



City of Nedlands

Minutes

Council Committee Meeting

10 March 2014

ATTENTION

These minutes are subject to confirmation.

Prior to acting on any resolution of the Council contained in these minutes, a check should be made of the Ordinary Council Meeting next following this meeting to ensure that there has not been a correction made to any resolution.

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City of Nedlands

**Notice of a meeting of the Council Committee held in the Council Chambers on
Tuesday 10 March at 7.00pm.**

Council Committee Agenda

Declaration of Opening

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

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

Councillors	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor G A R Hay	Melvista Ward
	Councillor T P James	Melvista Ward
	Councillor N W Shaw	Melvista Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor W R Hassell	Dalkeith Ward
	Councillor S J Porter	Dalkeith Ward
	Councillor R Binks	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor L J McManus	Coastal Districts Ward

Staff	Mr G K Trevaskis	Chief Executive Officer
	Mr M R Cole	Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Mr M A Goodlet	Director Technical Services
	Mrs M E Granich	Manager Community Development
	Mrs P J Huigens	Policy and Projects Officer
	Mrs S C Gibson	Corporate & Strategy Administration Officer

Public There were 12 members of the public present.

Press The Post Newspaper representative.

Leave of Absence Nil
(Previously Approved)

Apologies Councillor N B J Horley Coastal Districts 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

NIL.

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

Mr David Caddy, TPGWA, 182 St Georges Tce, Perth PD09.15
(Spoke against the recommendation)

Mr James Natt, 2 Archdeacon Street, Nedlands PD09.15
(Spoke in support of the recommendation)

Ms Clare Madelin & Mr Mark Leathersich PD11.15
(Spoke against the recommendation)

Mr Aaron Lohman, Rowe Group, Planners PD12.15
(Spoke in support of the recommendation)

Mr Lewis Cross, 48 Gallop Road, Dalkeith PD14.15
(Spoke in support of the recommendation)

3. Disclosures of Financial Interest

3.1 Councillor Hodsdon – PD12.15 - 109 Stirling Highway

Councillor Hodsdon disclosed a financial interest in Item PD12.15 – 109 Stirling Highway, his interest being that he owns a property directly opposite 109 Stirling Highway. Cr Hodsdon declared that he would leave the room during discussion on this item.

3.2 Councillor James – PD09.15 - (Lot 2) No 2a Archdeacon Street, Nedlands – Retrospective Change of Use (Use not listed – Short Stay Accommodation)

Councillor James disclosed a financial interest in Item PD09.15 – No 2a Archdeacon Street, Nedlands, her interest being that she lives adjacent to 2a Archdeacon Street. Cr James declared that she would leave the room during discussion on this item.

4. Disclosures of Interests Affecting Impartiality

4.1 Councillor Argyle – PD09.15 – (Lot 2) No 2a Archdeacon Street, Nedlands – Retrospective Change of Use (Use not listed – Short Stay Accommodation)

Councillor Argyle disclosed an impartiality interest in Item PD09.15 (Lot 2) No 2a Archdeacon Street, Nedlands – Retrospective Change of Use (Use not listed – Short Stay Accommodation) disclosed that he has known Mr Giambazi for a long time, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Cr Argyle declared that he would consider this matter on its merits and vote accordingly.

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

NIL.

6. Confirmation of Minutes

6.1 Committee Meeting 10 February 2015

Moved – Councillor Shaw
Seconded – Councillor Porter

That the Minutes of the Committee Meeting held on 10 February 2015 to be confirmed.

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

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 PD09.15 to PD15.15

PD09.15	(Lot 2) No. 2a Archdeacon Street, Nedlands – Retrospective Change of Use (Use Not Listed - Short Stay Accommodation)
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Committee	10 March 2015
Council	24 March 2015
Applicant	A Giambazi
Landowner	B E & A Giambazi
Officer	Jennifer Heyes – Manager Planning
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2014/396 – AR1/2A
Previous Item	PD45.14

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

Councillor James restated her financial interest in this item and departed the Chamber at 7.03pm

Mr David Caddy, TPGWA, 182 St Georges Tce, Perth
(Spoke against the recommendation)

PD09.15

Moved: Cr Wetherall
Seconded: Cr Hodsdon

That the speaker, Mr David Caddy, be allowed extra time to speak.

CARRIED UNANIMOUSLY 11/-

Mr James Natt, 2 Archdeacon Street, Nedlands
(Spoke in support of the recommendation)

PD09.15

Councillor Hassell – PD09.15 – (Lot 2) No 2a Archdeacon Street, Nedlands – Retrospective Change of Use (Use not listed – Short Stay Accommodation)

Councillor Hassell disclosed an impartiality interest in Item PD09.15 (Lot 2) No 2a Archdeacon Street, Nedlands – Retrospective Change of Use (Use not listed – Short Stay Accommodation) disclosed that he has recent professional dealings with Mr David Caddy, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Cr Hassell declared that he would consider this matter on its merits and vote accordingly.

Moved – Councillor McManus
Seconded – Councillor Shaw

**Council adopts the alternate recommendation to Committee.
(Printed below for ease of reference)**

**CARRIED 7/2
(Against: Mayor, Cr Hay)
(Abstained: Crs. Hassell, Porter)**

Cr James returned at 7.46pm

Alternate Recommendation to Committee

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

- 1. Unless otherwise approved by the City, the short stay accommodation is to cease operation no later than 12 months from the date of this approval, after which point, the building is not to be used for any purpose other than that of a dwelling.**
- 2. 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; and**
 - 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.

- 3. 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.**
- 4. 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. It is recommended that house rules are established for guests in relation to noise and disturbance to mitigate impact to surrounding neighbours.**
- 3. There shall be no more than 6 persons accommodated, otherwise Lodging-house requirements will apply per the Health Act 1911.**

Recommendation to Committee

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

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

However, should Council choose to approve the application the following conditions are recommended:

PD10.15	(Lot 469) No. 42 Viking Road Dalkeith – Proposed Extensions (Kitchen and Carport) To Single House
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Committee	10 March 2015
Council	25 March 2015
Applicant	Blane Brackenridge Architects
Landowner	Ms S A Healy
Officer	Julian Berzins – Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2014/498 – V13/42

Item deferred at the applicant's request.

PD11.15	(Lot 173) No. 49 Bruce Street Nedlands – Proposed Ancillary Accommodation
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Committee	10 March 2015
Council	24 March 2015
Applicant	Dale Alcock Home Improvement
Landowner	I F Kong & H S Wong
Officer	Mr A D Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2014/492 – BR9/49
Previous Item	Nil

Regulation 11(da) - Committee refused the application based on insufficient setbacks to rear boundary and lack of open space on the Lot.

Ms Clare Madelin & Mr Mark Leathersich
(Spoke against the recommendation)

PD11.15

Cr Hay departed the Chamber at 8.00pm

Cr Hay returned at 8.02pm

Moved – Councillor Shaw

Seconded – Councillor James

That the application for ancillary accommodation at (Lot 173) No. 49 Bruce Street Nedlands be refused.

**CARRIED 9/1
(Against: Cr. Smyth)
(Abstained: Crs. McManus, Binks)**

Recommendation to Committee

Council approves the application for ancillary accommodation at (Lot 173) No. 49 Bruce Street Nedlands, in accordance with the application received on 17 September 2014 subject to the following:

1. The development shall at all times comply with the approved plans.

2. The ancillary accommodation building shall be occupied only by persons related to the occupiers of the main dwelling.
3. The landowner shall execute and provide to the City a notification pursuant to section 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 ancillary accommodation building is subject to the restriction set out in this approval. The full costs of the notification shall be borne by the landowner; and this condition shall be fulfilled prior to occupying the ancillary accommodation.
4. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.

Advice Notes specific to this approval:

1. 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.

PD12.15	(Lot 412) No. 109 Stirling Highway Nedlands – Proposed Change Of Use (Office And Lunch Bar)
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Committee	10 March 2015
Council	24 March 2015
Applicant	Rowe Group
Landowner	Errichetti Nominees Pty Ltd
Officer	Mr A D Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2014/639 – ST6/109
Previous Item	Nil

Regulation 11(da) – Committee amended Administrations recommendation to include landscaping requirements.

Cr Hodsdon restated his financial interest and departed the chamber at 8.06pm.

Mr Aaron Lohman, Rowe Group, Planners
(Spoke in support of the recommendation)

PD12.15

Councillor Shaw departed the Chamber at 8.20pm
Councillor Shaw returned at 8.22pm

Moved – Mayor Hipkins
Seconded – Councillor Shaw

Council approves the application for a change of Use (Office and Lunch Bar) at (Lot 412) No. 109 Stirling Highway Nedlands, in accordance with the application received on 12 December 2014, subject to the following conditions:

- 1. The development shall at all times comply with the approved plans.**
- 2. No loading or 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 between Monday and Sunday 6.00am to 6.00pm.**
- 4. The car-parking bays shall be sealed, drained and marked as indicated on the approved site plan prior to the use commencing, and maintained thereafter by the landowner to the City's satisfaction.**
- 5. An amended landscaping plan being submitted prior to occupation of lunch bar with a minimum of 50 per cent of the Stirling Highway setback area being designed and maintained with garden beds, vegetation planting and/or trees.**

Advice Notes specific to this proposal:

1. 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. A separate Planning application is required to be lodged and approved prior to the erection/installation of any signage on the lot.
3. Prior to the City issuing a development approval, an applicant shall lodge with the City an Application for Food Premises Alteration / Fit-out which an Environmental Health Officer at the City is satisfied demonstrates food safety outcomes.
4. Prior to commencing a Food Business, the premises shall receive an inspection from an Environmental Health Officer at the City which cites the Food Business may commence operation.
5. Upon commencement of a Food Business, a Food Safety Program which meets the requirements of the Australian New Zealand Food Standards Code Standard 3.2.1 Food Safety Programs shall be implemented and maintained.
6. Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.
7. The landowner is advised that all mechanical equipment (e.g. air-conditioners) is required to comply with the Environmental Protection (Noise) Regulations 1997, in relation to noise.
8. Noise from service and/or delivery vehicles should be mitigated and such vehicles should not service the premises before 7.00 am or after 7.00 pm Monday to Saturday, or before 9.00 am or after 7.00 pm on Sundays and Public Holidays.
9. All street trees in the nature-strip / verge are to be retained and shall not be removed without prior written approval from the Manager Parks Services.
10. Prior to commencing a Food Business* a proprietor shall lodge with the City a Food Business Registration / Notification Form.
*A food business is any business or activity that involves the sale of food or the handling of any type of food for sale in Australia
11. The following advice was provided by Main Roads Western Australia:
 - a) Lot 412 (109) Stirling Highway is affected by a reduced land requirement as described by the current Metropolitan Region Scheme amendment 1210/41 as shown on the land requirement plan 1.7145 available from Main Roads Western Australia.
 - b) The project for the upgrading of Stirling Highway is not in Main Roads current 4 year Estimated Construction Program and any project not listed is considered to be long term. Please be advised that the timing information may change and that Main Roads accepts no liability for the timing information provided.

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

Recommendation to Committee

Council approves the application for a change of Use (Office and Lunch Bar) at (Lot 412) No. 109 Stirling Highway Nedlands, in accordance with the application received on 12 December 2014, subject to the following conditions:

1. The development shall at all times comply with the approved plans.
2. No loading or 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 between Monday and Sunday 6.00am to 6.00pm.
4. The operating hours of the offices are restricted to between Monday and Friday 8.30am to 5.30pm
5. The car-parking bays shall be sealed, drained and marked as indicated on the approved site plan prior to the use commencing, and maintained thereafter by the landowner to the City's satisfaction.

Advice Notes specific to this proposal:

1. 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. A separate Planning application is required to be lodged and approved prior to the erection/installation of any signage on the lot.
3. Prior to the City issuing a development approval, an applicant shall lodge with the City an Application for Food Premises Alteration / Fit-out which an Environmental Health Officer at the City is satisfied demonstrates food safety outcomes.
4. Prior to commencing a Food Business, the premises shall receive an inspection from an Environmental Health Officer at the City which cites the Food Business may commence operation.
5. Upon commencement of a Food Business, a Food Safety Program which meets the requirements of the Australian New Zealand Food Standards Code Standard 3.2.1 Food Safety Programs shall be implemented and maintained.
6. Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.
7. The landowner is advised that all mechanical equipment (e.g. air-conditioners) is required to comply with the Environmental Protection (Noise) Regulations 1997, in relation to noise.
8. Noise from service and/or delivery vehicles should be mitigated and such vehicles should not service the premises before 7.00 am or after 7.00 pm Monday to Saturday, or before 9.00 am or after 7.00 pm on Sundays and Public Holidays.
9. All street trees in the nature-strip / verge are to be retained and shall not be removed without prior written approval from the Manager Parks Services.

10. Prior to commencing a Food Business* a proprietor shall lodge with the City a Food Business Registration / Notification Form.
*A food business is any business or activity that involves the sale of food or the handling of any type of food for sale in Australia
11. The following advice was provided by Main Roads Western Australia:
 - a) Lot 412 (109) Stirling Highway is affected by a reduced land requirement as described by the current Metropolitan Region Scheme amendment 1210/41 as shown on the land requirement plan 1.7145 available from Main Roads Western Australia.
 - b) The project for the upgrading of Stirling Highway is not in Main Roads current 4 year Estimated Construction Program and any project not listed is considered to be long term. Please be advised that the timing information may change and that Main Roads accepts no liability for the timing information provided.

Councillor Hodsdon returned to the Chambers at 8.15pm

PD13.15	(Lot 761) No. 16 Circe Circle North Dalkeith – Two Storey Single Dwelling
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Committee	10 March 2015
Council	24 March 2015
Applicant	Homes by Dalessio
Landowner	Steve and Susan Martin
Officer	Mr A D Bratley – Coordinator Statutory Planning
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2015/658 – CI1/16
Previous Item	Nil

Regulation 11(da) – Committee amended Administrations recommendation to include an advice note to retain the existing trees.

Moved – Councillor Shaw
 Seconded – Councillor Hassell

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

The Mover and Seconder agreed to add the following additional advice note proposed by the Mayor

Add the following advice note:

To assist with landscaping provision in keeping with the general character of the locality, it is requested that existing trees in the front and rear setback areas be retained.

Council approves the application for a two storey single dwelling at (Lot 761) No. 16 Circe Circle North Dalkeith, in accordance with the application received on 7 January 2015, subject to the following conditions:

- 1. The development shall at all times comply with the approved plans.**

2. Amended plans being submitted to and approved by the City prior to the building permit being issued, showing screening being provided in accordance with the Residential Design Codes where the swimming pool area is to be more than 0.5m above natural ground level.
3. The visual privacy screening shown on the elevations being installed within 28 days of the development's completion and maintained thereafter by the landowner to the City's satisfaction.
4. All street trees in the nature-strip / verge are to be retained and shall not be removed without written approval from the Manager Parks Services.
5. All crossovers to the street(s) shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision onsite, prior to commencement of works.
6. The existing crossover(s) shall be removed and the nature-strip / verge reinstated with grass or landscaping in accordance with Council's Nature-Strip / Verge Development Policy.
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 1.0m³ for every 80m² of calculated surface area of the development.
8. The proposed basement being used for private purposes only in accordance with clause 5.11(i) of Town Planning Scheme No. 2.

Advice Notes specific to this approval:

1. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.
2. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

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.

- 3. Any fencing in the primary street setback area requires further development approval from the City.**
- 4. 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.**
- 5. To assist with landscaping provision in keeping with the general character of the locality, it is requested that existing trees in the front and rear setback areas be retained.**

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

Recommendation to Committee

Council approves the application for a two storey single dwelling at (Lot 761) No. 16 Circe Circle North Dalkeith, in accordance with the application received on 7 January 2015, subject to the following conditions:

1. The development shall at all times comply with the approved plans.
2. Amended plans being submitted to and approved by the City prior to the building permit being issued, showing screening being provided in accordance with the Residential Design Codes where the swimming pool area is to be more than 0.5m above natural ground level.
3. The visual privacy screening shown on the elevations being installed within 28 days of the development's completion and maintained thereafter by the landowner to the City's satisfaction.
4. All street trees in the nature-strip / verge are to be retained and shall not be removed without written approval from the Manager Parks Services.
5. All crossovers to the street(s) shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision onsite, prior to commencement of works.
6. The existing crossover(s) shall be removed and the nature-strip / verge reinstated with grass or landscaping in accordance with Council's Nature-Strip / Verge Development Policy.

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 1.0m³ for every 80m² of calculated surface area of the development.
8. The proposed basement being used for private purposes only in accordance with clause 5.11(i) of Town Planning Scheme No. 2.

Advice Notes specific to this approval:

1. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block.
2. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

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.

3. Any fencing in the primary street setback area requires further development approval from the City.
4. 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.

PD14.15	(Lot 753) No. 11 Circe Circle North Dalkeith Additions (Gazebo) to Single House
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Committee	10 March 2015
Council	24 March 2015
Applicant	Delstrat Pty Ltd
Landowner	L G Cross & J Feng
Officer	Mr T L Geddes – Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
File Reference	DA2014/564 – C11/11
Previous Item	Nil

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

Cr Hodsdon returned at 8.25pm

Cr Hassell departed the Chamber at 8.25pm

Cr Hassell returned at 8.27pm

Cr Hay and Mr G Trevaskis departed the Chamber at 8.25pm

Cr Hay returned at 8.28pm

Mr G Trevaskis returned at 8.28pm

Mr Lewis Cross, 48 Gallop Road, Dalkeith
(Spoke in support of the recommendation)

PD14.15

Moved – Councillor Hassell
Seconded – Councillor Argyle

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED 8/1
(Against: Cr. Hay)
(Abstained: Crs. James, McManus, Hodsdon)

Recommendation to Committee

Council approves the application for Gazebo to Single House at (Lot 753) No. 11 Circe Circle North Dalkeith, in accordance with the application received on 27 October 2014, subject to the following conditions:

1. The development shall at all times comply with the approved plans.
2. This planning approval applies only to the proposed gazebo.
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 proposal:

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, 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.

PD15.15	Tresillian Arts Centre Leases – Delegated Authority
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Committee	10 March 2015
Council	24 March 2015
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rebecca Boley – Leased Assets Co-ordinator
Director	Peter Mickleson – Planning & Development
File Reference	SharePoint
Previous Item	25 September 2012 (Report CP42.12)

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

Moved – Councillor Binks
Seconded – Councillor Shaw

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

CARRIED UNANIMOUSLY 12/-

Recommendation to Committee

Council

- 1. Re-affirms the previously delegated authority relating to Tresillian Arts Centre Leases and amends to reads as follows:
The chief executive officer is authorised to accept leases negotiated at Tresillian Arts Centre in accordance with Section 3.58 of the Local Government Act 1995, up to an annual rental income of \$10,000.**
- 2. Delegates authority to the chief executive officer to sign the associated Deeds of Lease as a deed following a negotiation process in accordance with that noted in (1) above.**

8.2 Technical Services Report No's TS08.15 to TS10.15

TS08.15	Tender No. 2014/15.09 – Supply and Construction of Extruded Kerbing
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Committee	10 March 2015
Council	24 March 2015
Applicant	City of Nedlands
Officer	Nathan Brewer – Purchasing and Tenders Coordinator
Director	Mark Goodlet – Director Technical Services
File Reference	TS-PRO-00058
Previous Item	Not Applicable

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

Moved – Councillor Shaw
Seconded – Councillor Binks

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

CARRIED UNANIMOUSLY 12/-

Recommendation to Committee

Council:

1. **Agrees to award tender no. 2014/15.09 to the contractor Downer EDI Works Pty Ltd as per the schedule of rates submitted; and**
2. **Authorises the Chief Executive Officer to sign an acceptance of offer for this tender.**

<p>TS09.15 Tender No. 2013/14.31 – Provision of Traffic Management Services</p>

Committee	10 March 2015
Council	24 March 2015
Applicant	City of Nedlands
Officer	Nathan Brewer – Purchasing and Tenders Coordinator
Director	Mark Goodlet – Director Technical Services
File Reference	TS-PRO-00016
Previous Item	Not Applicable

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

Moved – Councillor Binks
 Seconded – Councillor Hassell

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

CARRIED UNANIMOUSLY 12/-

Recommendation to Committee

Council:

1. **Agrees to award tender no. 2013/14.31 to the contractor Quality Traffic Management as per the schedule of rates submitted; and**
2. **Authorises the Chief Executive Officer to sign an acceptance of offer for this tender.**

TS10.15 Consideration for Management Options for Tree in Poplar Gardens (Reserve 42253), Mt Claremont

Committee	10 March 2015
Council	24 March 2015
Applicant	City of Nedlands
Officer	Andrew Dickson – Manager Parks Services
Director	Mark Goodlet – Director Technical Services
File Reference	PAR-AAPS-00009
Previous Item	Council Minutes 28 February 2012 - Item 12.3; Report TO1.12

Regulation 11(da) – Committee sought a compromise between the residents concerns and the desire to retain the tree.

Moved - Councillor Binks
 Seconded – Councillor Hodsdon

That the motion be put.

**CARRIED 9/3
 (Against: Crs McManus, Smyth, Shaw)**

Moved – Councillor McManus
 Seconded – Councillor Porter

Council accepts the view that the subject tree poses an unacceptable risk, due to its size and species, and requests the City to trim the tree to a suitable size, with the safety of residents being the prime concern.

**CARRIED 9/2
 (Against: Crs. James, Hodsdon)
 (Abstained: Mayor)**

Recommendation to Committee

Council requests the CEO to continue with the annual inspection and management of the subject tree in accordance with recognised best practice principles for the management of trees in urban areas.

Alternative Recommendation

Council accepts the view that the subject tree poses an unacceptable risk, due to its size and species, and requests the CEO remove and replace the tree, as the only practicable option for eliminating the risk, with a suitable species for the location.

8.3 Community & Organisational Development

Nil Reports.

8.4 Corporate & Strategy's Report No's CPS05.15 to CPS 08.15

CPS05.15	List of Accounts Paid – January 2015
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Committee	10 March 2015
Council	24 March 2015
Applicant	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate & Strategy
File Reference	Fin/072-17
Previous Item	Nil

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

Moved – Councillor Hodsdon
 Seconded – Councillor Hassell

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

CARRIED 11/-
(Abstained: Crs. Binks)

Recommendation to Committee

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

CPS06.15 Corporate Business Plan – Quarter 2 2014/15

Committee	10 March 2015
Council	24 March 2015
Applicant	City of Nedlands
Director	Michael Cole, Director Corporate & Strategy
File Reference	Corporate Strategy & Systems
Previous Item	Nil

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

Moved – Councillor Shaw
Seconded – Councillor Hodsdon

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

CARRIED UNANIMOUSLY 12/-

Recommendation to Committee

Council receives the Quarter 2 2014/2015 report on progress towards “Nedlands 2023 – Making it Happen”, the Corporate Business Plan.

CPS07.15 Policy Review

Committee	10 March 2015
Council	24 March 2015
Applicant	City of Nedlands
Officer	Phoebe Huigens, Policy & Projects Officer
Director	Michael Cole, Director Corporate & Strategy
File Reference	Policy & Projects
Previous Item	NIL

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

Moved – Councillor Shaw
 Seconded – Councillor McManus

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED 11/-
(Abstained: Crs. Hodsdon)

Recommendation to Committee

That Council:

1. **Approves the following policies:**
 - a) **Freemen of the City**
 - b) **Use of Council Facilities for Community Purposes**
2. **Revokes the following policy:**
 - a) **Access to Council Services, Facilities and Functions**

CPS08.15	Mid-Year Budget Review – 2014/15
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Committee	10 March 2015
Council	24 March 2015
Applicant	City of Nedlands
Officer	Rajah Senathirajah, Manager Finance
Director	Michael Cole – Director Corporate & Strategy
File Reference	LEG/025
Previous Item	NIL

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

Moved – Councillor Shaw
 Seconded – Councillor McManus

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

CARRIED 11/-
(Abstained: Cr. Hassell)

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 2015;
- b) notes that following the audit of the 2013/14 Annual Financial Statements the Council had on 28 October 2014 approved changes to the 2014/15 adopted Budget, as reflected in the Revised Rate Setting Statement in Attachment 1;
- c) notes the requested changes to the current 2014/15 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 \$8,100.

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 9.13pm.

Greg Trevaskis
Chief Executive Officer
3 March 2015