



City of Nedlands

Minutes

Council Committee Meeting

11 November 2014

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

**Notice of a meeting of the Council Committee held in the Council Chambers on
Tuesday 11 November 2014 at 7.00pm.**

Council Committee Agenda

Declaration of Opening

The Presiding Member declared the meeting open at 7.00pm drew your attention to the disclaimer below:

(Note: At the Ordinary Meeting held on 24 August 2014, Council resolved that should the meeting time reach 11.00pm, the meeting is to consider an adjournment motion to reconvene the next day).

Councillors	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor G Hay	Melvista Ward
	Councillor T James	Melvista Ward
	Councillor N Shaw	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K Smyth	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 J Wetherall	Hollywood Ward

Staff	Mr G Trevaskis	Chief Executive Officer
	Mr P Mickleson	Director Planning & Development
	Mr M Goodlet	Director Technical Services
	Mrs A Sunderland	Executive Assistant

Public There were 15 members of the public present.

Press Two Post Newspaper representatives.

Leave of Absence Nil
(Previously Approved)

Apologies Mr M Cole, Director Corporate & Strategy

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 a Council's position. For example, by reference to the Confirmed Minutes of a 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. Public Question Time

Nil questions received.

2. Address by Members of the Public (only items listed on the Agenda)

Ms Charlotte Fernades, 25 Martin Avenue, Nedlands PD43.14
(Spoke in support of the recommendation)

Ms Marie Chen, 20 Burwood Street, Nedlands PD44.14
(Spoke in support of the recommendation)

Mr Arthur Giambazi & Mrs Bernadette Giambazi PD45.14
(Spoke in opposition of the recommendation)

Mr Barns, 36 Stirling Highway, Nedlands PD45.14
(Spoke in opposition of the recommendation)

Ms Denise Broux, 18 O'Dean Crescent, Swanbourne PD46.14
(Spoke in opposition of the recommendation)

Mr Jega Bharthon, 27 Marin Avenue, Nedlands PD43.14
(Spoke in support of the recommendation)

Mr Bill James, 4 Archdeacon Street, Nedlands PD45.14
(Spoke against the recommendation)

3. Disclosures of Financial Interest

The Presiding Member will remind Councillors and Staff of the requirements of Section 5.65 of the *Local Government Act (1995)* to disclose any interest during the meeting when the matter is discussed.

3.1 Councillor James – PD45.14 – No. 2a (Lot 2) Archdeacon Street, Nedlands – Retrospective Change of Use (Use Not Listed – Short Stay Accommodation)

Councillor James disclosed a financial interest in Item PD45.14, No. 2a (Lot 2) Archdeacon Street, Nedlands – Retrospective Change of Use (Use Not Listed – Short

Stay Accommodation). Her interest being that Cr James lives next door (owner/occupier) to the applicant and as a requirement under the act will leave the meeting during discussion on this matter.

4. Disclosures of Interests Affecting Impartiality

The Presiding Member is to remind Councillors and Staff of the requirements of the Council's *Code of Conduct* in accordance with Section 5.103 of the *Local Government Act (1995)*.

4.1 Councillor Hay – PD45.14 – No. 2a (Lot 2) Archdeacon Street, Nedlands – Retrospective Change of Use (Use Not Listed – Short Stay Accommodation)

Councillor Hay disclosed an impartiality interest in Item PD45.14 – No. 2a (Lot 2) Archdeacon Street, Nedlands – Retrospective Change of Use (Use Not Listed – Short Stay Accommodation). He disclosed an impartiality interest in this matter as he is a neighbour of the applicant (occupier), and as a consequence, there may be a perception that his impartiality on the matter may be affected. Cr Hay declared he would consider this matter on its merits and vote accordingly.

4.2 Councillor Hassell- PD45.14 - No. 2a (Lot 2) Archdeacon Street, Nedlands – Retrospective Change of Use (Use Not Listed – Short Stay Accommodation)

Councillor Hassell disclosed an impartiality interest in Item PD45.14 – No. 2a (Lot 2) Archdeacon Street, Nedlands – Retrospective Change of Use (Use Not Listed – Short Stay Accommodation). He disclosed an impartiality interest in this matter as he has an association of a Councillor who is a neighbour of the applicant, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Cr Hassell declared he would consider this matter on its merits and vote accordingly.

4.3 Councillor Porter – PD45.14 - No. 2a (Lot 2) Archdeacon Street, Nedlands – Retrospective Change of Use (Use Not Listed – Short Stay Accommodation)

Councillor Porter disclosed an impartiality interest in Item PD45.14 – No. 2a (Lot 2) Archdeacon Street, Nedlands – Retrospective Change of Use (Use Not Listed – Short Stay Accommodation). He disclosed an impartiality interest in this matter as he has an association with a Councillor who is a neighbour of the applicant, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Cr Porter declared he would consider this matter on its merits and vote accordingly.

4.4 Councillor Argyle – PD45.14 - No. 2a (Lot 2) Archdeacon Street, Nedlands – Retrospective Change of Use (Use Not Listed – Short Stay Accommodation)

Councillor Argyle disclosed an impartiality interest in Item PD45.14 – No. 2a (Lot 2) Archdeacon Street, Nedlands – Retrospective Change of Use (Use Not Listed – Short Stay Accommodation). He disclosed an impartiality interest in this matter as he has an association with a Councillor who is a neighbour of the applicant, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Cr Argyle declared he would consider this matter on its merits and vote accordingly.

In response to a question, the CEO advised that all Councillors may have a similar impartiality interest as a fellow councillor had a declared financial interest with respect to

Item PD45.14. Accordingly, all councillors had a responsibility to consider the matter on its merits and vote accordingly. Councillor McManus indicated that he did not, in his opinion have an impartiality interest to declare.

4.5 Councillor Shaw – TS18.14 – Tender No. 2014/15.01 – Provision of Plumbing Services

Councillor Shaw disclosed an impartiality interest in Item TS18.14 – Tender No. 2014/15.01 – Provision of Plumbing Services. Cr Shaw disclosed that he knows the applicant, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Cr Shaw declared he would consider this matter on its merits and vote accordingly.

4.6 Councillor Binks - TS18.14 – Tender No. 2014/15.01 – Provision of Plumbing Services

Councillor Binks disclosed an impartiality interest in Item TS18.14 – Tender No. 2014/15.01 – Provision of Plumbing Services. Cr Binks disclosed that he knows the applicant, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Cr Binks declared he would consider this matter on its merits and vote accordingly.

5. Declarations by Members That They Have Not Given Due Consideration

Nil.

6. Confirmation of Minutes

6.1 Committee Meeting 14 October 2014

The minutes of the Council Committee held on 14 October 2014 be confirmed.

Moved – Councillor Wetherall
Seconded – Councillor Argyle

That the Minutes of the Council Committee Meeting held on 14 October 2014 be confirmed.

**CARRIED 11/
(Abstained: Crs. Hassell & Hay)**

7. Matters for Which the Meeting May Be Closed

Nil.

8. Divisional Reports

Note:

Regulation 11(da) of the *Local Government Act (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. Not a decision to only note the matter or to return the recommendation for further consideration.

8.1 Planning and Development Report No's PD43.14 to PD46.14

Planning and Development Reports PD43.14 to PD46.14 to be dealt with at this point (yellow cover sheet attached)

PD43.14	No. 25 (Lot 421) Martin Avenue Nedlands – Proposed Additions (Garage & Carport) to Single House
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Committee	11 November 2014
Council	25 November 2014
Applicant	F F Fernandes
Landowner	F F Fernandes
Officer	Thomas Geddes – Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2014/212
Previous Item	Nil

Mrs Charlotte Fernades, 25 Martin Avenue, Nedlands PD43.14
(Spoke in support of the recommendation)

Mr Jager Bartheron, PD43.14
(Spoke in support of the recommendation)

Regulation 11(da) – Not applicable – Recommendation adopted

Moved – Councillor Shaw
Seconded – Councillor Wetherall

Committee Recommendation / Recommendation to Committee

Council approves the application for a garage and carport to a single house at (Lot 421) No. 25 Martin Avenue Nedlands, in accordance with the application received on 28 May 2014 and amended plans received on 25 August 2014, subject to the following conditions:

- 1. The development shall at all times comply with the approved plans;**
- 2. The proposed carport is to be set back 1m from the southern property boundary (side);**
- 3. All crossovers to the street shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision onsite, prior to commencement of works;**

4. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development; and
5. A further planning application and approval from the City is required for any fill or retaining walls on the lot, other than that shown on the approved plans.

Advice Notes specific to this approval:

1. 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 1.8m from any building, and at least 1.8m from the boundary of the block.
2. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.
3. 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.
4. Where there is over 10m² of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.
5. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

Carried 11/-
(Abstained: Crs. James & Hodsdon)

PD44.14	No. 20 (Lot 84) Burwood Street Nedlands – Proposed Primary & Secondary Street Fence to Single House
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Committee	11 November 2014
Council	25 November 2014
Applicant	D Chen
Landowner	D Chen
Officer	Thomas Geddes – Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2013/460 – BU2/20
Previous Item	Nil

Ms Marie Chen, 20 Burwood Street, Nedlands
(Spoke in support of the recommendation)

PD44.14

Regulation 11(da) – Not applicable – Recommendation adopted

Moved – Councillor Shaw
Seconded – Councillor Wetherall

Committee Recommendation / Recommendation to Committee

Council:

1. Refuses the application for a primary street fence to single house at (Lot 84) No. 20 Burwood Street Nedlands, in accordance with the application received on 18 October 2013 and amended plans received on 31 August 2014, for the following reasons:
 - a. The proposed primary street fencing does not meet the requirements of the City’s Fill & Fencing policy, as it is solid to a height greater than 1.2m within the front setback area. This fencing is not considered to meet the design criteria of the City of Nedlands Fill and Fencing Policy.
 - b. The proposal does not comply with the amenity considerations of cl. 5.5.1 of Town Planning Scheme No. 2 as it is considered to adversely impact upon the appearance of the Burwood Street Streetscape.
 - c. The proposal does not represent orderly and proper planning, in accordance with of cl. 6.5.1 of Town Planning Scheme No. 2.

Advice Notes specific to this refusal:

- a. This refusal applies only to the proposed primary street fencing shown on the plans along the Burwood Street boundary of the property and for a distance of 9m along the Verdun Street Boundary from Burwood Street (as shown hatched in red on the proposal plans).
2. Approves the proposed secondary street fence at No. 20 (Lot 84) Burwood Street, Nedlands in accordance with the application received on 18 October 2013 and the plans received on 31 August 2014, subject to the following conditions:
- a. This approval applies only to the proposed secondary street fencing (as clouded in red on the approved plans).
 - b. The development shall at all times comply with the approved plans.
 - c. All footings and structures of the fencing shall be constructed wholly inside the site boundaries of the Certificate of Title.

Advice Notes specific to this approval:

- a. The landowner is advised to limit construction noise and hours as per the *Environmental Protection (Noise) Regulations 1997*.
- b. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.

**CARRIED 11/-
(Abstained: Crs. McManus & Wetheral)**

PD45.14	No. 2a (Lot 2) Archdeacon Street, Nedlands – Retrospective Change of Use (Use Not Listed - Short Stay Accommodation)
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Committee	11 November 2014
Council	25 November 2014
Applicant	A Giambazi
Landowner	B E & A Giambazi
Officer	Andrew Gizariotis – Planning Consultant
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2014/396 – AR1/2A
Previous Item	Nil

Councillor James declared a Financial Interest in Item PD45.14, her interest being that she lives next door (owner/occupier) to the applicant. Councillor James departed the Chambers at 7.29pm.

Councillor Hay, declared an Impartiality Interest in Item PD45.14 as he is a neighbour (occupier) of the applicant. Councillor Hay advised he would consider this matter on its merits and vote accordingly.

Councillors Hassell, Porter and Argyle declared an Impartiality Interest in Item PD45.14 as they have a known association with Councillor James as the neighbour to the applicant. They advised that they would consider this matter on its merits and vote accordingly.

Mr James, 4 Archdeacon Street, Nedlands (Spoke in opposition of the application)	PD45.14
Mr Barnes, 36 Stirling Highway, Nedlands (Spoke in opposition of the application)	PD45.14
Mr & Mrs Giambazi, Hobbs Avenue, Nedlands (Spoke in support of the application)	PD45.14

Mr Trevaskis departed the Chambers at 7.56pm and returned at 7.59pm.

Councillor Shaw departed the Chambers at 8.07pm and returned at 8.09pm.

Regulation 11(da) – Council agreed to recommend the application for retrospective change of use (use not listed – short-stay accommodation) be approved for a period of 12 months.

Moved – Councillor Hassell
Seconded – Councillor Wetherall

That the application for a retrospective change of use (use not listed – short-stay accommodation) at (Lot 2) No. 2a Archdeacon Street, Nedlands be approved for one year (12 months).

Procedural Motion

Moved – Councillor Binks

Seconded – Councillor Horley

That the motion be put.

CARRIED 8/4

(Against: Crs. Hay, Smyth, Porter & Argyle)

Substantive Motion

Moved – Councillor Hassell

Seconded – Councillor Wetherall

That the application for a retrospective change of use (use not listed – short-stay accommodation) at (Lot 2) No. 2a Archdeacon Street, Nedlands be approved for one year (12 months).

CARRIED 6/2

(Against: Crs. Hay & Porter)

(Abstained: Mayor Hipkins, Cr's. Shaw, Smyth & Wetherall)

Councillor James returned to the Chambers at 8.24pm

Recommendation to Committee

Council refuses the application for a retrospective change of use (use not listed-short stay accommodation) at (Lot 2) No. 2a Archdeacon Street Nedlands, in accordance with the application and plans received on 18 July 2014, for the following reasons:

1. The short stay accommodation does not satisfy the amenity considerations of cl. 5.5.1 and cl. 6.4.1 of Town Planning Scheme No. 2, as the land use is inappropriate within the suburban site context.
2. The short stay accommodation does not satisfy the amenity considerations of cl. 5.5.1 and sub-cl. 6.4.2 (a), as the unpredictable hours of vehicular trips and entertaining is considered to impact on the amenity of the surrounding properties.
3. The short stay accommodation does not satisfy the amenity considerations of sub-cl. 6.4.2 (h), as the use is not necessary to service the needs of the district's residential population and is not in keeping with the City's intentions for the locality.
4. The short stay accommodation does not represent the orderly and proper planning of the City and conflicts with cl. 6.5.1 of Town Planning Scheme No. 2.
5. The approval of the short stay accommodation could establish an adverse planning precedence which could lead to the erosion of the local suburban character and detract from the amenity of the locality.

PD46.14	Naked Fig Café – 278 Marine Parade Swanbourne – Landlord Approval to apply for Extended Trading Permit – Liquor without a meal
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Committee	11 November 2014
Council	25 November 2014
Applicant	Naked Fig Pty Ltd
Owner	City of Nedlands
Officer	Rebecca Boley – Property Management Officer
Director	Peter Mickleson – Planning & Development
File Reference	CAP-LB-00034
Previous Item	Item 13.5 – 22 July 2014

Councillor Hay departed the Chambers at 8.25pm and returned at 8.26pm.

Councillor Hassell departed the Chambers at 8.25pm and returned at 8.28pm.

Ms Denise Broux, 18 Odern Crescent, Swanbourne
(Spoke in opposition of the application)

PD46.14

Mr Trevaskis departed the Chambers at 8.35pm and returned at 8.36pm.

Councillor Hay departed the Chambers at 8.52pm and returned at 8.53pm.

Regulation 11(da) – Not applicable – Administration recommendation not adopted

Moved – Councillor Wetherall

Seconded – Councillor Binks

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

Recommendation to Committee

Council, as Sublessor of the premises at 278 Marine Parade, Swanbourne approves Naked Fig Pty Ltd as sublessee applying to the Department of Racing Gaming and Liquor for an extended trading permit to serve liquor without a meal.

Procedural motion

Moved - Councillor Hodsdon
Seconded – Councillor James

That the motion be put.

CARRIED 10/3
(Against: Cr's Smyth, Argyle & Porter)

Moved – Councillor Wetherall
Seconded – Councillor Binks

Recommendation to Committee

Council, as Sublessor of the premises at 278 Marine Parade, Swanbourne approves Naked Fig Pty Ltd as sublessee applying to the Department of Racing Gaming and Liquor for an extended trading permit to serve liquor without a meal.

LOST 3/8
(Against: Mayor Hipkins, Cr's. Hay, James, Shaw, Horley, Smyth, Porter Hodsdon)
(Abstained: Crs. McManus & Hassell)

8.2 Technical Services Report No's TS17.14 to 18.14

Technical Services Report No's TS17.14 to TS18.14 to be dealt with at this point (blue cover sheet attached)

TS17.14	Tender No. 2013/14.29 – Provision of Electrical Services
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Committee	11 November 2014
Council	25 November 2014
Applicant	City of Nedlands
Officer	Nathan Brewer – Purchasing and Tenders Coordinator
Director	Mark Goodlet – Director Technical Services
File Reference	TS-PRO-00018
Previous Item	Not Applicable

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

Moved – Councillor Shaw
 Seconded – Councillor Hodsdon

Committee Recommendation / Recommendation to Committee

Council:

1. **Agrees to award tender no. 2013/14.29 to FM Holdings WA Pty Ltd Trading as Boyan Electrical for the provision of electrical services as per the schedule of rates (Attachment 1) submitted; and**
2. **Authorises the Chief Executive Officer to sign an acceptance of offer for this tender.**

**CARRIED 12/1
 (Abstained: Cr. James)**

TS18.14	Tender No. 2014/15.01 – Provision of Plumbing Services
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Committee	11 November 2014
Council	25 November 2014
Applicant	City of Nedlands
Officer	Nathan Brewer – Purchasing and Tenders Coordinator
Director	Mark Goodlet – Director Technical Services
File Reference	TS-PRO-00030
Previous Item	Not Applicable

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

Moved – Councillor Hodsdon
 Seconded – Councillor Horley

Committee Recommendation / Recommendation to Committee

Council:

1. **Agrees to award tender no. 2014/15.01 to Brealey Plumbing Service for the provision of plumbing services as per the schedule of rates (Attachment 1) submitted; and**
2. **Authorises the Chief Executive Officer to sign an acceptance of offer for this tender.**

CARRIED UNANIMOUSLY 13/-

8.3 Community & Organisational Development

Nil reports.

8.4 Corporate & Strategy's Report No CPS35.14

Report No CPS34.14 to be dealt with at this point (green cover sheet attached)

CPS35.14	List of Accounts Paid – September 2014
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Committee	11 November 2014
Council	25 November 2014
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 McManus

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of September 2014 (Refer to Attachment).

**Carried 11/
 (Abstained: Crs. Hay& Binks)**

9. Reports by the Chief Executive Officer

Nil

10. Urgent Business Approved by the Presiding Member or by Decision

Nil

11. Confidential Items

Nil

Declaration of Closure

There being no further business, the Presiding Member will declare the meeting closed at 9.07pm.