



City of Nedlands

# ***Minutes***

## ***Council Committee Meeting***

***8 April 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

### Minutes of a meeting of the Council Committee held in the Council Chambers, Nedlands on Tuesday 8 April 2014 at 7 pm.

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#### Declaration of Opening

The Presiding Member will declare the meeting open at 7 pm, 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).

<b>Councillors</b>	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 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 J Wetherall	Hollywood Ward

<b>Staff</b>	Mr M Cole	Acting Chief Executive Officer
	Mr P Mickleson	Director Planning & Development
	Mr M Goodlet	Director Technical Services
	Ms P Huigens	Acting Manager Health & Compliance
	Ms M Granich	Manager Community Development
	Ms A Seaman	Executive Assistant

**Public** There were 3 members of the public present.

**Press** The Post Newspaper representatives.

<b>Leave of Absence (Previously Approved)</b>	Councillor K Smyth	Coastal Districts Ward
	Councillor B G Hodsdon	Hollywood Ward

**Apologies** Councillor N Horley Coastal Districts Ward

**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. Public Question Time**

A member of the public wishing to ask a question should register that interest by notification in writing to the CEO in advance, setting out the text or substance of the question.

The order in which the CEO receives registrations of interest shall determine the order of questions unless the Mayor determines otherwise. Questions must relate to a matter affecting the City of Nedlands.

There was none received.

### **2. 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.

Mr C Corbett, 82 Grovedale Road, Floreat PD10.14  
(spoke in opposition of the recommendation)

Mr A Morcombe, MW Urban, PO Box 214 North Fremantle PD13.14  
(spoke in support of the recommendation)

### **3. 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.

There were no disclosures of financial interest.

**4. 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*.

There were no disclosures affecting impartiality.

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

Nil.

**6. Confirmation of Minutes**

**6.1 Committee Meeting 11 March 2014**

Moved – Councillor Argyle  
Seconded – Councillor Shaw

**The minutes of the Council Committee held 11 March 2014 are confirmed.**

**CARRIED UNANIMOUSLY 10/-**

**7. 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.

**8. 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.

**8.1 Planning & Development Report No's PD10.14 to PD13.14**

Planning & Development Report No's PD10.14 to PD13.14 to be dealt with at this point (copy attached yellow cover sheet).

<b>PD10.14</b>	<b>No.82 (Lot 84) Grovedale Road, Floreat-Proposed additions (storeroom)</b>
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<b>Committee</b>	8 April 2014
<b>Council</b>	22 April 2014
<b>Applicant</b>	Living Environs Pty Ltd
<b>Owner</b>	Mrs K L Corbett
<b>Officer</b>	Julian Berzins- Planning Officer
<b>Director</b>	Peter Mickleson – Planning & Development
<b>File Reference</b>	GR9/82 M14/05049

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

Moved – Councillor Shaw  
 Seconded – Councillor James

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

**CARRIED 6/3**  
**(Against: Crs. McManus Argyle & Hassell)**  
**(Abstained: Cr Binks)**

**Committee Recommendation / Recommendation to Committee**

**Council:**

**Refuses an application for a storeroom located at No.82 Grovedale Road, Floreat in accordance with the application and plans dated 26 November 2013 for the following reasons:**

- 1. The proposed development does not meet R-Code clause 5.3.1 P3.2, as the overall bulk and scale of the boundary wall does not:**
  - a. Contribute positively to the prevailing development context of the area;**
  - b. Reduce the impact of building bulk on adjoining properties; or**
  - c. Provide adequate direct sun to the building and outdoor living areas on adjoining properties.**
- 2. The proposed development is considered to have an adverse affect on the amenity of the adjoining property. It therefore does not meet clause 5.5.1 of the City of Nedlands Town Planning Scheme No.2 and or R-Code clause 5.1.3 P2.**
- 3. The proposal will not be orderly and proper planning in accordance with clause 6.5.1 of the City of Nedlands Town Planning Scheme No.2.**

<b>PD11.14</b>	<b>Draft Local Planning Policy – Ancillary Accommodation</b>
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<b>Committee</b>	8 April 2014
<b>Council</b>	22 April 2014
<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Gabriela Poezyn – Manager Strategic Planning
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>File Reference</b>	TPN165
<b>Previous Item</b>	Nil

Moved – Councillor James  
 Seconded – Councillor Hassell

Council does not approve the proposed Local Planning Policy – Ancillary Accommodation for the purposes of public consultation.

**That the motion be put.**

**CARRIED 9/1  
 (Against: Cr. Porter)**

The motion was put and

LOST 3/7  
 (Against: Mayor Hipkins Crs. Shaw McManus  
 Argyle Porter Binks & Wetherall)

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

Moved – Councillor Shaw  
 Seconded – Councillor Porter

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

**CARRIED 6/4  
 (Against: Crs. Argyle Hay James & Hassell)**

Councillor Hay left the room at 8.19 pm and returned at 8.20 pm.



**Committee Recommendation / Recommendation to Committee**

**Council approves the proposed Local Planning Policy – Ancillary Accommodation for the purposes of public consultation.**

<b>PD12.14</b>	<b>Energy Efficiency Strategy</b>
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<b>Committee</b>	8 April 2014
<b>Council</b>	22 April 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Phoebe Huigens, Policy & Projects Officer
<b>Director</b>	Peter Mickleson, Director Planning & Development
<b>File Reference</b>	M14/5008
<b>Previous Item</b>	NIL

Councillor Binks left the room at 8.33 pm and returned at 8.35 pm.

**Regulation 11(da) – Councillors did not support the adoption of the City of Nedlands Energy Efficiency Strategy 2014-2017.**

Moved – Councillor Shaw  
 Seconded – Councillor Binks

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

LOST 4/6  
 (Against: Crs. Hay James Argyle Hassell  
 Porter & Wetherall)

Recommendation to Committee

Council adopts the City of Nedlands Energy Efficiency Strategy 2014-2017.

<b>PD13.14</b>	<b>Scheme Amendment No. 201 - Rezone Lot 346 (No.11) Bedford Street.”</b>
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<b>Committee</b>	8 April 2014
<b>Council</b>	22 April 2014
<b>Applicant</b>	MW Urban Planning and Development
<b>Owner</b>	Mark & Hilary Dolling
<b>Officer</b>	Jason Moore
<b>Director</b>	Peter Mickleson – Planning & Development
<b>File Reference</b>	TPN/A201
<b>Previous Item</b>	10 December 2013 PD58.13

Councillor Hassell left the room at 8.47 pm and returned at 8.48 pm.  
 Mr M Cole left the room at 8.48pm and returned at 8.50 pm.  
 Councillor Porter left the room at 8.51 pm and returned at 8.53 pm.

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

Moved – Councillor Binks  
 Seconded – Councillor Wetherall

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

**CARRIED 5/4**  
**(Against: Mayor Hipkins Crs. Hay James & Argyle)**  
**(Abstained: Cr. Porter)**

- Committee Recommendation / Recommendation to Committee**
- Council**
1. **Adopts the proposed scheme amendment to change the zoning of Lot 346 (No. 11) Bedford Street, Nedlands from “Residential R10” to “Residential R10 with Additional Use for two single houses to be developed in accordance with a Local Area Plan attached to the scheme amendment” without changes; and**
  2. **Instructs Administration to progress the proposal in accordance with requirements of the relevant legislation.**

**8.2 Technical Services Report No's TS07.14 to TS08.14**

Technical Services Report No's TS07.14 to TS08.14 to be dealt with at this point (copy attached blue cover sheet).

<b>TS07.14</b>	<b>Tender No. 2013/14.23 Provision of Building Condition and Valuation Audits</b>
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<b>Committee</b>	08 April 2014
<b>Council</b>	22 April 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Steve Crossman – Strategic Projects Officer
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>File Reference</b>	TS-PRO-00008
<b>Previous Item</b>	Nil

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

Moved – Councillor Shaw  
 Seconded – Councillor McManus

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

<b>Committee Recommendation / Recommendation to Committee</b>	
<b>Council:</b>	
<b>1.</b>	<b>agrees to award tender no. 2013/14.23 Part A to Intergral for the provision of building condition audit services as per the schedule of rates (Attachment 1) submitted;</b>
<b>2.</b>	<b>agrees to award tender no. 2013/14.23 Part B to APV for the provision of building valuation audit services as per the schedule of rates (Attachment 2) submitted; and</b>
<b>3.</b>	<b>authorises the Chief Executive Officer to sign an acceptance of offer for this tender.</b>

<b>TS08.14</b>	<b>Tender No. 2013/14.22 – Road Profiling and Kerb Grinding</b>
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<b>Committee</b>	08 April 2014
<b>Council</b>	22 April 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Taryn King – Purchasing and Tenders Coordinator
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>File Reference</b>	TS-PRO-00006
<b>Previous Item</b>	Nil

**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 UNANIMOUSLY 10/-**

**Committee Recommendation / Recommendation to Committee**

**Council:**

1. agrees to award tender no. 2013/14.22 to Bluestone WA Pty Ltd t/a WA Profiling for road profiling and kerb grinding, for a period of one (1) year, 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.

**8.3 Community & Organisational Development No's CM02.14**

Report No's CM02.14 to be dealt with at this point (copy attached pink cover sheet).

<b>CM02.14</b>	<b>Donation Mundaring Bushfires</b>
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<b>Committee</b>	8 April 2014
<b>Council</b>	22 April 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Marion Granich – Manager Community Development
<b>Director</b>	Michael Cole – Director Corporate Services
<b>File Reference</b>	CRS/054
<b>Previous Item</b>	N/A

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

Moved – Councillor Shaw  
 Seconded – Councillor Hassell

**Council donates an amount of \$5,000 to Shire of Mundaring towards disaster relief for the Mundaring community, following the January 2014 Mundaring bushfires.**

**CARRIED 6/2  
 (Against: Crs. Hay & Argyle)  
 (Abstained: Crs. Porter & James)**

**Committee Recommendation**

**Council donates an amount of \$5,000 to Shire of Mundaring towards disaster relief for the Mundaring community, following the January 2014 Mundaring bushfires.**

Recommendation to Committee

Council donates an amount of \$\_\_\_\_\_ to \_\_\_\_\_ towards disaster relief for the Mundaring community, following the January 2014 Mundaring bushfires.

**8.4 Corporate & Strategy Report No's CPS15.14 to CPS18.14**

Report No's CPS15.14 to CPS18.14 to be dealt with at this point (copy attached green cover sheet).

<b>CPS15.14</b>	<b>List of Accounts Paid – February 2014</b>
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<b>Committee</b>	8 April 2014
<b>Council</b>	22 April 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>Director</b>	Michael Cole – Director Corporate & Strategy
<b>File Reference</b>	Fin/072-17
<b>Previous Item</b>	Nil

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

Moved – Councillor Shaw

Seconded – Councillor McManus

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

(Printed below for ease of reference)

**CARRIED 9/-  
(Abstained: Cr. Binks)**

**Committee Recommendation / Recommendation to Committee**

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

<b>CPS16.14</b>	<b>Policy Review</b>
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<b>Committee</b>	8 April 2014
<b>Council</b>	22 April 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Phoebe Huigens, Policy & Projects Officer
<b>Director</b>	Michael Cole – Director Corporate & Strategy
<b>File Reference</b>	IFM/417
<b>Previous Item</b>	NIL

**Regulation 11(da) – Councillors agreed to refer the Fill and Fencing Policy back to Administration for further consideration.**

Moved – His Worship the Mayor  
 Seconded – Councillor Binks

**Council:**

**That the Recommendation to Committee is adopted subject to removing Fill and Fencing being referred back to Administration.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

**Committee Recommendation**

**Council:**

- 1. approves the following policies:**
  - a. Prohibition of Circuses with Exotic or Caged Animals**
  - b. Memorial Park Furniture**
  - c. Community Gardens**
  
- 2. revokes the following policies:**
  - a. Road Rehabilitation and Road Resurfacing**
  - b. Recreation and Sport**
  
- 3. refers Fill and Fencing Policy back to Administration.**



Recommendation to Committee

Council:

1. approves the following policies:
  - a. Prohibition of Circuses with Exotic or Caged Animals
  - b. Memorial Park Furniture
  - c. Fill and Fencing
  - d. Community Gardens
  
2. revokes the following policies:
  - a. Road Rehabilitation and Road Resurfacing
  - b. Recreation and Sport

<b>CPS17.14</b>	<b>Site Erosion and Sand Drift Local Law 2014</b>
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<b>Committee</b>	8 April 2014
<b>Council</b>	22 April 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Phoebe Huigens, Policy & Projects Officer
<b>Director</b>	Michael Cole – Director Corporate & Strategy
<b>File Reference</b>	LEG/025
<b>Previous Item</b>	NIL

**Please note that under section 3.12(2) of the *Local Government Act 1995*, the Presiding Member read aloud the purpose and effect of the proposed local law.**

**The purpose** of the local law is to provide for the regulation, control and management of site erosion and sand on land within the district so as to protect the amenity of the area.

**The effect** of the local law is to establish requirements for the management and control of site erosion and sand on land within the district.

**Regulation 11(da) – Councillors agreed to increase the penalty to \$500.00 that will require the proposed Local Law to be re-advertised.**

Moved – His Worship the Mayor  
 Seconded – Councillor Binks

**Council re-advertises the proposed *City of Nedlands Site Erosion and Sand Drift Local Law 2014* as contained in Attachment 1, with the amendment of the modified penalty from \$300.00 to \$500.00.**

**CARRIED UNANIMOUSLY 10/-**

**Committee Recommendation**

**Council re-advertises the proposed *City of Nedlands Site Erosion and Sand Drift Local Law 2014* as contained in Attachment 1, with the amendment of the modified penalty from \$300.00 to \$500.00.**

Recommendation to Committee

Council adopts the proposed *City of Nedlands Site Erosion and Sand Drift Local Law 2014* as contained in Attachment 1.

**ABSOLUTE MAJORITY REQUIRED**

<b>CPS18.14</b>	<b>Mid-Year Budget Review – 2013/14</b>
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<b>Committee</b>	8 April 2014
<b>Council</b>	22 April 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Phoebe Huigens, Policy & Projects Officer
<b>Director</b>	Michael Cole – Director Corporate & Strategy
<b>File Reference</b>	LEG/025
<b>Previous Item</b>	NIL

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

Moved – Councillor Hassell

Seconded – Councillor Wetherall

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

(Printed below for ease of reference)

**CARRIED 9/-  
(Abstained: Cr. James)**

**Committee Recommendation / Recommendation to Committee**

**Council:**

- a) receives and adopts, in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996, the budget review and the Revised Rate Setting Statement for the year ending 30 June 2014;
- b) notes that following the audit of the 2012/13 Annual Financial Statements the Council had on 26 November 2013 approved changes to the 2013/14 adopted Budget, as reflected in the Revised Rate Setting Statement in Attachment 1;
- c) notes the requested changes to the current 2013/14 Budget listed in Attachments 2 and 3, and summarised in the Report.
- d) approves the Revised Budget incorporating all the changes listed in Attachments 2 and 3 of this Report, providing a net surplus of \$652,430.

**ABSOLUTE MAJORITY REQUIRED**

**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 declared the meeting closed at 9.27 pm.