



City of Nedlands

Minutes

Council Committee Meeting

13 August 2013

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 a meeting of the Council Committee held in the Council Chambers, Nedlands on Tuesday 13 August 2013 at 7 pm.

Declaration of Opening

The Presiding Member declared the meeting open at 7 pm, and drew attention to the disclaimer below.

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

Present and Apologies and Leave Of Absence (Previously Approved)

Councillors	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 B G Hodsdon	Hollywood Ward
	Councillor J Wetherall	Hollywood Ward
	Councillor T James	Melvista Ward
	Councillor N Shaw	Melvista Ward
	Councillor M L Somerville-Brown	Melvista Ward

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

Public There were 18 members of the public present.

Press The Post Newspaper representative.

Leave of Absence (Previously Approved) Councillor R M Binks Hollywood Ward

Apologies Nil.

Absent Nil.

Disclaimer

Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. For example by reference to the confirmed Minutes of Council meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

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1. **Addresses By Members of the Public (only for items listed on the agenda)**

Addresses by members of the public who have completed Public Address Session Forms will be invited to be made as each item relating to their address is discussed by the Committee.

Dr P Kralert, 80 Rosedale Street, Floreat PD32.13
(spoke in support of the recommendation)

Mr P Gribble, 15 Grange Street, Claremont PD33.13
On behalf of Cottesloe Golf Club
(spoke in relation to the proposal)

Ms M Owen, 86 Dalglish Street, Wembley PD33.13
(spoke in relation to the proposal)

Mr W William, on behalf of Ramsey Health PD34.13
Hollywood Private Hospital, Monash Avenue, Nedlands
(spoke in support of the recommendation)

Dr G Thompson, 10 Houston Place, Mt Claremont PD35.13
(spoke in opposition to the recommendation)

Mr E Roberts, 130 Royal Street, East Perth PD35.13
On behalf of Christ Church Grammar School
(spoke in support of the proposal)

Mr R Constable, 4 Houston Place, Claremont PD35.13
(spoke in opposition to the recommendation)

Mr B Seeber, 152 High Street, Fremantle PD 36.13
(spoke in support of the recommendation)

Mr M Szabo, Burgess Design Group, 101 Edward Street, Perth PD37.13
(spoke in support of the proposal)

2. Disclosures of Financial Interest

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

2.1 Councillor Horley – PD38.13 - Lots 4 & 105 Underwood Avenue, Shenton Park - Adoption of Proposed Limited Outline Development Plan for the University of Western Australia Biological Resources Support Facility

Councillor Horley disclosed a financial interest in Item PD38.13 - Lots 4 & 105 Underwood Avenue, Shenton Park - Adoption of Proposed Limited Outline Development Plan for the University of Western Australia Biological Resources Support Facility, Her interest being that she is employed by UWA. She advised that she would leave the meeting during this matter.

2.2 Councillor Hodsdon – PD35.13 - Proposed Outlined Development Plan for the Christ Church Grammar School Playing Fields - Lot 816 Stephenson Ave, Mt Claremont

Councillor Hodsdon disclosed a financial interest in Item PD35.13 - Proposed Outlined Development Plan for the Christ Church Grammar School Playing Fields - Lot 816 Stephenson Ave, Mt Claremont, His interest being that he is employed by Christ Church Grammar School. He advised that he would leave the meeting during this matter.

3. Disclosures of Interests Affecting Impartiality

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

3.1 Councillor Somerville-Brown – PD35.13 - Proposed Outlined Development Plan for the Christ Church Grammar School Playing Fields - Lot 816 Stephenson Ave, Mt Claremont

Councillor Somerville-Brown disclosed an impartiality interest in Item PD35.13 - Proposed Outlined Development Plan for the Christ Church Grammar School Playing Fields - Lot 816 Stephenson Ave, Mt Claremont. He disclosed that his son attends Christ Church Grammar School, 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.

3.2 Councillor Porter – PD35.13 - Proposed Outlined Development Plan for the Christ Church Grammar School Playing Fields - Lot 816 Stephenson Ave, Mt Claremont

Councillor Porter disclosed an impartiality interest in Item PD35.13 - Proposed Outlined Development Plan for the Christ Church Grammar School Playing Fields - Lot 816 Stephenson Ave, Mt Claremont. He disclosed that his four sons attends Christ Church Grammar School, 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.

3.3 Councillor Argyle – PD35.13 - Proposed Outlined Development Plan for the Christ Church Grammar School Playing Fields - Lot 816 Stephenson Ave, Mt Claremont

Councillor Argyle disclosed an impartiality interest in Item PD35.13 - Proposed Outlined Development Plan for the Christ Church Grammar School Playing Fields - Lot 816 Stephenson Ave, Mt Claremont. He disclosed that he was a former student, 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.

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

Nil.

5. Confirmation of Minutes

5.1 Committee Meeting 9 July 2013

Moved – Councillor Shaw
Seconded – Councillor Hodsdon

The minutes of the Council Committee held 9 July 2013 are confirmed.

CARRIED UNANIMOUSLY 12/-

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.

The CEO advised that the meeting maybe closed at Item 9 – Urgent Business for discussion on amalgamations, which may require Council seeking legal advice (Standing Order Clause 3.10 and Section 5.23(2) (d), *Local Government Act 1995*).

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 Planning & Development Report No's PD32.13 to PD40.13

Planning & Development Report No's PD32.13 to PD40.13 to be dealt with at this point (copy attached yellow cover sheet).

PD32.13	No. 80 (Lot 74) Rosedale Street, Floreat – Proposed Observatory
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Committee	13 August 2013
Council	27 August 2013
Applicant	Paul & Ligia Kralert
Owner	As Above
Officer	Laura Sabitzer – Planning Officer
Director	Peter Mickleson – Director Planning & Development
File Reference	DA13/65; RO5/80
Previous Item	Nil

Dr P Kralert, 80 Rosedale Street, Floreat
(spoke in support of the recommendation)

PD32.13

Regulation 11(da) – Councillors agreed to approve the application as the variation to site coverage was minor.

Moved – Councillor Hassell
Seconded – Councillor Wetherall

Council approves an application for a proposed observatory at No. 80 (Lot 74) Rosedale Street, Floreat in accordance with the application received 19 February 2013 and the plans received 26 February 2013.

**CARRIED 10/-
(Abstained: Crs. Horley & James)**

Committee Recommendation

Council approves an application for a proposed observatory at No. 80 (Lot 74) Rosedale Street, Floreat in accordance with the application received 19 February 2013 and the plans received 26 February 2013.

Recommendation to Committee

Council:

1. refuses an application for a proposed observatory at No. 80 (Lot 74) Rosedale Street, Floreat in accordance with the application received 19 February 2013 and the plans received 26 February 2013 for the following reasons:
 - a. the observatory does not meet the design principles listed at clause 5.1.3 P3.1 of the Residential Design Codes of WA 2013 (refer to Advice Note 1);
 - b. the observatory does not meet the design principles listed at clause 5.1.4 P4 of the Residential Design Codes of WA 2013 (refer to Advice Note b); and
 - c. the proposal is not orderly and proper planning.

Advice Notes specific to this refusal:

1. the observatory is considered to be a bulky structure in the rear setback area, and the proposed setback does not reduce the impact of the building bulk on the adjoining property to the east; and
2. the addition of the observatory would increase the building bulk at the site and limit the provision of useable open space at the site. The open space provided is not consistent with the character or expectations of a residential property coded R12.5.

PD33.13	No.173 (Lot 502) Alfred Road, Swanbourne – Proposed Landscaping, Fairway Re-alignment and Re-contouring at Cottesloe Golf Club (Holes 12, 13 & 14)
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Committee	13 August 2013
Council	27 August 2013
Applicant	Cottesloe Golf Club Inc
Owner	State of WA – Vested to City of Nedlands
Officer	Elle O'Connor – Planning Officer
Director	Peter Mickleson – Planning & Development
File Reference	AL3/173-03: DA2010/528: M13/20568
Previous Item	Nil

Non-Elector

Moved – Councillor Hodsdon
 Seconded – Councillor McManus

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

CARRIED UNANIMOUSLY 12/-

Mr P Gribble, 15 Grange Street, Claremont
 On behalf of Cottesloe Golf Club
 (spoke in relation to the proposal)

PD33.13

Non-Elector

Moved – Councillor McManus
 Seconded – Councillor Argyle

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

**CARRIED 11/-
 (Abstained: Cr. Shaw)**

Ms M Owen, 86 Dalglish Street, Wembley
 (spoke in relation to the proposal)

PD33.13

Regulation 11(da) – Councillors agreed to minor changes as listed below.

Moved – Councillor Shaw

Seconded – Councillor Wetherall

That the Recommendation to Committee is adopted subject to:

- 1. the words “if at all practical” being added after the word “ retained” in condition a.;**
- 2. the words “such as WA Peppermints and Tuarts at a minimum size of 500L” being removed from condition c.;**
- 3. the words “(with the exception of the Tuart tree listed above which is to be retained)” being removed from condition f.; and**
- 4. condition j. to be reworded as follows: “j. if during construction works reptile and other fauna is found they are to be appropriately relocated”.**

**CARRIED 10/2
(Against: Mayor Hipkins Cr. Horley)**

Committee Recommendation

Council:

- 1. recommends approval to the Western Australian Planning Commission (WAPC) for landscaping, fairway re-alignment and re-contouring (Holes 12, 13 & 14) at Cottesloe Golf Club located at No.173 (Lot 502) Alfred Road, Swanbourne in accordance with the application dated 29 October 2010 and the Tree Clearing Plan and site plan dated 3 July 2013 subject to the following conditions:**
 - a. the existing Tuart tree identified as ‘possibility to save’ in Section 3 of the ‘Tree Clearing Plan’ received 3 July 2013, shall be retained if at all practical;**
 - b. the applicant is to replace every single tree removed with two (2) trees;**
 - c. tree species for replacement should be locally occurring natives;**
 - d. trees should be planted in the next winter, following the time they were removed;**

- e. trees not proposed for removal are to be retained and protected during the construction process in accordance with AS 4970-2009 Protection of Trees on Development Sites and AS 4373 Pruning of Amenity Trees;
- f. the only trees to be removed are those identified in the 'Tree Removal Clearing Plan' received 3 July 2013;
- g. the remnant vegetation proposed for removal in Section 7 of Hole 13 as identified on the plan attached to the 'Tree Clearing Plan' is to undergo top soil relocation to the satisfaction of the City (refer to Advice Note 2);
- h. all construction is to be undertaken from within the development site as detailed on the Site Plan, not from within surrounding vegetated areas;
- i. no storage of materials, toilets, site offices or parking for vehicles is to occur in the surrounding vegetated areas along fairways, they are to be treated as tree protection zones; and
- j. if during construction works reptile and other fauna is found they are to be appropriately relocated.

Advice Notes:

1. the applicant is reminded that this development approval does not give approval under any other Act. The applicant is required to gain all necessary approvals under all other relevant legislation before undertaking the works. This may include, but is not limited to:
 - a. the *Environment Protection and Biodiversity Conservation Act 1999*;
 - b. the *Environmental Protection Act 1986*; and
 - c. the *Wildlife Conservation Act 1950*.
2. it is preferable that the remnant vegetation to be removed is relocated to the north west corner of the site, directly abutting vegetation contained within the Bush Forever Site 315; and
3. the applicant is reminded of its obligations and requirements under the lease agreement for the site, and all necessary requirements will need to be fulfilled before undertaking the works and/or removing any vegetation. This includes the agreement of a Management Plan with the City and written approval of any tree removal.

Recommendation to Committee

Council either:

1. recommends approval to the Western Australian Planning Commission (WAPC) for landscaping, fairway re-alignment and re-contouring (Holes 12, 13 & 14) at Cottesloe Golf Club located at No.173 (Lot 502) Alfred Road, Swanbourne in accordance with the application dated 29 October 2010 and the Tree Clearing Plan and site plan dated 3 July 2013 subject to the following conditions:
 - a. the existing Tuart tree identified as 'possibility to save' in Section 3 of the 'Tree Clearing Plan' received 3 July 2013, shall be retained;
 - b. the applicant is to replace every single tree removed with two (2) trees;
 - c. tree species for replacement should be locally occurring natives such as W.A Peppermints and Tuarts at a minimum size of 500L;
 - d. trees should be planted in the next winter, following the time they were removed;
 - e. trees not proposed for removal are to be retained and protected during the construction process in accordance with AS 4970-2009 Protection of Trees on Development Sites and AS 4373 Pruning of Amenity Trees;
 - f. the only trees to be removed are those identified in the 'Tree Removal Clearing Plan' received 3 July 2013, (with the exception of the Tuart tree listed above which is to be retained);
 - g. the remnant vegetation proposed for removal in Section 7 of Hole 13 as identified on the plan attached to the 'Tree Clearing Plan' is to undergo top soil relocation to the satisfaction of the City (refer to Advice Note 2);
 - h. all construction is to be undertaken from within the development site as detailed on the Site Plan, not from within surrounding vegetated areas;
 - i. no storage of materials, toilets, site offices or parking for vehicles is to occur in the surrounding vegetated areas along fairways, they are to be treated as tree protection zones; and
 - j. survey and relocation of reptile and other fauna is to be undertaken prior to any development work.

Advice Notes:

1. the applicant is reminded that this development approval does not give approval under any other Act. The applicant is required to gain all

necessary approvals under all other relevant legislation before undertaking the works. This may include, but is not limited to:

- a. the *Environment Protection and Biodiversity Conservation Act 1999*;
 - b. the *Environmental Protection Act 1986*; and
 - c. the *Wildlife Conservation Act 1950*.
2. it is preferable that the remnant vegetation to be removed is relocated to the north west corner of the site, directly abutting vegetation contained within the Bush Forever Site 315; and
 3. the applicant is reminded of its obligations and requirements under the lease agreement for the site, and all necessary requirements will need to be fulfilled before undertaking the works and/or removing any vegetation. This includes the agreement of a Management Plan with the City and written approval of any tree removal.

Or:

1. recommends refusal to the Western Australian Planning Commission for landscaping, fairway re-alignment and re-contouring (Holes 12, 13 & 14) at Cottesloe Golf Club located at No.173 (Lot 502) Alfred Road, Swanbourne in accordance with the application dated 29 October 2010 and the Tree Clearing Plan and site plan dated 3 July 2013 for the following reasons:
 - a. fifty-two (52) trees proposed to be removed from the site are potential foraging species used by Carnaby Cockatoos and the Red-Tailed Black Cockatoos;
 - b. an area of remnant vegetation of significance is proposed to be removed; and
 - c. the site is a strategic link between identified Bush Forever Sites and Greenways.

PD34.13	Proposed Masterplan for Hollywood Private Hospital, Lot 564 (No. 101) Monash Avenue, Nedlands
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Committee	13 August 2013
Council	27 August 2013
Applicant	Peter Driscoll, Landvision on behalf of Hollywood Hospital
Officer	Gabriela Poezyn – Manager Strategic Planning
Director	Peter Mickleson – Director Planning & Development
File Reference	MO1/101-09
Previous Item	Nil

Non-Elector

Moved – Councillor Collins

Seconded – Councillor Hodsdon

That Mr W William, a non-electror of the City be permitted to address the meeting.

CARRIED UNANIMOUSLY 12/-

Mr W William, on behalf of Ramsey Health
 Hollywood Private Hospital, Monash Avenue, Nedlands
 (spoke in support of the recommendation)

PD34.13

Councillor Horley - Impartiality Interest

Councillor Horley disclosed that she had recently been discharged from the Hollywood Private Hospital, and as a consequence, there may be a perception that her impartiality on the matter may be affected. She declared that she would consider this matter on its merits and vote accordingly.

Regulation 11(da) - *

Moved – Councillor Hassell

Seconded – Councillor Hodsdon

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

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

Committee Recommendation / Recommendation to Committee

Council:

- 1. approves the proposed Hollywood Private Hospital Masterplan dated July 2013 for Lot 564 (No. 101) Monash Avenue in principle to allow for public consultation; and**
- 2. instructs Administration to advertise the proposed Hollywood Private Hospital Masterplan dated June 2013 for a minimum period of three (3) weeks.**

PD35.13	Proposed Outlined Development Plan for the Christ Church Grammar School Playing Fields - Lot 816 Stephenson Ave, Mt Claremont
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Committee	13 August 2013
Council	27 August 2013
Applicant	Robertsday
Owner	Christ Church Grammar School
Officer	Elle O'Connor – Planning Officer
Director	Peter Mickleson – Director Planning & Development
File Reference	ST4/L816-02 : M13/19390
Previous Item	DA07/306 - DA for Earthworks D17.07 – Limited ODP for Earthworks

Councillor Hodsdon – Impartiality Interest

It was noted that Councillor Hodsdon had previously declared an financial interest as advised earlier in the meeting at item 3.

Councillor Hodsdon left the room at 8.18 pm.

Councillor Somerville-Brown – Impartiality Interest

It was noted that Councillor Somerville-Brown had previously declared an impartiality interest as advised earlier in the meeting at item 3.

Councillor Porter – Impartiality Interest

It was noted that Councillor Porter had previously declared an impartiality as advised earlier in the meeting at item 3.

Councillor Argyle – Impartiality Interest

It was noted that Councillor Argyle had previously declared an impartiality as advised earlier in the meeting at item 3.

Dr G Thompson, 10 Houston Place, Mt Claremont
(spoke in opposition to the recommendation)

PD35.13

Non-Elector

Moved – Councillor McManus

Seconded – Councillor James

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

CARRIED UNANIMOUSLY 11/-

Mr E Roberts, 130 Royal Street, East Perth
On behalf of Christ Church Grammar School
(spoke in support of the proposal)

PD35.13

The Presiding Member granted Mr Roberts a further 2 minutes.

Mr R Constable, 4 Houston Place, Claremont
(spoke in opposition to the recommendation)

PD35.13

Mr M Cole, Director Corporate & Strategy left the room at 8.43 pm.

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

Moved – Councillor Horley

Seconded – Councillor McManus

That the Recommendation to Committee is adopted subject to the following conditions being added to clause 1:

- a. **an independent geotechnical assessment of the site**
- b. **a redesign of the car parking area in consultation with the City and residents specifically to consider the location of the parking and the consideration of permeable materials and landscaping.**

Mr M Cole, Director Corporate & Strategy returned to the room at 8.55 pm.

Councillor Shaw left the room at 9.11 pm and returned at 9.13 pm.

Amendment

Moved - Councillor Porter

Seconded - Councillor Somerville-Brown

That a and b are removed.

Put Motion

Moved – Councillor Hassell
Seconded – Councillor Wetherall

That the amendment be put.

**PUT MOTION CARRIED 5/4
(Against: Crs. Collins Horley McManus & Porter)
(Abstained: Mayor Hipkins & Cr Wetherall)**

The amendment was put and

**AMENDMENT CARRIED 8/3
(Against: Crs. Collins Horley & McManus)
(Abstained: Mayor Hipkins & Cr Wetherall)**

Put Motion

Moved – Councillor James
Seconded – Councillor Collins

That the substantive motion be put.

**PUT MOTION CARRIED 9/2
(Against: Crs. McManus & Porter)**

The original motion was put and

**CARRIED 7/3
(Against: Crs. Collins Horley & McManus)
(Abstained: Crs. Wetherall)**

Committee Recommendation / Recommendation to Committee

Council:

- 1. approves the Outlined Development Plan for the Christ Church Grammar School Playing Fields site in principle for advertising purposes;**
- 2. instructs Administration to refer the ODP to the WAPC to seek consent to advertise; and**
- 3. instructs Administration to advertise the proposed ODP, upon receiving consent to advertise from the WAPC.**

Councillor Hodsdon returned to the room at 9.32 pm.

PD36.13	No. 15 (Lots 9970 & 10754) Bedbrook Place, Shenton Park – Proposed Outline Development Plan for Cancer Council Western Australia
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Committee	13 August 2013
Council	27 August 2013
Applicant	Bernard Seeber Pty Ltd
Owner	Cancer Council Western Australia
Officer	Christie Downie – Sustainable Planning Officer
Director	Peter Mickleson – Planning & Development
File Reference	BE2/15-03
Previous Item	D08.10 – February 2010 D44.10 – July 2010

Councillor Somerville-Brown left the room at 9.32 pm.

Councillor James & Councillor McManus left the room at 9.33 pm.

Non-Elector

Moved – Councillor Hassell
Seconded – Councillor Shaw

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

CARRIED UNANIMOUSLY 9/-

Mr B Seeber, 152 High Street, Fremantle
(spoke in support of the recommendation)

PD 36.13

Councillor James, Councillor Somerville-Brown & Councillor McManus returned to the room at 9.34 pm.

Regulation 11(da) – Councillors agreed to add an additional clause to acknowledge significant remnant bushland.

Moved – Councillor Shaw

Seconded – Councillor Hassell

That the Recommendation to Committee is adopted subject to an additional clause 4. c. be added as follows:

c. acknowledge that significant remnant bushland is to be retained.

CARRIED UNANIMOUSLY 12/-

Committee Recommendation

Council:

- 1. approves in principle, the Outline Development Plan (ODP) for No. 15 (Lots 9970 and 10754) Bedbrook Place, Shenton Park, as per Clause 3.8.3 of Town Planning Scheme No.2 (TPS2), for the purpose of seeking consent from the Western Australian Planning Commission (WAPC) to formally advertise the ODP;**
- 2. instructs Administration to refer the ODP to the WAPC to seek consent to advertise the ODP;**
- 3. instructs Administration to advertise the proposed ODP in accordance with Clauses 3.8.4 and 3.8.5 of TPS2, upon receiving consent to advertise from the WAPC; and**
- 4. requires the Cancer Council of Western Australia to:**
 - a. commence the process to amalgamate Lots 9970 and 10754 before the final adoption of this ODP for this site;**
 - b. consent to providing pedestrian access along the northern boundary of the subject site to allow controlled public access to the conservation area of Lot 4 to the satisfaction of the City when required by the City; and**
 - c. acknowledge that significant remnant bushland is to be retained.**

Recommendation to Committee

Council:

1. approves in principle, the Outline Development Plan (ODP) for No. 15 (Lots 9970 and 10754) Bedbrook Place, Shenton Park, as per Clause 3.8.3 of Town Planning Scheme No.2 (TPS2), for the purpose of seeking consent from the Western Australian Planning Commission (WAPC) to formally advertise the ODP;
2. instructs Administration to refer the ODP to the WAPC to seek consent to advertise the ODP;
3. instructs Administration to advertise the proposed ODP in accordance with Clauses 3.8.4 and 3.8.5 of TPS2, upon receiving consent to advertise from the WAPC; and
4. requires the Cancer Council of Western Australia to:
 - a. commence the process to amalgamate Lots 9970 and 10754 before the final adoption of this ODP for this site; and
 - b. consent to providing pedestrian access along the northern boundary of the subject site to allow controlled public access to the conservation area of Lot 4 to the satisfaction of the City when required by the City.

PD37.13	Finalisation of Scheme Amendment No. 200 - Amend the Zoning of Lot 289 (No 123) Dalkeith Road from 'Service Station' to 'Residential' with 'Additional Use' to Allow Three (3) Dwellings
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Committee	13 August 2013
Council	27 August 2013
Applicant	Burgess Design Group
Officer	Jason Moore – Strategic Planning Officer
Director	Peter Mickleson – Director Planning & Development
File Reference	TPN/A200
Previous Item	PD10.13 - 26 March 2013

Non-Elector

Moved – Councillor Hodsdon
 Seconded – Councillor Porter

That Mr M Szabo, a non-electror of the City be permitted to address the meeting.

CARRIED UNANIMOUSLY 12/-

Mr M Szabo, Burgess Design Group, 101 Edward Street, Perth PD37.13
 (spoke in support of the proposal)

Regulation 11(da) – Councillors deleted clause 3 as it related to a different application, that Administration could follow up.

Moved – Councillor James
 Seconded – Councillor Hassell

That the Recommendation to Committee is adopted subject to the removal of clause 3.

Councillor Wetherall left the room at 10.03 pm.

**CARRIED 10/-
 (Abstained: Cr. Horley)**

Committee Recommendation

Council:

- 1. adopts the proposed scheme amendment to rezone Lot 289 (No 123) Dalkeith Road from 'Service Station' to 'Residential' with 'Additional Use' to allow three (3) dwellings without modification; and**
- 2. instructs Administration to progress the proposal in accordance with requirements of the relevant legislation.**

Recommendation to Committee

Council:

1. adopts the proposed scheme amendment to rezone Lot 289 (No 123) Dalkeith Road from 'Service Station' to 'Residential' with 'Additional Use' to allow three (3) dwellings without modification;
2. instructs Administration to progress the proposal in accordance with requirements of the relevant legislation; and
3. instructs Administration to ensure that the 'Feast Cafe' operates with no more than 20 seats when the service station is no longer operational.

PD38.13	Lots 4 & 105 Underwood Avenue, Shenton Park - Adoption of Proposed Limited Outline Development Plan for the University of Western Australia Biological Resources Support Facility
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Committee	13 August 2013
Council	27 August 2013
Applicant	CLE Town Planning + Design
Owner	University of Western Australia
Officer	Christie Downie – Sustainable Planning Officer
Director	Peter Mickleson – Director Planning & Development
File Reference	UN1/L4-09
Previous Item	PD08.13 - February 2013

Councillor Horley – Impartiality Interest

It was noted that Councillor Horley had previously declared an impartiality interest as advised earlier in the meeting at item 3.

Councillor Horley retired from the meeting at 10.04 pm.

Councillor Wetherall returned to the room at 10.04 pm.

Regulation 11(da) – Councillors added an additional clause to acknowledge significant remnant bushland be retained.

Moved – Councillor Hassell

Seconded – Councillor James

That the Recommendation to Committee is adopted subject to an additional clause 3. be added as follows:

- 3. acknowledge that significant remnant bushland is to be retained.**

CARRIED UNANIMOUSLY 11/-

Committee Recommendation

Council:

- 1. approves the proposed limited Outline Development Plan for the University of Western Australia Biological Resources Support Facility, Lots 4 & 105 Underwood Avenue, Shenton Park (refer attached);**
- 2. instructs Administration to forward the limited Outline Development Plan to the Western Australian Planning Commission for final adoption; and**
- 3. acknowledge that significant remnant bushland is to be retained.**

Recommendation to Committee

Council:

1. approves the proposed limited Outline Development Plan for the University of Western Australia Biological Resources Support Facility, Lots 4 & 105 Underwood Avenue, Shenton Park (refer attached); and
2. instructs Administration to forward the limited Outline Development Plan to the Western Australian Planning Commission for final adoption.

PD39.13	Approval to Keep Three (3) Dogs at 127 Rochdale Road, Mt Claremont
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Committee	13 August 2013
Council	27 August 2013
Applicant	Samantha Allen
Officer	Kayla Binding – Ranger Team Leader
Director	Peter Mickleson – Director Planning & Development
File Reference	RGS/003-08
Previous Item	Nil

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

Moved – Councillor James
 Seconded – Councillor Hodsdon

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

CARRIED 10/-
(Abstained: Cr. Porter)

- Committee Recommendation / Recommendation to Committee**
- Council:**
1. approves the keeping of three (3) dogs on the premises at 127 Rochdale Rd, commencing with a three (3) month trial period ending on 30 November 2013 to be reviewed;
 2. self closing latches are to be installed on all gates; and
 3. authorises final approval to the Chief Executive Officer (CEO) if no complaints are received during the trial period.

PD40.13	Naked Fig Cafe Sub-Lease Amendment
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Committee	13 August 2013
Council	27 August 2013
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Chris Hammond – Environmental Health Coordinator
Director	Peter Mickleson – Director Planning & Development
File Reference	M13/19736
Previous Item	Council Minutes – Item 13.6 Naked Fig Cafe Variation of Sub-lease, 11 December 2012.

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

Moved – Councillor Wetherall
 Seconded – Councillor James

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

Mr M Cole, Director Corporate & Strategy left the room at 10.06 pm and returned at 10.08 pm.

Mrs N Ceric, Executive Assistant left the room at 10.12 pm and returned at 10.14 pm.

CARRIED 8/-
(Abstained: Mayor Hipkins Crs. Collins & Hodsdon)

Committee Recommendation / Recommendation to Committee

Council:

- 1. require that the operator of the Naked Fig Café:**
 - a. immediately ensures that the southern single leaf entry/exit door is locked and not used during operation Mode 3 (Live Music/DJ at Band Location 3), except in an emergency situation where the lock can disengage if required, to align with the previous acoustic modelling which the Noise Management Plan dated February 2012 relied on for this door being closed during such mode of operation;**
 - b. have installed on the southern external bifold doors a locking mechanism, so that when configured as required for an operation mode, the doors cannot be manipulated (opened) by anyone except the Naked Fig Cafe staff; and**
 - c. incorporate with the in-house amplification system, a noise limiting system which will automatically limit the in-house system's volume from 10:00pm and this limit is set in accordance with the advice of an acoustic consultant such that it ensures amplified noise will comply with the *Environmental Protection (Noise) Regulations 1997*, when it is received at neighbouring residential properties.**
- 2. require that the operator of the Naked Fig Café amend the Noise Management Plan dated February 2012 to reflect 1.a, 1.b and 1.c (above), to the satisfaction of the City and the Naked Fig Cafe;**
- 3. is satisfied that the operator of the Naked Fig Cafe has substantially complied with conditions of approval of the Western Australian Planning Commission (WAPC) decision issued 13 March 2012, instructs the Mayor and Chief Executive Officer to sign an amendment of Sub-lease with Naked Fig Pty Ltd and Greer Julia Marns and Lorna Alexandra Marns in strict accordance with the aforementioned WAPC decision, specifically on the following terms:**
 - a. approved hours of operation are as follows:**
 - i. core hours**

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

ii. extended hours

**Sunday 6.30 am to 10 pm;
Monday to Thursday 6.30am to 11pm;
Friday and Saturday 6.30am to 12 midnight; and
New Year's Eve 6.30 am to 1 am the following day.**

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

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

4. in accordance with the previous resolution of 11 December 2012 deletes any reference to "functions" in the Sub-lease.

7.2 Technical Services Report No's TS11.13 to TS14.13

Technical Services Report No's TS11.13 to TS14.13 to be dealt with at this point (copy attached blue cover sheet).

TS11.13	Request for Street Tree Removal
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Committee	13 August 2013
Council	27 August 2013
Applicant	City of Nedlands
Officer	Andrew Dickson – Manager Parks Services
Director	Mark Goodlet – Director Technical Services
File Reference	CRS/073, M13/18843
Previous Item	Item 12.4 - report CP31.12 – Council Minutes 24 July 2012

Regulation 11(da) – Councillors agreed to delete the requirement for compensation and reduced the size of replacement trees.

Moved – Councillor Wetherall
 Seconded – Councillor James

That the Recommendation to Committee is adopted subject to:

1. deleting clause 2; and
2. amending clause 3 by replacing the words “three (3) “ with the words “a minimum of one (1) and a maximum of three (3) WA Peppermint tree/s”, and removing the words “ in 200 litre planting containers or larger” and replacing the words “nine metres” with the word “appropriate”.

**CARRIED 9/1
 (Against: Mayor Hipkins)
 (Abstained: Cr. Hodsdon)**

Committee Recommendation

Council approves the request from the owners of 9-11 Hynes Road, Dalkeith for the removal of one (1) Queensland Box tree (*Lophostemon confertus*) street tree adjacent to 11 Hynes Road, Dalkeith conditional to:

- 1. the owners accepting all associated costs for removal of the street tree;**
- 2. the owners providing a minimum of one (1) and a maximum of three (3) WA Peppermint tree/s (*Agonis flexuosa*), to be installed at appropriate intervals on the established planting line within the nature strip and maintained for a period of 12 months from installation, with all associated costs to be borne by the owners.**

Recommendation to Committee

Council approves the request from the owners of 9-11 Hynes Road, Dalkeith for the removal of one (1) Queensland Box tree (*Lophostemon confertus*) street tree adjacent to 11 Hynes Road, Dalkeith conditional to:

1. the owners accepting all associated costs for removal of the street tree;
2. the owners compensating Council, in accordance with Council's Street Trees policy, the amount of \$ 1,440.00 being the current escalated amenity value of the street tree as independently assessed in 2012; and
3. the owners providing three (3) WA Peppermint trees (*Agonis flexuosa*) in 200 litre planting containers or larger, to be installed at nine metres intervals on the established planting line within the nature strip and maintained for a period of 12 months from installation, with all associated costs to be borne by the owners.

TS12.13	Review of the Proposed Parking and Parking Facilities Local Law
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Committee	13 August 2013
Council	27 August 2013
Applicant	City of Nedlands
Officer	Rebecca Forrest – Technical Services Administration Officer Mark Goodlet – Director Technical Services
Director	Mark Goodlet – Director Technical Services
File Reference	LEG/003-07/01
Previous Item	Council Meeting – PD07.13 – 26 February 2013 Council Meeting – PD36.12 – 28 August 2012 Council Meeting - PD21.12 – 26 June 2012 Council Meeting - T24.10 – 14 December 2010 Council Meeting – Item 13.2 - 22 June 2010 Council Meeting – CP41.09 - 13 October 2009 Council Meeting Notice of Motion – Item 14.2 - 11 August 2009

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

Moved – Councillor Hassell
Seconded – Councillor Argyle

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council adopts the proposed Parking and Parking Facilities Local Law as shown in Attachment 1 in accordance with the statutory requirements, Part 3, Division 2, section 3.12 of the *Local Government Act 1995*.

ABSOLUTE MAJORITY REQUIRED

TS13.13	Parking Restrictions – Stubbs Terrace
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Committee	13 August 2013
Council	27 August 2013
Applicant	City of Nedlands
Officer	Rebecca Forrest – Technical Services Administration Officer Mark Goodlet – Director Technical Services
Director	Mark Goodlet – Director Technical Services
File Reference	IFM/414
Previous Item	Nil.

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

Moved – Councillor Hodsdon

Seconded – Councillor Somerville-Brown

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council approves the following parking restrictions:

1. **“No Stopping on Bus Zone and Verge” at all times; and**
2. **“No Stopping on Road or Verge, 7.30 am – 9.30 am, 2.30 pm – 4 pm, Monday to Friday”, for approximately 40m on both sides of the Bus Zone on Stubbs Terrace, adjacent to the railway line.**

TS14.13	Bruce Street / Elizabeth Street Black Spot Intersection Improvements
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Committee	13 August 2013
Council	27 August 2013
Applicant	City of Nedlands
Officer	Mark Goodlet – Director Technical Services
Director	Mark Goodlet – Director Technical Services
File Reference	IFM/414
Previous Item	T22.11 – 13 December 2011 Council Meeting 23 July 13 – Petition on Elizabeth Bruce Intersection

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

Moved – Councillor Somerville-Brown
Seconded – Councillor Hassell

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

CARRIED 7/2
(Against: Mayor Hipkins Cr. James)
(Abstained: Crs. Wetherall & Shaw)

Committee Recommendation / Recommendation to Committee

Council approves the installation of a roundabout, lighting upgrade and associated works at the intersection of Bruce Street and Elizabeth Street, Nedlands as approved under the Main Roads WA Blackspot Program (refer to Attachment 1).

7.3 Corporate & Strategy Report No's CPS25.13 to CPS26.13

Report No's CPS25.13 to CPS26.13 to be dealt with at this point (copy attached green cover sheet).

CPS25.13 List of Accounts Paid – June 2013

Committee	13 May 2013
Council	27 May 2013
Applicant	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate & Strategy
File Reference	Fin/072-17
Previous Item	Nil

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

Moved – Councillor Shaw
 Seconded – Councillor Wetherall

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

Councillor McManus left the room at 10.58 pm and returned at 10.59 pm.

CARRIED 10/-
(Abstained: Cr. James)

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of June 2013 (Refer to Attachment).

CPS26.13 Policy Review

Committee	10 September 2013
Council	24 September 2013
Applicant	City of Nedlands
Officer	Phoebe Huigens, Policy & Projects Officer
Director	Michael Cole, Director Corporate & Strategy
File Reference	CRS/065/02
Previous Item	

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

Moved – Councillor Hodsdon
 Seconded – Councillor Shaw

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

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council approves:

- 1. Civic and Ceremonial Functions Policy**
- 2. Elected Member Entitlements and Equipment Policy**

Moved – Councillor Hassell
 Seconded – Councillor Porter

That the meeting continue past 11 pm.

CARRIED 8/2
(Against: Crs. Collins & McManus)
(Abstained: Cr. Somerville-Brown)

8. Reports by the Chief Executive Officer

Nil.

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

Moved – Councillor Hassell
Seconded – Councillor James

That Council consider as a matter of urgency developments relating to the State Government's recently announced changes to local government boundaries in the Perth Metropolitan Area.

CARRIED UNANIMOUSLY 11/-

The Presiding Member called for nominations to represent the Mayor during his leave of absence 24 August 2013 to 14 September 2013 to attending meetings with other Western Suburbs Councils on the proposed amalgamations.

Councillor Hassell was elected unopposed.

Councillor Porter left the room at 11.26 pm and returned at 11.27 pm.

Councillor Hassell left the room at 11.39 pm and returned at 11.41 pm.

10. Confidential Items

Nil.

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed. at 11.54 pm.