



City of Nedlands

# ***Minutes***

## ***Council Committee Meeting***

***29 November 2011***

**Attention:**

This is a Committee which has only made recommendations to Council. No action should be taken on any recommendation contained in these Minutes. The Council resolution pertaining to an item will be made at the Ordinary Council Meeting next following this meeting.

## Table of Contents

Declaration of Opening .....	5
Present and Apologies and Leave Of Absence (Previously Approved) .....	5
1. Addresses By Members of the Public (only for items listed on the agenda).....	6
2. Disclosures of Financial Interest .....	7
2.1 Councillor Somerville-Brown – T22.11 – Black Spot Project 2011/12 – Intersection Upgrade of Elizabeth and Tyrell Streets, Nedlands.....	7
2.2 Councillor Horley – D70.11 – Lot 2103 Brockway Road, Mt Claremont – Proposed Limited Outline Development Plan for the University of Western Australia Sports Hockey Precinct.....	7
2.3 Councillor Hodsdon – D67.11 – No. 33 (Lot 1) Park Road, Nedlands – Proposed Two Storey Dwelling. ....	8
2.4 Councillor Porter – T18.11 – Proposed Parking Restrictions Surrounding Stirling Hwy.....	8
2.5 Councillor James - T18.11 – Proposed Parking Restrictions Surrounding Stirling Hwy.....	8
2.6 Councillor Argyle – T18.11 – Proposed Parking Restrictions Surrounding Stirling Hwy.....	8
2.7 Councillor Shaw - T18.11 – Proposed Parking Restrictions Surrounding Stirling Hwy.....	8
2.8 Mayor Hipkins - T18.11 – Proposed Parking Restrictions Surrounding Stirling Hwy.....	9
3. Disclosures of Interests Affecting Impartiality.....	9
4. Declarations by Members That They Have Not Given Due Consideration to Papers.....	9
5. Confirmation of Minutes .....	9
5.1 Committee Meeting 8 November 2011.....	9
6. Matters for Which the Meeting May Be Closed .....	9
7. Divisional Reports .....	10
7.1 Development Services Report No’s D64.11 to D75.11 .....	10
D64.11 No. 118-120 (Lot 888) Monash Avenue, Nedlands – Change of Use (from Aged Persons Dwellings) to Communal Facilities & Office-General .....	10
D65.11 No. 13 (Lot 11194) Bedbrook Place, Shenton Park – Industrial-light (Pathology, Collection & Infusion Centres) within a Two-Storey Building.....	16
D66.11 No.48 (Lot 222) Riley Road, Dalkeith - Proposed Two Storey Dwelling .....	24
D67.11 No.33 (Lot 1) Park Road, Nedlands - Proposed Two Storey Dwelling .....	26
D68.11 No.57 (Lot 751) The Avenue Nedlands - Proposed Additions and Alterations (including New Garage, New Rear Balcony, Extension to Existing Front Balcony and Internal Alterations).....	28
D69.11 Draft Local Planning Policy – Setback and Buildings on the Boundary in Low Density Zoning (R10 and R12.5).....	31

D70.11	Lot 2103 Brockway Road, Mt. Claremont – Proposed Limited Outline Development Plan for the University of Western Australia Sports Hockey Precinct.....	32
D71.11	Lot 12040 Heritage Lane Mt Claremont - Proposed subdivision into three lots for complex formerly known as Swanbourne Hospital for the Insane .....	34
D75.11	Lot 150, 11 Sayer Street, Swanbourne - Council business case to determine the future of the vacant residential dwelling and land held in fee-simple by the City. ....	45
D72.11	Alteration of Council’s Delegated Authorities .....	47
D73.11	Point Resolution Reserve Western Foreshore and Embankment Restoration.....	48
D74.11	Allen Park Upper Pavilion and adjacent Change room & Toilet facility, Reserve 19349 (Lot 367 on Deposited Plan 217519), Odern Crescent, Swanbourne. Proposed ten (10) year lease with the option of a further two, five (5) year terms between the City and Associates Rugby Union Football Club (Inc).....	49
D75.11	Lot 150, 11 Sayer Street, Swanbourne - Council business case to determine the future of the vacant residential dwelling and land held in fee-simple by the City. ....	50
7.2	Technical Services Report No’s T13.11 to T27.11 .....	51
T13.11	List of Outstanding Actions/Works/Requests of the Traffic Management Committee .....	51
T14.11	Traffic and Parking Hot Spots throughout the City .....	52
T15.11	Traffic and Parking Congestion Hot Spots Throughout the City.....	53
T16.11	Review of Parking Restriction Trial – Kinninmont Avenue, Nedlands.....	54
T17.11	Review of Parking Restriction Trial – Webster Street, Nedlands.....	55
T18.11	Proposed Parking Restrictions Surrounding Stirling Highway .....	56
T19.11	Esplanade Parking Bays .....	59
T20.11	Melvista Avenue Local Area Traffic Management.....	60
T21.11	Lisle Street Local Area Traffic Management .....	61
T22.11	Black Spot Project 2011/12 – Intersection Upgrade of Elizabeth and Tyrell Streets, Nedlands .....	62
T23.11	Black Spot Project 2011/12 – Lighting Upgrade at the Intersection of Carrington and Broome Street, Nedlands.....	63
T24.11	Black Spot Project 2011/12 – Lighting Upgrade at the Intersection of Monash Avenue and Hampden Road, Nedlands.....	64
T25.11	Black Spot Project 2011/12 – Lighting Upgrade at the Intersection of Princess Road and Bruce Street, Nedlands .....	65
T26.11	Black Spot Project 2011/12 – Intersection Upgrade at the Intersections of Stirling Highway and Florence Road and Florence Road and Princess Road, Nedlands .....	66
T27.11	Black Spot Project 2011/12 – Intersection Upgrade of Elizabeth Street and Bruce Street, Nedlands.....	68

7.3	Corporate Services Report No's CP42.11 to CP45.11.....	70
CP42.11	Monthly Financial Report – October 2011 .....	70
CP43.11	Investment Report – October 2011 .....	71
CP44.11	List of Accounts Paid – October 2011 .....	72
CP45.11	Delegation of Authority – Awards of Tenders during the Council Recess (File No. CRS/058).....	73
8.	Reports by the Chief Executive Officer .....	74
9.	Urgent Business Approved By the Presiding Member or By Decision .....	74
10.	Confidential Items .....	74
	Declaration of Closure .....	74

## City of Nedlands

### Minutes of a meeting of the Council Committee held in the Council Chambers, Nedlands on Tuesday 29 November 2011 at 7.00 pm.

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#### Declaration of Opening

The Presiding Member declared the meeting open at 7.00 pm, acknowledged the Traditional Owners of the land, pay respects to Elders past and present and will draw attention to the disclaimer below.

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

#### Present and Apologies and Leave Of Absence (Previously Approved)

##### Councillors

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

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

**Public** There were 26 members of the public present.

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

**Leave of Absence** Nil.  
**(Previously Approved)**

**Apologies** Mr M Cole Director Corporate Services

**Absent** Nil.



Ms M Owen, 86 Darglish Street, Wembley (spoke in opposition to the recommendation)	Report D65.11
Mr P Webb, 19 York Street, Subiaco (spoke in opposition to the recommendation)	Report D66.11
Mr D Caddy, TPG – 182 St Georges Terrace, Perth (spoke in opposition to the recommendation)	Report D71.11
Ms M Nicholson, 15 Grainger Drive, Mt Claremont (spoke in support of the recommendation)	Report D71.11
Mr D Thomas, 69 St John's Wood Boulevard, Mt Claremont (spoke in support of the recommendation)	Report D71.11
Ms K Smyth, 7 Norfolk Rise, Mt Claremont (spoke in opposition of the recommendation)	Report D71.11
Ms L Shaw, 9 Greenville Street, Swanbourne (spoke in relation to the item)	Report D75.11

## **2. 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.

### **2.1 Councillor Somerville-Brown – T22.11 – Black Spot Project 2011/12 – Intersection Upgrade of Elizabeth and Tyrell Streets, Nedlands**

Councillor Somerville-Brown disclosed a financial interest in Item T22.11 – Black Spot Project 2011/12 – Intersection Upgrade of Elizabeth and Tyrell Streets, Nedlands. His interest being that he lives on Tyrell Street. He advised that he would leave the meeting during this matter.

### **2.2 Councillor Horley – D70.11 – 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 Item D70.11 - 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.

**2.3 Councillor Hodsdon – D67.11 – No. 33 (Lot 1) Park Road, Nedlands – Proposed Two Storey Dwelling.**

Councillor Hodsdon disclosed a financial interest in Item D67.11- No.33 (Lot 1) Park Road, Nedlands – Proposed Two Storey Dwelling. His interest being that he owns property in the area. He advised that he/she would leave the meeting during this matter.

**2.4 Councillor Porter – T18.11 – Proposed Parking Restrictions Surrounding Stirling Hwy**

Councillor Porter disclosed a financial interest in Item T18.11 – Proposed Parking Restrictions Surrounding Stirling Hwy. His interest being that he owns property at 61 Dalkeith Road. He advised that he would leave the meeting during this matter.

**2.5 Councillor James - T18.11 – Proposed Parking Restrictions Surrounding Stirling Hwy**

Councillor James disclosed a financial interest in Item T18.11 – Proposed Parking Restrictions Surrounding Stirling Hwy. Her interest being that she owns property in Archdeacon Street. She requested permission to remain in the room and vote.

**2.6 Councillor Argyle – T18.11 – Proposed Parking Restrictions Surrounding Stirling Hwy**

Councillor Argyle disclosed a financial interest in Item T18.11 – Proposed Parking Restrictions Surrounding Stirling Hwy. His interest being that he owns property in the area. He advised that he would leave the meeting during this matter.

**2.7 Councillor Shaw - T18.11 – Proposed Parking Restrictions Surrounding Stirling Hwy**

Councillor Shaw disclosed a financial interest in Item T18.11 – Proposed Parking Restrictions Surrounding Stirling Hwy. His interest being that he owns property in the area. He advised that he would leave the meeting during this matter.



**2.8 Mayor Hipkins - T18.11 – Proposed Parking Restrictions Surrounding Stirling Hwy**

Mayor Hipkins disclosed a financial interest in Item T18.11 – Proposed Parking Restrictions Surrounding Stirling Hwy. His interest being that he owns property in the area. He requested permission to remain in the room and vote.

**3. 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*.

Nil.

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

Nil.

**5. Confirmation of Minutes**

**5.1 Committee Meeting 8 November 2011**

Moved – Councillor Shaw  
Seconded – Councillor Collins

**The minutes of the Council Committee held 8 November 2011 are confirmed.**

**CARRIED UNANIMOUSLY 13/-**

**6. Matters for Which the Meeting May Be Closed**

In accordance with Standing Orders and for the convenience of the public, the Committee is to identify any matter which is to be discussed behind closed doors at this meeting and that matter is to be deferred for consideration as the last item of this meeting.

Nil.

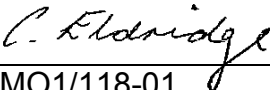
## 7. Divisional Reports

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.

### 7.1 Development Services Report No's D64.11 to D75.11

<b>D64.11</b>	<b>No. 118-120 (Lot 888) Monash Avenue, Nedlands – Change of Use (from Aged Persons Dwellings) to Communal Facilities &amp; Office-General</b>
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<b>Committee</b>	29 November 2011
<b>Council</b>	13 December 2011

<b>Applicant</b>	TPG Town Planning & Urban Design
<b>Owner</b>	Retirement Care Australia Pty Ltd
<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>	MO1/118-01
<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> .

Ms M Winter, 500/118 Monash Avenue, Nedlands Report D64.11  
(spoke in opposition to the recommendation)

Mr D Caddy, TPG –182 St Georges Terrace, Perth Report D64.11  
(spoke in support of the recommendation)

Mr B Minchin, Unit 492 Hollywood Village, Report D64.11  
118 Monash Avenue, Nedlands  
(spoke in opposition to the recommendation)

The presiding member granted Mr Minchin a further 1 minute.

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

Moved – Councillor Binks  
Seconded – Councillor Walker

That Council refuses the application an application for Change of Use (from Aged Persons Dwellings) to Communal Facilities and Office-General at No. 118-120 (Lot 888) Monash Avenue, Nedlands, in accordance with the application and plans dated 14 September 2011.

Lost 5/8  
(Against: Mayor Hipkins Crs. Collins McManus  
Hassell Porter Walker James & Shaw)

Moved – Councillor Shaw  
Seconded – Councillor James

That the Recommendation to Committee is adopted.

**CARRIED 9/4**  
**(Against: Crs. Horley Binks Hodsdon & Somerville-Brown)**

**Committee Recommendation / Recommendation to Committee**

**Council approves an application for Change of Use (from Aged Persons Dwellings) to Communal Facilities and Office-General at No. 118-120 (Lot 888) Monash Avenue, Nedlands, in accordance with the application and plans dated 14 September 2011, with the following conditions:**

- 1. All stormwater from building, paved areas and driveways shall be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event; and soak-wells shall be a minimum capacity of 1 m<sup>3</sup> for every 80 m<sup>2</sup> of paved or roofed surface on the property.**
- 2. Any additional development, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by Council.**

**Advice Notes**

**As a result of community consultation conducted as part of processing this application, the local residents are unified in expressing significant concerns regarding the size and useability of the communal facilities, and poor communication regarding all**

redevelopment matters. Accordingly, the City recommends that the Landowner take steps in addressing these issues in a meaningful way, in order to promote community wellbeing.

**a. Building:**

- i. More detailed plans are required for a complete assessment under the Building requirements;**
- ii. Universal access to all buildings will be required;**
- iii. Universal toilet facilities for all buildings are required; and**
- iv. Protection to openings from fire source features and adjoining buildings could be an issue and design modification may be required.**

**b. Environmental Health:**

- i. Prior to the City issuing a development approval, an applicant shall lodge with the City an Application for Food Premises Alteration / Fit-out which an Environmental Health Officer at the City is satisfied demonstrates food safety outcomes;**
- ii. Applicant is advised to consult the Water Corporation with respect to the disposal of industrial waste and the provision of a grease trap / grease arrestor where necessary;**
- iii. Prior to commencing a Food Business, the premises shall receive an inspection from an Environmental Health Officer at the City which cites the Food Business may commence operation;**
- iv. Prior to commencing a Food Business, a documented Food Safety Program which meets the requirements of the Australian New Zealand Food Standards Code Standard 3.2.1 Food Safety Programs, shall be deemed satisfactory by an Environmental Health Officer at the City;**
- v. Upon commencement of a Food Business, a Food Safety Program which meets the requirements of the Australian New Zealand Food Standards Code Standard 3.2.1 Food Safety Programs shall be implemented and maintained;**
- vi. Adjacent to any food preparation area, there shall be a dedicated stand alone hand wash basin connected to a**

- supply of warm running potable water, which can be operated other than by hand;**
- vii. Fixtures, fittings and equipment that are designed to be connected to a sewage and waste water disposal system and discharge sewage or waste water shall be connected to a sewage and waste water disposal system;**
  - viii. Liquid waste which includes kitchen, scullery and any other domestic or trade wastes that are discharged by means of a drain to a receptacle for drainage shall be disposed of by discharging it into the sewerage system of a licensed water service operator in a manner approved by the licensed water service operator;**
  - ix. Applicant is advised to consult the Water Corporation with respect to the disposal of industrial waste and the provision of a grease trap / grease arrestor where necessary;**
  - x. Premises shall have a separate cleaners or sluice sink located outside of any area where open food is handled;**
  - xi. Designated storage areas for cleaning chemicals and equipment and personal belongings shall be available and separate from any food preparation or food storage area;**
  - xii. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres per second;**
  - xiii. Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia;**
  - xiv. A sanitary convenience shall not have an entrance opening from a habitable room, a room used for the manufacture or storage of food for human consumption or a room used as a factory workshop or workplace, except through an airlock which has a floor area of at least 1.85 m<sup>2</sup> and direct ventilation to open air;**
  - xv. Access to any public sanitary convenience shall not be through or pass adjacent to, without complete physical segregation from, any food preparation, storage, packing or handling area;**

- xvi. A staff sanitary convenience hand wash basin shall be located adjacent to the sanitary convenience and shall be connected to a supply of warm running potable water;
- xvii. All downpipes from guttering shall be connected so as to discharge into drains which shall empty into a soak-well and each soak-well shall be located at least 1.8 m from any building and at least 1.8 m from the boundary of the block;
- xviii. The applicant is advised to consult the City's Visual and Acoustic Privacy Advisory Information in relation to selecting and locating any air-conditioner or swimming pool or spa mechanical equipment such that noise, vibration and visual impact on neighbours is mitigated;
- xix. The City does not recommend any air-conditioner, swimming pool or spa mechanical equipment is installed near a property boundary where it is likely noise from such mechanical equipment in these locations will intrude on neighbouring properties;
- xx. Prior to selecting a location to install an airconditioner, applicant is advised to consult the online fairair noise calculator at [www.fairair.com.au](http://www.fairair.com.au) and use this as a guide on air-conditioner placement so as to prevent noise affecting neighbouring properties;
- xxi. Prior to installing an air-conditioner or swimming pool or spa mechanical equipment, applicant is advised to consult residents of neighbouring properties and if necessary take measures to prevent noise affecting neighbouring properties;
- xxii. Noise from service and/or delivery vehicles should be mitigated and such vehicles should not service the premises before 7:00 am or after 7:00 pm Monday to Saturday, or before 9:00 am or after 7:00 pm on Sundays and Public Holidays;
- xxiii. Removal and disposal of ACM shall be in accordance with *Health (Asbestos) Regulations 1992, Regulations 5.43 - 5.53 of the Occupational Safety and Health Regulations 1996, Code of Practice for the Safe Removal of Asbestos 2nd Edition, Code of Practice for the Management and Control of Asbestos in a Workplace* and any Department of Commerce Worksafe requirements;

**xxiv. Where there is over 10 m<sup>2</sup> of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business;**

**xxv. A construction management plan shall detail how proposed site works will be managed to minimise environmental impacts and shall address but not be limited to:**

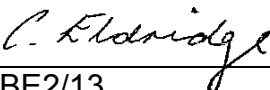
- 1) Staging plan for the entire works;**
- 2) Applicable timeframes and assigned responsibilities for tasks;**
- 3) On-site storage of materials and equipment;**
- 4) Parking for contractors;**
- 5) Waste management;**
- 6) Management of noise in accordance with the requirements of the *Environmental Protection (Noise) Regulations 1997*;**
- 7) Management of vibrations; and**
- 8) Complaints and incidents;**

**xxvi. An internal laundry shall be provided which has a minimum floor area of 3 m<sup>2</sup> and minimum width of 1.5 m:**

- 1) Where a laundry is situated adjacent to a kitchen, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof / ceiling, or an opening which is not more than 1220 mm wide and has a door which when closed completely fills the opening.**

<b>D65.11</b>	<b>No. 13 (Lot 11194) Bedbrook Place, Shenton Park – Industrial-light (Pathology, Collection &amp; Infusion Centres) within a Two-Storey Building</b>
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<b>Committee</b>	29 November 2011
<b>Council</b>	13 December 2011

<b>Applicant</b>	TPG Town Planning & Urban Design
<b>Owner</b>	Palmyra Pty Ltd
<b>Officer</b>	Jennifer Heyes – Manager Planning Services
<b>Director</b>	Carlie Eldridge – Director Development Services
<b>Director Signature</b>	
<b>File ref</b>	BE2/13
<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> .

Non-Elector

Moved – Councillor Hodsdon  
 Seconded – Councillor Walker

**That Dr Harloe, a non-elect of the City be permitted to address the meeting.**

**CARRIED UNANIMOUSLY 13/-**

Dr G Harloe, CEO Clinipath Pathology,  
 647 Murray Street, West Perth  
 (spoke in support of the recommendation)

Report D65.11

Mr D Caddy, TPG – 182 St Georges Terrace, Perth  
 (spoke in support of the recommendation)

Report D65.11

The Presiding Member granted Mr Caddy a further 2 minutes.

Non-Elector

Moved – Councillor Hodsdon  
 Seconded – Councillor Walker

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

**CARRIED UNANIMOUSLY 13/-**



Ms M Owen, 86 Dalglish Street, Wembley  
(spoke in opposition to the recommendation)

Report D65.11

Councillor McManus left the meeting at 7.53 pm and returned at 7.54pm.

**Regulation 11(da) – Council changed the word “shall” to “may” so the applicant has the option of installing car bays within the verge.**

Moved – Councillor James  
Seconded – Councillor Shaw

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

Amendment

Moved – Councillor Walker  
Seconded – Councillor Hodsdon

**That in condition 7 the word “shall” be amended to the word “may”.**

**CARRIED 8/5  
(Against: Crs. Collins McManus Hassell  
Binks & Somerville-Brown)**

Adoption

**The amended motion was put and**

**CARRIED 11/2  
(Against: Crs. Horley & Walker)**

### **Committee Recommendation**

**Council approves an application for Industrial - light (Pathology, Collection & Infusion Centres) within a Two-Storey Building at No.13 (Lot 11194) Bedbrook Place, Shenton Park, in accordance with the application and plans dated 16 November 2011 with the following conditions:**

- 1. The four (4) existing mature trees identified on the site plan shall be retained and maintained to the satisfaction of the City.**
- 2. The existing remnant vegetation located within 4.5 m of the rear boundary shall be retained, and the area of existing unvegetated land within this 4.5 m area shall be revegetated, to the satisfaction of the Council.**
- 3. The existing trees and areas of remnant vegetation to be retained shall be protected prior to, and during demolition and construction (refer advice note 1).**
- 4. Prior to the commencement of clearing of the land, a detailed landscape plan shall be submitted and approved by the City.**

**The landscape plan shall:**

- a. identify the four (4) existing mature trees to be retained;**
  - b. identify the existing remnant vegetation within 4.5 m of the rear boundary;**
  - c. identify any other remnant vegetation that will be maintained on the site, especially in areas surrounding the existing mature trees which are to be retained; and**
  - d. identify other areas of landscaping in accordance with landscape plan submitted with the application.**
- 5. All landscaping and revegetation shall be carried out in conjunction with, and to the satisfaction of the City, using best practice principles for landscaping and revegetation (refer advice note 2).**
  - 6. The landscaping is to be established prior to the development being first occupied and thereafter maintained the satisfaction of the City throughout the life of the development.**

- 7. The verge parking spaces may be constructed to Council's specifications by the applicant/owner and at the applicant/owner's cost.**
- 8. The parapet wall shall be finished to a quality finish and to a professional standard to the satisfaction of the City.**
- 9. The use of bare or painted metal building materials is permitted on the basis that, if during or following the erection of the development the Council forms the opinion that glare which is produced from the building/roof has or will have a significant detrimental effect upon the amenity of neighbouring properties, the Council may require the owner to treat the building/roof to reduce the reflectivity to a level acceptable to Council.**
- 10. All stormwater from building, paved areas and driveways shall be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 10 year recurrent storm event; and soak-wells shall be a minimum capacity of 1 m<sup>3</sup> for every 80 m<sup>2</sup> of paved or roofed surface on the property.**
- 11. Any additional development, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by Council.**

#### **Advice Notes**

- 1. It is the Applicant's responsibility to obtain all required State and Federal environmental approvals, including DEC Clearing Permits.**
- 2. In relation to condition 3, it is expected that fencing be used to protect the existing remnant vegetation during construction and the area around the trees be fenced off at least 1 m beyond the drip line (area directly located under the outer circumference of the tree branches, i.e. the canopy) to protect the tiny rootlets that take up water for the tree.**
- 3. In relation to condition 4, best practice principles and techniques shall include:**
  - a. Undertaking initial weed control where required to reduce a weed seed bank;**
  - b. Translocate topsoil and leaf litter layer to the cleared area to prevent soil movement, maintain leaf litter cover for reptile movement, and transfer seed bank to assist with revegetation;**

- c. A combination of planting and direct seeding may be required dependent on species available for planting;**
  - d. Use of local endemic plant species where possible;**
  - e. If direct seeding, then use local provenance seed only (collected from local bushland areas such as Shenton Park);**
  - f. Maintain the cover and structure of existing remnant vegetation:**
  - g. Maintain the cover and structure of existing remnant vegetation:**
    - i. upper (trees), Mid (shrubs) and Low (understorey) layers;**
    - ii. achieve density similar to that of surrounding remnant vegetation (could take up to five (5) years); and**
  - h. Provide maintenance to ensure plant survival and prevent weed encroachment.**
- 4. The site has special environmental qualities of a local and regional nature, specifically that it is an ecological linkage between larger sites in the immediate vicinity with high quality remnant vegetation. Although an eco-link has been provided to some degree, the City strongly encourages the applicant to reconsider at least a minimum 10 m wide eco-link along the western side of the lot.**
- 5. Following a referral to the Water Corporation (re: the odour buffer), the following advice note is provided:**
- a. The primary use of the development is to remain of a light industrial nature.**
- 6. Following a referral to the EPA, the following advice note is provided:**
- a. The EPA expects that the proposal will be implemented in an environmentally responsible way.**

Recommendation to Committee

Council approves an application for Industrial - light (Pathology, Collection & Infusion Centres) within a Two-Storey Building at No.13 (Lot 11194) Bedbrook Place, Shenton Park, in accordance with the application and plans dated 16 November 2011 with the following conditions:

1. The four (4) existing mature trees identified on the site plan shall be retained and maintained to the satisfaction of the City.
2. The existing remnant vegetation located within 4.5 m of the rear boundary shall be retained, and the area of existing unvegetated land within this 4.5 m area shall be revegetated, to the satisfaction of the Council.
3. The existing trees and areas of remnant vegetation to be retained shall be protected prior to, and during demolition and construction (refer advice note 1).
4. Prior to the commencement of clearing of the land, a detailed landscape plan shall be submitted and approved by the City.

The landscape plan shall:

- a. identify the four (4) existing mature trees to be retained;
  - b. identify the existing remnant vegetation within 4.5 m of the rear boundary;
  - c. identify any other remnant vegetation that will be maintained on the site, especially in areas surrounding the existing mature trees which are to be retained; and
  - d. identify other areas of landscaping in accordance with landscape plan submitted with the application.
5. All landscaping and revegetation shall be carried out in conjunction with, and to the satisfaction of the City, using best practice principles for landscaping and revegetation (refer advice note 2).
  6. The landscaping is to be established prior to the development being first occupied and thereafter maintained the satisfaction of the City throughout the life of the development.
  7. The verge parking spaces shall be constructed to Council's specifications by the applicant/owner and at the applicant/owner's cost.

8. The parapet wall shall be finished to a quality finish and to a professional standard to the satisfaction of the City.
9. The use of bare or painted metal building materials is permitted on the basis that, if during or following the erection of the development the Council forms the opinion that glare which is produced from the building/roof has or will have a significant detrimental effect upon the amenity of neighbouring properties, the Council may require the owner to treat the building/roof to reduce the reflectivity to a level acceptable to Council.
10. All stormwater from building, paved areas and driveways shall be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 10 year recurrent storm event; and soak-wells shall be a minimum capacity of 1 m<sup>3</sup> for every 80 m<sup>2</sup> of paved or roofed surface on the property.
11. Any additional development, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by Council.

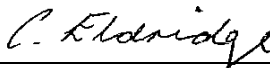
#### Advice Notes

1. It is the Applicant's responsibility to obtain all required State and Federal environmental approvals, including DEC Clearing Permits.
2. In relation to condition 3, it is expected that fencing be used to protect the existing remnant vegetation during construction and the area around the trees be fenced off at least 1 m beyond the drip line (area directly located under the outer circumference of the tree branches, i.e. the canopy) to protect the tiny rootlets that take up water for the tree.
3. In relation to condition 4, best practice principles and techniques shall include:
  - a. Undertaking initial weed control where required to reduce a weed seed bank;
  - b. Translocate topsoil and leaf litter layer to the cleared area to prevent soil movement, maintain leaf litter cover for reptile movement, and transfer seed bank to assist with revegetation;
  - c. A combination of planting and direct seeding may be required dependent on species available for planting;
  - d. Use of local endemic plant species where possible;

- e. If direct seeding, then use local provenance seed only (collected from local bushland areas such as Shenton Park);
  - f. Maintain the cover and structure of existing remnant vegetation:
    - i. upper (trees), Mid (shrubs) and Low (understorey) layers;
    - ii. achieve density similar to that of surrounding remnant vegetation (could take up to five (5) years); and
  - g. Provide maintenance to ensure plant survival and prevent weed encroachment.
4. The site has special environmental qualities of a local and regional nature, specifically that it is an ecological linkage between larger sites in the immediate vicinity with high quality remnant vegetation. Although an eco-link has been provided to some degree, the City strongly encourages the applicant to reconsider at least a minimum 10 m wide eco-link along the western side of the lot.
5. Following a referral to the Water Corporation (re: the odour buffer), the following advice note is provided:
- a. The primary use of the development is to remain of a light industrial nature.
6. Following a referral to the EPA, the following advice note is provided:
- a. The EPA expects that the proposal will be implemented in an environmentally responsible way.

<b>D66.11</b>	<b>No.48 (Lot 222) Riley Road, Dalkeith - Proposed Two Storey Dwelling</b>
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<b>Committee</b>	29 November 2011
<b>Council</b>	13 December 2011

<b>Applicant</b>	Arkitek 10
<b>Owner</b>	Patrick Flynn & Fong Peng Hon
<b>Officer</b>	Elle O'Connor – Planning Officer
<b>Director</b>	Carlie Eldridge – Director Development Services
<b>Director Signature</b>	
<b>File ref</b>	RI1/48 : DA11/89 : M11/23610
<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> .

Non-Elector

Moved – Councillor Hassell  
 Seconded – Councillor Porter

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

**CARRIED UNANIMOUSLY 13/-**

Mr P Webb, 19 York Street, Subiaco  
 (spoke in opposition to the recommendation)

Report D66.11

The Presiding Member granted Mr Webb a further 2 minutes.

**Regulation 11(da) – Lay on the table for further discussion between Administration and the applicant to resolve outstanding issues.**

Moved – Councillor James  
 Seconded – Councillor Argyle

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

Lost 11/-  
 (Against: Mayor Crs. *Collins McManus Hassell  
 Porter Hodsdon Walker James Shaw Somerville-Brown*)  
 (Abstained: Cr Binks)



Moved – Councillor Shaw  
Seconded – Councillor Hassell

**Lay on the table for further discussion between Administration and the applicant to resolve outstanding issues.**

**CARRIED UNANIMOUSLY 13/-**

**Committee Recommendation**

**Lay on the table for further discussion between Administration and the applicant to resolve outstanding issues.**

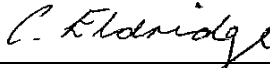
Recommendation to Committee

Council refuses an application for a two storey dwelling located at No.48 (222) Riley Road, Dalkeith in accordance with the application and plans dated 5 May 2011 and the amended plans dated 25 October 2011 for the following reasons:

1. The proposed screen walls in the front setback do not comply with the acceptable development or performance criteria of Clause 6.2.5 of the Residential Design Codes and will detract from the open nature of the streetscape;
2. The proposed fill and retaining located within 3 m of the primary street alignment does not comply with the acceptable development or performance criteria of Clause 6.6.1 of the Residential Design Codes;
3. The proposed portico does not comply with the City of Nedlands Local Planning Policy 6.23 'Carports and Minor Structures Forward of the Primary Street Setback';
4. The rear setback of the dwelling does not assist in ameliorating the impacts of building bulk on adjoining properties;
5. The external appearance of the development and cumulative effect of all the variations will have an adverse impact on the amenity of the surrounding area;
6. The proposal will not be orderly and proper planning.

<b>D67.11</b>	<b>No.33 (Lot 1) Park Road, Nedlands - Proposed Two Storey Dwelling</b>
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<b>Committee</b>	29 November 2011
<b>Council</b>	13 December 2011

<b>Applicant</b>	Michael John Hain
<b>Owner</b>	As above
<b>Officer</b>	Elle O'Connor - Planning Officer
<b>Director</b>	Carlie Eldridge - Director Development Services
<b>Director Signature</b>	
<b>File ref</b>	PA1/33 : DA11/259 : M11/23642
<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 Hodsdon – Financial Interest**

Councillor Hodsdon disclosed a financial interest in Item D67.11- No.33 (Lot 1) Park Road, Nedlands – Proposed Two Storey Dwelling. His interest being that he owns property in the area. He advised that he/she would leave the meeting during this matter.

Councillor Hodsdon & Councillor Somerville-Brown left the meeting at 8.35 pm.

Mr I Hamilton, Director Technical Services left the meeting at 8.35 pm

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

Moved – Councillor Shaw  
 Seconded – Councillor Walker

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

**CARRIED 11/-**  
**(Abstained Cr Binks & Hassell)**

**Committee Recommendation / Recommendation to Committee**

**Council refuses an application for a two storey dwelling located at No.33 (Lot 1) Park Road, Nedlands in accordance with the application dated 14 June 2011 and the amended plans dated 8 November 2011 for the following reasons:**

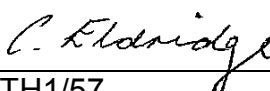
- 1. The proposed open space does not comply with the acceptable development or performance criteria of Clause 6.4.1 of the Residential Design Codes and will detract from the open nature of the streetscape;**
- 2. The overall bulk and scale of the proposed development in relation to the adjoining boundaries and surrounding area is considered to cause an adverse affect on the amenity of the adjoining owners;**
- 3. The overall appearance, particularly the bulk and scale of the proposed development when viewed together with the reduced setbacks and open space is not in keeping with the existing character of the locality; and**
- 4. The proposal will not be orderly and proper planning.**

**Councillor Hodsdon returned to the meeting at 8.37pm.**

**Councillor Walker left the meeting at 8.36 pm.**

<b>D68.11</b>	<b>No.57 (Lot 751) The Avenue Nedlands - Proposed Additions and Alterations (including New Garage, New Rear Balcony, Extension to Existing Front Balcony and Internal Alterations)</b>
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<b>Committee</b>	29 November 2011
<b>Council</b>	13 December 2011

<b>Applicant</b>	Addstyle Constructions
<b>Owner</b>	Peter & Nora Foley
<b>Officer</b>	Nick Bakker - Planning Officer
<b>Director</b>	Carlie Eldridge - Director Development Services
<b>Director Signature</b>	
<b>File ref</b>	TH1/57
<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 Shaw  
 Seconded – Councillor Argyle

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

Councillor Walker & Councillor Somerville-Brown returned to the meeting at 8.38 pm.

**CARRIED 10/-  
 (Abstained Binks)**

**Committee Recommendation / Recommendation to Committee**

**Council approves an application under the City's Town Planning Scheme No. 2 (TPS2) for proposed additions and alterations to an existing three storey dwelling at No.57 (Lot 751) The Avenue, Nedlands in accordance with the application dated 11 July 2011 and the amended plans dated 30 August 2011 and 7 November 2011 attached hereto, subject to the following conditions:**

- 1. Visual screening is to be provided on the north eastern elevation of the proposed rear balcony and new portion of front balcony, to a height of 1.65 m above finished floor level, in accordance with Clause 6.8.1 of the Residential Design Codes (RCodes) (refer Advice Note a. below).**
- 2. This approval does not include ancillary accommodation (refer to Advice Note b. below).**
- 3. All stormwater from building, paved areas and driveways shall be contained on site by draining to soak wells of adequate capacity to contain runoff from a 10 year recurrent storm event; and soak wells shall be a minimum capacity of 1.0 m<sup>3</sup> for every 80 m<sup>2</sup> of paved or roofed surface on the property.**
- 4. The use of bare or painted metal building materials is permitted on the basis that, if during or following the erection of the development the Council forms the opinion that glare which is produced from the building / roof has or will have a significant detrimental effect upon the amenity of neighbouring properties, the Council may require the owner to treat the building / roof to reduce the reflectivity to a level acceptable to Council.**
- 5. The use of the converted garage on the ground floor level shall be restricted to the uses as depicted in the plans dated 7 November 2011 i.e. Plant Room and Storage.**
- 6. Prior to the issue of a Building Licence for the development the owner shall execute and provide to the City a notification pursuant to section 70A of the *Transfer of Land Act 1893* to be registered on the title to the land as notification to prospective purchasers that the use of the converted garage on the ground floor level is subject to the restriction set out in Condition 5 above.**
- 7. A grated channel strip-drain shall be constructed across the driveway, aligned with and wholly contained within the property boundary. The discharge from this drain to be run to a soak-well situated within the property.**
- 8. Any additional development, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by Council.**

#### **Advice Notes**

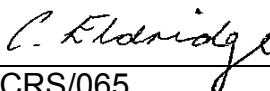
- a. Amended plans shall be submitted prior to or in conjunction with, the Building Licence to show adequate**

**privacy screening to the balconies as per Condition 1. (as marked in red on the approved plans).**

- b. The applicant is advised that further planning approval is required for any portion of the dwelling to be used as ancillary accommodation.**
- c. All internal WC's and ensuites without window access to outside air must be serviced by mechanical ventilation, which is ducted to outside air and the minimum rate of air change must be equal or greater than 25 litres per second.**
- d. Ensure that airconditioner unit(s) comply with relevant Australian Standards and that noise emissions comply with the *Environmental Protection (Noise) Regulations 1997*.**
- e. It is strongly advised that consultation is undertaken with the installer and adjoining neighbour(s) prior to installation of air-conditioning equipment. In the event of a noise complaint being received by the City, remedial action (including potential relocation or other attenuation measures) may be required or the airconditioner may be prohibited from being used. It is recommended that applicants refer to the City's Visual and Acoustic Privacy Information document and also the fairair noise calculator online at [www.fairair.com.au](http://www.fairair.com.au).**

<b>D69.11</b>	<b>Draft Local Planning Policy – Setback and Buildings on the Boundary in Low Density Zoning (R10 and R12.5)</b>
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<b>Committee</b>	29 November 2011
<b>Council</b>	13 December 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Laura Sabitzer – Planning Officer
<b>Director</b>	Carlie Eldridge – Director Development Services
<b>Director Signature</b>	
<b>File ref.</b>	CRS/065
<b>Previous Item No's</b>	D49.11 Policy Review – Built Environment Policies
<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.**

Refer Back

Moved – Councillor James

Seconded – Councillor Hassell

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

Lost 13/1

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

Moved – Councillor Hassell

Seconded – Councillor Hodsdon

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

(Printed below for ease of reference)

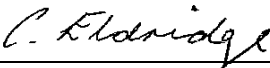
**CARRIED UNANIMOUSLY 13/-**

**Committee Recommendation / Recommendation to Committee**

**Council endorses the proposed Draft Local Planning Policy – Setback and Buildings on the Boundary in Low Density Zoning (R10 and R12.5).**

<b>D70.11</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>	29 November 2011
<b>Council</b>	13 December 2011

<b>Applicant</b>	CLE Town Planning and Design
<b>Owner</b>	University of Western Australia
<b>Officer</b>	Gabriela Poezyn - Manager Strategic Planning Jason Moore - Trainee Planning Officer
<b>Director</b>	Carlie Eldridge
<b>Director Signature</b>	
<b>File ref.</b>	BR4/L2103-020
<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 Horley – Financial Interest**

Councillor Horley disclosed a financial interest in Item D70.11 - 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.

Councillor Horley & Councillor Shaw left the meeting at 8.41 pm.

Mr I Hamilton, Director Technical Services & Councillor Shaw returned to the meeting at 8.42 pm

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

Moved – Councillor Hodsdon

Seconded – Councillor Binks

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

(Printed below for ease of reference)

**CARRIED 10/-  
(Abstained: Cr Walker)**



**Committee Recommendation / Recommendation to Committee**

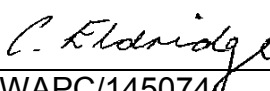
**Council:**

- 1. Approves pursuant to Clause 3.8.7 of the City's Town planning Scheme the Limited ODP for the UWA Sport Hockey Precinct Located at Lot 2103 Brockway Road, Mt. Claremont as outlined in the document entitled 'UWA Sports Park Hockey Precinct Limited Outline Development Plan' date August 2011 from CLE Town Planning and Design.**
- 2. Forward the document to the WAPC for adoption of the ODP document.**

Councillor Binks left the meeting 8.41 pm.

<b>D71.11</b>	<b>Lot 12040 Heritage Lane Mt Claremont - Proposed subdivision into three lots for complex formerly known as Swanbourne Hospital for the Insane</b>
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<b>Committee</b>	29 November 2011
<b>Council</b>	13 November 2011

<b>Applicant</b>	The Planning Group
<b>Owner</b>	Swanbourne Estate Developments Pty Ltd
<b>Officer</b>	Gabriela Poezyn - Manager Strategic Planning
<b>Director</b>	Carlie Eldridge - Director Development Services
<b>Director Signature</b>	
<b>File ref.</b>	WAPC/145074
<b>Previous Item No's</b>	No previous subdivision application for this parcel of land has been received, although this land was part of the subdivision applications for the northern and southern wings
<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 & Councillor Binks returned to the meeting at 8.43 pm

Mr D Caddy, TPG – 182 St Georges Terrace, Perth      Report D71.11  
(spoke in opposition to the recommendation)

Mr G Foster, Chief Executive Officer left the meeting at 8.48 pm & returned at 8.49 pm

Ms N Borowicz left the meeting at 8.53 pm & returned at 8.54 pm

Councillor Hodsdon left the meeting at 8.55 pm

Ms M Nicholson, 15 Grainger Drive, Mt Claremont      Report D71.11  
(spoke in support of the recommendation)

Councillor Hodsdon returned to the meeting at 8.57 pm.

Mr D Thomas, 69 St John's Wood Boulevard,  
Mt Claremont  
(spoke in support of the recommendation)

Report D71.11

The Presiding Member granted Mr Thomas a further 1 minute.

Ms K Smyth, 7 Norfolk Rise, Mt Claremont  
(spoke in relation to the recommendation)

Report D71.11

The Presiding Member granted Ms Smyth a further 2 minutes.

**Regulation 11(da) – The two minor changes clarified the amended subdivision plan as the document and that an ODP be presented to February 2012 Council for the site.**

Moved – Councillor James  
Seconded – Councillor Shaw

**That Council supports the proposed subdivision of Lot 12040 Heritage Lane into three (3) green title lots, in accordance with the revised plan dated 14 November 2011.**

Put Motion

Moved – Councillor Binks  
Seconded - Councillor McManus

**That the motion be put**

**CARRIED 10/3  
(Against: Crs. Argyle Walker & Shaw)**

Councillor Collins left the meeting at 9.43pm

The motion was put and

Lost 2/10  
(Against: Mayor Hipkins Crs. Horley McManus Argyle Hassell  
Porter Binks Hodsdon Walker & Somerville-Brown)

Amended Motion

Moved – Councillor Hodsdon

Seconded – Councillor Somerville-Brown

**That the Recommendation to Committee is adopted subject to Administration submitting an ODP to the February Council Meeting, and in Clause 3 change attachment “4” to attachment “5”.**

Moved - Councillor Binks

Seconded - Councillor Horley

That the motion be put

Lost 4/8

(Against: Mayor Hipkins Crs. McManus Argyle  
Hassell Porter Walker James & Shaw)

Councillor Collins returned to the meeting at 9.45 pm.

Councillor Collins retired from the meeting at 9.54 pm

Adoption

**The amended motion was put and**

**CARRIED 9/3**

**(Against: Crs. Hassell James & Shaw)**

**Committee Recommendation**

**Council:**

- 1. Does not support the proposed subdivision of Lot 12040 Heritage Lane into three (3) green title lots for the following reasons:**
  - a. The subdivision cannot legally be approved in the absence of a Council adopted Outline Development Plan (ODP);**
  - b. The subdivision is contrary to orderly and proper planning of the area as it prevents coordinated development;**
  - c. The proposed layout causes the following issues:**
    - i. It is not logical particularly the interrelationship between lots 2 and 3.**

ii. **Pedestrian Access:** It will threaten the delivery of a pedestrian access in an east/west direction across the site, which had been identified as being significant for the amenity of the existing residents of the area as required by Town Planning Scheme No 2.

iii. **Landscaped setting:** It will not be possible to delivery of the park-like landscaped setting for the historic buildings which will undermine the heritage value of the site as required by Town Planning Scheme No 2.

iv. **Vehicle Access:**

**Lots 1 & 2:**

The proposed vehicle access to lots 1 and 2 which has been limited to Abbey Gardens only is not acceptable for the following reasons:

1) The concept deviates from existing planning for the area (development plan and LPS, which are the product of extensive public consultation) which stipulates that vehicle access be primarily from Heritage Lane with no access from Abbey Gardens except for service vehicles for Montgomery Hall.

2) Additional traffic volumes generated by proposed uses on Lots 1 and 2 may be inappropriate for the surrounding residential streets like Abbey Gardens and St John's Wood Boulevard.

v. **Parking:**

**Lot 1:** Being segregated it would not be possible for a future Montgomery Hall use to rely on any of the other parcels of land to assist with carparking, which current planning required to be provided on the southern wing or elsewhere on the areas that are now proposed lots 2 and 3.

**Lot 2:** Very limited area is available for on-site parking on Lot 2 given that the building for proposed Lot 2 extends boundary to boundary.



- vi. all pedestrian/bicycle access ways which will form the basis of access easements throughout the site that are intended to facilitate east/west movement through the site, and appreciation of the historic buildings;
  - vii. all areas proposed to be used for public and private open space;
  - viii. landscaping plans that show the retention of all existing vegetation, proposed soft and hard landscaping of all proposed public and private open space, surface treatment of proposed walkways, proposed hedges, post boxes and any proposed street furniture; and
  - ix. time frames for implementation of the Detailed Area Plan.
- b. Vehicle access easements be imposed over proposed lot 3 in favour of proposed lot 2 so vehicle access to lot 2 can be provided from Heritage Lane.
  - c. Openings within the existing buildings are to be protected in accordance with part C3.2 of the Building Code of Australia – LG Clearance required.
  - d. The existing buildings are to achieve the required FRL's as stipulated in specification C1.1 of the Building Code of Australia relevant to the type of Construction. – LG clearance required.
  - e. Stormwater drainage to comply with AS/NZS 3500.3 to be contained onsite.
  - f. Easements to be imposed over all sites to secure east/west pedestrian and bicycle movement across the sites in accordance with the Detailed Area Plan required under 3(a) above .
  - g. An access pathway be constructed by the developer to the satisfaction of the City to link The Marlows to Heritage Lane.
  - h. Easements be imposed as shown in the attached plan to ensure that there is no vehicle access to Lot 2 from Charles Lane Extension or Abbey Gardens.
  - i. Proposed treatment of the land immediately adjacent to the northern boundary between the subject lot and the northern subdivision wing (marked A) and

**between the subject site and the southern subdivision wing (marked B) to accommodate the requirement of the detailed area plans for the subdivision wings that the single lots respectively facing onto these boundaries address these areas.**

- j. No building or part thereof shall be demolished.**
- k. The titles of the proposed lots be endorsed to prohibit the construction of that any barriers on the proposed subdivision lines.**
- l. The developer be required to enter into a legal agreement or similar with the City which commits the developer to the redevelopment of the heritage buildings and surrounding areas within a prescribed time frame.**

**4. Administration submit an ODP to the February Council Meeting.**

Recommendation to Committee

Council:

- 1. Does not support the proposed subdivision of Lot 12040 Heritage Lane into three (3) green title lots for the following reasons:
  - a. The subdivision cannot legally be approved in the absence of a Council adopted Outline Development Plan (ODP);
  - b. The subdivision is contrary to orderly and proper planning of the area as it prevents coordinated development;
  - c. The proposed layout causes the following issues:
    - i. It is not logical particularly the interrelationship between lots 2 and 3.
    - ii. Pedestrian Access: It will threaten the delivery of a pedestrian access in an east/west direction across the site, which had been identified as being significant for the amenity of the existing residents of the area as required by Town Planning Scheme No 2.



iii. Landscaped setting: It will not be possible to delivery of the park-like landscaped setting for the historic buildings which will undermine the heritage value of the site as required by Town Planning Scheme No 2.

iv. Vehicle Access:

Lots 1 & 2:

The proposed vehicle access to lots 1 and 2 which has been limited to Abbey Gardens only is not acceptable for the following reasons:

- 1) The concept deviates from existing planning for the area (development plan and LPS, which are the product of extensive public consultation) which stipulates that vehicle access be primarily from Heritage Lane with no access from Abbey Gardens except for service vehicles for Montgomery Hall.
- 2) Additional traffic volumes generated by proposed uses on Lots 1 and 2 may be inappropriate for the surrounding residential streets like Abbey Gardens and St John's Wood Boulevard.

v. Parking:

Lot 1: Being segregated it would not be possible for a future Montgomery Hall use to rely on any of the other parcels of land to assist with carparking, which current planning required to be provided on the southern wing or elsewhere on the areas that are now proposed lots 2 and 3.

Lot 2: Very limited area is available for on-site parking on Lot 2 given that the building for proposed Lot 2 extends boundary to boundary.

vi. Heritage Values: The introduction of new boundary lines will require demolition of existing heritage fabric, for the boundary between Lot 1 and 2, and alterations to the existing buildings to meet fire requirements and will diminish the heritage values of the historic buildings.



- viii. landscaping plans that show the retention of all existing vegetation, proposed soft and hard landscaping of all proposed public and private open space, surface treatment of proposed walkways, proposed hedges, post boxes and any proposed street furniture; and
  - ix. time frames for implementation of the Detailed Area Plan.
- b. Vehicle access easements be imposed over proposed lot 3 in favour of proposed lot 2 so vehicle access to lot 2 can be provided from Heritage Lane.
  - c. Openings within the existing buildings are to be protected in accordance with part C3.2 of the Building Code of Australia – LG Clearance required.
  - d. The existing buildings are to achieve the required FRL's as stipulated in specification C1.1 of the Building Code of Australia relevant to the type of Construction. – LG clearance required.
  - e. Stormwater drainage to comply with AS/NZS 3500.3 to be contained onsite.
  - f. Easements to be imposed over all sites to secure east/west pedestrian and bicycle movement across the sites in accordance with the Detailed Area Plan required under 3(a) above .
  - g. An access pathway be constructed by the developer to the satisfaction of the City to link The Marlows to Heritage Lane.
  - h. Easements be imposed as shown in the attached plan to ensure that there is no vehicle access to Lot 2 from Charles Lane Extension or Abbey Gardens.
  - i. Proposed treatment of the land immediately adjacent to the northern boundary between the subject lot and the northern subdivision wing (marked A) and between the subject site and the southern subdivision wing (marked B) to accommodate the requirement of the detailed area plans for the subdivision wings that the single lots respectively facing onto these boundaries address these areas.
  - j. No building or part thereof shall be demolished.

- k. The titles of the proposed lots be endorsed to prohibit the construction of that any barriers on the proposed subdivision lines.
- l. The developer be required to enter into a legal agreement or similar with the City which commits the developer to the redevelopment of the heritage buildings and surrounding areas within a prescribed time frame.

The meeting adjourned at 10.00 pm and reconvened at 10.07 pm with the following people in attendance:

<b>Councillors</b>	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor W R Hassell	Dalkeith Ward
	Councillor S J Porter	Dalkeith Ward
	Councillor R M Binks	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor K Walker	Hollywood Ward
	Councillor T James	Melvista Ward
	Councillor N Shaw	Melvista Ward
	Councillor M L Somerville-Brown	Melvista Ward

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

**Public** There were 5 members of the public present.

**Press** The Post Newspaper

Moved – Councillor Binks  
Seconded – Councillor McManus

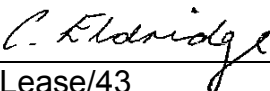
**That Report D75.11 be brought forward**

**CARRIED UNANIMOUSLY 12/-**

**Please note: This Item was brought forward at 10.09 pm**

<b>D75.11</b>	<b>Lot 150, 11 Sayer Street, Swanbourne - Council business case to determine the future of the vacant residential dwelling and land held in fee-simple by the City.</b>
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<b>Committee</b>	29 November 2011
<b>Council</b>	13 December 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	Freehold Land - City of Nedlands
<b>Officer</b>	Neil Scanes – Property Management Officer
<b>Director</b>	Carlie Eldridge – Director Development Services
<b>Director Signature</b>	
<b>File ref.</b>	Lease/43
<b>Previous Item No's</b>	Item D31.10, 24 August 2010
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Ms L Shaw, 9 Greenville Street, Swanbourne  
(spoke in opposition/support of the recommendation)

Report D75.11

**Regulation 11(da) – The item was deferred to allow community consultation prior to Council making a decision.**

Moved – Councillor Shaw  
Seconded – Councillor Horley

**That the building be demolished and the future use of the site be considered after public consultation.**

**CARRIED UNANIMOUSLY 12/-**

#### **Committee Recommendation**

**That the building be demolished and the future use of the site be considered after public consultation.**

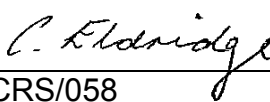
Recommendation to Committee

Council:

1. receives the business case as per attachment 1 on the future of the existing vacant residential dwelling and land that is held in fee simple by the City at Lot 150 on Deposited Plan 222332, House Number 11 Sayer Street, Swanbourne being the whole of the land contained within Certificate of Title Volume 1070 Folio 925; and
2. authorises City Administration to proceed with detailed investigations of option 7.8 and:
  - a. detail the proposed demolition of the existing vacant building to allow a two lot subdivision of the R25 Residential zoned land;
  - b. commission a licensed surveyor to prepare a survey of the said land;
  - c. prepare a draft subdivision plan in accordance with the current zoning of the lot;
  - d. prepare draft design guidelines for the lot;
  - e. prepare a draft business / project plan in relation to option 6.8 of the business case for future Council consideration
  - f. present a, b, c, d & e to Council for consideration within the next six (6) months.

<b>D72.11</b>	<b>Alteration of Council's Delegated Authorities</b>
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<b>Committee</b>	29 November 2011
<b>Council</b>	13 December 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>Director Signature</b>	
<b>File ref</b>	CRS/058
<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 Walker  
 Seconded – Councillor McManus

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

**CARRIED UNANIMOUSLY 12/-**

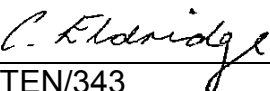
**Committee Recommendation / Recommendation to Committee**

**Council amends the following Delegated Authorities upon the implementation of the *Building Act 2011*:**

1. 7A - Legislative Building Control as per attachment 1.
2. 7B - Endorsement of Strata Titles as per attachment 2.
3. 9B - Prosecution Officers as per attachment 3.

<b>D73.11</b>	<b>Point Resolution Reserve Western Foreshore and Embankment Restoration</b>
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<b>Committee</b>	29 November 2011
<b>Council</b>	13 December 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Vicki Shannon - Bushcare Officer
<b>Director</b>	Carlie Eldridge – Director Development Services
<b>Director Signature</b>	
<b>File ref</b>	TEN/343
<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 Binks  
 Seconded – Councillor Shaw

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

**CARRIED UNANIMOUSLY 12/-**

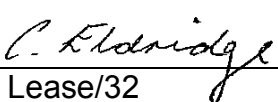
**Committee Recommendation / Recommendation to Committee**

**Council accepts the tender submitted by Syrinx Environmental PI for the Point Resolution Reserve Western Foreshore and Embankment Restoration.**



<b>D74.11</b>	<b>Allen Park Upper Pavilion and adjacent Change room &amp; Toilet facility, Reserve 19349 (Lot 367 on Deposited Plan 217519), Odern Crescent, Swanbourne. Proposed ten (10) year lease with the option of a further two, five (5) year terms between the City and Associates Rugby Union Football Club (Inc).</b>
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<b>Committee</b>	29 November 2011
<b>Council</b>	13 December 2011

<b>Applicant</b>	Associates Rugby Union Football Club (Inc)
<b>Owner</b>	State of WA – Vested to City of Nedlands
<b>Officer</b>	Neil Scanes – Property Management Officer
<b>Director</b>	Carlie Eldridge – Director Development Services
<b>Director Signature</b>	
<b>File ref.</b>	Lease/32
<b>Previous Item No's</b>	Item D27.09, 28 April 2009 Item 9, 7 August 1986
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Somerville-Brown

Seconded – Councillor Binks

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 12/-**

**Committee Recommendation / Recommendation to Committee**

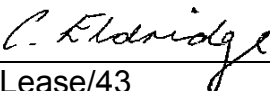
**Council:**

1. Approves and endorses an exclusive use lease, for a ten (10) year term with the option of a further two, five (5) year terms between the City and Associates Rugby Union Football Club (Inc) as per attachment 1;
2. Grants delegation to the CEO and Mayor to sign the change room & toilet licence between the City, Swanbourne Cricket Club (Inc) and Associates Rugby Union Football Club (Inc) that will run concurrently with the lease.

**Please note: This Item was bought forward see page 46.**

<b>D75.11</b>	<b>Lot 150, 11 Sayer Street, Swanbourne - Council business case to determine the future of the vacant residential dwelling and land held in fee-simple by the City.</b>
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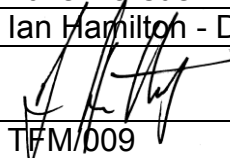
<b>Committee</b>	29 November 2011
<b>Council</b>	13 December 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	Freehold Land - City of Nedlands
<b>Officer</b>	Neil Scanes – Property Management Officer
<b>Director</b>	Carlie Eldridge – Director Development Services
<b>Director Signature</b>	
<b>File ref.</b>	Lease/43
<b>Previous Item No's</b>	Item D31.10, 24 August 2010
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

**7.2 Technical Services Report No's T13.11 to T27.11**

<b>T13.11</b>	<b>List of Outstanding Actions/Works/Requests of the Traffic Management Committee</b>
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<b>Committee</b>	29 November 2011
<b>Council</b>	13 December 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Luke Marsden - Parking Strategy Coordinator
<b>Director</b>	Ian Hamilton - Director Technical Services
<b>Director Signature</b>	
<b>File ref.</b>	TFM/009
<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 Recommendation to Committee is adopted.**

Councillor Porter left the meeting at 10.22 pm.

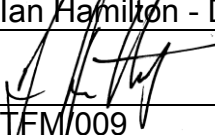
**CARRIED 9/1  
(Against: Cr. James)  
(Abstained Cr Walker)**

**Committee Recommendation / Recommendation to Committee**

**Council receives the updated list of outstanding actions/works/requests of the Traffic Management Committee for its information (refer to Attachment 1).**

<b>T14.11</b>	<b>Traffic and Parking Hot Spots throughout the City</b>
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<b>Committee</b>	29 November 2011
<b>Council</b>	13 December 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Luke Marsden - Parking Strategy Coordinator
<b>Director</b>	Ian Hamilton - Director Technical Services
<b>Director Signature</b>	
<b>File ref.</b>	TFM/009
<b>Previous Item No's</b>	N/A
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Somerville-Brown  
 Seconded – Councillor Binks

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

Councillor Porter returned to the meeting at 10.25 pm.

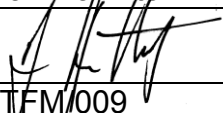
**CARRIED UNANIMOUSLY 12/-**

**Committee Recommendation / Recommendation to Committee**

**Council receives updated information regarding traffic and parking hot spots throughout the City of Nedlands (refer to Attachments 1-5).**

<b>T15.11</b>	<b>Traffic and Parking Congestion Hot Spots Throughout the City</b>
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<b>Committee</b>	29 November 2011
<b>Council</b>	13 December 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Luke Marsden - Parking Strategy Coordinator
<b>Director</b>	Ian Hamilton - Director Technical Services
<b>Director Signature</b>	
<b>File ref.</b>	TFM/009
<b>Previous Item No's</b>	N/A
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Binks  
 Seconded – Councillor James

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

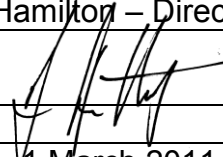
**CARRIED UNANIMOUSLY 12/-**

**Committee Recommendation / Recommendation to Committee**

**Council receives updated information regarding congestion hot spots throughout the City of Nedlands (refer to Attachment 1).**

<b>T16.11</b>	<b>Review of Parking Restriction Trial – Kinninmont Avenue, Nedlands</b>
---------------	--

<b>Committee</b>	29 November 2011
<b>Council</b>	13 December 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Luke Marsden – Parking Strategy Coordinator
<b>Director</b>	Ian Hamilton – Director Technical Services
<b>Director Signature</b>	
<b>File ref.</b>	KI4
<b>Previous Item No's</b>	7.8 – 1 March 2011 Traffic Management Committee
<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 Recommendation to Committee is adopted.**  
 (Printed below for ease of reference)

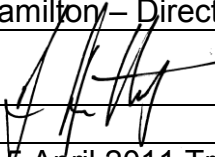
**CARRIED 10/-**  
**(Abstained: Crs Hodsdon & Walker)**

**Committee Recommendation / Recommendation to Committee**

**Council approves the permanent two (2) hour parking, Monday to Friday from 8 am - 5 pm on the east side, and no parking, Monday to Friday from 8 am – 5 pm on the west side restriction on Kinninmont Avenue between Stirling Highway and Carrington Street, Nedlands.**

<b>T17.11</b>	<b>Review of Parking Restriction Trial – Webster Street, Nedlands</b>
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<b>Committee</b>	29 November 2011
<b>Council</b>	13 December 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Luke Marsden – Parking Strategy Coordinator
<b>Director</b>	Ian Hamilton – Director Technical Services
<b>Director Signature</b>	
<b>File ref.</b>	WE1
<b>Previous Item No's</b>	7.7 – 5 April 2011 Traffic Management Committee
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Somerville-Brown  
 Seconded – Councillor James

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

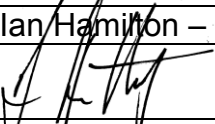
**CARRIED 11/-**  
**(Abstained: Cr Hodsdon)**

**Committee Recommendation / Recommendation to Committee**

**Council approves the permanent two (2) hour parking, Monday to Friday 8 am – 5 pm restriction on the east side of Webster Street between Stirling Highway and Edward Street, Nedlands.**

<b>T18.11</b>	<b>Proposed Parking Restrictions Surrounding Stirling Highway</b>
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<b>Committee</b>	29 November 2011
<b>Council</b>	13 December 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Luke Marsden – Parking Strategy Coordinator
<b>Director</b>	Ian Hamilton – Director Technical Services
<b>Director Signature</b>	
<b>File ref.</b>	ST6-08
<b>Previous Item No's</b>	7.6 – 5 April 2011 Traffic Management Committee 7.5 – 1 March 2011 Traffic Management Committee
<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 Porter – Financial Interest**

Councillor Porter disclosed a financial interest in Item T18.11 – Proposed Parking Restrictions Surrounding Stirling Hwy. His interest being that he owns property at 61 Dalkeith Road. He advised that he would leave the meeting during this matter.

Councillor Porter left the meeting at 10.33 pm

**Councillor James - Financial Interest**

Councillor James disclosed a financial interest in Item T18.11 – Proposed Parking Restrictions Surrounding Stirling Hwy. Her interest being that she owns property in Archdeacon Street. She requested permission to remain in the room and vote.

Moved - Councillor Walker  
Seconded – Councillor Hassell

**That Councillor James be permitted to remain in the room and vote.**

**CARRIED 9/-  
Abstained Cr Horley**



**Councillor Argyle – Financial Interest**

Councillor Argyle disclosed a financial interest in Item T18.11 – Proposed Parking Restrictions Surrounding Stirling Hwy. His interest being that he owns property in the area. He advised that he would leave the meeting during this matter.

Councillor Argyle left the meeting at 10.34 pm

Councillor Hodsdon retired from the meeting at 10.35 pm

**Councillor Shaw - Financial Interest**

Councillor Shaw disclosed a financial interest in Item T18.11 – Proposed Parking Restrictions Surrounding Stirling Hwy. His interest being that he owns property in the area. He advised that he would leave the meeting during this matter.

Councillor Shaw left the meeting at 10.36 pm.

**Mayor Hipkins - Financial Interest**

Mayor Hipkins disclosed a financial interest in Item T18.11 – Proposed Parking Restrictions Surrounding Stirling Hwy. His interest being that he owns property in the area. He requested permission to remain in the room and vote.

Moved Hassell  
Seconded Walker

**That Mayor Hipkins be permitted to remain in the room and vote.**

**CARRIED 6/-  
(Abstained: Cr Horley)**

**Regulation 11(da) – Council added a Clause 3 to review 1 hour parking for the distance of 100 metres from all streets running off Stirling Hwy.**

Moved – Councillor Somerville-Brown  
Seconded – Councillor McManus

**That the Recommendation to Committee is adopted subject to a clause 3 being added as follows:**

- 5. That Administration review the 1 hour parking for the distance of 100m from all streets running off Stirling Hwy.**

**CARRIED UNANIMOUSLY 7/-**

#### **Committee Recommendation**

##### **Council:**

- 1. Approves the parking restrictions surrounding Stirling Highway, Nedlands (refer to Attachment 1) for a six (6) month trial period; and**
- 2. Requests Administration report to Council after the six (6) month trial period, the feedback received from the community.**
- 3. That Administration review the 1 hour parking for the distance of 100m from all streets running off Stirling Hwy.**

#### Recommendation to Committee

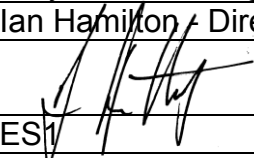
##### Council:

3. Approves the parking restrictions surrounding Stirling Highway, Nedlands (refer to Attachment 1) for a six (6) month trial period; and
4. Requests Administration report to Council after the six (6) month trial period, the feedback received from the community.

Councillors Argyle Porter & Shaw returned to the meeting at 10.48 pm.

<b>T19.11</b>	<b>Esplanade Parking Bays</b>
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<b>Committee</b>	29 November 2011
<b>Council</b>	13 December 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Wayne Mo - Design Engineer
<b>Director</b>	Ian Hamilton - Director Technical Services
<b>Director Signature</b>	
<b>File ref.</b>	ES1
<b>Previous Item No's</b>	Item 7.3 - 17 May 2011 Traffic Management Committee D73.05 – 25 October 2005 Council Meeting Item 6.1 – 31 May 2006 Special Council Meeting
<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 James  
Seconded – Councillor Walker

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

**CARRIED 9/1**  
**(Against: Cr. Shaw)**  
**(Abstained: Cr Horley)**

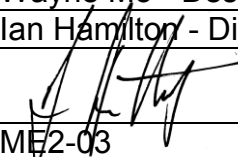
**Committee Recommendation / Recommendation to Committee**

**Council:**

1. Approves the design and construction of 22, 45 degree parking bays on the south side of the Esplanade between Bessel Avenue and Broadway (refer to Attachment 1);
2. Approves the expenditure of \$80,000 received from Steve's Hotel development in lieu of onsite parking bays to construct the 22, 45 degree parking bays; and
3. Refers the shortfall of \$8,000 required to construct the 22, 45 degree parking bays in accordance with the State Administrative Tribunal (SAT) decision, to the midyear budget review for consideration.

<b>T20.11</b>	<b>Melvista Avenue Local Area Traffic Management</b>
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<b>Committee</b>	29 November 2011
<b>Council</b>	13 December 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Wayne Mo - Design Engineer
<b>Director</b>	Ian Hamilton - Director Technical Services
<b>Director Signature</b>	
<b>File ref.</b>	ME2-03
<b>Previous Item No's</b>	Item 7.4 - 1 March 2011 Traffic Management Committee
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Somerville-Brown  
 Seconded – Councillor Binks

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

**CARRIED 7/4**  
**(Against: Crs. Argyle Porter**  
**Walker & James)**

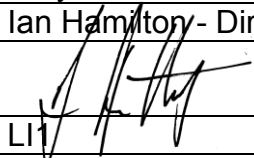
**Committee Recommendation / Recommendation to Committee**

**Council:**

- 1. Receives the report; and**
- 2. Refer all project costs to the 2012/13 proposed draft budget for consideration.**

<b>T21.11</b>	<b>Lisle Street Local Area Traffic Management</b>
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<b>Committee</b>	29 November 2011
<b>Council</b>	13 December 2011

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Wayne Mo - Design Engineer
<b>Director</b>	Ian Hamilton - Director Technical Services
<b>Director Signature</b>	
<b>File ref.</b>	LI1
<b>Previous Item No's</b>	Traffic Management Committee 16 November 2010 Item 13.3 - Council Meeting 14 December 2010
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Shaw  
Seconded – Councillor Binks

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

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

**Committee Recommendation / Recommendation to Committee**

**Council:**

1. Approves the installation of a red asphalt entry statement at the intersection of Lisle Street and Cleland Street (refer to Attachment 1); and
2. Approves the installation of two (2) speed monitoring devices for a trial period of six (6) months (refer to Attachment 2).

Moved – Councillor Porter  
Seconded – Councillor Binks

**That the meeting continue past 11 pm**

**CARRIED UNANIMOUSLY 11/-**





























