Purpose**

This item is a CEO report for the purpose of amending an administration error in the Council's resolution made at the Meeting on 23 August 2011.

This item was originally put to Council after an application for review was made by the applicant to the SAT following Council's decision on 24 May 2011. Mediation was held at the SAT and subsequently amended plans were lodged.

In accordance with the section 31 (1) of the *State Administrative Tribunal Act 2004*, the SAT has invited the Council to reconsider its decision in light of the amended plans.

### **Discussion**

At the Council Meeting of 23 August 2011, Council made the following resolution;

*Council agrees to vary the conditions of planning approval for proposed additions to an existing carport at No. 10 (Lot 1) Knutsford Street, Swanbourne in accordance with the application dated 2 December 2010 and amended plans dated 22 July 2011 by:*

- 1. Deleting existing conditions 1 & 2 and inserting new condition 1 and 5 as follows:*
  - i. the proposed aluminium battens around the carport are to be at least 50 % visually permeable in accordance with the Residential Design Codes, as per the sketch in attachment 4. i).*
  - ii. Council authorises the City's solicitors to prepare and execute a minute of consent orders to be lodged with the State Administrative Tribunal, in order to give effect to the variation of planning approval conditions referred to in Item 1 of this resolution.*

This resolution was as per administration's recommendation, which was made in error.

The original recommendation to Council requested authority for the City's solicitors to prepare and execute a minute of consent orders to be lodged with SAT.

As SAT invited the Council to reconsider its decision in light of the amended plans in accordance with the section 31 (1) of the *State Administrative Tribunal Act 2004*, there was no need for a consent order to be prepared for SAT.


Under section 31 (1) of the *State Administrative Tribunal Act 2004*, Council are simply requested to consider amended plans prepared as a result of the SAT mediation process.

Therefore, condition No.1 in the recommendation relating to the proposed aluminium battens around carport is to remain the same; only the wording of Condition No.2 is being amended in order to remove administration's error regarding the SAT process.

#### **Attachments**

1. Site Plan
2. Elevation and Floor Plan

**13.4 Provision of Electrical Services City Wide – three year contract.**

<b>Council</b>	27 September 2011
<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Matthew Deal – Manager Property Services
<b>Director</b>	Carlie Eldridge – Director Development Services
<b>CEO</b>	Graham Foster – Chief Executive Officer
<b>CEOs Signature</b>	
<b>File ref</b>	TEN/326
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Negus  
 Seconded – Councillor Hodsdon

Mr M Cole, Director Corporate Services returned to the meeting at 8.28 pm.

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 11/-**

**Council Resolution / Recommendation to Committee**

**Council accepts the tender from Boyan Electrical Services for the provision of Electrical Services City wide as per the tendered price schedule.**

**Purpose**

This report recommends that Council accepts the tender submitted by Boyan Electrical Services for the provision of Electrical Services City Wide three year contract. This is presented as a CEO's report to accept the tender within its timeframe.

## **Strategic Plan**

- KFA 5: Governance
- 5.1 Manage the City's resources in a sustainable and responsible manner.
  - 5.6 Ensure compliance with statutory requirements and guidelines.

## **Background**

Section 3.57 of the *Local Government Act 1995* requires:

1. A local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
  2. Regulations may make provisions about tenders
- Division 2 of section 11 of the *Local Government (Functions and General) Regulations 1996* state:

Section 11. Tenders to be invited for certain contracts

1. Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless subregulation (2) states otherwise.

The City has a large number of buildings and infrastructure (parks lighting, street lighting etc) that require the provision of suitably qualified electricians to complete the required installation and repair.

To provide an efficiency of service for all relevant departments that require the services of a qualified electrician, it is proposed to engage the services of an electrician via the tender process, as the charges for the provision of the required services over a three year period will exceed \$100,000.

Key Relevant Previous Decisions:

Nil

## **Proposal Detail**

Council is requested to accept the tender from Boyan Electrical Services for the provision of electrical services City wide three year contract as per the tendered price schedule.



**Consultation**

Required by legislation: Yes  No

Required by City of Nedlands policy: Yes  No

Consultation type: Advertised in the West Australian Newspaper

Dates: 25 June 2011

**Legislation**

- *Local Government Act 1995*
- *Local Government (Functions & General) Regulations 1996*

**Budget/financial implications**

Budget:  
Within current approved budget: Yes  No

Requires further budget consideration: Yes  No

Financial:

The tender submitted provides an hourly rate for the provision of required services. All proposed works that require the services of a qualified electrician have already been budgeted for.

Approving a tender for electrical services will permit various departments to utilise the contractor without having to consume valuable administration time and resources to advertise numerous individual quotations and/or tenders for budgeted projects and reactive maintenance.

**Risk Management**

If tender is not approved the risks are as below:

Issue/building                      Electrical services contract

Risk	Likelihood	Consequence	Level of risk	Risk acceptance
Not complying with statutory requirements	Almost certain	Major	20	Extreme
Loss of reputation	Likely	Major	16	Extreme
Projects are unable to be completed due to cost overruns	Possible	Major	12	High

Projects are not able to be completed due to lack of resources	Possible	Major	12	High
Injury may occur if maintenance issues are not resolved promptly	Possible	Severe	15	High

**Discussion**

The tender for the provision of electrical services City wide for a three year contract was advertised on the 25 June 2011, with a deadline of 12:00 pm 18 July 2011. The City received six tenders at the conclusion of the tender advertising period from:

1. CPD Group
2. Comspark
3. Robinson Buildtech
4. Nilsen WA
5. Boyan Electrical Services
6. Holdens Electrical

All Tenders have been assessed, scored and complied with the relevant tender criteria.

The City received a tender after the closing deadline which was excluded from the review process.

**Tenders**

The tenders were evaluated in accordance with the criteria documented in the tender invitation. The following table sets out the criteria used for the evaluation.

<p><b>A) Relevant Experience</b> Describe your experience in completing /supplying similar Requirements. Tenderers must, as a minimum, address the following information in an attachment and label it <b>“Relevant Experience”</b>:</p> <p>(a) Provide details of similar work;</p> <p>(b) Provide scope of the Tenderer’s involvement including details of outcomes;</p> <p>(c) Provide details of issues that arose during the project and how these were managed;</p> <p>(d) Demonstrate sound judgment and</p>	<b>Weighting &lt;_50%&gt;</b>	
	<b>“Relevant Experience”</b>	<b>Tick if attached</b> <input type="checkbox"/>

discretion; and (e) Demonstrate competency and proven track record of achieving outcomes.		
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<p><b>B) Key Personnel skills and experience</b> Tenderers should provide as a minimum information of proposed personnel to be allocated to this project, such as:</p> <p>(a) Their role in the performance of the Contract;</p> <p>(b) Curriculum vitae;</p> <p>(c) Membership to any professional or business association;</p> <p>(d) Qualifications, with particular emphasis on experience of personnel in projects of a similar requirement; and</p> <p>(e) Any additional information.</p> <p>Supply details in an attachment and label it <b>“Key Personnel”</b>.</p>	<b>Weighting</b> <b>&lt;_20%&gt;</b>	
	<b>“Key Personnel”</b>	<b>Tick if attached</b> <input type="checkbox"/>

<p><b>C) Tenderer’s Resources</b> Tenderers should demonstrate their ability to supply and sustain the necessary:</p> <p>(a) Plant, equipment and materials; and</p> <p>(b) Any contingency measures or back up of resources including personnel (where applicable).</p> <p>As a minimum, Tenderers should provide a current commitment schedule and plant/equipment schedule in an attachment and label it <b>“Tenderer’s Resources”</b>.</p>	<b>Weighting</b> <b>&lt;_10%&gt;</b>	
	<b>“Tenderer’s Resources”</b>	<b>Tick if attached</b> <input type="checkbox"/>

<p><b>D) Demonstrated Understanding</b> Tenderers should detail the process they intend to use to achieve the Requirements of the Specification. Areas that you may wish to cover include:</p> <p>(a) A project schedule/timeline (where applicable);</p> <p>(b) The process for the delivery of the goods/services;</p>	<b>Weighting</b> <b>&lt;_10%&gt;</b>	
	<b>“Demonstrated Understanding”</b>	<b>Tick if attached</b> <input type="checkbox"/>

<p>(c) Training processes (if required); and                  (d) A demonstrated understanding of the scope of work</p> <p>Supply details and provide an outline of your proposed methodology in an attachment labeled “<b>Demonstrated Understanding</b>”.</p>		
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<p><b>E) Price</b>                  Tenderers should complete the price schedule to be included in their response.                  1. Hourly rate of services</p>	<p><b>Weighting</b>                  &lt;_10%&gt;</p>	
	<p>“Price”</p>	<p><b>Tick if attached</b>  <input type="checkbox"/></p>

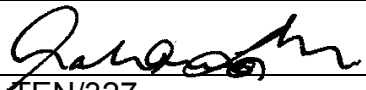
**Conclusion**

After assessment of the tenders submitted it is proposed that the submission received from Boyan Electrical Services is accepted, having attained a comparative score in the evaluation process by three officers, and having an hourly rate that represents best value for the City, combined with their previous and current relevant experience.

**Attachments**

Nil

**13.5 Provision of Plumbing Services City Wide – three year contract**

<b>Council</b>	27 September 2011
<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Matthew Deal - Manager Property Services
<b>Director</b>	Carlie Eldridge - Director Development Services
<b>CEO</b>	Graham Foster - Chief Executive Officer
<b>CEO's Signature</b>	
<b>File ref:</b>	TEN/327
<b>Previous Item No's</b>	
<b>Disclosure of Interest:</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Negus  
 Seconded – Councillor Hodsdon

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 11/-**

**Council Resolution / Recommendation to Committee**

**Council accepts the tender from Brealey Plumbing Service for the provision of Plumbing Services City wide at a cost of \$100 per hour inclusive.**

**Purpose**

This report recommends that Council accepts the tender submitted by Brealey Plumbing Service for the provision of Plumbing Services City Wide three year contract. This is presented as a CEO's report to accept the tender within its timeframe.

**Strategic Plan**

- KFA 5: Governance
  - 5.1 Manage the City's resources in a sustainable and responsible manner.
  - 5.6 Ensure compliance with statutory requirements and guidelines.

## Background

Section 3.57 of the *Local Government Act 1995* requires:

1. A local government to invite tenders before it enters into a contract of a prescribed kind under which another person is to supply goods or services.
2. Regulations may make provisions about tenders  
Division 2 of section 11 of the Local Government (Functions and General) Regulations 1996 state:

Section 11. Tenders to be invited for certain contracts

1. Tenders are to be publicly invited according to the requirements of this Division before a local government enters into a contract for another person to supply goods or services if the consideration under the contract is, or is expected to be, more, or worth more, than \$100 000 unless subregulation (2) states otherwise.

The City has a large number of buildings and infrastructure that require the provision of suitably qualified plumbers to complete the required installation and repair of items as necessary.

To provide an efficiency of service for all relevant departments that require the services of a qualified plumber, it is proposed to engage the services of an plumber via the tender process, as the charges for the provision of the required services over a three year period may exceed \$100,000.

Key Relevant Previous Decisions:

Nil

## Proposal Detail

Council is requested to accept the tender from Brealey Plumbing Service for the provision of plumbing services City wide three year contract at a cost of \$100 per hour inclusive.

## Consultation

Required by legislation: Yes  No

Required by City of Nedlands policy: Yes  No

Consultation type: Advertised in the West Australian Newspaper

Dates: 25 June 2011

**Legislation**

- *Local Government Act 1995*
- *Local Government (Functions & General) Regulations 1996*

**Budget/financial implications**

Budget:

Within current approved budget: Yes  No

Requires further budget consideration: Yes  No

Financial:

The tender submitted provides an hourly rate for the provision of required services. All proposed works that require the services of a qualified plumber have already been budgeted for.

Approving a tender for plumbing services will permit various departments to utilise the contractor without having to consume valuable administration time and resources to advertise numerous individual quotations and/or tenders for budgeted projects and reactive maintenance.

**Risk Management**

If tender is not approved, the following risks apply:

Issue/building Plumbing Contract

Risk	Likelihood	Consequence	Level of risk	Risk acceptance
Not complying with statutory requirements	Almost certain	Major	20	Extreme
Loss of reputation	Likely	Major	16	Extreme
Projects are unable to be completed due to cost overruns	Possible	Major	12	High
Projects are not able to be completed due to lack of resources	Possible	Major	12	High
Injury may occur if maintenance issues are not resolved promptly	Possible	Severe	15	High

**Discussion**

The tender for the provision of plumbing services City wide for a three year contract was advertised on the 25 June 2011, with a deadline of 12:00 pm 18 July 2011. The City received five tenders at the conclusion of the tender advertising period from:

7. CPD Group
8. Robinson Buildtech
9. Brealey Plumbing
10. JCS Plumbing Services
11. Zambezi Plumbing and Gas

All Tenders have been assessed, scored and complied with the relevant tender criteria.

The City received a tender after the closing deadline which was excluded from the review process.

After the completion of the assessment process, two tender submissions scored equally high. The tender submission from Brealey Plumbing services is selected as the preferred respondent, as their hourly price schedule submitted was inclusive of all works, contained no additional charges, and a mark up on materials of only 5 %.

The other respondent that scored highly does not provide a cost effective plumbing service for the City, as all the prices submitted in their schedule included an additional call out fee, after hours work is extra, and extra charges for use of machinery that are normally provided as part of a plumbing service.

**Tenders**

The tenders were evaluated in accordance with the criteria documented in the tender invitation. The following table sets out the criteria used for the evaluation.

<p><b>A) Relevant Experience</b> Describe your experience in completing /supplying similar Requirements. Tenderers must, as a minimum, address the following information in an attachment and label it <b>“Relevant Experience”</b>:</p> <p>(f) Provide details of similar work;</p> <p>(g) Provide scope of the Tenderer’s involvement including details of outcomes;</p> <p>(h) Provide details of issues that arose during the project and how these were managed;</p> <p>(i) Demonstrate sound judgment and discretion; and</p> <p>(j) Demonstrate competency and proven track record of achieving outcomes.</p>	<p><b>Weighting &lt;_50%&gt;</b></p>	
	<p><b>“Relevant Experience”</b></p>	<p><b>Tick if attached</b> <input type="checkbox"/></p>



<p><b>B) Key Personnel skills and experience</b>  Tenderers should provide as a minimum information of proposed personnel to be allocated to this project, such as:</p> <p>(f) Their role in the performance of the Contract;</p> <p>(g) Curriculum vitae;</p> <p>(h) Membership to any professional or business association;</p> <p>(i) Qualifications, with particular emphasis on experience of personnel in projects of a similar requirement; and</p> <p>(j) Any additional information.</p> <p>Supply details in an attachment and label it <b>“Key Personnel”</b>.</p>	<b>Weighting</b> <_20%>	
	<b>“Key Personnel”</b>	<b>Tick if attached</b> <input type="checkbox"/>

<p><b>C) Tenderer’s Resources</b>  Tenderers should demonstrate their ability to supply and sustain the necessary:</p> <p>(c) Plant, equipment and materials; and</p> <p>(d) Any contingency measures or back up of resources including personnel (where applicable).</p> <p>As a minimum, Tenderers should provide a current commitment schedule and plant/equipment schedule in an attachment and label it <b>“Tenderer’s Resources”</b>.</p>	<b>Weighting</b> <_10%>	
	<b>“Tenderer’s Resources”</b>	<b>Tick if attached</b> <input type="checkbox"/>

<p><b>D) Demonstrated Understanding</b>  Tenderers should detail the process they intend to use to achieve the Requirements of the Specification. Areas that you may wish to cover include:</p> <p>(e) A project schedule/timeline (where applicable);</p> <p>(f) The process for the delivery of the goods/services;</p> <p>(g) Training processes (if required); and</p> <p>(h) A demonstrated understanding of the scope of work</p> <p>Supply details and provide an outline of your proposed methodology in an attachment</p>	<b>Weighting</b> <_10%>	
	<b>“Demonstrated Understanding”</b>	<b>Tick if attached</b> <input type="checkbox"/>

labeled “ <b>Demonstrated Understanding</b> ”.		
<b>E) Price</b> Tenderers should complete the price schedule to be included in their response.  2. Hourly rate of services	<b>Weighting</b> <_10%>	
	“Price”	Tick if attached <input type="checkbox"/>

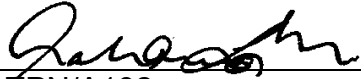
**Conclusion**

After assessment of the tenders submitted it is proposed that the submission received from Brealey Plumbing Service is accepted, having attained a comparative score in the evaluation process by three officers, having an hourly rate that is lower than the other respondents, and providing a cost effective service to the City.

**Attachments**

Nil

**13.6 Dalkeith Redevelopment – Feedback on Additional Advertising required by the Western Australian Planning Commission for Finalisation of Scheme Amendment No. 192**

<b>Council</b>	27 September 2011
<b>Applicant</b>	WAPC
<b>Owner</b>	Various
<b>Officer</b>	Gabriela Poezyn – Manager Strategic Planning
<b>Director</b>	Carlie Eldridge – Director Development Services
<b>CEO</b>	Graham Foster - Chief Executive Officer
<b>CEO's Signature</b>	
<b>File ref.</b>	TPN/A192
<b>Previous Item No's</b>	D21.10 – 24 April 2010 –initiate scheme amendment D65.10 – 28 September 2010 – final adoption
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

**Councillor Negus - Financial Interest**

Councillor Negus disclosed a financial interest in Item 13.6 – Dalkeith Redevelopment – Feedback on Additional Advertising required by the Western Australian Planning Commission for Finalisation of Scheme Amendment No. 192, his interest being that he owns residential property at 10 Philip Road adjoining the development precinct, his family owns the property at 87 Waratah Avenue inside the proposed development precinct and that his election posters are being displayed in several shop windows inside the development precinct. He advised that he would leave the meeting during this matter.

Councillor Negus left the meeting at 8.36 pm.

**Councillor Smyth – Impartiality Interest**

Councillor Smyth disclosed an impartiality interest in Item 13.6 – Dalkeith Redevelopment – Feedback on Additional Advertising required by the Western Australian Planning Commission for Finalisation of Scheme Amendment No. 192. She disclosed that while she has an association with the Department of Planning as an employee her interest is in common with a significant number of electors. However as an employee of the Department of Planning, there may be a perception that her impartiality on the matter may be affected. She declared that she would leave the meeting during this matter.

Councillor Smyth left the meeting at 8.37 pm.

**Regulation 11(da) – Council wanted to add the additional reason that there is already extensive capacity for floor space expansion under existing and proposed changes to the zoning.**

Moved – Councillor Bell

Seconded – Councillor Hodsdon

**That the Recommendation to Council is adopted subject to:**

2. **iii There is already extensive capacity for floor space expansion under existing and proposed changes to the zoning.**

**CARRIED UNANIMOUSLY 9/-**

### **Council Resolution**

#### **Council**

1. **Advises the WAPC that the additional advertising process has highlighted that the in excess of 70 % of the Dalkeith residents are opposed to the proposed changes.**
2. **Does not support any of the changes that the WAPC proposes to be introduced into the scheme amendment documents for following reasons:**
  - i. **The proposed changes are contrary to proper and orderly planning as they are not proposed in context and will result in a built form that is will be out of character for the area;**
  - ii. **Disregarding the existing design guidelines for the area that are acceptable to the majority of the community and were the product of extensive public consultation would be contrary to public policy as it undermines the democratic process**
  - iii. **There is already extensive capacity for floor space expansion under existing and proposed changes to the zoning.**
3. **Forwards the summary table of responses which are attached as attachment 2 to this report and all the submissions to the WAPC.**
4. **Strongly requests the WAPC to adopt the provisions of Scheme Amendment 192 that was finally adopted by Council at its meeting of 28 September 2010.**

## Recommendation to Committee

### Council

1. Advises the WAPC that the additional advertising process has highlighted that the in excess of 70 % of the Dalkeith residents are opposed to the proposed changes.
2. Does not support any of the changes that the WAPC proposes to be introduced into the scheme amendment documents for following reasons:
  - i. The proposed changes are contrary to proper and orderly planning as they are not proposed in context and will result in a built form that is will be out of character for the area;
  - ii. Disregarding the existing design guidelines for the area that are acceptable to the majority of the community and were the product of extensive public consultation would be contrary to public policy as it undermines the democratic process
3. Forwards the summary table of responses which are attached as attachment 2 to this report and all the submissions to the WAPC.
4. Strongly requests the WAPC to adopt the provisions of Scheme Amendment 192 that was finally adopted by Council at its meeting of 28 September 2010.

### **Purpose**

This matter is being presented to Council as a CEO report because the Western Australian Planning Commission (WAPC) requires the feedback on the additional advertising that the WAPC required the City to undertake in regard to proposed changes to scheme amendment No 192.

### **Strategic Plan**

- KFA 3: Built Environment
- 3.2 Encourage the development of diverse residential and commercial areas to meet the future needs of the whole City.
  - 3.3 Promote urban design that creates attractive and livable neighbourhoods.
  - 3.8 Facilitate appropriate development of existing residential housing to complement the surrounding residential amenity.

## **Background**

Property Address: Waratah Avenue, Dalkeith between Adelma Road and Robert Street.

Zoning MRS: Urban

Zoning TPS2: Retail Shopping

From 2000-2004 a set of development guidelines were prepared for the commercial properties along Waratah Avenue, Dalkeith. These guidelines were the subject of a scheme amendment, which although it proceeded beyond the consultation process it was never finalised as information that was received from the WAPC indicated that it would be preferable to progress draft Town Planning Scheme No. 3 (TPS3).

In 2005, following advice from the WAPC that the proposed draft TPS3 was deficient, the City conducted a Housing Diversity Study by requesting all residential land owners to complete a survey. This study aimed to obtain information on the community's current housing needs and expectations. As a result of this study, 11 redevelopment areas were identified, with the intent that comprehensive guidelines be established over these areas. One of these design guideline areas is the Waratah Avenue area.

Given this, the 2000 guidelines were re-commenced.

In 2007 Council prepared a Draft Plan for the Dalkeith Redevelopment Area and conducted the first round of community consultation in November of that year.

As a result of significant community interest, in February 2008 the Dalkeith Redevelopment Area Steering Committee (DRASC) was formed with a mandate to review community feedback and amend the guidelines to best suit the community's vision.

At the Ordinary Council Meeting of 22 July 2008, Council agreed to a set of broad development vision and parameters to use as a starting point for Administration to prepare development provisions.

Following some refinements in 2009 to these broad development provisions, the City formulated guidelines that reflected the community's views for the lots comprising the existing commercial properties along Waratah Avenue between Adelma Road and Robert Street.

In order to incorporate these guidelines into Town Planning Scheme No.2 (TPS2), Council initiated this scheme amendment in April 2010 and finally adopted this amendment in September 2010.

The adopted scheme was referred to the WAPC in October 2010. The WAPC are proposing changes to the scheme adopted by the City and

have required the City to advertise the proposed changes in order to gauge the view of the community.

### **Proposal Detail**

The WAPC is proposing that changes to the scheme amendment are made. The instruction was conveyed to the City through correspondence dated 10 May 2011 and 23 June 2011.

Attachment 1 shows the proposed changes incorporated into the current scheme amendment documentation and includes copies of the correspondence from the WAPC in this regard.

The proposed changes affect the properties located at 79, 81, 87, 89, 91, 93, 93A, 95A Waratah Avenue, and are as follows:

1. increasing maximum building height to four storeys and 16.5 metres;
2. changes to the proposed building envelopes to ensure that appropriate setbacks are imposed;
3. changes to the allowed building uses so that "Grouped Dwellings" and "Multiple Dwellings" are permitted uses and "Amusement Parlour" and "Small Bar" are uses that are not permitted unless Council exercises its discretion after giving special notice; and
4. changes to the wording of the Scheme amendment to:
  - a. allow increased flexibility in the positioning of laneways on the lots at the above addresses when redeveloping;
  - b. vary the Council's ability to exercise discretion on development controls at the redevelopment stage; and
  - c. reducing the minimum area of three bedroom dwellings from 150m<sup>2</sup> to 120 m<sup>2</sup>.

### **Consultation**

As part of the process of proposing these changes the WAPC has required to City to advertise the revised proposal.

Required by legislation: Yes  No

Required by City of Nedlands policy: Yes  No

Consultation Type:

Consultation was undertaken for a period of 4 weeks from 29 July 2011 to 26 August 2011.

The consultation included

- 2185 letters that were sent to all residents and landowners in Dalkeith describing the changes that the WAPC proposes to make to the amendment;
- A notice in the local paper;
- An open day which was held at the Dalkeith Hall on Monday 8 August 2011 from 3:00 pm – 7:00 pm. Approximately 30 people attended the open day.

The feedback form required that respondents indicate their support or otherwise for each of the changes proposed.

266 feedback forms were received. In some instances the respondents did not indicate their preference (support/do not support) to one or a number of proposed change(s).

This accounts for total numbers not tallying to 100% in each instance in the table below which shows the distribution of comments received for each proposed change:

Proposed change	Support	% of total	Do not support	% of total
Increase in Maximum building height to four storey and 16.5 m for Precincts 1-3 inclusive	50	18.79%	212	79.6 %
Changes to the proposed building envelope diagram so that appropriate setbacks are imposed in light of the additional height	63	23.68%	195	73.3 0%
Changes to the use class table so that Grouped and Multiple dwellings are permitted uses ("P" uses) and Amusement Parlour and Small Bar are uses that are not permitted unless Council exercises discretion after giving special notice ("S" uses)	69	25.93%	190	71.4 2%
Changes to the wording of the amendment to delete the reason for the exercise of discretion (amendment to the discretion clause 1.5)	55	20.67%	192	72.1 8%
Changes to the wording of the amendment to reduce the minimum area of three bedroom dwellings from 150m <sup>2</sup> to 120m <sup>2</sup>	64	14.06%	192	72.1 8%

The respondents also provided a significant amount of additional comments. The main themes covered in the comments are summarised below:



Issue	Administration Comment
The community has stated that it has accepted the existing design guidelines that were created following extensive consultation as a negotiated outcome that will allow development at a scale that will not negatively affect the amenity of the area and its views should be respected and implemented.	supported
A building height of 4 storeys (16.5) is unacceptable and out of character with the area. The building height also raised concerns with overlooking of residential lots to the north of the sites where greater heights are proposed and concern that it will destroy the village character of the area.	Supported
Need to create a transition area around the proposed redevelopment area where heights and density are graduated to meet the current height and density requirements that apply to the remainder of the area, especially if the increased height and density is supported. Four storeys standing alone would have negative impacts.	Agree with the concern that the changes proposed by the WAPC have not considered the setting within which they will be implemented and not being part of an integrated redevelopment approach will create an inappropriate outcome for the area
Amusement Parlours and Small Bars are not welcome in the area as the area's need for alcohol is fully catered for by the existing bottleshops and existing licensed restaurants in the area, although some comments were in favour of small bars as a means to improve Dalkeith's "Dullsville" reputation.	Noted.  While the sentiment on Amusement Parlours seems clear, there appears to be ability to negotiate in regards to Small Bars.
The ability to allow the developer to vary laneways is not supported because it could lead to buildings with greater bulk than envisaged under the negotiated design guidelines, although a reduction of crossovers from Waratah Avenue was consider a possible bonus for creating a pedestrian friendly streetscape.	Supported
Reducing the minimum size of 3 bedroom dwellings from 150m <sup>2</sup> to 120m <sup>2</sup> is unacceptable as this unit size would be too small. The proposed size reduction is also not supported given that the size of single bedroom dwellings was	Noted

compromised on originally.	
Variation of the clause that allows Council to exercise discretion is not supported	The proposed changes in this regard were generally not well understood and many comments confused Council's exercise of discretion in other circumstances
The lot on which the Dalkeith Hall is located should be part of this redevelopment area	Noted
Grouped and Multiple Dwellings are out of character for Dalkeith although subdivision of existing lots to create single house lots approximately 500m <sup>2</sup> is supported	This comment is not relevant in the context of the proposal being advertised for public comment
Happy with improvements to commercial area but not willing to consider any zoning changes to residential areas	This comment is not relevant in the context of the proposal being advertised for public comment

The above two table have also been included as attachment 2 to this report for ease of reference for referral to the WAPC.

**Legislation**

As this advertising process occurs within the scheme amendment process the legislation under which the scheme amendment is progressed applies namely the Planning and Development Act 2005, its associated regulations and Town Planning Scheme No. 2 (TPS2).

**Budget/financial implications**

Budget

Within current approved budget: Yes  No

Requires further budget consideration: Yes  No

Financial

Progressing the WAPC's request has been done within the provisions of the approved annual budget.

**Risk Management**

The WAPC requested the City to test variations to the proposal currently presented to them for approval by advertising the above

proposed changes and lack of cooperation in this process on the City's part would be harmful to the City's reputation.

### **Discussion**

It is noted that the WAPC neither provided justification to support the changes to the scheme amendment nor considered the effect of the proposed changes in context. This is particularly relevant in regard to the proposed building height to four (4) storeys, which will result in a building bulk that is out of character for an area that is otherwise limited to a height restriction of 10 metres.

It is also notable that in excess of 12 % of the number of people that were advertised to provided feedback. This demonstrates that there continues to be a high level of interest of the community in their residential area.

In excess of 70 % of the responses are opposed to the proposed changes although the percentages vary for each proposal. The proposed change that attracted the greatest amount of objection is the proposed increase in building height to four storeys (16.5 m), while the least objectionable change is the reclassification of certain uses in the use class table, although the additional comments indicate that Amusement Parlours and Small Bars are not welcome in the area.

Overall, from the additional comments provided as part of the feedback there is an overriding sentiment that the agreed outcome that was the result of extensive public consultation should be honored and that continual questioning of the resulting guidelines makes a mockery of the democratic process.

The City has been committed to find a redevelopment outcome that will blend into the existing fabric of the Dalkeith area and be acceptable to the majority of the community whilst providing for a vibrant local centre and housing diversity. The changes proposed by the WAPC to the scheme amendment documentation are deficient in process and effect. Not only would implementation of these proposed changes be contrary to public interest as it undermines the principles of public participation but the effect on the built form of the area would be contrary to orderly and proper planning. It is therefore recommended that the City does not support the WAPC proposal.

### **Conclusion**

Given the long history and exhaustive process of public participation that has occurred and the fact that the proposed changes have not been determined within its context, it is recommended that the City does not support the proposed changes recommended by the WAPC on the basis that it would be contrary to public interest and orderly and proper planning.

**Attachments**

3. Scheme amendment document showing the changes to the document proposed by the WAPC.
4. Summary tables of submissions.

Councillor Negus and Councillor Smyth returned to the meeting at 8.39 pm.

**14. Elected Members Notices of Motions of Which Previous Notice Has Been Given**

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

**14.1 Councillor Hodsdon – Chemical Free Park**

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

Moved – Councillor Hodsdon  
Seconded – Councillor Negus

**Regulation 11(da) – Council Agreed to include community consultation and clarified the length of the trial.**

Councillor Bell left the meeting at 8.41 pm and returned at 8.42 pm.

- 1. Council directs Administration to nominate a park in the City to undergo a 24 month trial as a "Chemical Free" park, where no herbicides or insecticides will be used;**
- 2. Before the trial proceeds on the nominated park,**
  - (a) a letter drop to surrounding residents informing them of Council's Resolution and Intent is carried out;**
  - (b) an advertisement or article of the same is placed in the local papers so that the general public is informed; and**
- 3. The test results of the trial (including costs, park usage and community feedback during and at the end of the 2 year period) be brought back to Council for further consideration and possible implementation into the City of Nedlands' "Policy on The Use of Pesticides and Herbicides", especially in our parks.**

### **Councillor Tan – Financial Interest**

Councillor Tan disclosed a financial interest in Item 14.1 – Chemical Free Park, her interest being that she owns property in close proximity to the park nominated by Administration. She advised that she would leave the meeting during this matter.

Councillor Tan left the meeting at 8.48 pm.

**CARRIED UNANIMOUSLY 10/-**

### **Council Resolution**

- 1. Council directs Administration to nominate a park in the City to undergo a 24 month trial as a "Chemical Free" park, where no herbicides or insecticides will be used;**
- 2. Before the trial proceeds on the nominated park,**
  - (a) a letter drop to surrounding residents informing them of Council's Resolution and Intent is carried out;**
  - (b) an advertisement or article of the same is placed in the local papers so that the general public is informed; and**
- 3. The test results of the trial (including costs, park usage and community feedback during and at the end of the 2 year period) be brought back to Council for further consideration and possible implementation into the City of Nedlands' "Policy on The Use of Pesticides and Herbicides", especially in our parks.**

### **Administration Comment**

Administration agrees and nominates Mason Gardens for the Chemical Free Park trial.

Councillor Tan returned to the meeting at 8.53 pm.

## 14.2 Councillor Hodsdon – Parking Restrictions – North Hollywood

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

Councillor Hodsdon withdrew this notice of motion at the meeting.

That the City

1. sends a letter to ratepayers in the area bounded by Aberdare Road, Kingston Street, Verdum Street and Kitchener Street and those bound by Williams Road, Hampden Road, Stirling Hwy Smyth Road and Monash Avenue to gather the information on whether they would like no parking on both sides of the street Monday to Friday from 9am to 5pm
2. should the response be an absolute majority then that street will be actioned with no parking Monday to Friday from 9am to 5pm
3. each resident is given one temporary parking permit valid for outside their residence only with the condition that the cars owner is at the residence while the car is there.

### Administration Comment

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

### Committee Recommendation

Committee:

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

- d. requests Administration write to all residents in North Hollywood and advise them on the traffic management.

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

Therefore Administration does not support this notice of motion.

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

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

Councillor Hodsdon withdrew this notice of motion at the meeting.

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

#### Administration Comment

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

#### Committee Recommendation

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

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



#### **14.4 Councillor Hodsdon – Parking near UWA Campus**

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

Councillor Hodsdon withdrew this notice of motion at the meeting.

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

Administration Comment

Administration supports and therefore should go out to Community Consultation with the results being presented at the Traffic Management Committee in December 2011.

#### **14.5 Councillor Hodsdon – Claremont Library**

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

Moved – Councillor Hodsdon  
Seconded – Councillor Horley

That the City offers the Town of Claremont the use of the Nedlands Libraries on a cost recovery basis.

**CARRIED 9/2  
(Against: Crs. Argyle & Hipkins)**

#### **Council Resolution**

**That the City:**

- 1. offers the Town of Claremont the use of the Nedlands Libraries on a cost recovery basis.**

Administration Comment

The City of Claremont are currently refurbishing their Town Hall on Stirling Highway which is going to be their interim library and council chamber. They expect to be opened early next year (January 2012). Currently we are assisting the Claremont Library by having one of their officer coming into our Library once per fortnight, to allow the

continuation of their house bound service. Other than that, the Claremont Library staff are currently based at the Peppermint Grove Library, in the interim. The City of Nedlands Library did offer our library and library services initially following the fire in November, however this was turned down by the City of Claremont, in favour over the Peppermint Grove offer. For the information of elected members, please be aware that the Library Services throughout the Western Suburbs (Subiaco, Nedlands, Claremont , and Peppermint Grove) have been sharing resources and databases since 2000, when we went live with the automated library systems.

#### **14.6 Councillor Hodsdon – Shared use of Depot**

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

Moved – Councillor Hodsdon

Seconded – Councillor Bell

**That the City Investigates with the Town of Claremont and/or City of Subiaco the use of the Nedlands depot on a cost recovery basis and report back to Council on its findings.**

**CARRIED 8/3  
(Against: Crs. Argyle Hipkins & Smyth)**

#### **Council Resolution**

**That the City:**

**Investigates with the Town of Claremont and/or City of Subiaco the use of the Nedlands depot on a cost recovery basis and report back to Council on its findings.**

Administration Comment

Supported. City is currently in negotiation with Claremont and Subiaco along these lines.

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

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

Councillor Hodsdon withdrew this notice of motion at the meeting.

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

Administration Comment

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

**14.8 Councillor Hipkins – Verge Works Approval Requirements**

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

Moved – Councillor Hipkins  
Seconded – Councillor Negus

Ms C Eldridge, Director Development Services left the meeting at 9.19 pm and returned at 9.20 pm.

**That:**

**Approval for works in verges is not required for:**

- **installing pipelines and below ground reticulation systems;**
- **installing garden beds where there is no change to natural ground level; and**
- **planting trees and shrubs in accordance with Council policy.**

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

### **Council Resolution**

**That:**

**Approval for works in verges is not required for:**

- **installing pipelines and below ground reticulation systems;**
- **installing garden beds where there is no change to natural ground level; and**
- **planting trees and shrubs in accordance with Council policy.**

Supporting statement

On 30 August 2011 a flyer produced by Technical Services, presumably for community distribution, was given to Councillors.

This flyer stated:

Are you considering landscaping your verge?

Before landscaping your verge, all works (other than planting natural lawn) are required to be approved by the City.

Works requiring approval include:

- installing artificial lawn (including requirements for drainage)
- installing garden beds
- planting shrubs
- hardscaping such as kerbing, paving and retaining walls
- placing, erecting or fixing any structure
- installing pipelines and below ground reticulation systems.

It is understandable that artificial lawn and paving that have drainage requirements and also structures that may affect safety of movement in road reserves, should be approved. However there are resource implications for requiring approval for installation of reticulation systems, garden beds, shrubs and trees. Approval for these items has never previously been raised with Councillors.

It is unnecessary to require approval for these works.

Administration Comment

Supported.

#### **14.9 Councillor Hodsdon – Voting for Local Elections**

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

Councillor Hodsdon withdrew this notice of motion at the meeting.

That the City of Nedlands submits a motion to WALGA for its consideration, to seek a legislative change in voting for local elections to the following:

1. optional preferential voting for all positions
2. compulsory
3. elections held at the same time as the State elections if they become fixed term
4. allow for up to 4 referendum questions per election

#### Supporting Comment

The benefits are obvious. Less likely to have splintered minority groups hi-jacking election. It is obviously the fairest system. Voting in Local Government elections is compulsory in NSW and Victoria. People are used to preferential voting in other levels of Government.

#### Administration Comment

No Administration Comment.

**14.10 Councillor Hodsdon – Round-a-bout corner Hampden Road and Park Street**

Moved – Councillor Hodsdon  
Seconded - Hipkins

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

**That Nedlands requests that Subiaco puts an art installation or planting in the round-a-bout on the corner of Hampden Road and Park Street.**

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

**Council Resolution**

**That Nedlands requests that Subiaco puts an art installation or planting in the round-a-bout on the corner of Hampden Road and Park Street.**

Supporting Comment

Most have them and this one is ugly.

Administration Comment

Supported.

**14.11 Councillor Hodsdon – Depot Entrance**

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

Moved – Councillor Hodsdon  
Seconded – Councillor Bell

**That the City investigates aligning the entrance to the Depot onto Government Road.**

**CARRIED 7/4  
(Against: Crs. Argyle Hipkins Negus & Tan)**

**Council Resolution**

**That the City investigates aligning the entrance to the Depot onto Government Road.**

Administration Comment

Some expense involved but no operational difficulties. Traffic movements related to the depot are currently being measured. Recommend deferral of consideration pending cost determination for consideration in budget review.

#### **14.12 Councillor Smyth – Karrakatta Train Station Park & Ride**

In accordance with Standing Orders, Councillor Smyth gave notice of her intention to move the following at this meeting.

Moved – Councillor Smyth  
Seconded – Councillor Bell

**That Council endorses the provision of park and ride facility on the western side of Karrakatta train station, and instructs administration to:**

- 1. investigates options for negotiation with the Commonwealth government to enter into a leasing arrangement for the land at the corner of Quintilian and Stubbs Terrace;**
- 2. makes formal application to both State and Commonwealth governments at an appropriate decision making level to pursue outcomes in line with current urban transport policy relating to access to park and ride facilities for the western suburbs;**
- 3. reviews the outcome of a previous notice of motion relating to this matter and advises why no satisfactory outcome was achieved;**
- 4. develops funding options to realise the facility once the land access has been negotiated; and**
- 5. investigate improvement of the verge parking along Quintilian Road for inclusion in consideration with the budget review.**

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

### **Council Resolution**

**That Council endorses the provision of park and ride facility on the western side of Karrakatta train station, and instructs administration to:**

- 1. investigates options for negotiation with the Commonwealth government to enter into a leasing arrangement for the land at the corner of Quintilian and Stubbs Terrace;**
- 2. makes formal application to both State and Commonwealth governments at an appropriate decision making level to pursue outcomes in line with current urban transport policy relating to access to park and ride facilities for the western suburbs;**
- 3. reviews the outcome of a previous notice of motion relating to this matter and advises why no satisfactory outcome was achieved;**
- 4. develops funding options to realise the facility once the land access has been negotiated; and**
- 5. investigate improvement of the verge parking along Quintilian Road for inclusion in consideration with the budget review.**

### Supporting Comment

This matter has been the subject of previous NoM with no satisfactory outcome. The new Planning Policies clearly show anticipated need in this area. There is an appetite for this to happen at the more strategic levels of government. We need to tap into this level for negotiation rather than the “operational delivery” such as the Army who will clearly support the status quo. If we can’t get this moving it proves we are a “do nothing council”, with no clout to negotiate with the Commonwealth for services for our community.

### Administration Comment

Supported. It should be noted however, that previous attempts to gain access to Commonwealth land in the vicinity (as mentioned in part 1 of the NoM) were rejected on the stated basis that the land is required.



**14.13 Councillor Smyth – Mt Claremont Primary School Markets**

In accordance with Standing Orders, Councillor Smyth gave notice of her intention to move the following at this meeting.

Councillor Hodsdon left the meeting at 9.40 pm.

Moved – Councillor Smyth  
Seconded – Councillor Horley

Councillor Hodsdon returned to the meeting at 9.43 pm.

**That the Annual Fee charged to Mt Claremont Primary School Farmers Market is waived this year, to allow the “Not for Profit Volunteer Market” management group to redirect the saving towards the identified need of “Shade Sails” to cover the playground in the heart of the market precinct in the grounds of Mt Claremont Primary School. The Market management is to provide evidence of the defined expenditure on the “Shade Sails” in order for the fee waiver. The City of Nedlands is to be acknowledged in appropriate signage for its reciprocal contribution.**

Put motion

Moved – Councillor Binks  
Seconded – Councillor Hodsdon

That the motion be put

LOST 5/6  
(Against: Mayor Froese Crs. Hipkins Negus  
Somerville-Brown Horley & Smyth)

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

**CARRIED 9/2**  
**(Against: Crs. Argyle & Hipkins)**

### **Council Resolution**

**That the Annual Fee charged to Mt Claremont Primary School Farmers Market is waived this year, to allow the “Not for Profit Volunteer Market” management group to redirect the saving towards the identified need of “Shade Sails” to cover the playground in the heart of the market precinct in the grounds of Mt Claremont Primary School. The Market management is to provide evidence of the defined expenditure on the “Shade Sails” in order for the fee waiver. The City of Nedlands is to be acknowledged in appropriate signage for its reciprocal contribution.**

### Support Comment

Shade Sails are required over the children’s playground in the heart of the school ground which is used for the market on Saturday mornings. The cost of the Shade Sails is estimated at \$13,000 based on those previously funded by the P&C over the Pre-school playground. The Shade Sails would benefit local children at school during the week and visiting children to the community market.

This \$5,000 contribution to the school amenity could be viewed as a parallel to the swimming pool grant for other schools in the City. The Mt Claremont community benefits from this popular market, which is extremely vulnerable to slight commercial shifts. If not for the effort and enthusiasm of its local volunteer champions, the market would not exist. But more particularly the self sufficiency demonstrated through these fund raising benefits would be lost. For example the market has sponsored the local sea scouts new life jackets.

Please support a community enterprise working to improve our community assets.

Information provided by Mt Claremont P&C

Mt Claremont P&C owns and manages the Mt Claremont Farmers Market. The P&C pays a part time salary to a market coordinator to liaise with the stallholders on behalf of the P&C on a day to day basis, the coordinator is not associated with the school. The five P&C Farmers Market Management Committee members and two parking roster coordinators receive \$Nil. They are purely volunteers as is required by the P&C constitution. All profits are contributed to the school per the P&C constitution.

Subi Market opened 17 Oct 2009, is a commercial operation with only a portion of proceeds flowing to the school and is reported to have received \$10,000 in support directly or indirectly from the Subiaco

Council in recognition of benefit of the Market to the greater local community. Given all proceeds of the Mt Claremont Farmers Market directly benefit the Mt Claremont Primary School resources and the local community (ie zero commercial gain); that the local community derives a significant intrinsic community benefit from the Mt Claremont Farmers Market; we request that Nedlands Council consider directing our annual fees via donation towards assisting the P&C improve outdoor facilities at Mt Claremont Primary School for the benefit of both students and local community attending the markets. In a sense developing a partnership between the schools P&C and the Nedlands Council to continue with the improvements to amenities of the school enjoyed by students and the local public alike.

#### Administration Comment

The City charges a single annual fee of \$5200 to the Mt Claremont Markets to cover some of the City's administrative costs associated with the market. This annual fee does not cover all the costs incurred by the City and was negotiated with council a few years ago as a reduced fee to reflect the community nature of the markets. This reduced fee in effect reflects the City providing a donation for all other costs incurred.

In addition to this the City could if it wanted to, charge a fee of \$35 per week per stall. This fee is applicable to other businesses who have stalls within the City.

The markets are approved for 50 stalls a week and 70 are currently registered by the City. To the City's knowledge each stall pays \$50 per week to have a stall which would generate approximately \$130,000 per annum in revenue.

Administration does not recommend removing the small annual fee which covers a small portion of the City's costs.

#### Administration Recommendation

The City continue to charge a subsidised annual fee to the Mt Claremont community markets to reflect the community nature of the market.

**15. Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 25 October 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.

There were no notice of motions given.

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

**16.1 Banksia Farm**

**Councillor Horley - Impartiality Interest**

Councillor Horley disclosed an impartiality interest in Item 14.1, her interest being that she lives near the land but that her interest is in common with a significant number of other electors therefore, there may be a perception that her impartiality on the matter may be affected, therefore she declared that she would consider the matter on its merits and vote accordingly.

Moved – Councillor Smyth

Seconded –Councillor Bell

**That Council endorses and instructs administration to act upon the following:**

- 1. The City of Nedlands confirms its ongoing support for Banksia Farm bushland (Lot 87 Mt Claremont) to remain solely as protected locally indigenous bushland;**
- 2. The City firmly supports the retention of the Trust Deed protecting Banksia Farm bushland for public use in perpetuity;**
- 3. The City reiterates its previous requests to the government for the vesting of Banksia Farm bushland;**
- 4. If any other entity is to be granted management of Banksia Farm bushland, the City requests timely written assurance**

**from that entity and the government that within one year of this date a best practice Management Plan and associated Forward Works will be implemented with regard to the land known as Banksia Farm bushland;**

- 5. The City of Nedlands requests that it be involved as a major stakeholder at every stage in the planning for the Area G residential housing development, as City of Nedlands residents and facilities are located immediately adjacent to this development and planning input is critical from the early stages.**

**CARRIED UNANIMOUSLY 11/-**

#### **Council Resolution**

**That Council endorses and instructs administration to act upon the following:**

- 6. The City of Nedlands confirms its ongoing support for Banksia Farm bushland (Lot 87 Mt Claremont) to remain solely as protected locally indigenous bushland;**
- 7. The City firmly supports the retention of the Trust Deed protecting Banksia Farm bushland for public use in perpetuity;**
- 8. The City reiterates its previous requests to the government for the vesting of Banksia Farm bushland;**
- 9. If any other entity is to be granted management of Banksia Farm bushland, the City requests timely written assurance from that entity and the government that within one year of this date a best practice Management Plan and associated Forward Works will be implemented with regard to the land known as Banksia Farm bushland;**
- 10. The City of Nedlands requests that it be involved as a major stakeholder at every stage in the planning for the Area G residential housing development, as City of Nedlands residents and facilities are located immediately adjacent to this development and planning input is critical from the early stages.**

Explanation

Banksia Farm bushland (Lot 87 Mt Claremont) has been the subject of extensive community interest for a number of years. It was the subject of a number of previous City of Nedlands resolutions, which in essence pledged support for the retention of the Trust Deed protecting Banksia Farm bushland as locally indigenous bushland for public use in perpetuity. A petition was lodged with Parliament to this effect, which contained several thousand signatures.

The area of land adjacent to and including Banksia Farm bushland has been the subject of negotiations between the Town of Cambridge and the government. It appears that there is a possibility that the Trust Deed may be removed as a result of these negotiations. Detailed facts about the negotiations and agreement have not been available to the local community or the City of Nedlands.

With limited information available, it appears that the future status of Banksia Farm is unclear. This area of land and any future housing development has implications for City of Nedlands residents and facilities, which are located adjacent to the site. The local community have concerns about the long period of nil maintenance to Banksia Farm bushland as well as its future protection 'for the use of the public for all time'.

Administration Comment

Administration Supports the proposed notice of motion.

**17. Confidential Items**

Nil.

**Declaration of Closure**

There being no further business, the Presiding Member declared the meeting closed at 9.59 pm.

**Attachment to Item 13.1**

**Council Meeting – 27 September 2011**

**Common Seal Register Report – August 2011**

Common Seal Register Report

**AUGUST 2011**

576	9 August 2011	Development Services	Delegated Authority	Notification under Section 70A – No.10 (Lot 248) Bellevue Avenue Dalkeith – Attic Level to be restricted to storage as per planning approval 2B.
577	10 August 2011	Development Services	Delegated Authority	Withdrawal/ uplifting and replacement of Caveat 1443935 to enable an additional mortgage to be registered against Lot 271 (house number 18) Arenga Court, Mt Claremont
578	25 August 2011	Community & Strategy	Delegated Authority	2011/2012 Deed Variation between the State of Western Australia and the City of Nedlands adjusting current service agreement No C05129 with the new Annual Funding Limit. (2 copies)
579	6 September 2011	Development Services	Council Resolution 23 July 2002 Report C54-02	Lot 403 on Deposited Plan 36773 Amended 15 year plus 5 year lease Between City of Nedlands and West Australian Bridge Club Inc (2 copies)
580	8 September 2011	Corporate Services	Council Resolution 26 July 2011 Report CP27.11	FESA – Emergency Services Levy Administration – Section 36ZJ ‘Option B’ Agreement.



**Attachment to Item 13.2**

**Council Meeting – 27 September 2011**

List of Delegated Authorities – August 2011

**DELEGATED AUTHORITY REPORT**

List of Delegated Authority - August 2011

Page 1

Date 20/09/2011

Time 4:26:22 PM

Login Name Nicole Borowicz

**DEL11/401****SYIF Grant - Liam Campbell - National Ice Hockey Championships in Newcastle NSW***Delegation Type* 10F - Sponsorship of Youth Initiatives Fund*Date Registered* 1/08/2011 at 3:19 PM*Position Exercising Delegated Authority* Manager Community Development*How Delegation Is Recorded* Authorisation Form*Applicant* Liam Campbell (Addressee)**DEL11/402****SYIF Grant - Jamie Campbell - National Ice Hockey Championships Newcastle NSW***Delegation Type* 10F - Sponsorship of Youth Initiatives Fund*Date Registered* 1/08/2011 at 3:22 PM*Position Exercising Delegated Authority* Manager Community Development*How Delegation Is Recorded* Authorisation Form*Applicant* Jamie Andrew Campbell (Addressee)**DEL11/403****SYIF Grant - Matilda Simcock - U16 National Water Polo Championships in Melbourne***Delegation Type* 10F - Sponsorship of Youth Initiatives Fund*Date Registered* 1/08/2011 at 3:25 PM*Position Exercising Delegated Authority* Manager Community Development*How Delegation Is Recorded* Authorisation Form*Applicant* Matilda Simcock (Addressee)**DEL11/404****SYIF Grant - Dong-Jun Kim - Dalkeith PS Camp to Sydney and Canberra***Delegation Type* 10F - Sponsorship of Youth Initiatives Fund*Date Registered* 1/08/2011 at 3:28 PM*Position Exercising Delegated Authority* Manager Community Development*How Delegation Is Recorded* Authorisation Form*Applicant* Dong-Jun Kim (Addressee)**DEL11/405****SYIF Grant - Dong-Ho Kim - Dalkeith PS camp to Sydney and Canberra***Delegation Type* 10F - Sponsorship of Youth Initiatives Fund*Date Registered* 1/08/2011 at 3:31 PM*Position Exercising Delegated Authority* Manager Community Development*How Delegation Is Recorded* Authorisation Form*Applicant* Dong-Ho Kim (Addressee)**DEL11/406****Approval to write off of minor rate debts - July 2011 - \$7.76.***Delegation Type* 3F - Write off of Minor Debts*Date Registered* 3/08/2011 at 12:31 PM*Position Exercising Delegated Authority* Chief Executive Officer*How Delegation Is Recorded* Authorisation Form*Applicant* City of Nedlands (Addressee)**DEL11/407****9 ( Lot 223 ) Pimelea Crescent Mt Claremont - Fencing***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/08/2011 at 7:43 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Peter Gopfert Paredes (Addressee)**DEL11/408****10 ( lot 130 ) Lantana Avenue Mt Claremont - Business Renewal***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/08/2011 at 7:44 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Poh Tin Lau (Addressee)

**DELEGATED AUTHORITY REPORT**

List of Delegated Authority - August 2011

**DEL11/409****87 ( Lot 35 ) Victoria Avenue Dalkeith - Two Storey Additions/Alterations***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/08/2011 at 7:45 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Peter Fryer Design (Addressee)**DEL11/410****72 ( Lot 4 ) Wood Street Swanbourne - Single Storey Additions/Alterations***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/08/2011 at 7:47 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Sophie Row (Addressee)**DEL11/411****81 ( Lot 32 ) Birdwood Parade Dalkeith - Patio***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/08/2011 at 7:48 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Westral Outdoor Centre (Addressee)**DEL11/412****7a ( Lot 892 ) Erica Avenue Mt Claremont - Patio***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/08/2011 at 7:53 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Patio Perfect (Addressee)**DEL11/413****33 ( Lot 412 ) Clark Street Nedlands - Retrospective Approval Patio***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/08/2011 at 7:54 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Thea Eves (Addressee)**DEL11/414****2 ( Lot 510 ) Earls Court Mt Claremont - Portico and Two Storey Addition***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/08/2011 at 7:56 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Axis Building Approvals (Addressee)**DEL11/415****34 ( Lot 99 ) Mooro Drive Mt Claremont - Swimming Pool***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/08/2011 at 7:58 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Buccaneer Pools (Addressee)**DEL11/416****38 ( Lot 2 ) Williams Road Nedlands - Two Storey Dwelling***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/08/2011 at 8:03 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Residential Building WA Pty Ltd (Ad



**DELEGATED AUTHORITY REPORT**

List of Delegated Authority - August 2011

**DEL11/417****44 ( Lot 10408 ) Circe Circle Dalkeith - Wall and Sign***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/08/2011 at 8:07 AM*Position Exercising Delegated Authority* Senior Statutory Planning Officer*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Daniel & Jennifer Medd (Addressee)**DEL11/418****9 ( Lot 342 ) Baird Avenue Nedlands - Single Storey Additions/Alterations***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/08/2011 at 8:08 AM*Position Exercising Delegated Authority* Senior Statutory Planning Officer*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Alison & Timothy Gattorna (Addressee)**DEL11/419****67 ( Lot 91 ) Hobbs Avenue Dalkeith - Retaining Walls and Side Boundary Fencing and Front Fence***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/08/2011 at 8:09 AM*Position Exercising Delegated Authority* Senior Statutory Planning Officer*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Tuscom Subdivision Consultants Pt**DEL11/420****47 ( Lot 323 ) Doonan Road Nedlands - Single Storey Alterations and Pool Room***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/08/2011 at 8:11 AM*Position Exercising Delegated Authority* Senior Statutory Planning Officer*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Dale Alcock Home Improvement (Ac**DEL11/421****78 ( Lot 127 ) Viking Road Dalkeith - Single Storey Additions/Alterations***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/08/2011 at 8:12 AM*Position Exercising Delegated Authority* Senior Statutory Planning Officer*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* John Chisholm Design (Addressee)**DEL11/422****2 ( Lot 490 ) Viewway Nedlands - Two Storey Additions/Alterations***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/08/2011 at 8:13 AM*Position Exercising Delegated Authority* Senior Statutory Planning Officer*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Mark & Terri Platell (Addressee)**DEL11/423****9 ( Lot 126 ) Archdeacon Street Nedlands - Re-Roof***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/08/2011 at 8:15 AM*Position Exercising Delegated Authority* Senior Statutory Planning Officer*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Advanced Roof Restoration (Addressee)**DEL11/424****22 ( Lot 158 ) Nevile Road Dalkeith - Front Wall, Retaining and Amendment to Garage Finished Floor Level***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 4/08/2011 at 8:16 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Webb & Brown-Neaves (Addressee)

**DELEGATED AUTHORITY REPORT**

List of Delegated Authority - August 2011

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Date 20/09/2011

Time 4:26:23 PM

Login Name Nicole Borowicz

**DEL11/425****35 ( Lot 292 ) Philip Road Dalkeith - Amendments to approval***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***6A - TPS No 2 - Approval and Refusal of Planning Applications****4/08/2011 at 8:18 AM****Manager Statutory Planning****Approval Letter (Planning D'A/s)****Carmelo Galipo (Addressee)****DEL11/426****81 ( Lot 197 ) Mountjoy Road Nedlands - 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****4/08/2011 at 8:19 AM****Manager Statutory Planning****Approval Letter (Planning D'A/s)****Exclusive Residence (Addressee)****DEL11/427****27 ( Lot 74 ) Hynes Road Dalkeith - Amendments to Previous Approval Ref. DA10/404 - Additional Windows Only***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***6A - TPS No 2 - Approval and Refusal of Planning Applications****4/08/2011 at 8:20 AM****Manager Statutory Planning****Approval Letter (Planning D'A/s)****Josephene & Blane Brackenridge (A)****DEL11/428****38 ( Lot 55 ) Reeve Street Swanbourne - Two Storey Dwelling and Front Fence***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***6A - TPS No 2 - Approval and Refusal of Planning Applications****4/08/2011 at 8:22 AM****Manager Statutory Planning****Approval Letter (Planning D'A/s)****Wright Feldhusen Architects (Addre****DEL11/429****Infringement Withdrawal 501478 - Abbie Gibson***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***9C - Withdrawal of Infringement Notices****5/08/2011 at 12:15 PM****Manager Corporate Services****Withdrawal Notice****Abbie Gibson (Addressee)****DEL11/430****Seal Certification - Seal No. 576 - Notification under Section 70A - No.10 (Lot 248) Bellevue Avenue Dalkeith - Attic Level to be restricted to storage as per planning approval 2B.***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***1D - Use of Council's Common Seal and Authority to Sign Documents****9/08/2011 at 9:49 AM****Chief Executive Officer****Seal Register****Tufail Bin Mahmud (Addressee)****DEL11/431****Youth Grant - Civics Education Visit to Canberra***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***10F - Sponsorship of Youth Initiatives Fund****9/08/2011 at 11:21 AM****Manager Community Development****Authorisation Form****Giorgio Antoci (Addressee)****DEL11/432****Youth Grant Not Approved - Submitted too late to allow assessment before event***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***10F - Sponsorship of Youth Initiatives Fund****11/08/2011 at 4:11 PM****Manager Community Development****Authorisation Form****Lilly Tinapple (Addressee)**





# DELEGATED AUTHORITY REPORT

List of Delegated Authority - August 2011

Continued...

**DEL11/433**      **Seal Certification - Seal No. 577 - Withdrawal/ uplifting and replacement of Caveat I443935 to enable an additional mortgage to be registered against Lot 271 (house number 18) Arenga Court, Mt**

*Delegation Type*      **1D - Use of Council's Common Seal and Authority to Sign Documents**

*Date Registered*      **12/08/2011 at 12:11 PM**

*Position Exercising Delegated Authority*      **Chief Executive Officer**

*How Delegation Is Recorded*      **Seal Register**

*Applicant*      **P A & J E Hocking (Addressee)**

**DEL11/434**      **35 ( Lot 55 ) Reeve Street Swanbourne - Two Storey Dwelling and Front Fence**

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

*Date Registered*      **22/08/2011 at 1:47 PM**

*Position Exercising Delegated Authority*      **Manager Statutory Planning**

*How Delegation Is Recorded*      **Approval Letter (Planning D'A/s)**

*Applicant*      **Wright Feldhusen Architects (Addre**

**DEL11/435**      **2 ( Lot 32 ) Allenby Road Dalkeith - Patio, Swimming Pool, Secondary Street Fence, Change in Locaiton of Screen Wall**

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

*Date Registered*      **22/08/2011 at 1:48 PM**

*Position Exercising Delegated Authority*      **Manager Statutory Planning**

*How Delegation Is Recorded*      **Approval Letter (Planning D'A/s)**

*Applicant*      **Exhibit Green (Addressee)**

**DEL11/436**      **23a ( Lot 1 ) Leon Road Dalkeith - Two Storey Dwelling and Swimming Pool**

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

*Date Registered*      **22/08/2011 at 1:51 PM**

*Position Exercising Delegated Authority*      **Manager Statutory Planning**

*How Delegation Is Recorded*      **Approval Letter (Planning D'A/s)**

*Applicant*      **Harden Jones Architects (Addressee)**

**DEL11/437**      **8 ( Lot 11 ) Karella Street Nedlands - New Portion of Front Fence and Dividing Fence**

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

*Date Registered*      **22/08/2011 at 2:06 PM**

*Position Exercising Delegated Authority*      **Manager Statutory Planning**

*How Delegation Is Recorded*      **Approval Letter (Planning D'A/s)**

*Applicant*      **Lou & Barbara Holm (Addressee)**

**DEL11/438**      **50 ( Lot 307 ) Philip Road Dalkeith - Single Storey Dwelling and Swimming Pool**

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

*Date Registered*      **22/08/2011 at 2:07 PM**

*Position Exercising Delegated Authority*      **Manager Statutory Planning**

*How Delegation Is Recorded*      **Approval Letter (Planning D'A/s)**

*Applicant*      **Gary Keen Building Design (Addressee)**

**DEL11/439**      **35 ( Lot 286 ) Hampden Road Nedlands - Re-Roof**

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

*Date Registered*      **22/08/2011 at 2:11 PM**

*Position Exercising Delegated Authority*      **Manager Statutory Planning**

*How Delegation Is Recorded*      **Approval Letter (Planning D'A/s)**

*Applicant*      **Central Building & Maintenance (Ad**

**DEL11/440**      **43 ( Lot 86 ) Napier Street Nedlands - Patio**

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

*Date Registered*      **22/08/2011 at 2:17 PM**

*Position Exercising Delegated Authority*      **Manager Strategic Planning**

*How Delegation Is Recorded*      **Approval Letter (Planning D'A/s)**

*Applicant*      **The Patio Guys (Addressee)**

**DELEGATED AUTHORITY REPORT**

List of Delegated Authority - August 2011

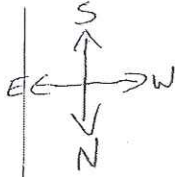
**Continued...****DEL11/441****6 ( Lot 117 ) Vsan Kleef Circuit Mt Claremont - Front Fence***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 22/08/2011 at 2:20 PM*Position Exercising Delegated Authority* Manager Strategic Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Mike & Dina Townsend (Addressee)**DEL11/442****52 ( Lot 10 ) Loftus Street Nedlands - Alfresco***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 22/08/2011 at 2:30 PM*Position Exercising Delegated Authority* Manager Strategic Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* CA Design & Drafting (Addressee)**DEL11/443****98 ( Lot 604 ) Circe Circle - Amendments to Approval - Removal of Privacy Screen***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 22/08/2011 at 2:32 PM*Position Exercising Delegated Authority* Manager Strategic Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Laurie Scanlan (Addressee)**DEL11/444****70 ( Lot 1 ) Hobbs Avenue Dalkeith - Carport and Swimming Pool***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 22/08/2011 at 2:33 PM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Jo Court (Addressee)**DEL11/445****Infringement Withdrawal 401427***Delegation Type* 9C - Withdrawal of Infringement Notices*Date Registered* 24/08/2011 at 12:16 PM*Position Exercising Delegated Authority* Director Corporate Services*How Delegation Is Recorded* Withdrawal Notice*Applicant* John Woodhouse (Addressee)**DEL11/446****Seal Certification - Seal No 578 - 2011/2012 Deed Variation between the State of Western Australia and the City of Nedlands adjusting current service agreement No C05129 with the new Annual Funding***Delegation Type* 1D - Use of Council's Common Seal and Authority to Sign Documents*Date Registered* 25/08/2011 at 2:15 PM*Position Exercising Delegated Authority* Chief Executive Officer*How Delegation Is Recorded* Seal Register*Applicant* State of Western Australia (Address)**DEL11/447****Infringement Withdrawal 101214***Delegation Type* 9C - Withdrawal of Infringement Notices*Date Registered* 29/08/2011 at 9:06 AM*Position Exercising Delegated Authority* Director Corporate Services*How Delegation Is Recorded* Withdrawal Notice*Applicant* Peter Aspland (Addressee)**DEL11/448****Infringement Withdrawal 401428 - Gabrielle Cummins***Delegation Type* 9C - Withdrawal of Infringement Notices*Date Registered* 29/08/2011 at 3:30 PM*Position Exercising Delegated Authority* Director Corporate Services*How Delegation Is Recorded* withdrawal Notice*Applicant* Gabrielle Cummins (Addressee)

**Attachment to Item 13.3**

**Council 27 September 2011**

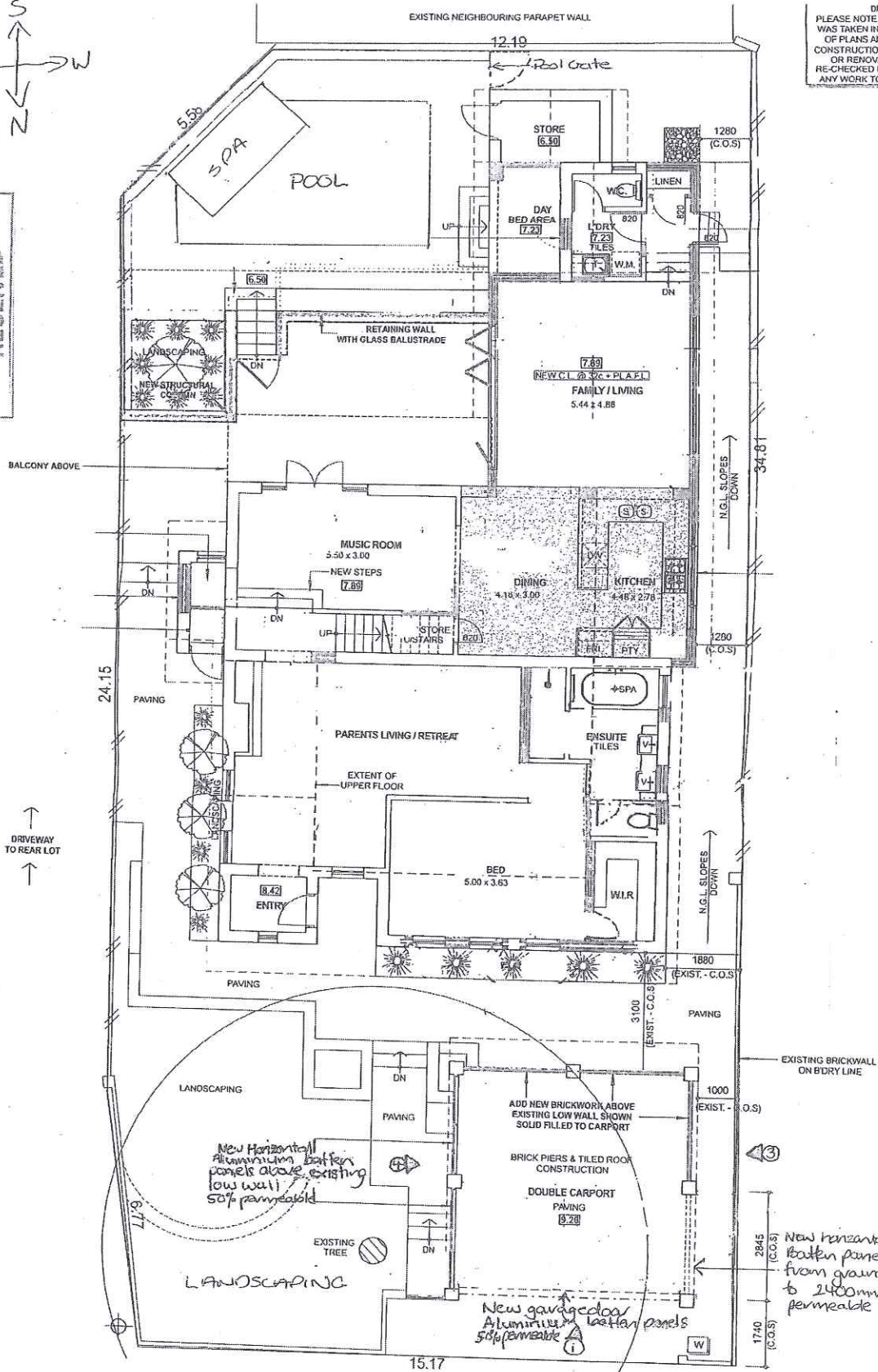
**No.10 (Lot 1) Knutsford Street Swanbourne - Proposed Additions to an Existing Carport**





DISCLAIMER  
PLEASE NOTE THAT WHILE ALL CARE WAS TAKEN IN PREPARING THIS SET OF PLANS AND ELEVATIONS, ANY CONSTRUCTION WORK, ALTERATIONS OR RENOVATIONS SHOULD BE RE-CHECKED BEFORE COMMENCING ANY WORK TO ENSURE ACCURACY

CITY OF NEDLANDS  
22 JUL 2011  
RECEIVED



4. Site Plan

SCALE 1:100

Proposed  
Grand Floor  
Plan

AREAS	
EXIST. GROUND FLOOR	191.73
NEW CARPORT STORE	2.80
EXISTING CARPORT	39.70
EXISTING UPPER FLOOR	84.80
UPPER BALCONY	12.20
<b>TOTAL NEW &amp; EXISTING</b>	<b>310.00 m<sup>2</sup></b>

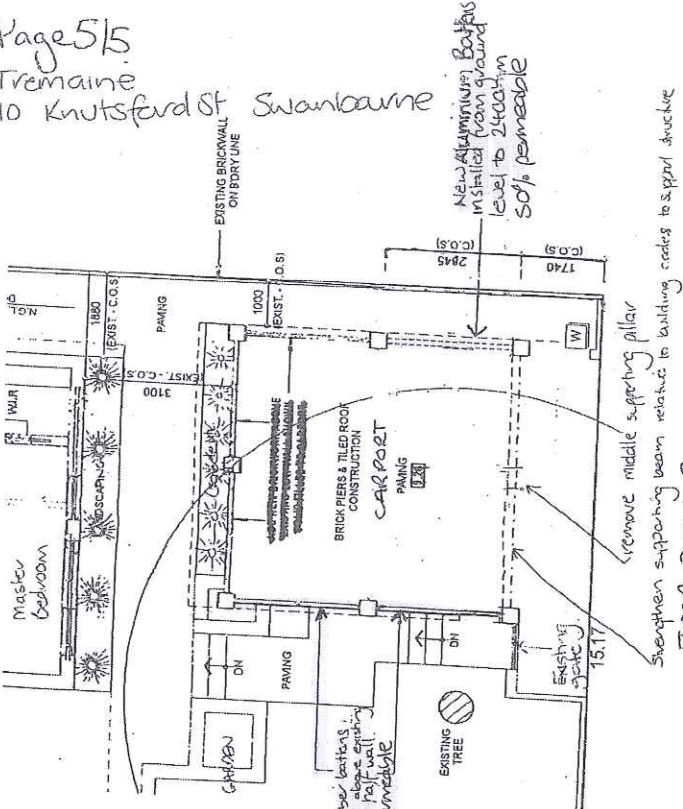
- NOTE
- DO NOT SCALE OFF DRAWINGS.
  - BUILDER IS TO CHECK ALL DRAWINGS, DIMENSIONS & ROOF LINES BEFORE COMMENCING ANY WORK.
  - BUILDER IS TO REFER TO RELEVANT ENGINEERING DRAWINGS FOR STRUCTURAL DETAILS.
  - DRAIN PIPE POSITIONS ARE SUGGESTED ONLY.
  - SIZES & LOCATIONS OF DOWNPIPPETS ARE SUGGESTED ONLY & SHOULD BE VERIFIED BY PLUMBER ON SITE PRIOR TO PURCHASE & INSTALLATION.
  - ALL AWNING WINDOWS TO BE HINGED AT THE TOP OF THE FRAME.

Proposed carport renovation  
FOR: TREMAINE  
AT: S. STRATA LOT 1 (#10) Knutsford Street,  
Swanbourne, ORIGINAL LOT 137 ON PLAN 581



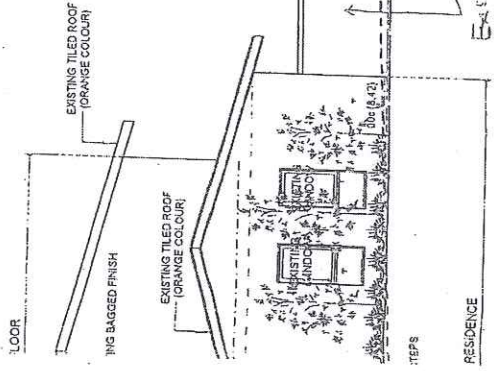
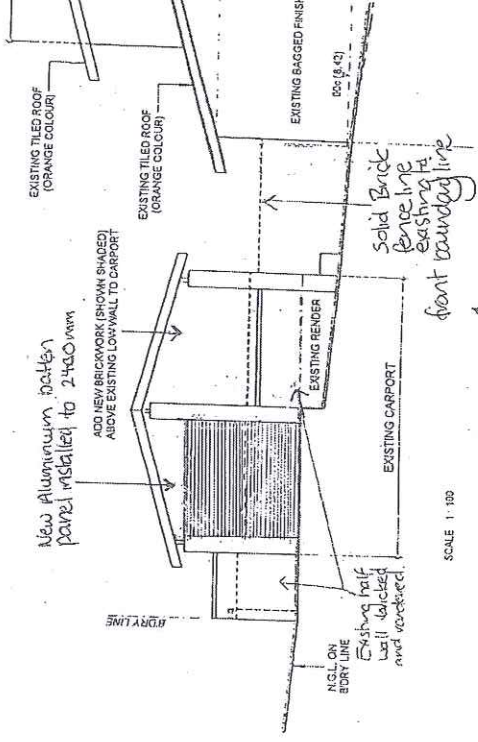
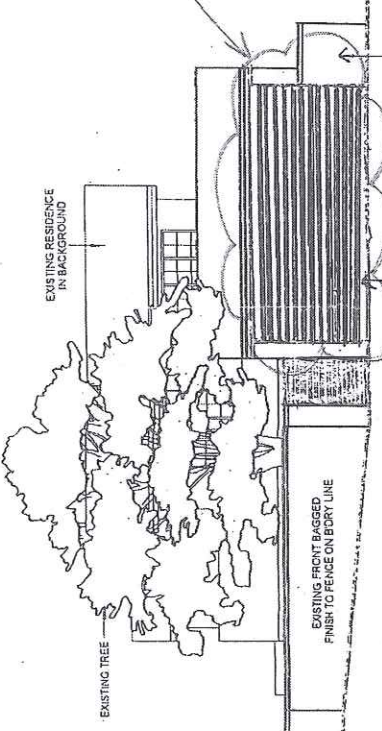
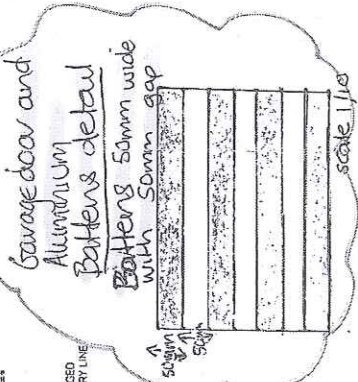
Documentation by:

PLANNING APPLICATION



CITY OF NEDLANDS  
 22 JUL 2011  
 RECEIVED

-All aluminium batters to be 50% Min Visually Permeable. In Accordance with Condition #1.



Elevations

**Attachment to Item 13.6**

**Council 27 September 2011**

**Dalkeith Redevelopment – Feedback on Additional Advertising required by the  
Western Australian Planning Commission for Finalisation of Scheme  
Amendment No. 192**



# Dalkeith Redevelopment



## Special Control Area Provisions

**Revised provisions showing modifications required by WAPC**

**Scheme Amendment No. 192 to Town Planning Scheme No. 2**

### Notes on Text:

- 1) Text ~~struck out~~ = text deleted from document forwarded to WAPC
- 2) Text Underlined = text required to be inserted as part of modification required by Minister
- 3) Addition of Appendix A – Instruction from Western Australian Planning Commission

### Notes on Diagrams:

- 1) Diagrams for Precincts 1-3 have been changed to reflect modified building envelope

**29 July 2011**

**Council ~~28 September 2010~~**

## Table of Contents

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### APPENDICES

<u>1 APPENDIX A - INITIAL INSTRUCTION LETTER DATED 6 MAY 2011</u> <u>FROM WESTERN AUSTRALIAN PLANNING COMMISSION</u>	
<u>2 APPENDIX B - REVISED INSTRUCTION LETTER DATED 22 JUNE 2011</u> <u>FROM WESTERN AUSTRALIAN PLANNING COMMISSION</u> <u>CORRECTING LETTER OF 6 MAY 2011</u>	

# 1 General Provisions

## 1.1 Town Planning Scheme

- a) These provisions apply to all development within the Special Control Area (SCA), unless varied by a provision within a specific Precinct Plan. If there is an apparent discrepancy between these general provisions and the provisions applicable to a Precinct, the specific Precinct Plan provisions will apply.
- b) All other provisions of the City's Town Planning Scheme No. 2 (TPS2) and the Residential Design Codes (RCodes) shall apply unless stipulated in these guidelines.

## 1.2 Special Control Area Relationship

- a) Figure 1 depicts the Special Control Area and the associated Precincts.
- b) Each Detailed Area has an associated Precinct Plan which outlines specific development provisions to that Area.

## 1.3 Development in Accordance with the Dalkeith Guidelines

- a) Any development in accordance with these guidelines shall conform with the following vision as agreed to by the Dalkeith Community:

*"A place that inspires a sense of Community for people to live, work and recreate in an environment that embraces cross-generational needs with development that reflects and respects the past, and yet showcases the art and culture of a contemporary Australian lifestyle.*

*Specifically, the Dalkeith Redevelopment Area should maintain the historic and long established position as one of Western Australia's first garden suburbs in keeping with its founding philosophy of providing a family friendly housing environment with close-by and easily accessible range of basic social, recreational, local business and community facilities whilst being encapsulated within a parkland landscape of treed gardens, open streetscapes, street trees, green areas, parks and recreation areas with local traffic and public transport access for residents within the area."*

- b) Any building which is demolished or destroyed to an amount of more than 25% of its original form, shall be subject to redevelopment and renovations, if applicable, in accordance with these guidelines.
- c) Where existing strata developments exist, amalgamation into its original parent lot is required prior to approval of a development in accordance with these guidelines.
- d) Development in accordance with these guidelines shall only occur when a minimum lot size of 1000 m<sup>2</sup> is available (amalgamation may be required to achieve this).
- e) Development in accordance with these guidelines shall only occur when a required rear laneway has full access to a gazetted road as outlined on the DAPs (refer clause 2.8 of these guidelines for laneway specifications).
- f) Five Precincts exist within the SCA with corresponding Precinct Plans, as outlined below:

<b>P1</b>	Precinct 1 – No. 79 Waratah Avenue
<b>P2</b>	Precinct 2 – No. 81 Waratah Avenue
<b>P3</b>	Precinct 3 – Nos. 87, 89, 91, 93, 93A, 95A Waratah Avenue
<b>P4</b>	Precinct 4 – No. 101 Waratah Avenue
<b>P5</b>	Precinct 5 – Nos. 129, 131, 133 Waratah Avenue



#### 1.4 Relationship to Adjacent Development

- a) Development within the SCA that is adjacent to land outside the SCA shall be designed in a manner that is compatible with the maximum allowable scale in accordance with TPS2 and the Residential Design Codes of WA.
- b) If a property which is within the SCA is amalgamated with an adjacent property which is not within the SCA, then the new parent lot shall be removed from the SCA and the lowest zoning of any of the amalgamated lots applies to the whole new lot as per the current town planning scheme zoning at the time.

#### 1.5 Discretion

- a) Council may vary clauses in these guidelines, with the exception of building height, landscaping, rear laneway requirements and public access gained from rear laneways, but limited to car parking, setbacks and land use and side (north/south) laneways.

where considered appropriate for the following reasons:

##### ~~Amalgamation of Lots:~~

- ~~i. Retention of significant trees on site (not including street trees and an Arborist's report is required);~~
- ~~ii. Significant incorporation of sustainable design, construction and operation features such as grey water plumbing;~~
- ~~iii. Protection of buildings or land with heritage significance; or~~
- ~~iv. Rear laneway access to a side street is not viable for extenuating circumstances~~



## **2 Specific Provisions – Built Form**

### **2.1 Land-uses**

- a) Permitted and prohibited land uses are in accordance with the Use Class Table (Table 1) of these guidelines.
- b) Exceptions to part a) are identified on the Precinct Plans and shall apply.
- c) The guiding principle for determining the acceptability of specific land uses will be that land uses are to contribute towards achieving the vision of the SCA as detailed in clause 1.3(b).
- d) All developments shall comprise of a non-residential component and a residential component of a minimum of two (2) dwellings per 1000m<sup>2</sup> site area.
- e) No residential land-uses may front Waratah Avenue on the ground floor with the intent of ensuring an active street frontage; however these uses may address a Secondary Street if applicable.
- f) Notwithstanding part d) above, residential uses are not stipulated to exist on a certain floor of a development and may be located below office uses if deemed that it achieves the intent of part c) above.

### **2.2 Building Height**

- a) Building height is measured in metres and shall be measured in accordance with the provisions stipulated in the current Town Planning Scheme.
- b) Maximum building heights are identified within these guidelines and are non-discretionary.
- c) Undercroft and basement car parking located a minimum of 70% below natural ground level are not considered to be a storey but any part of a building above natural ground level shall be included in the calculation measurement of overall building height.
- d) The following table outlines the maximum meter requirement for developments in accordance with these guidelines:

Precinct 1-3:

Land Use	Maximum Overall Height	Maximum Wall Height
Non-Residential Component All development	40–16.5metres	8.5 13.6 metres
Residential Component	42 metres	10.5 metres
<i>Note: all development shall be mixed use.</i>		

Precinct 4:

Land Use	Maximum Overall Height	Maximum Wall Height
Non-Residential Component	10 metres	8.5 metres
Residential Component	12 metres	10.5 metres
<i>Note: all development shall be mixed use.</i>		

Precinct 5:

Land Use	Maximum Overall Height	Maximum Wall Height
Non-Residential Component	10-metres	8.5 metres
Residential Component	12 metres	10.5 metres
<i>Note: all development shall be mixed use.</i>		

### **2.3 Building Elevations**

- a) Each façade of a building shall be elevated to present an attractive and appropriately detailed appearance from the street within and beyond the site boundaries to meet the provisions of clause 2.1 c) of these guidelines.
- b) At a minimum, any exposed parapet wall(s) shall have the same level of finish as the primary façade and are to incorporate detailing to add visual interest, to the satisfaction of the City.
- c) Building facades shall be articulated through the considered articulation of windows, doors, balconies, and other openings; distinct base, middle and top elements, decoration, setbacks, selection of materials and other such design elements as appropriate.
- d) External ducting, air conditioners, plant, pipes, lift over-runs, telecommunication structures and similar building services shall be incorporated in the building design and be screened from view from any public place or adjacent property.
- e) The upper floor(s) of a development shall be activated to the street through the provision of either windows or balconies to ensure passive surveillance in accordance with the following:
  - i. A minimum window size shall be 2 m<sup>2</sup> of glazing; and/or,
  - ii. A minimum balcony size shall be 3 m<sup>2</sup> of usable space, excluding areas for balustrade.

### **2.4 Dwelling Types and Sizes**

- a) Grouped and Multiple Dwellings are the only permitted residential land-use.
- b) Grouped and Multiple Dwellings shall comply with the following restrictions:
  - i. No density restrictions are imposed with the maximum number of dwellings being determined by the permitted building envelope and development requirements for each lot (e.g. setbacks/heights/open space/car parking/BCA requirements).



- ii. Where applicable, all dwelling types are permitted on the ground floor only when facing a Secondary Street.
- iii. Minimum sizes of dwellings and required outdoor living areas based on number of bedrooms are outlined below:

Number of Bedrooms	Minimum Size	Outdoor Living Requirement	Notes
1	75 m <sup>2</sup>	16 m <sup>2</sup>	Outdoor Living areas can be in the form of more than one area. Min dimension of 4 m.
2	100 m <sup>2</sup>	24 m <sup>2</sup>	
3+	150 120 m <sup>2</sup>	30 m <sup>2</sup>	

- iv. All areas referred to in clause 2.4 b) iii) of these guidelines, may be included in the calculation of any open space required under these guidelines but excludes garage, storage and balcony areas.

## 2.5 Setbacks

- a) Setbacks shall be in accordance with the provisions of the relevant Precinct Plans.
- b) Setbacks defined under the Residential Design Codes of WA are not applicable.
- c) All setbacks are minimums unless stipulated on a Precinct Plans and are not discretionary in order to ensure high quality amenity.
- a) Balconies shall not extend into an existing or proposed road reserve or laneway area.
- b) All reference to setbacks under specific Precinct Plans are measured from the new proposed boundary after any required Laneway areas have been ceded.

## 2.6 Laneway Requirements

- a) Laneways shall be provided where marked on a specific Precinct Plan, with the exception of Precinct Plan 3 where the required side

(north/south) laneways may be varied or not provided subject to reasonable justification.

- b) Where laneway widening is identified on a site, this land shall be ceded free of cost prior to issue of certificate of classification.
- c) All proposed Laneways shall be ceded free of cost by the relevant property, with no portion being taken from existing adjacent residential properties on Philip Road.
- d) Where a laneway is required, it shall be constructed and drained to the specification and satisfaction of the City of Nedlands prior to occupation of the development.
- e) Laneways shall have a width of 7 m, including a 1 m infrastructure and servicing strip along the rear boundary.
- f) Finished levels of laneways shall be 150 mm less than those of the adjoining property along the entire boundary.
- g) All required laneways shall include the installation of mature trees (species specified by the City) of a minimum height of 2.4 m at 3 m intervals within the infrastructure and servicing strip, prior to the occupation of the development and maintained by the owner of the land for a minimum of 2 years from occupation to the satisfaction of the City.
- h) All required Laneways shall include bollard lighting infrastructure installed within the infrastructure and servicing strip to be integrated into the City's lighting scheme at the cost of the developer to the satisfaction of the City.
- i) Laneways shall be constructed and funded (all costs) by owner of the site once approval given by the City.
- j) Once laneways are constructed and gazetted, access is available to the rear of Philip Road properties by owners of those properties through approved gates onto the laneway.
- k) Laneways are to be constructed to provide access within the precinct and not on, through or be reliant on access of adjacent sites not in this precinct.

## 2.7 Access

- a) Vehicle access and garaging to sites shall be taken from a side street or rear laneway where available.
- b) Where vehicle access or laneway access is required from Waratah Avenue, access points and crossovers shall be designed in accordance with the City's specifications with left-in, left-out access only and are delineated in the Precinct Plans.
- c) Public pedestrian access to all uses of a development (i.e. residential and non-residential) shall only be gained from Waratah Avenue.
- d) Notwithstanding c), if a unit/tenancy cannot provide public access from Waratah Avenue, then access can be gained from a secondary street or side laneway (i.e. north-south orientated) with adequate justification to the satisfaction of the City, however public access shall not be gained from a rear laneway under any circumstance.

## 2.8 Universal Access

- a) Developments with a residential component of 4 or more dwellings are required to provide dwellings designed for universal access in accordance with the following ratios:

Number of Dwellings	Minimum Number of Dwellings Designed for Universal Access
4 – 7	1
8 – 11	2
12 or more	3

## 2.9 Driveways and Garages

- a) A crossover and/or driveway shall have a minimum width of 4 m and a maximum width at any point of 6 m.
- b) A crossover and/or driveway onto a laneway shall have a maximum of width of 9 m aggregate per property developed in accordance with these guidelines.



## **2.10 Car Parking**

- b) All required car parking shall be provided on-site;
- c) A minimum of 2 car parking bays per residential dwelling shall be provided on-site.
- d) On-site visitor car parking is required for all residential developments with 3 or more dwellings, at a rate of 1 bay per 4 dwellings, including residential within mixed use developments.
- e) Car parking shall be provided for each development in accordance with the Non-Residential Car Parking and Bicycle Parking Table (Table 2) of these guidelines.
- f) Car park designs on-site shall comply with the Australian Standards and the City's TPS.
- g) All car parking required for properties shall not address Waratah Avenue or, if applicable, a Secondary Street.
- h) All car parking shall be covered with the exception of visitor car parking.
- i) There shall be no car parking within street setbacks other than parking for universal access and residential visitors, which shall not be covered, but shall be screened from view from any street with landscaping, or permanent structure to the satisfaction of the City.
- j) No additional on-street or verge/road reserve car parking shall be considered as part of a Development Application for development in accordance with these guidelines.
- k) Cash in lieu for parking will not be considered unless there is a Council approved funded alternative for which the cash in lieu can be used to address the parking shortfall.

## **2.11 Bicycle Parking**

- a) Bicycle parking shall be provided for each development in accordance with the Non-Residential Car Parking and Bicycle Parking Table (Table 2) of these guidelines.

## **2.12 Storage**

- a) Lockable storage shall be provided for each dwelling with a minimum of 4 m<sup>2</sup> per dwelling with a minimum dimension of 1.5 m.
- b) Storage shall not be used as a substitute for required bicycle parking and shall be located externally to the dwelling; however where this is not practical as deemed by the City, the applicant must demonstrate the functionality of the storage enclosure to the satisfaction of the City.

## **2.13 Bin and Service Provisions**

- a) The design and provision of bin and service enclosures shall comply with relevant City of Nedlands Local Law.
- b) All buildings are to be designed with bin and service enclosures as an integral part of the building and shall be located with access to a rear laneway or secondary street.
- c) All dwellings other than multiple dwellings shall have provision of a private outdoor clothes drying facility.
- d) All multiple dwellings shall have provision of screened outdoor clothes drying areas, to minimise the use of clothes dryers.
- e) All outdoor drying areas are to be screened from the street and adjoining properties.

## **2.14 Fencing**

- a) Fencing to Waratah Avenue, and associated primary setback area, is not permitted as it does not encourage active street fronts.
- b) Fencing to a Secondary Street, where applicable, is permitted to a maximum height of 1.8 m above natural ground level on the street-side and shall be 50% or more visually permeable above 1.2 m height.
- c) Walls and fences shall be truncated or reduced to no higher than 0.75 m within 1.5 m where walls and fences adjoin vehicle access points where a driveway meets a public street and where two streets intersect.



- d) Dividing fencing or screen walls are not permitted within setback areas adjacent to laneways or public area for commercial land uses, however security bollards (lighting or other) are permitted to maximum height of 1.2 m.

### **2.15 Gardens, Landscaping and Open Space**

- a) All development applications shall require a Landscaping Plan depicting proposed landscaping and protection of significant vegetation, if applicable, for approval by the City.
- b) All properties shall have a minimum of 35% of open space, which may include open car parking, landscaping and pedestrian areas, at ground level measured over the original lot size prior to any applicable laneway ceding requirement subject to the following:
  - i. Of the 35% required open space, 20% shall be permanent landscaping, subject to half of which being in-ground landscaping.
- c) All setback areas to Waratah Avenue and any applicable Secondary Street shall be landscaped or finished to the satisfaction of the City.

### **2.16 Noise**

- a) All developments applications shall require an acoustic engineer's report prepared by a qualified Acoustic Engineer demonstrating how the proposed development is designed to deal with sound intrusions (such as vehicle noise from Waratah Avenue) and sound emissions such as communal open space and air conditioners in accordance with the *Environmental Protection (Noise) Regulations 1997*.

### **2.17 Sustainable Design**

- a) New buildings shall be designed in accordance with the following:
  - i. All north facing glazing shall be shaded by eaves extending between 0.4 and 0.7 times the height of the glazed area, measured from the lower window sill height to the lowest point of the eave, awning or shade device;

- ii. Eaves shall have a minimum 450 mm overhang on southern and eastern boundaries and a minimum 750 mm on northern and western boundaries; and
  - iii. Dark roofs with an absorption value above 0.8 will not be permitted unless it can be demonstrated that additional insulation above BCA requirements and roof ventilation are provided.
- b) All developments comprising of more than 5 dwellings shall include a sustainability strategy that addresses the following minimum criteria to the satisfaction of the City:
- i. Systems and initiatives that are proposed to reduce water and energy consumption during construction and operation of the building/development;
  - ii. A building materials list that demonstrates the extent to which the material proposed to be used contribute towards sustainability;
  - iii. Material storage so as to minimize ground contamination;
  - iv. Minimal site disturbance during construction and subsequent ground stabilisation;
  - v. All trees and remaining vegetation that have been identified as being retained are to be fenced off with environmentally friendly temporary fencing and maintained during the construction period;
  - vi. Methods to sort all construction waste on site to enable maximum re-use/re-cycling of materials; and
  - vii. Any other matter Council may require.

## **2.18 Solar Access**

- a) A minimum of 50% of all habitable rooms/open space of any dwelling shall be designed so as to maximise solar exposure to the northern winter sun.

- b) Buildings shall be designed such that no more than 50% of private open space or northern windows to habitable rooms of an adjoining lot are in shadow at 12:00 pm on 21 June.

## **2.19 Privacy**

- a) Any potential overlooking from properties within the SCA into properties that are not within the SCA shall be measured in accordance with the provisions of the RCodes.
- b) All residential dwellings shall be subject to the privacy and overlooking provisions of the RCodes.
- c) All privacy and overlooking provisions of the RCodes shall be applied to for development with the following exceptions:
  - i. For developments which abut other properties in the SCA, any cone of vision as defined under the RCodes shall be measured to the next closest adjacent setback line, as defined in Clause 3.2, and not property boundary.

## **2.20 Signs**

- a) Signs shall be integrated into the facades or below the awnings of the building.
- b) Signage to maintain a minimum clearance of 3 m above the finished pavement level.
- c) Signage shall not be illuminated.
- d) All other signage requirements shall be in accordance with the City's requirements.
- e) Parapet walls shall not be used for any form of advertising at any time during or after construction.
- f) No roof signs, billboards or hoardings are allowed.
- g) 75% of the total shop front clear glazed window is to remain free from the advertising, solid materials, solid furniture on or directly adjacent to the clear glazed windows to ensure an open streetscape.



### **3 Specific Provisions – Street Form**

#### **3.1 Safer Design**

- a) Pedestrian entries to all buildings are to be visible from Waratah Avenue and be clearly delineated and legible.
- b) Buildings are to be designed to allow passive surveillance of communal areas and adjacent public spaces, and shall have at least one habitable room window or balcony overlooking any adjacent street, public space or communal open space, including rear laneways.
- c) Loading and storage areas shall be well lit and/or lockable after hours to the satisfaction of the City and not visible from Waratah Avenue.
- d) Ground floor frontages are to be designed as shop fronts with no less than 70% of the shop front glazed with clear glass.
- e) All developments with public interface (e.g. laneways) shall be assessed against the Design Out Crime Planning Guidelines in order to ensure the highest level of public amenity and safety.

#### **3.2 Activation of Side Streets and Secondary Streets**

- a) To enhance safety and security, all developments shall address and respond to all adjacent streets including rear laneways through active uses.
- b) Where applicable, alfresco dining is a permitted land use within the street setback area and some portions of the verge on a Street subject to, but not limited to car parking, sight lines and pedestrian access requirements.

#### **3.3 Ground Floor Heights**

- a) The floor to floor height of ground floor non-residential development shall be a minimum of 4 m above the finished floor level of the adjacent footpath.

- b) The City may approve a greater floor to floor height than that specified in part a), to achieve a feature effect, for example an internal void if deemed appropriate by the City.
- c) Awnings over footpaths shall have a height to the underside of not less than 3.m and not greater than 3.5 m.

### **3.4 Ground Floor Tenancy Depth**

- a) Tenancies fronting Waratah Avenue on the ground floor shall have a minimum depth of 10 m of non-residential use.

### **3.5 Streetscape Elements**

- a) At least one habitable room window of a street-facing dwelling shall have a clear view of the street and the approach to the building to the satisfaction of the City.
- b) The upper floor(s) of a street-facing dwelling shall be activated to the street elevation through the provision of either windows or a balcony to the satisfaction of the City to ensure public surveillance and safety.
- c) All levels of a building shall address adjacent streets/laneways through the provision of major windows, pedestrian entries and balconies or similar.
- d) All ground floors shall be activated and functional at a pedestrian scale facing Waratah Avenue and, if applicable, a Secondary Street to the satisfaction of the City.

### **3.6 Pedestrian Amenity**

- a) Any setback area from the original boundary for road upgrades shall be required to be paved and landscaped to the City's specifications as part of the development of the adjacent lot prior to the occupation of the development and ceding of the land.
- b) All pedestrian entrances shall be constructed with an awning which extends a minimum of 1.5 m either side of the entrance doors.

## 4 Definitions

<b>Gross Leasable Area</b>	<i>Typically used to determine the required car parking for a non-residential use and means the area of all floors capable of being occupied by a tenant for their exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside of external walls or building alignment, including shop fronts, basements mezzanines and storage areas.</i>
<b>Grouped Dwelling</b>	<i>As defined under the Residential Design Codes.</i>
<b>In ground Landscaping</b>	<i>In ground landscaping is the portion of the total required landscaped area that consists of areas of planted materials. This includes areas of mulch, groundcovers, shrubs and trees and excludes areas of hard surfaces, paving, carparking, decks and other standalone hard structures (not associated with planting).</i>
<b>Multiple Dwelling</b>	<i>As defined under the Residential Design Codes.</i>
<b>Open Space</b>	<i>As defined in the Residential Design Codes.</i>
<b>Plot Ratio</b>	<i>Not applicable for these guidelines as building form and type is stipulated by development provisions such as car parking, setback, height and open space requirements.</i>
<b>RCodes</b>	<i>Residential Design Codes of Western Australia (As Amended).</i>
<b>Secondary Street Frontage</b>	<i>The frontage of a property which is located on the corner of Waratah Avenue and a side street (being either Adelma Road, Alexander Road or Robert Street).</i>
<b>Setback</b>	<i>The horizontal distance between a wall at any point and an adjacent lot boundary, measured at right angles (90 degrees) to the boundary, taking into account any and all road widening or laneway requirements.</i>



<b>Single House</b>	As defined under the Residential Design Codes.
<b>Special Control Area (SCA)</b>	Refers to Special Control Area 5 – Dalkeith Housing Diversity Area of Town Planning Scheme No. 3 and includes all properties within the boundary of these guidelines as depicted within Figure 1.
<b>Dalkeith Redevelopment Guidelines (also referred to as 'Guidelines')</b>	Refers to the Special Control Area provisions.
<b>TPS No. 3</b>	Refers to Town Planning Scheme No. 3.
<b>Universal Access</b>	Any person who has a limitation, restriction or impairment, which has lasted, or is likely to last, for at least six months and restricts everyday activities.
<b>WAPC</b>	Refers to the Western Australian Planning Commission.

**NOTES**

- a) The meaning of a term listed in this section shall prevail over all other definitions.
- b) Where a term is not listed in this section and is listed in the Residential Design Codes, the Residential Design Codes shall prevail as the meaning.

## **5 Figures and Tables**

**Figure 1 – Special Control Area Boundary**

**Table 1 – Use Class Table**

**Table 2 – Non-Residential Car Parking and Bicycle Parking Table**



Figure 1 – Special Control Area Boundary



**PRECINCT INFORMATION**

- Precinct 1 - No. 79 Waratah Avenue
- Precinct 2 - No. 81 Waratah Avenue
- Precinct 3 - Nos. 87, 89, 91, 93, 93A, 95A Waratah Avenue
- Precinct 4 - No. 101 Waratah Avenue
- Precinct 5 - Nos. 129, 131, 133 Waratah Avenue



**DALKEITH REDEVELOPMENT PROJECT  
WARATAH AVENUE, DALKEITH  
BOUNDARY AND PRECINCT PLAN**

**Table 1 – Use Class Table**

Explanatory Notes:

P = Permitted

D = Not permitted unless Council exercises discretion.

S = No permitted unless Council exercises discretion after giving special notice.

X = Not permitted

Compliance in accordance with Clause 6.3 of TPS 2 is required for 'S' uses and shall be considered the same as 'AA' uses.

Use Classes	Permissibility
<b>Residential uses</b>	
Grouped Dwellings	S P
Multiple Dwellings	S P
Single House	X
Residential Building	X
Bed and Breakfast	S
Home Business	P
Home Occupation	P
Home Office	P
Home Store	P
<b>Non-residential uses</b>	
Amusement Parlour	X S
Animal Establishment	X
Betting Agency	S
Caretaker's Dwelling	P
Car park	S
Child Care Premises	S
Cinema/Theatre	D
Civic Use	D
Club Premises	S
Community Purpose	D
Consulting Rooms	P
Convenience Store	P
Corrective Institution	X
Day Surgery	S
Educational Establishment	D
Exhibition Centre	P
Family Day Care	S
Fast Food Outlet (Cat 1)	X
Fast Food Outlet (Cat 2)	S
Fuel Depot	X

Funeral Parlour	X
Hospital	X
Hotel	X
Industry Cottage	X
Industry Extractive	X
Industry General	X
Industry Light	X
Industry Service	S
Lunch Bar	P
Market	S
Medical Centre	D
Motel	X
Motor Vehicle, Boat or Caravan Sales	X
Motor Vehicle Repair	X
Motor Vehicle Wash	X
Nursing Home	S
Nursery	P
Nightclub	X
Office	P
Place of Worship	D
Public Utilities	D
Reception Centre	S
Recreation Private	D
Respite Centre	S
Restaurant	P
Restricted Premises	X
Serviced Apartments	S
Service Station	S
Sexual Services Business	X
Shop	P
Showroom	X
Small Bar	X S
Storage	X
Tavern	X
Telecommunications Infrastructure	S
Trade Display	X
Transport Depot	X
Veterinary Centre	P
Warehouse	X



**Table 2 – Non-Residential Car Parking and Bicycle Parking Table**

Land Use	Number of Car Parking Bays	Number of Bicycle Parking Spaces
Caretakers Dwelling	One bay in addition to the number of bays required for the predominant use	
Bed and Breakfast Establishment	2 for the permanent residents plus 1 for each guest bedroom	
Education Establishment	2 per classroom	Primary School:1 per 4 students Secondary School:1 per 2 students
Home Store	4 bays per 100 m <sup>2</sup> of gross floor area or 1 bay per 25 m <sup>2</sup> of gross floor area whichever is the greater	
Hospital, Day Surgery, Respite Centre	1 per every 3 beds and 1 bay per staff member	1 per 10 beds
Nursing Home	1 per 8 patients' beds plus 1 per 2 employees	1 per 10 beds
Club Premises, Reception Centre Recreation Private Hotel, Motel, Serviced Apartments Tavern, Nightclub	All areas to be calculated according to use: 1 bay per bedroom/unit 1 bay per 4 m <sup>2</sup> of eating, drinking, lounge or assembly area 1 bay per 4 m <sup>2</sup> of assembly area	All areas to be calculated according to use:  1 per 100 m <sup>2</sup> of lounge, dining and function areas, beer gardens, and areas used predominantly for games
Place of Worship, Cinema/Theatre	1 bay per 4 m <sup>2</sup> of assembly area or 1 bay per 25 m <sup>2</sup> of gross floor area whichever is the greater	1 per 50 m <sup>2</sup> of auditorium area

Consulting Rooms, Veterinary Centre, Medical Centre,	4 bays per consulting room or 1 bay per 25 m <sup>2</sup> of gross floor area whichever is the greater	1 per practitioner
Child Care Facilities	1 bay for every staff member, plus 1 bay for every ten children with a minimum of 3 bays other than staff parking	1 per 10 children
Convenience Store/ Service Station	1 bay per petrol pump plus 2 bays per service bay plus 1 bay per 40 m <sup>2</sup> of shop area or 1 bay per 25 m <sup>2</sup> of gross floor area whichever is the greater	
Restaurant, Fast Food Outlet (Cat 2), Lunch Bar Shop, Betting Agency Community Purpose, Service Industry, Market, Exhibition Centre, Office	1 per 25m <sup>2</sup> of gross floor area	1 per 40 m <sup>2</sup> of gross floor area
Industry (light, general, cottage), Motor Vehicle, Boat or Caravan Sales Storage, Open- Air Display	1 bay per 50 m <sup>2</sup> gross floor area	Staff: 1 per 200 m <sup>2</sup> gross floor area; and Visitors: 1 per 750 m <sup>2</sup> gross floor area

## 6 Precinct Plans

See Precinct Plans attached.

<b>P1</b>	Precinct 1 – No. 79 Waratah Avenue
<b>P2</b>	Precinct 2 – No. 81 Waratah Avenue
<b>P3</b>	Precinct 3 – Nos. 87, 89, 91, 93, 93A, 95A Waratah Avenue
<b>P4</b>	Precinct 4 – No. 101 Waratah Avenue
<b>P5</b>	Precinct 5 – Nos. 129, 131, 133 Waratah Avenue

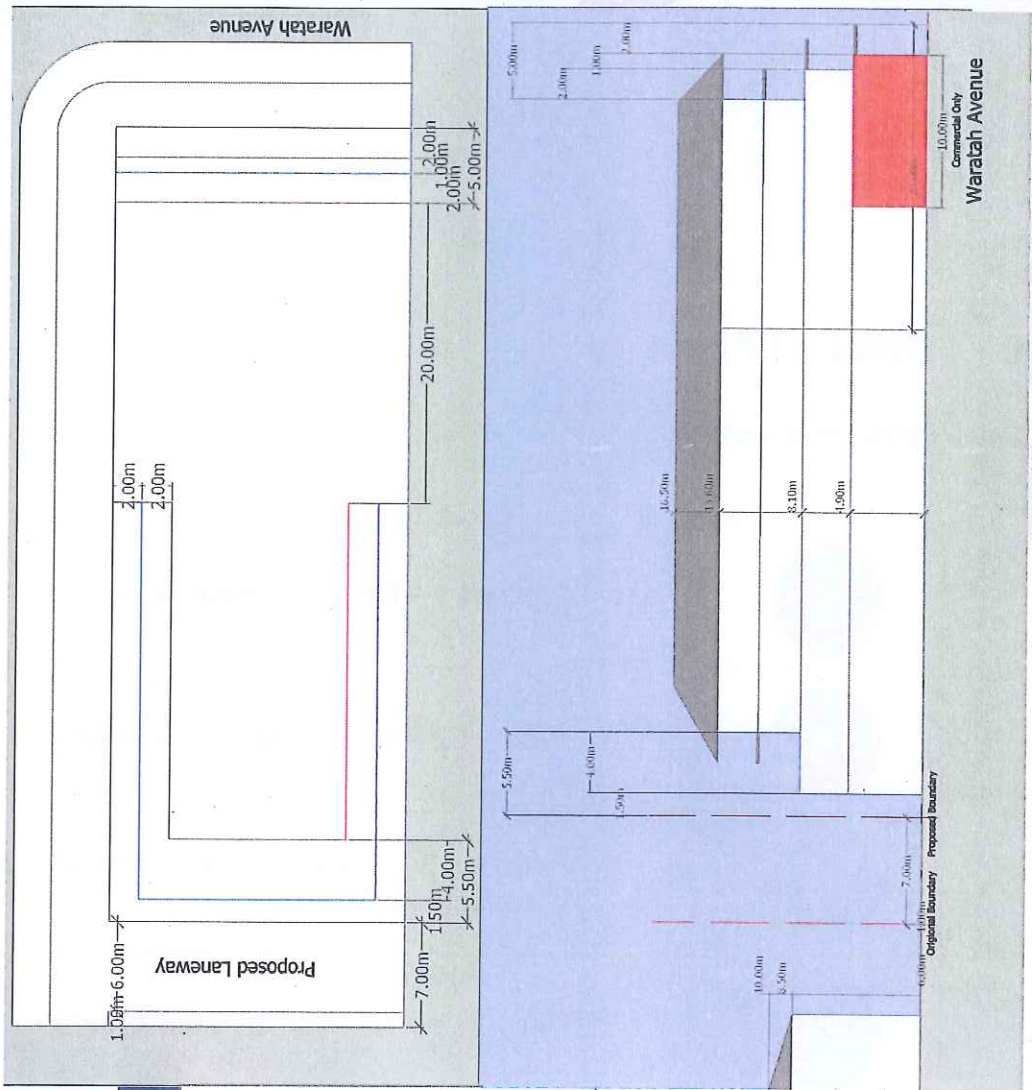


P1

## Precinct 1 – No. 79 Waratah Avenue

### Development Provisions

<b>Setbacks:</b> <b>Front Setbacks</b> Ground floor – 2 m 1 <sup>st</sup> Floor – 3 m 2 <sup>nd</sup> Floor and above – 5 m <b>Secondary Street</b> Ground Floor – Nil 1 <sup>st</sup> Floor – First 20 m from primary frontage – Nil – Beyond 20 m – 2 m 2 <sup>nd</sup> floor and above – First 20 m – Nil – Beyond 20 m – 4 m <b>Side Setbacks</b> Ground Floor – Nil 1 <sup>st</sup> Floor – First 20 m from primary frontage – Nil – Beyond 20 m – 2 m 2 <sup>nd</sup> floor and above – First 20 m – Nil – Beyond 20 m – 4 m <b>Rear Setbacks</b> Adjoining Residential – 5 m Adjoining laneway Ground to 1 <sup>st</sup> Floor – 1.5 m from laneway 2 <sup>nd</sup> floor and above – 5.5 m from laneway	<b>Laneways</b> – Width- 7 m. – Laneways marked on plan (including 1 m landscaping and infrastructure strip). – Requirement to seal laneway prior to occupation. – Laneway to include trees of minimum height of 2.4 m - provided prior to occupation and maintained by developer. – Laneway to include bollard lighting to be integrated into City's lighting scheme.	<b>Land Use Notes:</b> <b>Prohibited land Uses</b> – Entire developments of Residential. <b>Notes</b> – All developments shall have a minimum of 2 Residential dwellings.
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P1











P3

Precinct 3 – Nos. 87, 89, 91, 93, 93A,  
95A Waratah Avenue

Development Provisions

Setbacks:

- Front Setbacks
  - Ground floor – 2 m
  - 1<sup>st</sup> Floor – 3 m
  - 2<sup>nd</sup> Floor and above – 5 m

Side Setbacks

- Ground Floor - Nil
- 1<sup>st</sup> Floor – First 20 m from primary frontage- Nil
  - Beyond 20 m – 2 m
- 2<sup>nd</sup> floor and above – First 20 m - Nil
  - Beyond 20 m – 4 m

Rear Setbacks

- Adjoining Residential – 5 m

Adjoining laneway:

- Ground to 1<sup>st</sup> Floor – 1.5 m from laneway
- 2<sup>nd</sup> floor and above – 5.5 m from laneway

Laneways

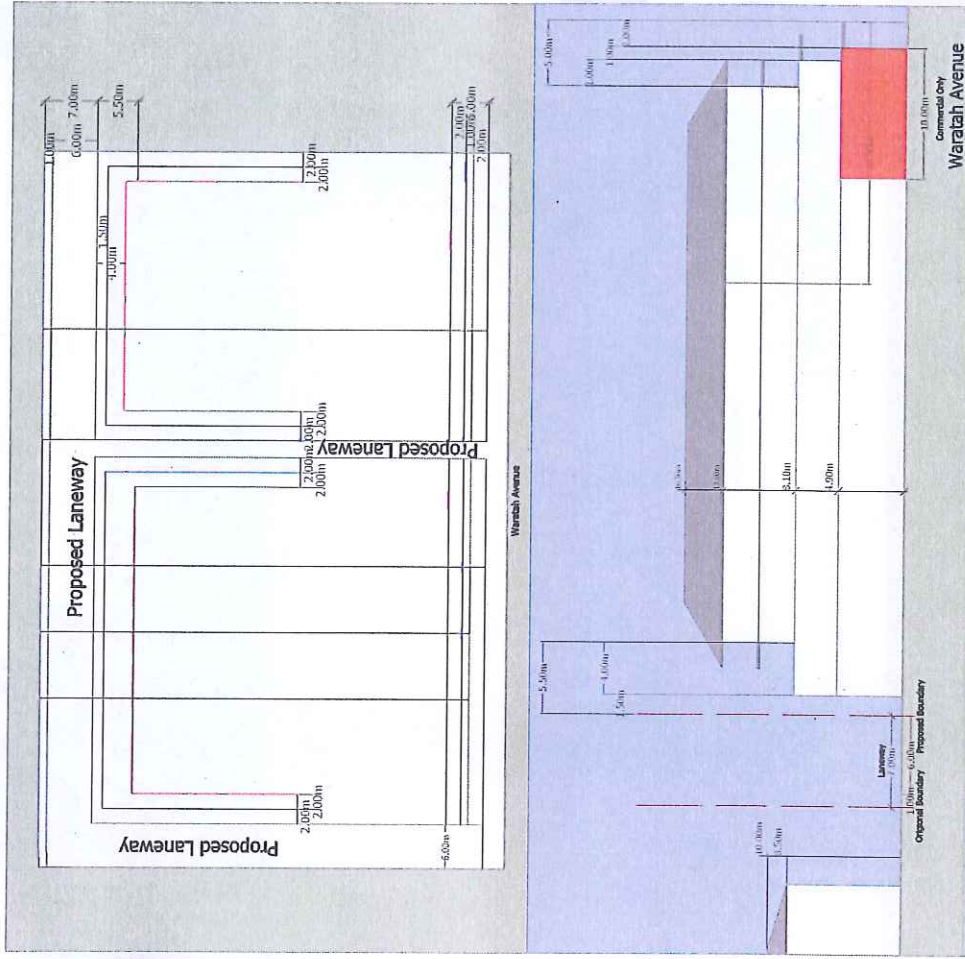
- Width- 7 m.
- Laneways marked on plan (including 1 m landscaping and infrastructure strip).
- Requirement to seal laneway prior to occupation.
- Laneway to include trees of minimum height of 2.4 m - provided prior to occupation and maintained by developer.
- Laneway to include bollard lighting to be integrated into City's lighting scheme.

Land Use Notes:

- Prohibited land Uses**
  - Entire developments of Residential.
- Notes**
  - All developments shall have a minimum of 2 Residential dwellings.



P3







P4

Precinct 4 – No. 101 Waratah Avenue

Development Provisions

Setbacks:

Front Setbacks

- Ground floor – 2m
- 1<sup>st</sup> Floor – 3m
- 2<sup>nd</sup> Floor and Loft – 5m

Secondary Street

- Ground Floor – Nil
- 1<sup>st</sup> Floor – First 20m from primary frontage – Nil
- Beyond 20m – 2m
- 2<sup>nd</sup> Floor – First 20m – Nil
- Beyond 20m – 4m

Side Setbacks

- Ground Floor – Nil
- 1<sup>st</sup> Floor – First 20m from primary frontage – Nil
- Beyond 20m – 2m
- 2<sup>nd</sup> Floor – First 20m – Nil
- Beyond 20m – 4m

Rear Setbacks

- Adjoining Residential – 5m
- Adjoining Laneway
- Ground and 1<sup>st</sup> Floor – 1.5m
- 2<sup>nd</sup> Floor and Loft – 4.5m

Laneways:

- Width – 7m.
- Laneways marked on plan (including 1m landscaping and infrastructure strip).
- Requirement to seal laneway prior to occupation.
- Laneway to include trees of minimum height of 2.4m – provided prior to occupation and maintained by developer.
- Laneway to include bollard lighting to be integrated into City's lighting scheme.

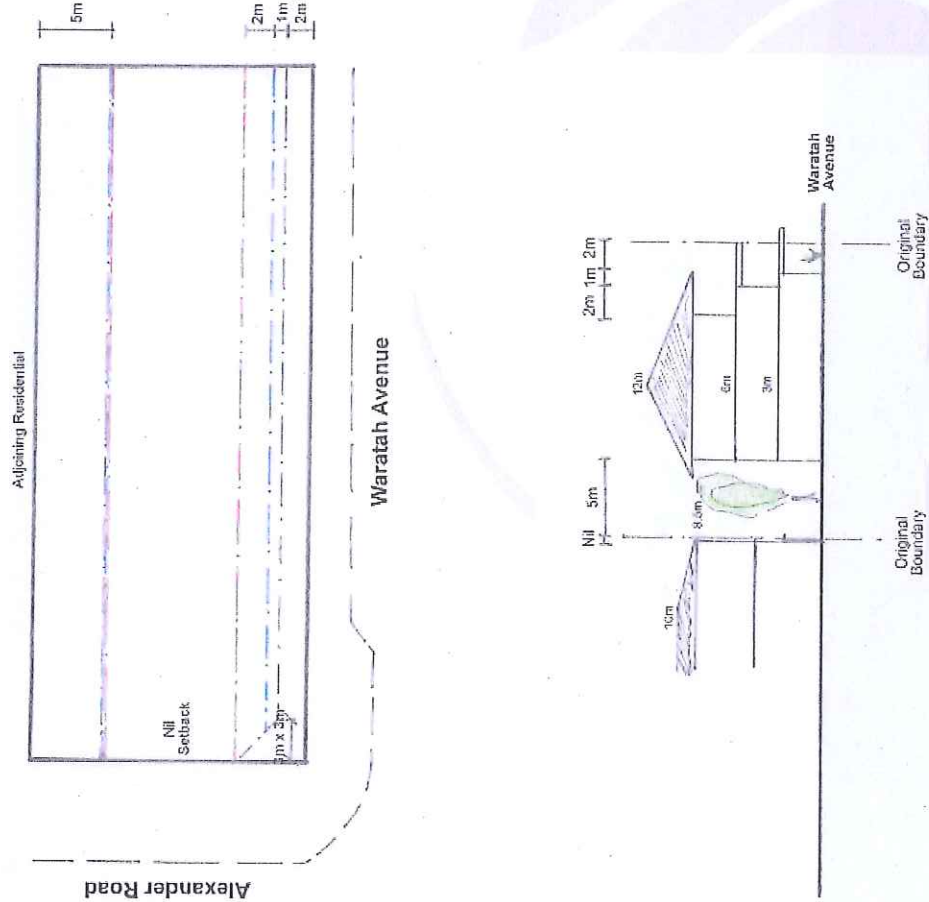
Land Use Notes:

Prohibited Land Uses

- Entire developments of Residential

Notes

- All developments shall have a minimum of 2 residential dwellings.



P4



P5

## Precinct 5 – Nos. 129, 131, 133 Waratah Avenue

### Development Provisions

#### Setbacks:

##### Front Setbacks

- Ground floor – 2m
- 1<sup>st</sup> Floor – 3m
- 2<sup>nd</sup> Floor and Loft – 5m

##### Secondary Street

- Ground Floor – Nil
- 1<sup>st</sup> Floor – First 20m from primary frontage – Nil
- Beyond 20m – 2m
- 2<sup>nd</sup> Floor – First 20m – Nil
- Beyond 20m – 4m

##### Side Setbacks

- Ground Floor – Nil
- 1<sup>st</sup> Floor – First 20m from primary frontage – Nil
- Beyond 20m – 2m
- 2<sup>nd</sup> Floor – First 20m – Nil
- Beyond 20m – 4m

##### Rear Setbacks

- Adjoining Residential – 5m
- Adjoining Laneway
- Ground and 1<sup>st</sup> Floor – 1.5m
- 2<sup>nd</sup> Floor and Loft – 4.5m

#### Laneways:

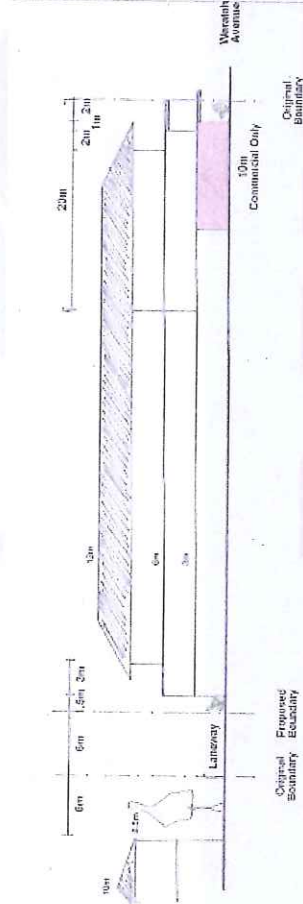
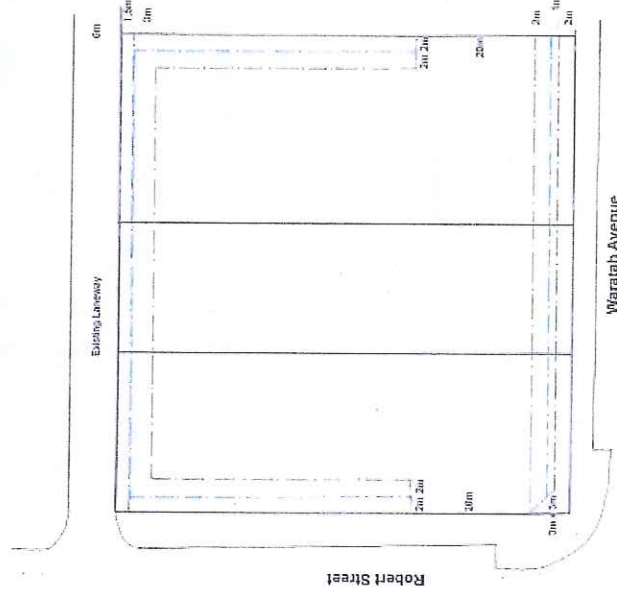
- Width – 7m.
- Laneways marked on plan (including 1m landscaping and infrastructure strip).
- Requirement to seal laneway prior to occupation.
- Laneway to include trees of minimum height of 2.4m – provided prior to occupation and maintained by developer.
- Laneway to include bollard lighting to be integrated into City's lighting scheme.

#### Land Use Notes:

- Prohibited Land Uses**
- Entire developments of Residential
- Notes**
- All developments shall have a minimum of 2 residential dwellings.



P5





Attachment 2

Summary Tables of submissions

Proposed change	Support	% of total	Do not support	% of total
Increase in Maximum building height to four storey and 16.5m for Precincts 1-3 inclusive	50	18.79%	212	79.6%
Changes to the proposed building envelope diagram so that appropriate setbacks are imposed in light of the additional height	63	23.68%	195	73.30%
Changes to the use class table so that Grouped and Multiple dwellings are permitted uses ("P" uses) and Amusement Parlour and Small Bar are uses that are not permitted unless Council exercises discretion after giving special notice ("S" uses)	69	25.93%	190	71.42%
Changes to the wording of the amendment to delete the reason for the exercise of discretion (amendment to the discretion clause 1.5)	55	20.67%	192	72.18%
Changes to the wording of the amendment to reduce the minimum area of three bedroom dwellings from 150m <sup>2</sup> to 120m <sup>2</sup>	64	14.06%	192	72.18%

Issue	Administration Comment
The community has stated that it has accepted the existing design guidelines that were created following extensive consultation as a negotiated outcome that will allow development at a scale that will not negatively affect the amenity of the area and its views should be respected and implemented.	supported
A building height of 4 storeys (16.5) is unacceptable and out of character with the area. The building height also raised concerns with overlooking of residential lots to the north of the sites where greater heights are proposed and concern that it will destroy the village character of the area.	Supported
Need to create a transition area around the proposed redevelopment area where heights and density are graduated to meet the current height and density requirements that apply to the remainder of the area, especially if the increased height and density is supported. Four storeys standing alone would have negative impacts.	Agree with the concern that the changes proposed by the WAPC have not considered the setting within which they will be implemented and not being part of an integrated redevelopment approach will create an inappropriate outcome for the area

Amusement Parlours and Small Bars are not welcome in the area as the area's need for alcohol is fully catered for by the existing bottleshops and existing licensed restaurants in the area, although some comments were in favour of small bars as a means to improve Dalkeith's "Dullsville" reputation.	Noted. While the sentiment on Amusement Parlours seems clear, there appears to be ability to negotiate in regards to Small Bars.
The ability to allow the developer to vary laneways is not supported because it could lead to buildings with greater bulk than envisaged under the negotiated design guidelines, although a reduction of crossovers from Waratah Avenue was considered a possible bonus for creating a pedestrian friendly streetscape.	Supported
Reducing the minimum size of 3 bedroom dwellings from 150m <sup>2</sup> to 120m <sup>2</sup> is unacceptable as this unit size would be too small. The proposed size reduction is also not supported given that the size of single bedroom dwellings was compromised on originally.	Noted
Variation of the clause that allows Council to exercise discretion is not supported	The proposed changes in this regard were generally not well understood and many comments confused Council's exercise of discretion in other circumstances
The lot on which the Dalkeith Hall is located should be part of this redevelopment area	Noted
Grouped and Multiple Dwellings are out of character for Dalkeith although subdivision of existing lots to create single house lots approximately 500m <sup>2</sup> is supported	This comment is not relevant in the context of the proposal being advertised for public comment
Happy with improvements to commercial area but not willing to consider any zoning changes to residential areas	This comment is not relevant in the context of the proposal being advertised for public comment