



City of Nedlands

# ***Minutes***

## ***Council Committee Meeting***

***8 July 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 July 2014 at 7.00pm.**

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### **Council Committee Agenda**

#### **DECLARATION OF OPENING**

The Presiding Member declared the meeting open at 7.00pm, and drew attention to the disclaimer below.

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

<b>Councillors</b>	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 (from 7.01pm)	Dalkeith Ward
	Councillor R M Binks	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor J Wetherall	Hollywood Ward

<b>Staff</b>	Mr G Trevaskis	Chief Executive Officer
	Mr M Fletcher	A/Director Corporate & Strategy
	Mr P Mickleson	Director Planning & Development
	Mr M Goodlet	Director Technical Services
	Ms M Granich	Manager Community Development
	Mrs A Sunderland	Executive Assistant

**Public** There were 12 members of the public present.

**Press** The Post Newspaper representative.

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

**Apologies** Mr M Cole Director Corporate & Strategy

## **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.

Nil 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 K Doepel, Doepel Marsh Architects PD23.14  
(Spoke in support of the recommendation)

Mr J Del Piano, 110 Victoria Avenue, Dalkeith PD23.14  
(Spoke in support of the recommendation, with modifications)

Ms C Richards, Rowe Group, (spoke on behalf of the applicant) PD24.14  
(Spoke in support of the recommendation)

Mr S Allerding, 125 Hamersley Road, Subiaco PD24.14  
(Spoke on behalf of applicants neighbours)  
(Spoke in opposition of the recommendation)

Mr A Morcombe, MW Urban PD26.14  
(Spoke on behalf of landowners)  
(Spoke in opposition of the recommendation)

Ms J Lord, 114 Rosalie Street, Shenton Park TS14.14  
(Spoke in opposition of the recommendation)

**3. 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.

Nil received.

*Councillor Porter entered the Chambers at 7.01pm.*

**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*.

**4.1 Councillor Horley – CM4.14 – Confidential Report – Freeman of the City of Nedlands**

Councillor Horley disclosed an impartiality interest in *CM4.14 – Confidential Report – Freeman of the City of Nedlands*. She disclosed she has an association with 2 members of the community that are nominated as in the confidential report 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.

**4.2 Councillor Hassell – PD23.14 – No. 110A (Lot 14) Victoria Avenue, Dalkeith – Various Retrospective Additions to a Single House**

Councillor Hassell disclosed an impartiality interest in Item PD 23.14 - No. 110A (Lot 14) Victoria Avenue, Dalkeith – Various Retrospective Additions to a Single House. Councillor Hassell disclosed that he had an association with the neighbours, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Hassell declared that he would consider this matter on its merits and vote accordingly.

**5. DECLARATIONS BY MEMBERS THAT THEY HAVE NOT GIVEN DUE CONSIDERATION TO PAPERS**

Members who have not read the business papers to make declarations at this point.

Nil.

**6. CONFIRMATION OF MINUTES**

**6.1 COMMITTEE MEETING 10 JUNE 2014**

Moved – Councillor Argyle  
Seconded – Councillor Binks

**That the minutes of the Council Committee held on 10 June 2014 are confirmed.**

**CARRIED 12/1  
(Against: Crs. Horley)**

**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.

CM04.14 Confidential Report – Freeman of the City of Nedlands

**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 PD23.14 TO PD27.14**

Planning & Development Report No's PD23.14 to PD27.14 to be dealt with at this point (copy attached yellow cover sheet).

<b>PD23.14</b>	<b>No. 110a (Lot 14) Victoria Avenue, Dalkeith – Various Retrospective Additions to a Single House</b>
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<b>Committee</b>	8 July 2014
<b>Council</b>	22 July 2014
<b>Applicant</b>	Kim Dopel – Dopel Marsh Architects
<b>Landowner</b>	R Smith
<b>Officer</b>	Matt Stuart – Senior Statutory Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	VI11/110A-02 : DA13/596
<b>Previous Item</b>	24 June 1986 – two-storey additions at the rear of the dwelling (approved)

Mr K Doepel, Doepel Marsh Architects PD23.14  
(Spoke in support of the recommendation)

Mr J Del Piano, 110 Victoria Avenue, Dalkeith PD23.14  
(Spoke in opposition of the recommendation)

Councillor Hassell re-confirmed his declaration of Impartiality previously given at item 4.

**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 11/2**  
**(Abstained: Crs. Hassell, Horley)**

**Committee Recommendation / Recommendation to Committee**

**Council:**

- Approves the application for various retrospective additions to a single house at No. 110a (Lot 14) Victoria Avenue, Dalkeith, in accordance with the application with amended plans received on 01 May 2014, subject to the following conditions:**

- a. The development shall at all times comply with the approved plans.
- b. This planning approval pertains only to the following structures (as marked in red on the plans):
  - i. Front (eastern) yard – excavation, retaining walls, over-height front fence and patio;
  - ii. Side (southern) yard – portico;
  - iii. Side (northern) yard – two patios and pergola;
  - iv. Side (northern) yard – over-height dividing fence (see Condition c); and
  - v. Rear (western) yard – retaining walls, landfill and over-height dividing fence (see Condition d).
- c. The fence described in Condition b(iv) above is approved on the basis that it is modified within 4.0m either side of the neighbour's bedroom window, by reducing the height to no greater than 1.8m (from the ground level on the higher side), in accordance with Scheme and policy provisions.
- d. The structures described in Condition b(v) above are approved on the basis that the heights are modified as follows:
  - i. Retaining walls and landfill (except on or about the northern boundary) – maximum 500mm; and
  - ii. Fences – minimum 1.65m, maximum 1.8m.
- e. All footings and structures to retaining walls, fences and parapet walls shall be constructed wholly inside the site boundaries of the Certificate of Title.
- f. 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 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development.
- g. A further planning application and approval from the CEO is required for any fill or retaining walls on the lot, other than that shown on the approved plans.

**Advice Notes specific to this proposal:**

- a. All development on the nature-strip / verge shall comply with the Council's Nature-Strip / Verge Development Policy, where development other than lawn requires a landscaping plan submitted for approval before commencement, and



development not complying with this policy shall be modified at the landowner's cost.

- 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.
2. Refuses the application for various retrospective additions to a single house at No. 110a (Lot 14) Victoria Avenue, Dalkeith, in accordance with the application and amended plans received on 01 May 2014, for the following reasons:
    - a. Subject to approved modification in Condition No. 1c and 1d, this planning refusal pertains only to the following structures (as marked in red on the plans):
      - i. Rear (western) yard, except on the northern boundary – over-height retaining walls, landfill and dividing fences (see Reasons b-d); and
      - ii. Side (northern) yard – over-height dividing fence, 4.0m either side of the neighbour's bedroom window (see Reason e).
    - b. Further to Reason a(i), the retaining walls do not meet Town Planning Scheme No. 2 clauses 5.10.2 – 5.10.3 (CDA) and 6.4.2 (consideration of applications), or Residential Design Codes of WA 2013 elements 5.3.8 (retaining walls) and 5.4.1 (visual privacy), as:
      - i. It does not respond or respect the natural ground levels or features of the site;
      - ii. It is not minimal fill and the height is excessive;
      - iii. It directly overlooks sensitive areas of the neighbouring property to the west;
      - iv. Certification of structural integrity has not been provided; and
      - v. It detrimentally and unduly affects the amenity of the adjoining property to the west.
    - c. Further to Reason a(i), the landfill does not meet Town Planning Scheme No. 2 clauses 5.10.2 – 5.10.3 (CDA) and 6.4.2 (consideration of applications), or the Residential Design Codes of WA 2013 elements 5.3.7 (site works) and 5.4.1 (visual privacy), as:
      - i. It does not respond or respect the natural ground levels or features of the site;
      - ii. It is not minimal fill and the height is excessive;

- iii. It directly overlooks sensitive areas of the neighbouring property to the west;
  - iv. Certification of structural integrity has not been supplied; and
  - v. It detrimentally and unduly affects the amenity of the adjoining property to the west.
- d. Further to Reasons a(i) – (ii), the dividing fences do not meet Town Planning Scheme No. 2 clause 5.6.4 (dividing fences) 5.10.2 – 5.10.3 (CDA) and 6.4.2 (consideration of applications), Fill and Fencing Policy clause 3 (dividing fences), or Fencing Local Law clause 13 (structural report), as:
- i. A written agreement from the neighbours, and certification of structural integrity has not been supplied. Accordingly, the fence may have an adverse effect on the safety or convenience of the northern neighbour; and
  - ii. It detrimentally and unduly affects the amenity of the adjoining property to the north and west.
- e. Remedial works required to bring all unauthorised works into conformity with this planning refusal (retaining walls, landfill and over-height fences), shall be completed in accordance with the Directions Notice and Notice of Breach issued on 18 November 2013.
3. Instructs the Administration to continue with compliance action as required.

<b>PD24.14</b>	<b>No. 136 (Lot 8) Victoria Avenue, Dalkeith - Retrospective &amp; Prospective Additions (Various) to Single House</b>
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<b>Committee</b>	8 July 2014
<b>Council</b>	22 July 2014
<b>Applicant</b>	Rowe Group
<b>Landowner</b>	A Singh & B Kaur
<b>Officer</b>	Matt Stuart – Senior Statutory Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>File Reference</b>	VI1/136-02 : DA13/352
<b>Previous Item</b>	Nil

Ms C Richards, Rowe Group, on behalf of the applicant PD24.14  
 (Spoke in support of the recommendation)

Mr S Allarding, 125 Hamersley Road Subiaco, PD24.14  
 (Spoke on behalf of the applicants neighbours)  
 (Spoke in opposition of the recommendation)

**Regulation 11(da) – Councillors agreed to refuse the application on the grounds of the impact on the amenity.**

Moved – Councillor Shaw  
 Seconded – Councillor Porter

**Council**

1. Refuses the application on the grounds of the impact on the amenity of the neighbours; and
2. Requests the applicant give consideration as to how the unapproved extension to the building can be modified to restore to the extent reasonably possible, the amenity to the neighbouring property.

**Advice Note**

**Council is prepared to consider a set of revised plans with truncated balconies on the south west corner of the building.**

**CARRIED 11/-  
 (Abstained: Crs. Hassell Hodsdon)**

Recommendation to Committee

Council approves an application for retrospective & prospective additions (various) to a single house at No. 136 (Lot 8) Victoria Avenue, Dalkeith, in accordance with the application and amended plans received on 10 December 2014, with the following conditions:

- a. The development shall at all times comply with the approved plans.
- b. This planning approval only pertains to the following structures:
  - i. The amended position of the building on the lot of the three upmost floor levels;
  - ii. The air-conditioning housing on the north-western side;
  - iii. The retaining walls and landscaping in the front (north-eastern) portion of the lot; and
  - iv. Modifications to the roof above the rear balcony on the upper floor level.
- c. This planning approval does not approve modifications to the internal size of the Boat Store on the Undercroft floor level, whereby the design in the 2007 planning approval still has affect.
- d. 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.
- e. All existing and proposed visual privacy screens and/or obscure glass panels to Major Openings and/or Active Habitable Spaces (including the upper-floor front balcony) shown on the approved drawings, shall prevent overlooking in accordance with the visual privacy requirements of the Residential Design Codes 2013 (R-Codes). The structure(s) shall be installed and remain in place permanently, unless otherwise approved by the City.
- f. The parapet walls shall be finished to a professional standard, to the satisfaction of the City.
- g. Following a referral to the SRT, the following conditions are included:
  - i. No fill, building materials, rubbish or any other deleterious matter shall be deposited on the foreshore Parks and Recreation reserve or allowed to enter the river as a result of the development;
  - ii. Stormwater drainage shall be contained on site or connected to the local government stormwater drainage system; and
  - iii. An open view fence with a height of 1.8 metres is to be retained along the boundary of the Parks and Recreation reserve and any gap or gateway that allows access through this fence to the boat store from the foreshore reserve shall be reduced in width to no more than 1.6m (see Advice Notes).

Advice Notes specific to this proposal:

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, at least 1.8m from the boundary of the block.

- a. The landowner is advised that all mechanical equipment (e.g. air-conditioner, swimming pool or spa) is required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.
- b. Following a referral to the SRT , the following Advice Notes are provided:
  - i. The applicant is advised that no vehicle access is permitted on the Parks and Recreation reserve;
  - ii. The applicant is advised that it is an offence under the *Swan River Trust Regulations 2007* to launch a vessel directly from a trailer into any waters in the Swan River except at a permitted launching place. Because vehicles and trailers cannot be used to access the boat store, a 1.6 metre wide gate to the public reserve will be sufficient for the hand launching of small water craft;
  - iii. The Swan River Trust recommends garden planting with local native species to reduce water usage and fertiliser requirements; and
  - iv. The applicant is advised that it is an offence under the *Swan River Trust Regulations 2007* to destroy, pull up, cut back, or damage vegetation that is on land in the Swan River Trust Management area – Penalty \$5,000.
- c. 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.

<b>PD25.14</b>	<b>No. 70 (Lot 100) Minora Road, Dalkeith – Two Storey Single House, Pool and Front Fence</b>
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<b>Committee</b>	8 July 2014
<b>Council</b>	22 July 2014
<b>Applicant</b>	Concept Building Design
<b>Owner</b>	Louis Lu (Xin Lu)
<b>Officer</b>	Thomas Geddes- Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>File Reference</b>	File number of file on which this report is saved in TRIM

Moved – Councillor Binks  
Seconded – Councillor Hodsdon

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

Amendment

Moved - Mayor Hipkins  
Seconded – Councillor James

Inclusion of an additional condition to be provided to require the building to maintain a rear setback of 6m.

LOST 4/9  
(Against: Crs. Shaw McManus Smyth Argyle Hassell Porter Binks Hodsdon & Wetherall)

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

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

**CARRIED 11/2  
(Against: Crs Hay James)**

### **Recommendation to Committee**

**Council approves an application for a two storey single house, pool and front fence at No. 70 (Lot 100) Minora Road, Dalkeith in accordance with the application received on 13 February 2014 and the plans received on 19 May 2014, subject to the following conditions:**

- 1. The development shall at all times comply with the approved plans.**
- 2. The use of the cellar level shall be restricted to uses of plant and equipment, storage, toilets and/or the parking of wheeled vehicles. Prior to occupation of the dwelling / development, the owner shall execute and provide to the City a notification pursuant to s. 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 cellar is subject to the restriction set out above.**
- 3. All street trees in the nature-strip / verge are to be retained and shall not be removed without written approval from the CEO.**
- 4. 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 CEO under supervision onsite, prior to commencement of works.**
- 5. The existing crossover shall be removed and the nature-strip / verge reinstated with grass or landscaping in accordance with Council's Nature-Strip / Verge Development Policy.**
- 6. Any construction in the nature-strip / verge (including footpaths) will require a Nature-Strip / Verge Permit to be lodged with, and approved by, the CEO, prior to construction.**
- 7. 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 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development.**
- 8. Front walls and fences in the primary street setback area shall be:**
  - a) A maximum height of 1.8m above natural ground level at the base of the wall;**
  - b) Visually Permeable above 1.2m in accordance with the *Residential Design Codes 2013* and Council Policy; and**
  - c) Truncated or reduced to no higher than 750mm within 1.5m of where walls and fences adjoin vehicle access points, including neighbouring properties.**

9. All footings and structures to retaining walls, fences and parapet walls shall be constructed wholly inside the site boundaries of the Certificate of Title.
10. All fencing, visual privacy screens and/or obscure glass panels to Major Openings and/or Active Habitable Spaces shown on the approved drawings, shall prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes 2013* (R-Codes). The structure(s) shall be installed and remain in place permanently, unless otherwise approved by the CEO.

**Advice Notes specific to this approval:**

- 1) 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 / second.
- 2) 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.
- 3) 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. The City does not recommend installing any equipment near a property boundary where it is likely noise in these locations will intrude on neighbouring properties.
  - a) Prior to selecting a location to install an air-conditioner, 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.
  - b) Prior to installing an air-conditioner or swimming pool or spa mechanical equipment, the applicant is advised to consult residents of neighbouring properties and if necessary take measures to suppress noise.
- 4) The landowner is required to limit construction noise and hours in accordance with the *Environmental Protection (Noise) Regulations 1997*.
- 5) All swimming pools, whether retained, partially constructed or finished, shall be kept dry during the construction period.



**Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.**

- 6) 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.**

**PD26.14 Reasons required for Scheme Amendment No. 201 Rezone Lot 346 (No. 11) Bedford Street.**

<b>Committee</b>	8 July 2014
<b>Council</b>	22 July 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>	22 April 2014 - PD13.14 10 December 2013 - PD58.13

Mr A Morcombe, MW Urban on behalf of the owners  
(Spoke in opposition of the recommendation)

PD26.14

**Regulation 11(da) – Councillors agreed to remove the word ‘subdivision’ from the recommendation.**

Amendment

Moved – Councillor James  
Seconded – Councillor Argyle

**Council**

- 1) Does not wish to proceed with scheme amendment No. 201 as it deems this amendment to be contrary to orderly and proper planning for the following reasons:
  - a. there is no current strategic vision that allows for the building of two houses on a single lot;
  - b. the building of two houses on a single lot would be out of character to the area; and
  - c. one off scheme amendments constitute ad hoc planning.
- 2) Endorses the schedule of submissions;

**CARRIED 7/6**

**(Against: Crs. Hassell Shaw Mcmanus Binks Hodsdon & Wetherall)**

*Cr Hay departed the Chambers 8.17pm.*

Recommendation to Committee

Council

- 1) Does not wish to proceed with scheme amendment No. 201 as it deems this amendment to be contrary to orderly and proper planning for the following reasons:
  - a. there is no current strategic vision that allows for the subdivision of lots in the area;
  - b. a subdivided lot would be out of character to the area; and
  - c. one off scheme amendments constitute ad hoc planning.
- 2) Endorses the schedule of submissions;

<b>PD27.14</b>	<b>Draft Local Planning Policy – Ancillary Accommodation</b>
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<b>Committee</b>	8 July 2014
<b>Council</b>	22 July 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Christie Downie – Sustainable Planning Officer
<b>Director</b>	Peter Mickleson – Planning & Development
<b>File Reference</b>	TPN/165
<b>Previous Item</b>	PD11.14 - 22 April 2014

**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 10/2**  
**(Abstained: Crs. Hassell James)**

**Committee Recommendation / Recommendation to Committee**

**Council:**

- 1. Adopts the proposed Draft Local Planning Policy – Ancillary Accommodation; and**
- 2. Instructs Administration to finalise the policy in accordance with Clause 8.3.5 of Town Planning Scheme No 2.**

*Councillor McManus departed the Chambers at 8.19pm.*

**8.2 TECHNICAL SERVICES REPORT NO'S TS13.14 TO TS14.14**

Technical Services Report No's TS13.14 to TS14.14 to be dealt with at this point (copy attached blue cover sheet).

<b>TS13.14</b>	<b>Proposed Parking Restrictions in Karella Street and Boronia Avenue</b>
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<b>Committee</b>	8 July 2014
<b>Council</b>	22 July 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Shaun Fletcher – Engineering Technical Officer
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>File Reference</b>	TS - 000074
<b>Previous Item</b>	Not Applicable

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

Moved – Councillor Wetherall

Seconded – Councillor Binks

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

(Printed below for ease of reference)

**CARRIED 11/-**

**Committee Recommendation / Recommendation to Committee**

**Council:**

1. approves three (3) hour parking in Karella Street West on the north side, from 8am – 5pm, Monday to Friday and No Parking on the south side, from 8am – 5pm Monday – Friday; and
2. approves three (3) hour parking in Boronia Avenue on the east side, from 8am – 5pm, Monday to Friday and No Parking on the West side, from 8am – 5pm Monday – Friday.

*Councillor Hassell departed the Chambers at 8.20pm.*

<b>TS14.14</b>	<b>Review of Administration Decision to Refuse Nature Strip Development Application</b>
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<b>Committee</b>	8 July 2014
<b>Council</b>	22 July 2014
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Andrew Dickson – Manager Parks Services
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>File Reference</b>	AL2/21; DA14/132; TS-004725; PAR-001687
<b>Previous Item</b>	Not Applicable

Ms J Lord, 114 Rosalie Street, Shenton Park  
(Spoke in opposition of the recommendation)

TS14.14

*Councillors Hay and McManus returned to the Chambers at 8.21pm.*

*Councillor Hassell returned to the Chambers at 8.23pm.*

**Regulation 11(da) - \***

Moved – Councillor Wetherall  
Seconded – Councillor James

Council:

1. Approves of the Nature Strip Development Application proposing the removal of a street tree and construction of a new crossover, in the proposed location, within the road reserve on Leon Road adjacent to No. 21 (Lot 220) Alexander Road, Dalkeith;
2. Applicant be required to provide at least 2 replacement trees in Leon Road and to plant one additional tree in Alexander Road.

**Amendment**

**Moved – Councillor McManus**

**Seconded – Councillor Shaw**

**That point 2 be changed as below:**

- 2 Applicant be required to provide at least 2 replacement trees in Leon Road.**

**CARRIED 9/2  
(Against Mayor Hipkins Cr Hay)  
(Abstained: Crs. Horley Porter)**

**Substantive Motion**

**Council:**

- 1. approves of the Nature Strip Development Application proposing the removal of a street tree and construction of a new crossover, in the proposed location, within the road reserve on Leon Road adjacent to No. 21 (Lot 220) Alexander Road, Dalkeith;**
- 2. Applicant be required to provide at least 2 replacement trees in Leon Road.**

**CARRIED 11/2  
(Against: Crs. Mayor Hipkins, Cr Horley)**

Recommendation to Committee

Council:

1. refuses approval of the Nature Strip Development Application proposing the removal of a street tree and construction of a new crossover, in the proposed location, within the road reserve on Leon Road adjacent to No. 21 (Lot 220) Alexander Road, Dalkeith;
2. requests the Applicant investigate alternative design options to relocate or reconfigure the crossover and driveway, enabling retention of the street tree, prior to re-submitting an application for nature strip development approval; and
3. advises where a re-submitted Nature Strip Development Application is intended, a minimum clearance of 1.5 metres is required between the trunk of the subject street tree and the proposed crossover or any other proposed private development.

**8.3 COMMUNITY & ORGANISATIONAL DEVELOPMENT NO'S CM04.14**

Report No's CM04.14 to be dealt with at this point (copy attached pink cover sheet).

CM04.14 Confidential Report – Freeman of the City of Nedlands

This item was discussed in item 11 of these minutes.



**8.4 CORPORATE & STRATEGY REPORT NO'S CPS25.14 TO CPS26.14**

Report No's CPS25.14 to CPS26.14 to be dealt with at this point (copy attached green cover sheet).

<b>CPS25.14</b>	<b>List of Accounts Paid – May 2014</b>
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<b>Committee</b>	8 July 2014
<b>Council</b>	22 July 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 Binks

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 13/-**

**Committee Recommendation / Recommendation to Committee**

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

<b>CPS26.14</b>	<b>Site Erosion and Sand Drift Local Law 2014</b>
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<b>Committee</b>	8 July 2014
<b>Council</b>	22 July 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 is to read aloud the purpose and effect of the proposed local law.

**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 BY ABSOLUTE MAJORITY 13/-**

**Committee Recommendation / 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**

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

Nil.

**10. URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION**

Nil.

*Councillor Shaw departed the Chambers at 8.46pm.*

**11. CONFIDENTIAL ITEMS**

Closure of Meeting to the Public

Moved – Councillor Binks

Seconded - Councillor Hay

**That the meeting be closed to the public in accordance with Section 5.23 2(b) of the Local Government Act 1995 to allow confidential discussion on the following Items:**

CM04.14 Confidential Report – Freeman of the City of Nedlands

**CARRIED 9/3  
(Against: Crs. Porter Smyth Horley)**

*Councillor Shaw returned to the Chambers at 8.48pm.*

The meeting was closed to the public at 8.48pm and the remaining gallery members departed the chambers.

*Councillor Argyle declared that as a consequence of his nomination as Freeman of the City of Nedlands did not want to take part in the debate of this item and departed the Chambers at 9.03pm.*

Moved - Councillor Binks

Seconded - Councillor Wetherall

**That the meeting be reopened to members of the public and the press.**

**CARRIED UNANIMOUSLY 12/-**

The meeting was reopened to members of the public and the press at 9.25pm pm.

*Councillor Argyle returned to the chambers 9.25pm.*

**DECLARATION OF CLOSURE**

There being no further business, the Presiding Member will declare the meeting closed at 9.25pm.