



City of Nedlands

Minutes

Council Committee Meeting

10 July 2018

ATTENTION

This is a Committee which has only made recommendations to Council. No action should be taken on any recommendation contained in these Minutes. The Council resolution pertaining to an item will be made at the next Ordinary Meeting of Council following this meeting.

Table of Contents

Declaration of Opening	3
Present and Apologies and Leave Of Absence (Previously Approved)	3
1. Public Question Time	4
2. Addresses By Members of the Public (only for items listed on the agenda)	4
3. Disclosures of Financial Interest	5
4. Disclosures of Interests Affecting Impartiality	5
4.1 Councillor McManus – PD35.18 - (Lot 352) No. 81 Dalkeith Road, Nedlands – Home Business (Acupuncturist) Renewal	5
5. Declarations by Members That They Have Not Given Due Consideration to Papers	5
6. Confirmation of Minutes	5
6.1 Committee Meeting 12 June 2018	5
7. Matters for Which the Meeting May Be Closed	5
8. Divisional Reports	6
8.1 Planning & Development Report No's PD30.18 to PD35.18	7
PD30.18 (Lot 5146) No. 2 Alfred Road, Claremont – Increase in Staff and Children Numbers for a Child Day Care Centre (Retrospective)	7
PD31.18 (Lot 55) No. 5 Webster Street, Nedlands – Proposed Retaining Walls and Dividing Fencing	11
PD32.18 (Lot 4) No. 67 Minora Road, Dalkeith – Proposed Patio	13
PD33.18 (Lot 226) No. 37 Tyrell Street, Nedlands – Additions to Existing Single Dwelling	15
PD34.18 (Lot 3) No. 7 Nardina Crescent, Dalkeith – Proposed Street Boundary Fencing (Retrospective)	18
PD35.18 (Lot 352) No. 81 Dalkeith Road, Nedlands – Home Business (Acupuncturist) Renewal	20
8.2 Technical Services Report No's TS14.18 to TS18.18	25
TS14.18 School Sports Circuit Project	25
TS15.18 St Johns Wood Boulevard POS Community Consultation	26
TS16.18 Proposed Removal and Replacement of Street Trees in Beecham Road, Mt Claremont	27
TS17.18 City of Nedlands Waste Management Services Tender 2013/14.01 Contract Extension	29
TS18.18 RFT 2017-18.11 Traffic Management Services	30
8.3 Corporate & Strategy Report No's CPS16.18	31
CPS16.18 List of Accounts Paid – May 2018	31
9. Reports by the Chief Executive Officer	32
10. Urgent Business Approved By the Presiding Member or By Decision	32
11. Confidential Items	32
Declaration of Closure	32

City of Nedlands

Minutes of a meeting of the Council Committee held in the Council Chambers, Nedlands on Tuesday 10 July 2018 at 7 pm.

Declaration of Opening

The Chief Executive Officer declared the meeting open at 7 pm 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).

In the absence of both the Mayor and Deputy Mayor the Chief Executive Officer called for nominations for the chair.

Councillor McManus nominated Councillor Argyle and this nomination was seconded by Councillor Hay. There were no further nominations were received. Councillor Argyle was appointed the Presiding Member and assumed the chair.

Present and Apologies and Leave Of Absence (Previously Approved)

Councillors	Councillor I S Argyle	(Presiding Member)	Dalkeith Ward
	Councillor A W Mangano		Dalkeith Ward
	Councillor C M de Lacy		Hollywood Ward
	Councillor B G Hodsdon		Hollywood Ward
	Councillor J D Wetherall		Hollywood Ward
	Councillor G A R Hay		Melvista Ward
	Councillor T P James		Melvista Ward
	Councillor N W Shaw		Melvista Ward
	Councillor N B J Horley		Coastal Districts Ward
	Councillor L J McManus		Coastal Districts Ward

Staff	Mr G K Trevaskis	Chief Executive Officer
	Mrs L M Driscoll	Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Mr M A Glover	Director Technical Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

Public There were 16 members of the public present.

Press The Post Newspaper representative.

Leave of Absence (Previously Approved)	His Worship the Mayor, R M C Hipkins	
	Councillor W R B Hassell	Dalkeith Ward
	Councillor K A Smyth	Coastal Districts Ward

Apologies Nil.

Absent Nil.

Disclaimer

Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. For example by reference to the confirmed Minutes of Council meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

1. Public Question Time

Nil.

2. Addresses By Members of the Public (only for items listed on the agenda)

Mrs Suzanne Vos, 10 Burnettia Lane, Mt Claremont PD30.18
(spoke in opposition to the recommendation)

Mr Rick Roosendall, 65 Minora Road, Dalkeith PD32.18
(spoke in opposition to the recommendation)

Mr Pino Monaco, 37 Tyrell Street, Nedlands PD33.18
(spoke in opposition to the recommendation)

M Cuiyang Wang, 7 Nardina Crescent, Dalkeith PD34.18
(spoke in support of the recommendation)

Ms Marlene Harding, 28 Mountjoy Road, Nedlands PD35.18
(spoke in opposition to the recommendation)

Mr Chao Ji Xu, 81 Dalkeith Road, Dalkeith PD35.18
(spoke in support of the recommendation)

Mr Michael Kemeny, 83 Dalkeith Road PD35.18
(spoke in support of the recommendation)

3. Disclosures of Financial Interest

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

There were no disclosures of financial interest.

4. Disclosures of Interests Affecting Impartiality

The Presiding Member reminded Councillors and Staff of the requirements of Council's Code of Conduct in accordance with Section 5.103 of the *Local Government Act*.

4.1 Councillor McManus – PD35.18 - (Lot 352) No. 81 Dalkeith Road, Nedlands – Home Business (Acupuncturist) Renewal

Councillor McManus disclosed an impartiality interest in Item PD35.18 - (Lot 352) No. 81 Dalkeith Road, Nedlands – Home Business (Acupuncturist) Renewal. Councillor McManus disclosed that he was a past client of the applicant, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor McManus 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

Nil.

6. Confirmation of Minutes

6.1 Committee Meeting 12 June 2018

Moved – Councillor Mangano
Seconded – Councillor Hay

The Minutes of the Council Committee held 12 June 2018 be confirmed.

CARRIED UNANIMOUSLY 10/-

7. Matters for Which the Meeting May Be Closed

Nil.

8. Divisional Reports

Note: Regulation 11(da) of the *Local Government (Administration) Regulations 1996* requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70, but not a decision to only note the matter or to return the recommendation for further consideration.

8.1 Planning & Development Report No's PD30.18 to PD35.18

Planning & Development Report No's PD30.18 to PD35.18 to be dealt with at this point (copy attached yellow cover sheet).

PD30.18	(Lot 5146) No. 2 Alfred Road, Claremont – Increase in Staff and Children Numbers for a Child Day Care Centre (Retrospective)
----------------	---

Committee	10 July 2018
Council	24 July 2018
Applicant	R Skinner
Landowner	A Skinner
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA2017/253
Previous Item	PD12.18 – April 2018
Delegation	In accordance with Clause 6.7.1a) of the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	<ol style="list-style-type: none"> 1. Photograph of the subject property 2. Photographs of the Parking Situation on 19 October 2017 3. Photographs of the Parking Situation on 24 October 2017 4. Photographs of the Parking Situation on 25 October 2017 5. Photographs of the Parking Situation on 21 March 2018 6. Photographs of the unauthorised patio structures 7. Noise Management Plan (received on 7 March 2018) 8. Photographs of the unauthorised shade sail structure 9. Photograph of the unauthorised sign

Mrs Suzanne Vos, 10 Burnettia Lane, Mt Claremont
(spoke in opposition to the recommendation)

PD30.18

Regulation 11(da) – Not Applicable – Recommendation adopted with one additional condition.

Moved – Councillor Shaw
Seconded – Councillor Hodsdon

That the Recommendation to Committee be adopted subject to an additional condition be added as follows:

- 9. That a 2.4m masonry boundary wall be constructed on the boundary between the site and number 4 Alfred Road.**

**CARRIED 6/4
(Against: Crs. Mangano Hay James & Horley)**

Committee Recommendation

Council approves the retrospective development application to increase staff and children numbers at (Lot 5146) No. 2 Alfred Road, Claremont, in accordance with the amended plans received on 7 December 2017, subject to the following conditions and advice:

- 1. The development shall at all times comply with the approved plans.**
- 2. The on-site car-parking bays being maintained by the landowner to the City's satisfaction.**
- 3. A maximum of 10 staff and 46 children on the premises at any one time.**
- 4. The child day care centre only being permitted to operate between 7.00am and 6.00pm Monday to Friday (excluding public holidays).**
- 5. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.**
- 6. The landowner complying with the noise management plan received on 7 March 2018 (Attachment 7) to the City's satisfaction.**
- 7. Absorptive lining being applied to the underside of the patios' roof frame within 28 days from the date of this decision, in accordance with the Patio Acoustic Assessment dated 9 February 2018, to the City's satisfaction.**
- 8. The absorptive lining applied to the underside of the patios' roof frame is to remain and be maintained by the landowner thereafter to the City's satisfaction.**
- 9. That a 2.4m masonry boundary wall be constructed on the boundary between the site and number 4 Alfred Road.**

Advice Notes specific to this proposal:

- 1. A separate application is required to be lodged and approved by the City prior to increasing staff and/or children numbers for the child day care centre in future.**
- 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 landowner is advised that all mechanical equipment and activities on the property are required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.**
- 4. The applicant shall make application to the City's Building Services for a Building Approval Certificate, to acknowledge the unauthorised works.**

Recommendation to Committee

Council approves the retrospective development application to increase staff and children numbers at (Lot 5146) No. 2 Alfred Road, Claremont, in accordance with the amended plans received on 7 December 2017, subject to the following conditions and advice:

1. The development shall at all times comply with the approved plans.
2. The on-site car-parking bays being maintained by the landowner to the City's satisfaction.
3. A maximum of 10 staff and 46 children on the premises at any one time.
4. The child day care centre only being permitted to operate between 7.00am and 6.00pm Monday to Friday (excluding public holidays).
5. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.
6. The landowner complying with the noise management plan received on 7 March 2018 (Attachment 7) to the City's satisfaction.
7. Absorptive lining being applied to the underside of the patios' roof frame within 28 days from the date of this decision, in accordance with the Patio Acoustic Assessment dated 9 February 2018, to the City's satisfaction.
8. The absorptive lining applied to the underside of the patios' roof frame is to remain and be maintained by the landowner thereafter to the City's satisfaction.

Advice Notes specific to this proposal:

1. A separate application is required to be lodged and approved by the City prior to increasing staff and/or children numbers for the child day care centre in future.

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 landowner is advised that all mechanical equipment and activities on the property are required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.
4. The applicant shall make application to the City's Building Services for a Building Approval Certificate, to acknowledge the unauthorised works.

PD31.18 (Lot 55) No. 5 Webster Street, Nedlands – Proposed Retaining Walls and Dividing Fencing

Committee	10 July 2018
Council	24 July 2018
Applicant	L and E Stoyanov
Landowner	As above
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA2018/28736
Previous Item	Nil.
Delegation	In accordance with Clause 6.7.1a) of the City’s Instrument of Delegation, Council is required to determine the application due to an objection being received.
Attachments	1. Photograph of the subject property

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 8/1
(Against: Cr. Mangano)
(Abstained: Cr. Hay)

Committee Recommendation / Recommendation to Committee

Council approves the development application dated 23 April 2018, with amended plans received on 11 May 2018, for proposed retaining walls and fencing at (Lot 55) No. 5 Webster Street, Nedlands, subject to the following conditions and advice:

- 1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 2. This development approval only pertains to the fencing and retaining walls proposed along the property’s southern lot boundary.**

- 3. Amended plans being submitted as part of the building permit application which show the finished ground level proposed as part of this development application not exceeding 0.5m above natural ground level.**
- 4. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.**
- 5. All footings and structures to retaining walls and fences shall be constructed wholly inside the site boundaries of the property's Certificate of Title.**

Advice Notes specific to this approval:

- 1. Stormwater to be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. 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. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.**
- 2. All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved under the Nature Strip Development approval.**
- 3. 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.**

PD32.18	(Lot 4) No. 67 Minora Road, Dalkeith – Proposed Patio
----------------	--

Committee	10 July 2018
Council	24 July 2018
Applicant	Oasis Patios Pty Ltd
Landowner	S and M Gonsalves
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA18/28229
Previous Item	Nil.
Delegation	In accordance with Clause 6.7.1a) of the City's Instrument of Delegation, Council is required to determine the application due to an objection being received.
Attachments	1. Photograph of the patio's proposed location

Mr Rick Roosendall, 65 Minora Road, Dalkeith
(spoke in opposition to the recommendation)

PD32.18

Regulation 11(da) – Committee disagreed with recommendation on the grounds that the application does not comply with building setback requirements.

Moved – Councillor Shaw
Seconded – Councillor Mangano

Committee Recommendation

That Council refuse the development application.

**CARRIED 7/3
(Against: Crs. Wetherall James & McManus)**

Recommendation to Committee

Council approves the development application for a patio to be constructed at (Lot 4) No.67 Minora Road, Dalkeith, received on 11 April 2018, with an amended elevation plan received on 1 May 2018, subject to the following conditions and advice:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
2. This development approval pertains to the proposed 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. The swimming pool shall be kept dry during the construction period. Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.
2. Stormwater to be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. 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. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.
3. 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.

PD33.18 (Lot 226) No. 37 Tyrell Street, Nedlands – Additions to Existing Single Dwelling

Committee	10 July 2018
Council	24 July 2018
Applicant	Dale Alcock Home Improvements
Landowner	C Monaco
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA18/28482
Previous Item	Nil.
Delegation	In accordance with Clause 6.7.1d) of the City’s Instrument of Delegation, Council is required to determine the application when refusal is recommended and discretion exists for Council to approve the variations under the City’s Town Planning Scheme No. 2, Council Policies and/or the Residential Design Codes.
Attachments	1. Photographs of the subject property

Mr Pino Monaco, 37 Tyrell Street, Nedlands
(spoke in opposition to the recommendation)

PD33.18

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 8/2
(Against: Crs. Hodsdon & McManus)

Committee Recommendation / Recommendation to Committee

Council:

1. Refuses the games room component of the development application dated 20 April 2018, with amended plans received on 1 May 2018, for (Lot 226) No. 73 Tyrell Street, Nedlands, for the following reasons:
 - a) The development will adversely affect the amenity of the local area as the it will increase the bulk and scale due to its reduced rear lot boundary setback and will set an undesirable precedent.

- b) The proposal does not satisfy the design principles stipulated under clause 5.1.3 (Lot Boundary Setback) of the *Residential Design Codes 2018* due to the bulk of the building when seen from adjoining properties caused by the rear lot boundary setback.
 - c) The proposal does not satisfy provisions (m), (n) and (s) of Clause 67 within the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the appearance of the building will negatively impact the amenity of the locality due to its rear lot boundary setback.
 - d) A habitable room setback 1.78m in lieu of 6m from a rear lot boundary does not represent the orderly and proper planning of the City and conflicts with cl. 6.5.1 of Town Planning Scheme No. 2.
2. Approves the carport and street boundary fencing components of the development application dated 20 April 2018, with amended plans received on 1 May 2018, for (Lot 226) No. 73 Tyrell Street, Nedlands, subject to the following conditions and advice:
- a) The development shall comply with the approved plans at all times.
 - b) All footings and structures to the fencing and carport shall be constructed wholly inside the site boundaries of the Certificate of Title.
 - c) All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.
 - d) The carport shall not accommodate a door.

Advice Notes specific to this approval:

- 1. Any construction in the verge will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City's Engineering section, prior to construction.
- 2. The crossover to the street shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision onsite, prior to commencement of works.

- 3. A separate development application is required to be submitted to and approved by the City prior to erecting any further fencing within the street setback area(s) which is not compliant with the deemed-to-comply provisions of the Residential Design Codes, and/or erecting any fencing behind the primary street setback area which is more than 1.8m in height above natural ground level.**
- 4. 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.**
- 5. 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.**
- 6. 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.**
- 7. 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.**
 - a) 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.**
 - b) 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.**
- 8. 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.**

PD34.18	(Lot 3) No. 7 Nardina Crescent, Dalkeith – Proposed Street Boundary Fencing (Retrospective)
----------------	--

Committee	10 July 2018
Council	24 July 2018
Applicant	C Wang
Landowner	C Wang
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA2017/334
Previous Item	Nil.
Delegation	In accordance with Clause 6.7.1d) of the City’s Instrument of Delegation, Council is required to determine the application when refusal is recommended and discretion exists for Council to approve the variations under the City’s Town Planning Scheme No. 2, Council Policies and/or the Residential Design Codes.
Attachments	1. Photographs of the subject property

Mr Cuiyang Wang, 7 Nardina Crescent, Dalkeith
(spoke in support of the recommendation)

PD34.18

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 7/1
(Against: Cr. Mangano)
(Abstained: Crs. Hodsdon & Horley)

Committee Recommendation / Recommendation to Committee

Council approves the retrospective development application received on 1 December 2017, with amended plans received on 28 March 2018, for the existing street boundary fencing to remain at (Lot 3) No. 7 Nardina Crescent, Dalkeith, subject to the following conditions and advice:

- 1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 2. This development approval only pertains to the fencing which exists along the Nardina Crescent and Minora Road boundaries of the property.**
- 3. Amended plans being provided as part of the Building Certificate Application which shows the following alterations:**
 - a) The pillar for the letterbox on the northern side of the drive way being 0.5m in width; and**
 - b) The fencing on the southern side of the driveway consisting of one brick pier 1.9m in height and 0.5m in width, solid infill of 0.75m in height, and visually permeable infill up to 1.8m in height above natural ground level (refer to advice note 1).**
- 4. The alterations required to be made to the fencing specified under Condition 3 of this approval decision being made within 28 days of the Building Certificate being issued by the landowner to the City's satisfaction, or by an alternative date agreed to in writing by the City.**
- 5. All footings and structures to the fencing shall be constructed wholly inside the site boundaries of the property's Certificate of Title.**

Advice Notes specific to this approval:

- 1. The applicant is advised that a wall for the gas and electric meter is able to be located within the street setback area subject to being solid up to 1.8m in height, 1m in width, right aligned to the street, and not being closer than 1.5m from where a driveway meets the crossover on the subject property and/or an adjoining property.**
- 2. A separate development application is required to be submitted to and approved by the City prior to erecting any further fencing within the street setback area(s) which does not form part of this approval, is not compliant with the deemed-to-comply provisions of the Residential Design Codes, and/or erecting any fencing behind the primary street setback area which is more than 1.8m in height above natural ground level.**
- 3. The applicant shall make application to the City's Building Services for a Building Approval Certificate, to acknowledge any unauthorised works.**

PD35.18	(Lot 352) No. 81 Dalkeith Road, Nedlands – Home Business (Acupuncturist) Renewal
----------------	---

Committee	10 July 2018
Council	24 July 2018
Applicant	C Xu and P Ding
Landowner	C Xu and P Ding
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA2018/28882
Previous Item	Nil.
Delegation	In accordance with Clause 6.7.1a) of the City's Instrument of Delegation, Council is required to determine the application due to an objection being received.
Attachments	<ol style="list-style-type: none"> 1. Details of the home business from the applicant's website 2. Photographs of the acupuncture rooms on the subject property 3. Photographs of the car parking situation taken on 7 and 8 June 2018

Councillor McManus – Impartiality Interest

Councillor McManus disclosed that he was a past client of the applicant, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor McManus declared that he would consider this matter on its merits and vote accordingly.

Ms Marlene Harding, 28 Mountjoy Road, Nedlands PD35.18
(spoke in opposition to the recommendation)

Mr Chao Ji Xu, 81 Dalkeith Road, Dalkeith PD35.18
(spoke in support of the recommendation)

Councillor Hay left the room at 8.26 pm and returned at 8.30 pm.

Mr Michael Kemeny, 83 Dalkeith Road PD35.18
(spoke in support of the recommendation)

Councillor Mangano left the room at 8.32 pm.

Regulation 11(da) – Not Applicable – Recommendation agreed to with additional conditions to extend the term and provide onsite parking.

Moved – Councillor McManus
Seconded – Councillor Hodsdon

That the Recommendation to Committee be adopted subject to replacing the words “12 months” with the words “3 years” in condition 2.

Councillor Mangano returned to the room at 8.34 pm.

Amendment

Moved - Councillor James
Seconded - Councillor Shaw

That an additional condition 6 be added as follows:

- 6. Provision be made for 2 onsite car parking bays on the premises.**

The AMENDMENT was PUT and was

**CARRIED 7/3
(Against: Crs. Hodsdon Wetherall & McManus)**

The Substantive Motion was PUT and was

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

Committee Recommendation

Council approves the development application for a home business (acupuncturist) to continue operating at (Lot 352) No. 81 Dalkeith Road, Nedlands, received on 14 May 2018, subject to the following conditions and advice:

- 1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 2. The home business approval being valid for a period of 3 years from the date of Council’s decision in accordance with Council’s Home Business Policy, after which time it is not permitted to continue operating unless a separate planning application has been approved.**

3. The proposed use complying with the home business definition stipulated under the City's Town Planning Scheme No. 2 (refer to advice note 1).
4. Patients visiting the property by prior appointment only.
5. The home business only being permitted to operate between the following times:

Mondays to Fridays – 8.00am to 6.30pm
Saturdays – 8.00am to 1.00pm
6. Provision be made for 2 onsite car parking bays on the premises.

Advice Notes specific to this approval:

1. With regard to Condition 2, The applicant is advised that the use 'Home Business' is defined as being the following under the City's Town Planning Scheme No. 2:

"Home Business - means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:

- a) *does not employ more than 2 people not members of the occupier's household;*
 - b) *will not cause injury to or adversely affect the amenity of the neighbourhood;*
 - c) *does not occupy an area greater than 50 square metres;*
 - d) *does not involve the retail sale, display or hire of goods of any nature;*
 - e) *in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
 - f) *does not involve the use of an essential service of greater capacity than normally required in the zone."*
2. Noise levels are to comply with the *Environmental Protection (Noise) Regulations 1997.*

- 3. 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 for a home business (acupuncturist) to continue operating at (Lot 352) No. 81 Dalkeith Road, Nedlands, received on 14 May 2018, subject to the following conditions and advice:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
2. The home business approval being valid for a period of 12 months from the date of Council's decision in accordance with Council's Home Business Policy, after which time it is not permitted to continue operating unless a separate planning application has been approved.
3. The proposed use complying with the home business definition stipulated under the City's Town Planning Scheme No. 2 (refer to advice note 1).
4. Patients visiting the property by prior appointment only.
5. The home business only being permitted to operate between the following times:
Mondays to Fridays – 8.00am to 6.30pm
Saturdays – 8.00am to 1.00pm

Advice Notes specific to this approval:

1. With regard to Condition 2, The applicant is advised that the use 'Home Business' is defined as being the following under the City's Town Planning Scheme No. 2:

"Home Business - means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which:
 - a) does not employ more than 2 people not members of the occupier's household;*
 - b) will not cause injury to or adversely affect the amenity of the neighbourhood;*
 - c) does not occupy an area greater than 50 square metres;*

- d) *does not involve the retail sale, display or hire of goods of any nature;*
 - e) *in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
 - f) *does not involve the use of an essential service of greater capacity than normally required in the zone."*
2. Noise levels are to comply with the *Environmental Protection (Noise) Regulations 1997*.
 3. 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.

8.2 Technical Services Report No's TS14.18 to TS18.18

Technical Services Report No's TS14.18 to TS18.18 to be dealt with at this point (copy attached blue cover sheet).

TS14.18	School Sports Circuit Project
Committee	10 July 2018
Council	24 July 2018
Applicant	City of Nedlands
Officer	Director Technical Services
Director	Director Technical Services
Attachments	1. School Sports Circuit Project Synopsis 2017

Councillor Shaw left the room at 8.46 pm.

Regulation 11(da) – Not Applicable – Item referred back for further consideration at a briefing session.

Moved – Councillor Horley
 Seconded – Councillor James

Committee Recommendation

That the item be referred back for Councillor Briefing.

Councillor Shaw returned to the room at 8.47 pm.

**CARRIED 8/2
 (Against: Crs. Wetherall & McManus)**

Recommendation to Council

Council:

1. supports in principle the proposed School Sports Circuit Project subject to the following:
 - a. The Administration secures right of access over the lands required for the route not owned or managed by the City; and
 - b. A minimum of 50 percent alternative funding (grant or private contribution) is sourced to fund the project.
2. agrees that where the route coincides with existing path replacement projects, the path is constructed to meet the minimum width requirements for universal access.

TS15.18	St Johns Wood Boulevard POS Community Consultation
----------------	---

Committee	10 July 2018
Council	24 July 2018
Applicant	City of Nedlands
Officer	Director Technical Services
Director	Director Technical Services
Attachments	1. Community Consultation Report 2. Revised Concept Plan

Regulation 11(da) - Not Applicable – Development approved with naming of park to be considered at a later date.

Moved – Councillor Horley
Seconded – Councillor Shaw

That the Recommendation to Committee be adopted subject to clause 2 being removed.

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

Committee Recommendation

Council:

- 1. in consideration of the community’s support, approves the development of St Johns Wood Boulevard Public Open Space in accordance with the revised Concept Plan (refer attachment 2);**
- 2. endorses the Administration’s action to seek a management order for Lot 415 St Johns Wood Boulevard for the purposes of recreation.**

Recommendation to Committee

Council:

1. in consideration of the community’s support, approves the development of St Johns Wood Boulevard Public Open Space in accordance with the revised Concept Plan (refer attachment 2);
2. approves that St Johns Wood Boulevard Public Open Space be renamed Abbey Park; and
3. endorses the Administration’s action to seek a management order for Lot 415 St Johns Wood Boulevard for the purposes of recreation.

TS16.18	Proposed Removal and Replacement of Street Trees in Beecham Road, Mt Claremont
----------------	---

Committee	10 July 2018
Council	24 July 2018
Applicant	City of Nedlands
Officer	Andrew Dickson – Manager Parks Services
Director	Martyn Glover – Director Technical Services
Attachments	1. Arboricultural Report January 2009 2. Tree Assessment June 2010

Councillor Hodsdon left the room at 9.00 pm.

Ms Sonja Moors, 9 Beecham Road, Mt Claremont
(spoke in opposition to the recommendation)

TS16.18

Councillor Hodsdon returned to the room at 9.02 pm

Regulation 11(da) – Not applicable – Removal of trees as recommended endorses with amendment for revegetation with appropriate species.

Moved – Councillor Horley
Seconded – Councillor Shaw

That the Recommendation to Committee be adopted subject to in clause 3 the words “in accordance with the renewed northern portion of Beecham Road as previously supported by the majority of residents consulted, and agreed by Council, in 2010.” be removed and replaced with the words “with appropriate vegetation”.

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

Committee Recommendation

Council:

- 1. authorises the removal of the 11 street trees, identified in arboricultural report as being considered to have a potentially greater associated risk, to ensure the safety of persons and property in both the public and private realm;**
- 2. instructs Administration to stage the removal of the 11 street trees over a period of not less than four (4) years, to ensure the transition of the streetscape, prioritising removal of trees posing the greatest concern to safety; and**
- 3. instructs Administration to replace all removed trees and reinstate the streetscape with appropriate vegetation.**

Recommendation to Committee

Council:

1. authorises the removal of the 11 street trees, identified in arboricultural report as being considered to have a potentially greater associated risk, to ensure the safety of persons and property in both the public and private realm;
2. instructs Administration to stage the removal of the 11 street trees over a period of not less than four (4) years, to ensure the transition of the streetscape, prioritising removal of trees posing the greatest concern to safety; and
3. instructs Administration to replace all removed trees and reinstate the streetscape in accordance with the renewed northern portion of Beecham Road as previously supported by the majority of residents consulted, and agreed by Council, in 2010.

TS17.18	City of Nedlands Waste Management Services Tender 2013/14.01 Contract Extension
----------------	--

Committee	10 July 2018
Council	24 July 2018
Applicant	City of Nedlands
Officer	Chaminda Mendis – Waste Minimisation Co-ordinator
Director	Martyn Glover – Director Technical Service
Attachments	1. SUEZ Contract Extension Request letter

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor James

Seconded – Councillor McManus

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 10/-

Committee Recommendation / Recommendation to Committee

Council accepts the City of Nedlands Waste Management Service tender 2013/14.01 contract extension for a further two (2) years from 3 December 2018 to 3 December 2020.

TS18.18	RFT 2017-18.11 Traffic Management Services
----------------	---

Committee	10 July 2018
Council	24 July 2018
Applicant	City of Nedlands
Officer	Nathan Brewer – Purchasing and Tenders Coordinator
Director	Martyn Glover – Director Technical Services
Attachments	1. Final Evaluation (Confidential)

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)

Councillor James left the room at 9.15 pm.

CARRIED 7/-
(Abstained: Crs. Mangano & de Lacy)

Committee Recommendation / Recommendation to Committee

Council:

1. agrees to award tender no. 2017-18.11 to Advanced Traffic Management WA Pty Ltd for Traffic Management Services as per the schedule of rates submitted; and
2. authorises the Chief Executive Officer to sign an acceptance of offer for this tender.

8.3 Corporate & Strategy Report No's CPS16.18

Report No's CPS16.18 to be dealt with at this point (copy attached green cover sheet).

CPS16.18 List of Accounts Paid – May 2018
--

Committee	10 July 2018
Council	24 July 2018
Applicant	City of Nedlands
Officer	Vanaja Jayaraman – Manager Finance
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Creditor Payment Listing May 2018 2. Purchasing Card Payments May 2018 (28 th April – 28 th May)

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hodsdon

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 May 2018 (refer to attachments).

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 9.17 pm.