



City of Nedlands

Minutes

Council Committee Meeting

1 December 2015

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 on Tuesday 1 December 2015 at 7.00pm.

Declaration of Opening

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

(Note: At the Ordinary Meeting held on 24 August 2004, 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 A R Hay	Melvista Ward
	Councillor T P James (until 8.55 pm)	Melvista Ward
	Councillor N W Shaw	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus (until 11.11 pm)	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor W R B Hassell	Dalkeith Ward
	Councillor B G Hodsdon (until 10.09 pm)	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward

Staff	Mr G K Trevaskis	Chief Executive Officer
	Mr P L Mickleson	Director Planning & Development
	Mr M A Goodlet	Director Technical Services
	Mrs M E Granich	Manager Community Development
	Miss Donelle Maxwell	Executive Assistant

Public There were 32 members of the public present.

Press Post Newspaper representative.

Leave of Absence (previously approved) None at distribution of this agenda.

Apologies	Councillor S J Porter	Dalkeith Ward
	Councillor R Binks	Hollywood Ward

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

1.1 Ms Cheryl Sampson, 3 Nidjalla Loop, Swanbourne

On 30 November 2015, Ms Sampson submitted questions for the Council Committee Meeting held on 4 December 2015 as follows:

Question

A group of concerned community representatives from the Swanbourne High School subdivision met with Mayor Hipkins, Councillor McManus, Mark Goodlet and Jacqueline Scott on September 17 to address ongoing challenges in resolving traffic safety issues.

Those of us attending that meeting expressed that the process was a more productive than reactive and time consuming presentations to Council AFTER reports were tabled.

Minutes from the meeting indicated:

"...There would be hold points during the design development to ensure that the community were able to be consulted and contribute effectively. This would allow the proposals to be submitted for inclusion in the 2016/17 capital works budget..."

In email exchange with TS Director Mark Goodlet following the meeting he shared that:
"Yes, the outcomes were helpful, particularly in terms of ongoing communications, the investigation timetable and the collaborative approach to the decisions that will need to be made in due course at the appropriate "hold points".

This evening there is a Traffic Report being tabled with proposed long term solutions for this issue, however there were no "hold point" consultations. Numerous unresolved concerns remain, as evidenced by many emails sent from concerned community members over the past couple of days. There is much room for efficient and effective community contribution to the planning.

Will there be a "hold point" community consultation prior to this report being posted as a final recommendation for broad community feedback?

Answer

Yes, there are both policy and statutory requirements for further consultation on this matter. It is intended that solutions be put to the community to respond to and the matter reported back to Council.

1.2 Ms Eugenie Kestel, 125 Rochdale Road, Mt Claremont

On 1 December 2015, Ms Kestel submitted questions for the Council Committee Meeting held on 4 December 2015 as follows:

Question

Why is Councillor McManus trying to pass an urgent motion regarding Asquith Reserve thus bypassing the investigation of all options previously resolved on by Council already underway? It was with great consternation that many of the residents learned of the urgent motion to change Asquith Reserve to a parking lot.

We don't want this – wish to be properly consulted throughout the process.

Answer – response to be provided by Council

Councillor McManus responded:

“Considers best options and it is a matter, to be now urgent. The parking problem is urgent.”

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

Mr Andrew Mangano, 51 Minora Road, Dalkeith
(Spoke about Point Resolution Paths)

Mr Colin Simpson, 101 Thomas Street, Nedlands PD52.15
(Spoke in support of the recommendation)

Ms Marsha de Bruijn & Mr Norbert Glazer, PD54.15
147B Rochdale Road, Claremont
(Spoke against the recommendation) (regarding infill only)

Mr Oliver Hudson, 9 Meecham Way, Karrinyup PD56.15
(Spoke on the positives to growing localised economy)

Mr Cameron Jenkinson PD56.15
15 Teslin Road, Mt Claremont
(Spoke in support of the recommendation)

Mr Kevin Williams, 52 Nidjalla Loop, Swanbourne PD56.15
(Spoke in support of more parking)

Mr Sean Connell, Mt Claremont Bakery (Spoke in support local business and more parking)	PD56.15
Mr Glen Chapman, 29 Strickland Street, Mt Claremont (Spoke against recommendation)	PD56.15
Ms Elsie Payne, 132 Rochdale Road, Mt Claremont (Spoke against the recommendation)	PD56.15
Ms Fiona Ellison, 42 Lisle Street, Mt Claremont (Spoke against any reduction of the park area)	PD56.15
Eugene Kestel, 125 Rochdale Road, Mt Claremont (spoke in opposing or removal of park)	PD56.15
Dr Paddy Golden, 121 Rochdale Road, Mt Claremont (Spoke on against possible removal of parkland)	PD56.15
Mr Alex Kailis, 2 Wongin Way, Swanbourne (Spoke against the recommendation)	TS32.15
Mr Bruce Maloney, 20 Birrigan Loop, Swanbourne (Spoke against the recommendation)	TS32.15
Ms Elizabeth Williams, 7 Garland Road, Dalkeith (Spoke against the recommendation)	TS34.15
Mr Michael Anderson, 9 Watt Street, Swanbourne (Spoke in support of the recommendation)	TS34.15

3. Disclosures of Financial Interest

There were no disclosures of financial interest.

4. Disclosures of Interests Affecting Impartiality

There were no disclosures affecting impartiality.

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

Nil.

6. Confirmation of Minutes

6.1 Committee Meeting 10 November 2015

Moved – Councillor Hay
Seconded – Councillor Argyle

The Minutes of the Council Committee held on 10 November 2015 be confirmed.

**CARRIED 9/1
(Against: Cr. Smyth)
(Abstained: Cr. Hassell)**

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 PD50.15 to PD57.15

PD50.15	51 Aberdare Road, Nedlands - Change of Use from Consulting Rooms to Fast Food Outlet (Coffee Shop)
Committee	1 December 2015
Council	15 December 2015
Applicant	S & P Serrd Pty Ltd
Owner	S & PI Serra Family Trust
Officer	Kate Bainbridge – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA15/275 – AB2/51
Previous Item	Nil.
Attachments	1. Site Plan 2. Floor Plan 3. Applicant submission

Regulation 11(da) - Not applicable – Recommendation Adopted

Moved – Councillor Shaw

Seconded – Councillor Hodsdon

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED 4/3

(Against: Crs. Hay, Horley & Argyle)

(Abstained: Crs. Wetherall, James, McManus & Hassell)

Committee Recommendation / Recommendation to Committee

1. Council refuses the application for a change in additional use from Consulting Rooms to Fast Food Outlet (Coffee Shop) at (Lot 1) No. 51 Aberdare Road, Nedlands for the following reasons:
 - a) The proposed land use is inconsistent with Clause 5.5.1 of the City's Town Planning Scheme No. 2 and Clause 67 (m) (n) (s) (t) and (y) of Schedule 2 – Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the land use is considered inappropriate for the zoning and there is inadequate car parking to facilitate the proposal.
 - b) An insufficient number of car bays are provided for the proposed use, thus potentially creating safety and amenity issues for pedestrians and other road users due to vehicles being illegally parked.

PD51.15	(Lot 372) No. 16A Broome Street, Nedlands – Change of Use (Use not Listed – Short Stay Accommodation)
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Committee	1 December 2015
Council	15 December 2015
Applicant	D A Bell
Owner	D A Bell
Officer	Kate Bainbridge – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA15/358; BR7/16A
Previous Item	Nil
Attachments	<ol style="list-style-type: none"> 1. Site Plan 2. Floor Plan 3. Applicant submission 4. Applicant response to submissions

Regulation 11(da) - Not applicable – Recommendation adopted

Moved – Councillor Shaw

Seconded – Councillor McManus

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED 6/3
(Against: Crs. Hay, James & Mayor)
(Abstained: Crs. Hodsdon & Horley)

Committee Recommendation / Recommendation to Committee

Council approves the application for a Change of Use (Use Not Listed – Short Stay Accommodation) at (Lot 372) No. 16A Broome Street Nedlands, in accordance with the application and plans received on 2 October, subject to the following conditions:

- 1. No more than two guests shall be accommodated at the premises at any given time.**
- 2. The maximum period a guest/s can stay at the premises is three consecutive months in a calendar year.**

- 3. Within 21 days of the date of approval, the applicant is to prepare a Management Plan and submit it to the City for approval. The Management Plan is to detail the process of managing:**
- a) Noise**
 - b) Complaints**
 - c) Maintenance**
 - d) Security**
 - e) Behaviour**
 - f) Car parking**

The Management Plan is to be prepared to the City's satisfaction, is to be implemented immediately after approval, and is to remain in place at all times.

- 4. Guests are to park on the subject property in the available on-site car parking at all times.**
- 5. A fire and emergency response plan is required to be clearly displayed in a conspicuous location within the dwelling, plus:**
- a) Each bedroom is to be fitted with a hard wired smoke detector;**
 - b) A fire extinguisher, in a clearly visible location, is to be maintained in proper working order; and**
 - c) Outside barbeques are to be gas or electric.**
- 6. A guest register is to be maintained by the operator, which records the name, contact details and period and duration of stay for all persons occupying the premises.**

Advice Notes:

- 1. Room sizes shall allow for a minimum 14m³ of air space per person in accordance with the Health Act 1911.**
- 2. Guests are to be made aware of the 'house rules' applicable to guests in relation to noise and disturbance to mitigate impact to surrounding neighbours.**

PD52.15	(Lot 650) No. 101 Thomas Street Nedlands – Additions (Garage) To Single House
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Committee	1 December 2015
Council	15 December 2015
Applicant	Santelli Building Co Pty Ltd
Owner	C J Simpson
Officer	Julian Berzins – Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2015/312 – TH5/101
Previous Item	Nil
Attachments	<ol style="list-style-type: none"> 1. Site Plan 2. Floor Plan and Elevations 3. Engineering Details 4. Photograph of 101 Thomas from the secondary Street (Melvista Avenue) 5. Photograph of 101 Thomas facing east from 106 Webster Street 6. Photograph of 106 Webster Street and 101 Thomas Street along the dividing boundary 7. Elevations showing extent of height variation

Mr Colin Simpson, 101 Thomas Street, Nedlands
(Spoke in support of the recommendation)

PD52.15

Councillor Hodsdon advised the meeting of a possible impartiality interest on this item, as he previously served on Council with the applicant/owner. Councillor Hodsdon declared that he would consider the matter on its merits and would vote accordingly.

Regulation 11(da) - Not applicable – Recommendation Adopted

Moved – Councillor Hassell
Seconded – Councillor Hay

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

**CARRIED 8/1
(Against: Cr. James)
(Abstained: Crs. Horley & Wetherall)**

Committee Recommendation / Recommendation to Committee

Council approves the application for a garage at (Lot 650) No. 101 Thomas Street, Nedlands, in accordance with the application received on 2 September 2015 and amended plans received on 19 October 2015, subject to the following conditions:

- 1) The development shall at all times comply with the approved plans.**
- 2) This planning approval pertains to the garage only.**
- 3) 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.**

Advice Notes specific to this approval:

- 1) In accordance with the *Dividing Fences Act* (1961) the applicant / landowner is advised that as the western garage boundary wall forms part of the dividing fence they will need to consult with the neighbouring landowner(s) prior to any works being undertaken that may affect or undermine its structural integrity.**
- 2) Prior to a demolition permit being issued by the City the applicant / landowner shall provide confirmation that the structural integrity of the existing wall will be maintained should any changes be proposed.**
- 3) 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.**
- 4) 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.**

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.

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.**

Councillor Wetherall left the room at 7.40 pm and returned at 7.44 pm.

PD53.15 (Lot 245) No. 12 Carrington Street, Nedlands – Patio

Committee	1 December 2015
Council	15 December 2015
Applicant	A Kovidis and A Bacik
Owner	A Kovidis and A Bacik
Officer	Andrew Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2015/400
Previous Item	Nil.
Attachments	<ol style="list-style-type: none"> 1. Site Plan 2. Elevations 3. Photograph of the patio's proposed location towards the rear boundary 4. Photograph of the patio's proposed location towards the east (side) boundary

Regulation 11(da) – Councillors agreed to add an additional condition for non-reflective roofing.

Moved – Councillor Shaw

Seconded – Councillor Wetherall

That the Recommendation to Committee be adopted with the additional clause 4 being added as follows:

4. Roofing to be of a non-reflective material.

CARRIED UNANIMOUSLY 10/-

Committee Recommendation

Council approves the development application to construct a patio at (Lot 345) No. 12 Carrington Street, Nedlands, in accordance with the application received on 28 October 2015 subject to the following conditions and advice notes:

- 1. The development shall at all times comply with the approved plans.**
- 2. This development approval pertains to the patio only.**
- 3. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.**
- 4. Roofing is to be of a non-reflective material.**

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. 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.**

Recommendation to Committee

Council approves the development application to construct a patio at (Lot 345) No. 12 Carrington Street, Nedlands, in accordance with the application received on 28 October 2015 subject to the following conditions and advice notes:

1. The development shall at all times comply with the approved plans.
2. This development approval pertains to the patio only.
3. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.

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. 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.

PD54.15 (Lot 1402) No. 147B Rochdale Road, Mt Claremont – Carport, Shade Sails and Retrospective Solid Fencing

Committee	1 December 2015
Council	15 December 2015
Applicant	N Glazer
Owner	N Glazer & M De Bruijn
Officer	Julian Berzins – Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
File Reference	R03-147B
Previous Item	Nil.
Attachments	<ol style="list-style-type: none"> 1. Site Plan 2. Carport / Alfresco Roof Plan Elevations 3. Front Fence Elevations 4. House Elevations 5. Photograph of 147B Rochdale Road from Primary Street 6. Photograph of existing fencing facing 149 Rochdale Road 7. Photograph of existing fencing facing 147A Rochdale Road 8. Photograph of existing driveway at 149 Rochdale Road 9. Site Photo Streetscape facing south 10. Site Photo Streetscape facing north 11. Applicants Justification

Ms Marsha de Bruijn & Mr Norbert Glazer,
 147B Rochdale Road, Claremont
 (Spoke against the recommendation) (Regarding infill only)

PD54.15

Regulation 11(da) – Councillors agreed to allow the application to retain solid fencing infill.

Moved – Councillor Shaw
 Seconded – Councillor Wetherall

That the Recommendation be approved.
 (Printed below for ease of reference)

LOST 3/8
 (Against: Mayor Hipkins Crs. Hodsdon Hay James
 Horley McManus Hassell & Smyth)

Moved – Councillor Horley
Seconded – Councillor Hassell

Committee Recommendation

Council:

- 1. Approves the component of the application to retain existing solid fencing infill within the primary street setback area.**
- 2. Approves the rear extension (carport and shade sails) component of the application for additions to the three storey dwelling at (Lot 1402) No. 147B Rochdale Road, Mount Claremont, received 18 August 2015 with amended plans received 21 August 2015, subject to the following conditions and advice:**
 - a) The development shall at all times comply with the approved plans.**
 - b) This planning approval only pertains to the proposed carport and shade sails.**
 - c) 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.**
 - d) All sides of the carport shall remain open, including the front facing the street, in accordance with the City of Nedlands Policy 6.23 Carports and Minor Structures Forward of the Primary Street Setback.**
 - e) Shade sail structures not to be roofed using water impermeable material.**

Advice Notes specific to this approval:

- i.) 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.**
- ii.) 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 9/1
(Against: Cr. Shaw)
(Abstained: Cr. Wetherall)**

Recommendation to Committee

Council:

1. Refuses the component of the application to retain existing solid fencing infill within the primary street setback area of (Lot 1402) No. 147B Rochdale Road, Mount Claremont, received 18 August 2015 with amended plans received 21 August 2015, for the following reasons:
 - a) The proposal not satisfying the design principles stipulated under clauses 5.2.4 (street walls and fences) and 5.2.5 (sight lines) of the Residential Design Codes and not complying with the City's Fill and Fencing Local Planning Policy, due to the solid fencing infill not positively contributing to the streetscape.

Advice Notes specific to this refusal:

- i) The applicant / landowner is advised that if the solid fencing infill within the primary street setback area is not removed within 28 Days from the date of this decision, the City may issue a Planning Infringement Notice (PIN) as an offence under Regulation 42 of the Planning And Development Regulations 2009 has been committed. A PIN carries an initial penalty of up to \$500.00 and can be issued on multiple occasions by the City prior to taking legal action.
2. Approves the rear extension (carport and shade sails) component of the application for additions to the three storey dwelling at (Lot 1402) No. 147B Rochdale Road, Mount Claremont, received 18 August 2015 with amended plans received 21 August 2015, subject to the following conditions and advice:
 - a) The development shall at all times comply with the approved plans.
 - b) This planning approval only pertains to the proposed carport and shade sails.
 - c) 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.
 - d) All sides of the carport shall remain open, including the front facing the street, in accordance with the City of Nedlands Policy 6.23 Carports and Minor Structures Forward of the Primary Street Setback.
 - e) Shade sail structures not to be roofed using water impermeable material.

Advice Notes specific to this approval:

- i.) 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.
 - ii.) 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.

PD55.15 Proposed Basic Scheme Amendment No. 207 of Town Planning Scheme No. 2 – Modification to Clause 2.5 (c) of the Dalkeith Redevelopment Special Control Area Provisions

Committee	1 December 2015
Council	15 December 2015
Applicant	City of Nedlands
Owner	N/A
Officer	Kate Bainbridge – Senior Statutory Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
File Reference	PLAN-PA-00012
Previous Item	14.1- 13 December 2011
Attachments	1. Amendment Report

Councillor McManus left the room at 8.22 pm and returned at 8.24 pm.

Regulation 11(da) - Not applicable – Recommendation Adopted

Moved – Councillor Shaw

Seconded – Councillor Hassell

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED 8/3

(Against: Mayor Hipkins Crs. James & Hay)

Committee Recommendation / Recommendation to Committee

Council resolves that the City of Nedlands pursuant to Section 72 of the *Planning and Development Act 2005*, amend Town Planning Scheme No. 2 by modifying Clause 2.5 (c) of Appendix VI to state the following:

“All setbacks are minimums unless stipulated on a Precinct Plan.”

The amendment is basic under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason:

- 1. The amendment is considered to rectify an administrative error to remove the conflict between Clauses 1.5 and 2.5 (c) of Appendix VI by modifying Clause 2.5 (c) to ensure Clause 1.5 is given full effect.**

PD56.15	(Lot 300) No. 3/29 Asquith Street, Mount Claremont – Proposed Change of Use (From Lunch Bar to Restaurant)
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Committee	1 December 2015
Council	15 December 2015
Applicant	K Hughie-Williams
Landowner	Burgess Rawson
Officer	Mr A D Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2015/364 – AS2/29
Previous Item	Item PD40.15 – 22 September 2015
Attachments	1. Site Plan (A3) 2. Floor Plan (A3)

Councillor Shaw left the room at 8.29 pm and returned at 8.32 pm.

Mr Oliver Hudson, 9 Meecham Way, Karrinyup (Spoke on the positives to growing localised economy)	PD56.15
Mr Cameron Jenkinson 15 Teslin Road, Mt Claremont (Spoke in support of the recommendation)	PD56.15
Mr Kevin Williams, 52 Nidjalla Loop, Swanbourne (Spoke in support of more parking)	PD56.15
Mr Sean Connell, Mt Claremont Bakery (Spoke in support local business and more parking)	PD56.15
Mr Glen Chapman, 29 Strickland Street, Mt Claremont (Spoke against recommendation)	PD56.15
Ms Elsie Payne, 132 Rochdale Road, Mt Claremont (Spoke against the recommendation)	PD56.15
Ms Fiona Ellison, 42 Lisle Street, Mt Claremont (Spoke against any reduction of the park area)	PD56.15
Eugene Kestel, 125 Rochdale Road, Mt Claremont (spoke in opposing or removal of park)	PD56.15

Dr Paddy Golden, 121 Rochdale Road, Mt Claremont
(Spoke on against possible removal of parkland)

PD56.15

Councillor James retired from the meeting at 8.55 pm.

Procedural Motion

Moved – Councillor Hassell

Seconded – Councillor Wetherall

That the motion be adjourned until the foreshadowed motion on parking as proposed by Councillor McManus is debated.

LOST on casting vote from the Mayor) 5/5
(Against: Mayor Hipkins Crs. Horley Hay Smyth & Argyle)

Councillor Hassell left the room at 9.27 pm and returned at 9.31 pm.

Regulation 11(da) – Council adopted the alternative recommendation to approve the change of use on the grounds that his facility was providing a valuable community service.

Moved – Councillor Shaw

Seconded – Councillor Smyth

That the alternative recommendation be adopted.

**The alternative Motion was put and was CARRIED 7/1
(Against: Cr McManus)
(Abstained: Crs. Hodsdon & Wetherall)**

Committee Recommendation / Alternative Recommendation to Committee

Council approves the application for a change in use (from a lunch bar to restaurant) at (Lot 300) No. 3/29 Asquith Street, Mount Claremont, subject to the following conditions:

- 1. The development shall at all times comply with the approved plans, the exception being that a maximum of 6 tables and 20 chairs are only permitted on the premises for customers.**

- 2. No unloading of vehicles is to occur that interferes with the parking of vehicles in the car park by visitors and employees. All car parking bays in the car park are to be made available at all times for the parking of vehicles by visitors and employees.**
- 3. The operating hours of the lunch bar are restricted to:**
 - a. Monday and Friday 7.00am to 6.30pm**
 - b. Saturday 7.00am to 4.00pm**
 - c. Sunday 7.00am to 2.00pm**
- 4. Service and/or delivery vehicles shall not service the premises before 7.00am or after 7.00 pm Monday to Saturday, or before 9.00 am or after 7.00 pm on Sundays and Public Holidays.**

Advice Notes specific to this approval:

- 1. The applicant is advised that a separate development application is required to be submitted and approved by the City if they intend on either increasing the seating area and/or seating numbers on the premises.**
- 2. Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.**
- 3. The restaurant complying with Australian Standard AS1668.2 – 2012 and AS 2444-2001, and all the City's Environmental Health requirements attached to this development approval.**

Recommendation to Committee

Council refuses the application for a change in use (from a lunch bar to restaurant) at (Lot 300) No. 3/29 Asquith Street, Mount Claremont, for the following reasons:

1. An insufficient number of car bays are provided for the proposed use, thus potentially creating safety issues for pedestrians and other road users due to vehicles being illegally parked.
2. The proposed use does not satisfy the conditions and standards of clause 5.5.1 and clause 6.4.2 of the City of Nedlands Town Planning Scheme No.2, due to insufficient car parking.

Parking Arrangements at Mt Claremont Shopping Centre

Councillor Leo McManus requested the following foreshadowed motion be discussed and decided.

Moved – Councillor McManus
Seconded – Councillor Wetherall

- 1. Council authorises the provision of at least 16 parking bays in the residential block at the corner of Rochdale Rd and Asquith Streets as a matter of urgency. That \$5k be allocated for Administration to investigate this.**
- 2. Council to report back as early as possible but by February 2016 meeting with a view to progressing this as soon as possible.**

**CARRIED 6/3
(Against: Crs. Mayor, Hay & Horley)**

Councillor Hodsdon retired from the meeting at 10.09 pm.

Mr Michael Cole left the room at 10.14 pm and returned at 10.16 pm.

PD57.15	Boundary Adjustment 120 Montgomery Road Mt. Claremont
Committee	1 December 2015
Council	15 December 2015
Applicant	Western Power and City of Nedlands
Owner	Western Power and City of Nedlands
Director	Peter Mickleson – Director Planning & Development Services
File Reference	MO2/120
Previous Item	Nil

Regulation 11(da) – Councillors requested Western Power consider transferring the land vesting to the City of Nedlands.

Moved – Councillor Shaw
 Seconded – Councillor Hassell

That the Recommendation to Committee be adopted with the addition of clause 2. Requests Western Power to consider the transfer of the land with vesting to the City of Nedlands for public purposes/recreation.

**CARRIED 7/2
 (Against: Crs. Horley & Smyth)**

Committee Recommendation

Council:

- 1. Endorses Western Power initiating the process to adjust the boundaries between its parcel of land at 120 Montgomery Road, Mt Claremont and the adjacent parcels of land vested in the City of Nedlands as Public Purpose Recreation. All costs associated with this process are to be borne by Western Power.**
- 2. Requests Western Power to consider the transfer of the land with vesting to the City of Nedlands for public purposes/recreation.**

Recommendation to Committee

Council:

1. Endorses Western Power initiating the process to adjust the boundaries between its parcel of land at 120 Montgomery Road, Mt Claremont and the adjacent parcels of land vested in the City of Nedlands as Public Purpose Recreation. All costs associated with this process are to be borne by Western Power.

8.2 Technical Services Report No's TS32.15 to TS34.15

**TS32.15 Swanbourne High School Subdivision:
Traffic Issues**

Committee	1 December 2015
Council	15 December 2015
Applicant	City of Nedlands
Officer	Jacqueline Scott – Manager Technical Services
Director	Mark Goodlet – Director Technical Services
File Reference	TS-ILC-00008
Previous Item	TS14.5 28 July 2015; TS13.5 26 May 2015; OMC28 28 April Items 13.5, 14.1 and 14.2.

Mr Alex Kailis, 2 Wongin Way, Swanbourne TS32.15
(Spoke against the recommendation)

Mr Bruce Maloney, 20 Birrigan Loop, Swanbourne TS32.15
(Spoke against the recommendation)

Regulation 11(da) – Committee referred the matter back for further discussion with the affected Community.

Moved – Councillor McManus
Seconded – Councillor Smyth

Committee Recommendation

That Council refer this matter back to Administration to undertake urgent discussions with the affected community in the Swanbourne High School site with a view to come up with a motion that will be acceptable to both Administration and the great majority of residents/ratepayers in the affected area.

In particular the following actions be strongly considered;

- a) Making Nidjalla Loop off Alfred road an exit only with a left turn or a left and right turn at Alfred Rd to be given special consideration. This work to be considered urgent and sufficient budget be allocated to allow this to be completed ASAP.**
- b) Improvements to the Narla Rd and school pick up and drop off arrangements.**
- c) Further traffic calming solutions within the SHS site.**
- d) Any other feasible solutions to the traffic problems within the SHS site.**

CARRIED UNANIMOUSLY 9/-

Recommendation to Committee

Council requests that the CEO investigate the following improvements, consults with the community, and provides advice on inclusion in the 2016/17 capital works budget:

1. Incorporating improvements to the Narla Road and the school pick-up and drop-off arrangements in conjunction with required road rehabilitation;
2. Intersection improvements including channelisation of the Narla Road left-turn at Alfred Road;
3. Traffic limiting/calming solutions to reduce through traffic within the Swanbourne High School Subdivision including consideration of:
 - a. Restricting Nidjalla Loop to southbound movements only at the Alfred Road intersection along with any required turning head;
 - b. Upgrading of the line markings at the Birrigan Loop "Y" intersection;
 - c. Raised tables / road narrowings / shared space solutions within the subdivision.

Moved – Councillor Hassell
Seconded – Councillor Argyle

That the meeting continue after 11.00 pm to complete the remaining business on the Agenda.

**CARRIED 8/1
(Against: Cr. Hay)**

TS33.15	Tender No. 2015/16.05 Supply and Construction of Extruded Kerbing
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Committee	1 December 2015
Council	15 December 2015
Applicant	City of Nedlands
Officer	Nathan Brewer – Purchasing and Tenders Coordinator
Director	Mark Goodlet – Director Technical Services
File Reference	TS-PRO-00112
Previous Item	Nil

Regulation 11(da) – Not applicable – Recommendation Adopted

Moved – Councillor Hassell
 Seconded – Councillor Smyth

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 9/-

Committee Recommendation / Recommendation to Committee

Council:

- 1. Agrees to award tender no. 2015/16.05 to Allstate Kerbing and Concrete Pty Ltd for the Supply and Construction of Extruded Kerbing as per the schedule of rates submitted; and**
- 2. Authorises the Chief Executive Officer to sign an acceptance of offer for this tender.**

Councillor McManus retired from the meeting at 11.11 pm.

TS34.15	Rationalisation of City Land
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Committee	1 December 2015
Council	15 December 2015
Applicant	City of Nedlands
Officer	Mark Goodlet – Director Technical Services
Director	Mark Goodlet – Director Technical Services
File Reference	TS-PRJ-00123
Previous Item	24 August 2010, item 60.10. 13 December 2011, item D75.11.

Ms Elizabeth Williams, 7 Garland Road, Dalkeith TS34.15
(Spoke against the recommendation) RE: Goldsmith Rd

Mr Michael Anderson, 9 Watt Street, Swanbourne TS34.15
(Spoke in support of the recommendation) RE: Sayer St

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

Moved – Councillor Hassell
Seconded – Councillor Shaw

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

Amendment

Moved - Councillor Argyle
Seconded – Mayor Hipkins

That clause 10. be deleted.

The Amendment was PUT and was CARRIED and became the Substantive Motion

**AMENDMENT CARRIED 7/2
(Against: Crs. Hassell & Horley)**

The Substantive Motion was PUT and was

**CARRIED 7/2
(Against: Crs. Hassell & Horley)**

Committee Recommendation

Council:

- 1. Consents to an application being made to the relevant authorities to:
 - a. Give lot 150, D/P222332 (No. 11) Sayer Street, Swanbourne, to the Crown, subject to it becoming reserve land, vested in the City of Nedlands for the purpose of recreation and zoned recreation.**
 - b. Takes part of the road reserve area west of the intersection of Adelma Road and Gallop Road and Adelma Road, Dalkeith (Landgate Pin 11835234), as a freehold residential property, in exchange for 1.a. above.****
- 2. Authorises the CEO to act for the City in relation to land exchange, acquisition, subdivision and disposal at:
 - a. Lot 150, D/P222332 (No. 11) Sayer Street, Swanbourne, as a land swap for the road reserve west of the intersection of Adelma Road and Gallop Road and Adelma Road, Dalkeith (Landgate Pin 11835234)****
- 3. Requests the CEO to determine the best land parcel areas based on consultation, cost, benefit and other applicable factors for:
 - a. Road reserve west of the intersection of Adelma Road and Gallop Road and Adelma Road, Dalkeith (Landgate Pin 11835234)****
- 4. Authorises project budget costs of \$40,000 in the current 2015/16 financial year, in order to progress the Sayer Street / Adelma Road land swap.**
- 5. Requests the CEO to develop and include costs to further progress this matter in the draft 2016/17 budget for further Council consideration.**
- 6. Agrees to reconcile the Town / Local Planning Scheme accordingly.**
- 7. Directs that no further action be undertaken in relation to preparation of a business case to subdivide lot 150, D/P222332 (No. 11) Sayer Street, Swanbourne into two lots for residential sale.**
- 8. Directs that should lot 150, D/P222332 (No. 11) Sayer Street, Swanbourne be incorporated into the reserve land that the management plan be updated to include this lot, along with any required fire plans.**
- 9. Reports back to Council State Government and consultation responses to items 1 and 3 above, prior to proceeding with the land swap.**

Recommendation to Committee

Council:

1. Consents to an application being made to the relevant authorities to:
 - a. Give lot 150, D/P222332 (No. 11) Sayer Street, Swanbourne, to the Crown, subject to it becoming reserve land, vested in the City of Nedlands for the purpose of recreation and zoned recreation.
 - b. Takes part of the road reserve area west of the intersection of Adelma Road and Gallop Road and Adelma Road, Dalkeith (Landgate Pin 11835234), as a freehold residential property, in exchange for 1.a. above.
2. Authorises the CEO to act for the City in relation to land exchange, acquisition, subdivision and disposal at:
 - a. Lot 150, D/P222332 (No. 11) Sayer Street, Swanbourne, as a land swap for the road reserve west of the intersection of Adelma Road and Gallop Road and Adelma Road, Dalkeith (Landgate Pin 11835234)
3. Requests the CEO to determine the best land parcel areas based on consultation, cost, benefit and other applicable factors for:
 - a. Road reserve west of the intersection of Adelma Road and Gallop Road and Adelma Road, Dalkeith (Landgate Pin 11835234)
4. Authorises project budget costs of \$40,000 in the current 2015/16 financial year, in order to progress the Sayer Street / Adelma Road land swap.
5. Requests the CEO to develop and include costs to further progress this matter in the draft 2016/17 budget for further Council consideration.
6. Agrees to reconcile the Town / Local Planning Scheme accordingly.
7. Directs that no further action be undertaken in relation to preparation of a business case to subdivide lot 150, D/P222332 (No. 11) Sayer Street, Swanbourne into two lots for residential sale.
8. Directs that should lot 150, D/P222332 (No. 11) Sayer Street, Swanbourne be incorporated into the reserve land that the management plan be updated to include this lot, along with any required fire plans.
9. Reports back to Council State Government and consultation responses to items 1 and 3 above, prior to proceeding with the land swap.
10. Reports back to Council State Government and consultation responses to items 1 and 3 above, prior to proceeding with the land swap or land sale.

8.3 Community & Organisational Development

Nil.

8.4 Corporate & Strategy's Report No's CPS28.15 to CPS32.15

CPS28.15	List of Accounts Paid – October 2015
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Committee	1 December 2015
Council	15 December 2015
Applicant	City of Nedlands
Officer	Kim Chua – 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 Hay

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

CARRIED UNANIMOUSLY 9/-

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of October 2015 (Refer to Attachment).

CPS29.15	Policy Review
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Committee	1 December 2015
Council	15 December 2015
Applicant	City of Nedlands
Officer	Pollyanne Fisher - Policy & Projects Officer
Director	Michael Cole - Director Corporate & Strategy
File Reference	PP-PR-00012
Previous Item	Not Applicable

Regulation 11(da) - Not applicable – Recommendation Adopted

Moved – Councillor Shaw

Seconded – Councillor Hassell

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

**CARRIED 8/-
(Abstained: Cr. Smyth)**

Committee Recommendation / Recommendation to Committee

Council approves the ‘Purchasing of Goods and Services’ policy.

CPS30.15 Corporate Business Plan – Quarter 1 2015/16

Committee	1 December 2015
Council	15 December 2015
Applicant	City of Nedlands
Officer	Pollyanne Fisher - Policy & Projects Officer
Director	Michael Cole - Director Corporate & Strategy
File Reference	CS-BP-00002
Previous Item	CPS22.15 (Quarter 4 Report)

Regulation 11(da) - Not applicable – Recommendation Adopted

Moved – Councillor Shaw
Seconded – Councillor Hay

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

CARRIED 8/-
(Abstained: Cr. Wetherall)

Committee Recommendation / Recommendation to Committee

Council receives the Quarter 1 2015/2016 report on progress towards “Nedlands 2023 – Making it Happen”, the Corporate Business Plan.

CPS31.15	City of Nedlands Standing Orders Local Law
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Committee	1 December 2015
Council	15 December 2015
Applicant	City of Nedlands
Officer	Pollyanne Fisher - Policy & Projects Officer
Director	Michael Cole – Director Corporate & Strategy
File Reference	CS-002595
Previous Item	Not applicable

Please note that at the ordinary meeting of Council the Presiding Member will give notice to the meeting of the purpose and effect of the proposed local law immediately prior to consideration of this item.

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

Moved – Councillor Shaw

Seconded – Councillor McManus

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

**CARRIED 7/-
(Abstained: Crs. Smyth & Hay)**

Committee Recommendation / Recommendation to Committee

Council advertises the proposed City of Nedlands Standing Orders Amendment Local Law 2014 as contained in Attachment 1 for public comment.

CPS32.15	Post-Audit Changes to 2015/16 Budget
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Committee	1 December 2015
Council	15 December 2015
Applicant	City of Nedlands
Officer	Kim Chua – Manager Finance
Director	Michael Cole – Director Corporate & Strategy
File Reference	FIN-BUD-00007
Previous Item	Not applicable

Regulation 11(da) - Not applicable – Recommendation Adopted

Moved – Councillor McManus

Seconded – Councillor Shaw

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 9/-

Committee Recommendation / Recommendation to Committee

Council:

1. **Receives and adopts the changes to the 2015/16 adopted Budget following the audit of the Annual Financial Statements for the 2014/15 financial year;**
2. **Notes the additional brought forward surplus from 2014/15 financial year of \$5,257,945 includes \$3,175,783 unutilised funding for capital works approved in 2014/15 but carried forward for completion in 2015/16.**
3. **Approves the inclusion in the 2015/16 Capital Works Budget the brought forward capital works, (as listed in Attachment 1) and totalling \$1,904,300; and**
4. **Approves the revised Rate Setting Statement incorporating the above (Attachment 2), with a projected surplus of \$2,211,745 and being subject to the mid-year budget review in January 2016.**

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 11.49 pm.

Greg Trevaskis
Chief Executive Officer