



City of Nedlands

Minutes

Council Committee Meeting

12 June 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.

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City of Nedlands

Minutes of a meeting of the Council Committee held in the Council Chambers, Nedlands on Tuesday 12 June 2018 at 7 pm.

Declaration of Opening

The Presiding Member 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).

Present and Apologies and Leave Of Absence (Previously Approved)

Councillors	His Worship the Mayor, R M C Hipkins (Presiding Member)	
	Councillor I S Argyle	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor C M de Lacy	Hollywood Ward
	Councillor B G Hodsdon	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
	Councillor K A Smyth	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
	Ms K L Bainbridge	Senior Statutory Planning Officer
	Ms C M Walker	Community Engagement Coordinator

Public There were 15 members of the public present.

Press The Post Newspaper representative.

Leave of Absence (Previously Approved) Councillor W R B Hassell Dalkeith Ward

Apologies Councillor J D Wetherall Hollywood Ward

Absent Nil.

Disclaimer

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

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1. Public Question Time

Nil.

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

Mr Joe Algeri, 68 Canning Highway, South Perth PD24.18
(spoke in support of the recommendation)

Mr Lloyd Edmunds, 25 Webster Street, Nedlands PD25.18
(spoke in support of the recommendation)

Mr Petar Mrdja, 231 Bulwer Street, Perth PD27.18
(spoke in support of the recommendation)

Mr Marc Senders, 92 Thomas Street, Nedlands PD28.18
(spoke in support of the recommendation)

Mrs Kathleen Von Leonhardi, 91 Tyrell Street, Nedlands PD28.18
(spoke in opposition to the recommendation)

Mr Anthony Von Leonhardi, 91 Tyrell Street, Nedlands PD28.18
(spoke in opposition to the recommendation)

Mr Chris Richardson, 55 Jutland Parade, Dalkeith PD29.18
(spoke in support of the recommendation)

Ms Miriam Stanborough, 98 Dalkeith Road, Nedlands TS11.18
(spoke in support of the recommendation)

Mr Angus Argyle, 23 Louise Street, Nedlands
(spoke in support of the recommendation)

TS11.18

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 James – PD27.18 - (Lot 556) No. 13 Minora Road, Dalkeith – Single Dwelling No 121 (Lot 226) Rochdale Rd, Mt Claremont - Proposed Gazebo

Councillor James disclosed an impartiality interest in Item PD27.18 - (Lot 556) No. 13 Minora Road, Dalkeith – Single Dwelling No 121 (Lot 226) Rochdale Rd, Mt Claremont - Proposed Gazebo. Councillor James disclosed that she knows the applicant, and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor James declared that she would consider this matter on its merits and vote accordingly.

4.2 Councillor Shaw – 11.1 – Future Use of Tawarri Site

Councillor Shaw disclosed an impartiality interest in Item 11.1 – Future Use of Tawarri Site. Councillor Shaw disclosed that he has a long-term association with a number of the people involved, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Shaw declared that he would consider this matter on its merits and vote accordingly.

4.3 Councillor Mangano – TS11.18 – Safe Active Street Community Consultation Results

Councillor Mangano disclosed an impartiality interest in Item TS11.18 - Safe Active Street Community Consultation Results. Councillor Mangano disclosed that his brother lives in 100 metres of site, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Mangano declared that he would consider this matter on its merits and vote accordingly.

8.2 Technical Services Report No's TS11.18 to TS13.18

Technical Services Report No's TS11.18 to TS13.18 to be dealt with at this point (copy attached blue cover sheet).

TS11.18 Safe Active Street Community Consultation Results
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Committee	12 June 2018
Council	26 June 2018
Applicant	City of Nedlands
Officer	Caroline Walker - Community Engagement Coordinator
Director	Martyn Glover - Director Technical Services
Attachments	Community Engagement Report Revised Concept Plan

Councillor Mangano – Impartiality Interest

Councillor Mangano disclosed that his brother lives in 100 metres of site, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Mangano declared that he would consider this matter on its merits and vote accordingly.

Councillor de Lacy – Impartiality Interest

Councillor de Lacy disclosed that she was previously the Manager of Cycling at the Department of Transport when this project was initiated and was also a former member of Group Five, and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor de Lacy declared that she would consider this matter on its merits and vote accordingly.

Councillor Hay left the room at 8.39 pm.

Ms Miriam Stanborough, 98 Dalkeith Road, Nedlands TS11.18
(spoke in support of the recommendation)

Councillor Hay returned the room at 8.41 pm.

Mr Angus Argyle, 23 Louise Street, Nedlands TS11.18
(spoke in support of the recommendation)

8.1 Planning & Development Report No's PD24.18 to PD29.18

Planning & Development Report No's PD24.18 to PD29.18 to be dealt with at this point (copy attached yellow cover sheet).

PD24.18	(Lot 277) No. 176 Stirling Highway, Nedlands – Proposed Change of Use (From Restaurant to Shop and Office - General)
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Committee	12 June 2018
Council	26 June 2018
Applicant	Altus Planning
Landowner	G Sgroi and P Lo
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA18/28153
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 objections being received.
Attachments	1. Photograph of subject property from Rockton Road

Mr Joe Algeri, 68 Canning Highway, South Perth
(spoke in support of the recommendation)

PD24.18

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Shaw
Seconded – Councillor Mangano

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

CARRIED 10/-
(Abstained: Cr. Hay)

Committee Recommendation / Recommendation to Committee

Council approves the development application for the proposed change of use (from restaurant to shop and office - general) at (Lot 277) No. 176 Stirling Highway, Nedlands, in accordance with the application received on 10 April 2018, subject to the following conditions and advice:

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

2. The proposed use complying with the Shop and Office - General definition stipulated under the City's Town Planning Scheme No. 2 (refer to advice note 1).
3. A maximum of 5 staff on the premises at any one time.
4. The shop and office only being permitted to operate between the following times:
Monday to Thursday – 10.00am and 9.00pm
Friday and Saturday – 9.00am and 9.00pm
Sunday – 11.00am and 7.00pm
5. Service and/or delivery vehicles shall not service the premises before 7:00am or after 7:00pm Monday to Saturday or before 9:00am or after 7:00pm on any Sunday or public holiday, unless otherwise approved by the City.
6. The service and delivery vehicles associated with the proposed shop and office being of a size able to be parked within a car parking bay without encroaching into adjoining bays.

Advice Notes specific to this proposal:

1. With regard to Condition 2, the applicants are advised that the use Shop and Office - General are defined as being the following under the City's Town Planning Scheme No. 2:

Office: General - means a building wherein is carried on the business of administration, the carrying on of agencies, typist and secretarial services, and services of similar nature or, where not conducted on the site thereof, the administration of, or the accounting in connection with any industry or other business, the administration of commercial transactions generally, civic and public authority offices, and offices generally, but shall exclude Service Offices and Professional Offices;

Shop - means any building wherein goods or services are exposed or offered for sale by retail and without limiting the generality of the foregoing shall include:

shops for the sale of foodstuffs generally, clothing, drapery, furniture and furnishings, footwear, hardware, electrical goods, sporting goods, toys and second-hand goods; jewellers, chemists, stationers, newsagents, variety stores, photographic studios and supplies, florists, dry-cleaning agencies, barbers and hairdressers; and liquor stores;

but shall not include a service office, a general office, a professional office or a market;

2. A separate application may be required to be lodged and approved prior to the erection/installation of any signage on the lot.
3. A separate application will be required to be lodged and approved prior to increasing the number of staff and/or prior to changing the hours of operation.
5. Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.
6. As a food business, an *Application for Food Premises Alteration/Fit-out* is required to be submitted to the City's Environmental Health Section for assessment and approval prior to any intended alteration works (advice note A4). The current cost of this application is \$275 and is likely to increase after 30 June 2018.
7. Prior to operating the food business, a *Food Business Registration / Notification Form* is required to be lodged with the City. The food business cannot operate unless it receives a Certificate of Registration of a Food Business from the City and or is deemed exempt. The current cost for submitting a *Food Business Registration / Notification Form* is \$168 if it is to be registered or \$61 if it is deemed exempt. These fees are likely to increase after 30 June 2018.
8. Designated storage areas for cleaning chemicals and equipment and personal belongings shall be available and separate from any food preparation or food storage area.
9. 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.
10. The landowner is advised that the uses are required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.
11. 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.

PD25.18	(Lot 276) No. 25 Webster Street, Nedlands – Retrospective Additions to Single House
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Committee	12 June 2018
Council	26 June 2018
Applicant	Alyssa Moir (Landowner)
Landowner	Edmund Family Holdings Pty Ltd
Director	Peter Mickleson – Director Planning & Development
Reference	DA18-28018
Previous Item	Nil.
Delegation	Administration has elected not to exercise delegation under clause 6.7.1 due to the construction already have commenced and the nature of the variations proposed.
Attachments	1. Site photographs 2. Applicant justification

Mr Lloyd Edmunds, 25 Webster Street, Nedlands
(spoke in support of the recommendation)

PD25.18

Regulation 11(da) – Not applicable only minor adjustment to recommendation (re. 2a).

Moved – Councillor Shaw
Seconded – Councillor de Lacy

That the Recommendation to Committee be adopted subject to the removal of 2. a).

CARRIED 6/3
(Against: Crs. Argyle Mangano & James)
(Abstained: Crs. Hodsdon & Hay)

Committee Recommendation

Council approves the retrospective development application dated 04 April 2018 for additions to the single house at (Lot 276) No. 25 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. Revised plans shall be submitted with the application for a Building Approval Certificate and Building Permit, incorporating the following modifications as shown in red on the approved plans to the satisfaction of the City:**

- a) **The additional over-height dividing fencing being removed from the plans for the northern side lot boundary; and**
 - b) **The screen on the southern elevation being reduced by 1m in length.**
3. **The proposed screening on the southern elevation of the dwelling shall be installed within 30 days of this approval.**
 4. **All fencing and visual privacy screens to unenclosed active habitable spaces as shown on the approved plans, shall prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes 2018* and remain in place permanently, unless otherwise approved by the City.**
 5. **All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**

Advice Notes specific to this proposal:

1. **The applicant shall make application to the City's Building Services for a Building Approval Certificate, to acknowledge any unauthorised works.**
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. 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.**

Recommendation to Committee

Council approves the retrospective development application dated 04 April 2018 for additions to the single house at (Lot 276) No. 25 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. Revised plans shall be submitted with the application for a Building Approval Certificate and Building Permit, incorporating the following modifications as shown in red on the approved plans to the satisfaction of the City:
 - a) The alfresco to be open sided on the eastern elevation;

- b) The additional over-height dividing fencing being removed from the plans for the northern side lot boundary; and
 - c) The screen on the southern elevation being reduced by 1m in length.
3. The proposed screening on the southern elevation of the dwelling shall be installed within 30 days of this approval.
 4. All fencing and visual privacy screens to unenclosed active habitable spaces as shown on the approved plans, shall prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes 2018* and remain in place permanently, unless otherwise approved by the City.
 5. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.

Advice Notes specific to this proposal:

1. The applicant shall make application to the City's Building Services for a Building Approval Certificate, to acknowledge any unauthorised works.
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. 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.

PD26.18	(Lot 222) No. 3 Whitfeld Street, Floreat– Proposed Single Dwelling
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Committee	12 June 2018
Council	26 June 2018
Applicant	Plunkett Homes
Landowner	Y Chew and S Etherington
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA2018/24
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 2. Applicant's justification

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hodsdon
Seconded – Councillor James

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

CARRIED 9/-
(Abstained: Crs. Hodsdon & McManus)

Committee Recommendation / Recommendation to Committee

Council refuses the development application dated 19 February 2018, with amended plans received on 4 May 2018, for a proposed single dwelling at (Lot 222) No. 3 Whitfeld Street, Floreat, for the following reasons:

1. The development will adversely affect the amenity of the local area as it will increase the bulk and scale due to the height of the fill, retaining walls and fencing proposed within and behind the street setback area.
2. The proposal does not satisfy the design principles stipulated under clause 5.3.7 (Site Works) and 5.3.8 (Retaining Walls) of the *Residential Design Codes 2018* due to the height of the fill not responding to the natural features, and the amount being excessive.

- 3. 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 amount of fill proposed will negatively impact the character and the amenity of the locality.**
- 4. Retaining walls of between 0.7m and 1.7m in height above natural ground level at the front, side and rear of the dwelling, and solid fencing along the retaining walls at the side and rear of the dwelling, which will result in combined heights of 2.7m and 3.5m above natural ground level, does not represent the orderly and proper planning of the City and conflicts with cl. 6.5.1 of Town Planning Scheme No. 2.**

PD27.18	(Lot 556) No. 13 Minora Road, Dalkeith – Single Dwelling
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Committee	12 June 2018
Council	26 June 2018
Applicant	Giorgi Architects and Builders
Landowner	H and A Somic
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA2018/33
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 objections being received.
Attachments	1. Photographs of the subject property

Councillor James – Impartiality Interest

Councillor James disclosed that she knows the applicant, and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor James declared that she would consider this matter on its merits and vote accordingly.

Councillor James left the room at 7.22 pm.

Mr Petar Mrdja, 231 Bulwer Street, Perth
(spoke in support of the recommendation)

PD27.18

Regulation 11(da) – Not applicable minor change in regards to setbacks.

Moved – Mayor Hipkins
Seconded – Councillor Hay

That the Recommendation to Committee be adopted subject an additional condition 5. be added as follows:

5. Rear setback to be increased from 3 metres to 4.5 metres.

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

Committee Recommendation

Council approves the development application dated 6 March 2018 with amended plans received 17 May 2018 to construct a single dwelling at (Lot 556) No. 13 Minora Road, Dalkeith, subject to the following conditions and advice:

- 1. The development shall comply with the approved plans at all times.**
- 2. All footings and structures to retaining walls and fences shall be constructed wholly inside the site boundaries of the Certificate of Title.**
- 3. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.**
- 4. The pergola not being roofed with water impermeable material; and**
- 5. Rear setback to be increased from 3 metres to 4.5 metres.**

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. All street trees in the verge being retained and not being removed without prior written approval from the Manager Parks Services.**
- 4. A separate development application is required to be submitted to and approved by the City prior to erecting any fencing within the street setback area(s) which is not compliant with the deemed-to-comply provisions of the *Residential Design Codes (R-Codes) 2018*, and/or erecting any fencing behind the primary street setback area which is more than 1.8m in height above natural ground level.**
- 5. 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.**

6. All swimming pool waste water shall be disposed of into an adequately sized, dedicated soak-well located on the same lot. Soak-wells shall not be situated closer than 1.8m to any boundary of a lot, building, septic tank or other soak-well.
7. 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.
8. All swimming pools, whether retained, partially constructed or finished, shall be kept dry during the construction period. Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.
9. The City does not recommend any air-conditioner, swimming pool or spa mechanical equipment is installed near a property boundary where it is likely noise from such mechanical equipment in these locations will intrude on neighbouring properties.

Prior to selecting a location to install an air conditioner, applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as a guide on air-conditioner placement so as to prevent noise affecting neighbouring properties.

Prior to installing an air-conditioner or swimming pool or spa mechanical equipment, applicant is advised to consult residents of neighbouring properties and if necessary take measures to prevent noise affecting neighbouring properties.

10. 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 dated 6 March 2018 with amended plans received 17 May 2018 to construct a single dwelling at (Lot 556) No. 13 Minora Road, Dalkeith, subject to the following conditions and advice:

1. The development shall comply with the approved plans at all times.
2. All footings and structures to retaining walls and fences shall be constructed wholly inside the site boundaries of the Certificate of Title.

3. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.
4. The pergola not being roofed with water impermeable material.

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. All street trees in the verge being retained and not being removed without prior written approval from the Manager Parks Services.
4. A separate development application is required to be submitted to and approved by the City prior to erecting any fencing within the street setback area(s) which is not compliant with the deemed-to-comply provisions of the *Residential Design Codes (R-Codes) 2018*, and/or erecting any fencing behind the primary street setback area which is more than 1.8m in height above natural ground level.
5. 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.
6. All swimming pool waste water shall be disposed of into an adequately sized, dedicated soak-well located on the same lot. Soak-wells shall not be situated closer than 1.8m to any boundary of a lot, building, septic tank or other soak-well.
7. 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.
8. All swimming pools, whether retained, partially constructed or finished, shall be kept dry during the construction period. Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.

9. The City does not recommend any air-conditioner, swimming pool or spa mechanical equipment is installed near a property boundary where it is likely noise from such mechanical equipment in these locations will intrude on neighbouring properties.

Prior to selecting a location to install an air conditioner, applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as a guide on air-conditioner placement so as to prevent noise affecting neighbouring properties.

Prior to installing an air-conditioner or swimming pool or spa mechanical equipment, applicant is advised to consult residents of neighbouring properties and if necessary take measures to prevent noise affecting neighbouring properties.

10. 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 James returned to the room at 7.37 pm.

PD28.18	(Lot 629) No. 92 Thomas Street, Nedlands – Proposed Patio
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Committee	12 June 2018
Council	26 June 2018
Applicant	Abel Roofing and Abel Patios
Landowner	M and T Senders
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA2017/324
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. Photographs of the patio's proposed location

Mr Marc Senders, 92 Thomas Street, Nedlands PD28.18
(spoke in support of the recommendation)

Mrs Kathleen Von Leonhardi, 91 Tyrell Street, Nedlands PD28.18
(spoke in opposition to the recommendation)

Mr Anthony Von Leonhardi, 91 Tyrell Street, Nedlands PD28.18
(spoke in opposition to the recommendation)

Regulation 11(da) – Not applicable minor change in regards to patio setback.

Moved – Councillor James
Seconded – Councillor Hay

That the Recommendation to Committee be adopted subject an additional condition 5. be added as follows:

5. The patio setback is to be 6 metres from the boundary.

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

Recommendation to Committee

Council approves the development application for a patio to be constructed at (Lot 629) No.92 Thomas Street, Nedlands, received on 24 November 2017, with amended plans received on 19 March 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.**
- 4. This development approval does not pertain to the alignment of the dividing fencing adjacent to the property's boundary with 91 Tyrell Street; and**
- 5. The patio setback is to be 6 metres from the boundary.**

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.**

Recommendation to Committee

Council approves the development application for a patio to be constructed at (Lot 629) No.92 Thomas Street, Nedlands, received on 24 November 2017, with amended plans received on 19 March 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.
4. This development approval does not pertain to the alignment of the dividing fencing adjacent to the property's boundary with 91 Tyrell Street.

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.

PD29.18	(Lot 14867) No. 55 Jutland Parade, Dalkeith – Proposed Additions to Clubhouse
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Committee	12 June 2018
Council	26 June 2018
Applicant	Dalkeith Nedlands Bowling Club Inc.
Landowner	City of Nedlands
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA18/27848
Previous Item	Nil.
Delegation	In accordance with Clause 6.7.1 of the City’s Instrument of Delegation, Council is required to consider the application when refusal is recommended, and discretion exists for Council to recommend that variations under the City’s Town Planning Scheme No. 2 and/or Council Policies be approved.
Attachments	Nil.

Mr Chris Richardson, 55 Jutland Parade, Dalkeith
(spoke in support of the recommendation)

PD29.18

Regulation 11(da) – Not applicable minor change to number of signs.

Moved – Councillor McManus
Seconded – Councillor Hodsdon

That the Recommendation to Committee be adopted subject to condition 4 being amended to 10 sponsorship signs as currently displayed.

Amendment

Moved - Councillor Horley
Seconded - Councillor Shaw

That clause 4 be amended to 8 sponsorship signs.

The AMENDMENT was PUT and was

Lost 5/6

(Against: Mayor Hipkins Crs. Argyle Hodsdon Hay James & McManus)

The Original Motion was PUT and was

**CARRIED 10/1
(Against: Cr. Shaw)**

Committee Recommendation

Council advises the Western Australian Planning Commission that it supports the proposed additions (signage, verandah, bollards and vehicle access gate) to the clubhouse at (Lot 14867) No.55 Jutland Parade, 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 pertains to the proposed third party (sponsorship) signage, verandah, bollards and vehicle access gates only.**
- 3. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.**
- 4. A maximum of 10 sponsorship signs as currently displayed, being installed inward facing either on the Jutland Parade or Victoria Avenue street boundary fencing, or in aggregate on both.**
- 5. The signage being maintained by the applicant to the City's satisfaction.**

Advice Notes specific to this approval:

- 1. The applicant is advised that a separate development application is required to be approved prior to installing any further signage on the property which does not form part of this development approval.**
- 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 advises the Western Australian Planning Commission that it supports the proposed additions (signage, verandah, bollards and vehicle access gate) to the clubhouse at (Lot 14867) No.55 Jutland Parade, 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 pertains to the proposed third party (sponsorship) signage, verandah, bollards and vehicle access gates only.
3. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.
4. A maximum of 3 sponsorship signs, 3m x 1m in dimension, being installed inward facing either on the Jutland Parade or Victoria Avenue street boundary fencing, or in aggregate on both.
5. The signage being maintained by the applicant to the City's satisfaction.

Advice Notes specific to this approval:

1. The applicant is advised that a separate development application is required to be approved prior to installing any further signage on the property which does not form part of this development approval.
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.

8.2 Technical Services Report No's TS11.18 to TS13.18

Technical Services Report No's TS11.18 to TS13.18 to be dealt with at this point (copy attached blue cover sheet).

TS11.18	Safe Active Street Community Consultation Results
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Committee	12 June 2018
Council	26 June 2018
Applicant	City of Nedlands
Officer	Caroline Walker - Community Engagement Coordinator
Director	Martyn Glover - Director Technical Services
Attachments	Community Engagement Report Revised Concept Plan

Councillor Mangano – Impartiality Interest

Councillor Mangano disclosed that his brother lives in 100 metres of site, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Mangano declared that he would consider this matter on its merits and vote accordingly.

Councillor de Lacy – Impartiality Interest

Councillor de Lacy disclosed that she was previously the Manager of Cycling at the Department of Transport when this project was initiated and was also a former member of Group Five, and as a consequence, there may be a perception that her impartiality on the matter may be affected. Councillor de Lacy declared that she would consider this matter on its merits and vote accordingly.

Councillor Hay left the room at 8.39 pm.

Ms Miriam Stanborough, 98 Dalkeith Road, Nedlands
(spoke in support of the recommendation)

TS11.18

Councillor Hay returned the room at 8.41 pm.

Mr Angus Argyle, 23 Louise Street, Nedlands
(spoke in support of the recommendation)

TS11.18

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor James
Seconded – Councillor Hay

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

Councillor McManus left the room at 9 pm and returned at 9.02 pm.

CARRIED 9/2
(Against: Crs. Argyle & Mangano)

Committee Recommendation / Recommendation to Committee

Council recognises the level of community support for the Safe Active Streets Program in Elizabeth Street and Jenkins Avenue, and authorises the Chief Executive Officer to enter into a contractual arrangement with the Department of Transport for the delivery of the project fully funded by the Department.

TS12.18	John XXIII Depot
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Committee	12 June 2018
Council	26 June 2018
Applicant	City of Nedlands
Officer	Maria Hulls - Manager Engineering Services
Director	Martyn Glover - Director Technical Services
Attachments	1. John XXIII Depot Final Concept Plan

Regulation 11(da) – Not applicable minor change to establish a 5 metre landscaping setback around the site.

Moved – Councillor Shaw
 Seconded – Mayor Hipkins

That the Recommendation to Committee be adopted subject to a clause 4 being added as follows:

- 4. a 5 metre landscaping setback be established around the site.**

Councillor Shaw left the room at 9.12 pm and returned at 9.13 pm.

Put Motion

Moved - Councillor Hay
 Seconded - Councillor Hodsdon

That the Motion be put.

**CARRIED 10/1
 (Against: Cr. Horley)**

The Motion was PUT and was

**CARRIED 6/5
 (Against: Crs. Argyle Mangano de Lacy Horley & Smyth)**

Committee Recommendation

Council:

- 1. endorses the upgrade of the John XXIII Depot to improve operational and environmental conditions in accordance with the design in Attachment 1;**
- 2. authorises the Administration to negotiate a twenty-one (21) year lease between the City and the Town of Claremont for the northern 1,200m² parcel of land at the John XXIII Depot;**
- 3. authorises the Administration to enter into discussions with the City of Subiaco for the southern 1,200 m² parcel of land at the John XXIII Depot to enable the City to enter into a lease agreement; and**
- 4. a 5 metre landscaping setback be established around the site.**

Recommendation to Committee

Council:

1. endorses the upgrade of the John XXIII Depot to improve operational and environmental conditions in accordance with the design in Attachment 1;
2. authorises the Administration to negotiate a twenty-one (21) year lease between the City and the Town of Claremont for the northern 1,200m² parcel of land at the John XXIII Depot; and
3. authorises the Administration to enter into discussions with the City of Subiaco for the southern 1,200 m² parcel of land at the John XXIII Depot to enable the City to enter into a lease agreement.

TS13.18 RFT 2017-18.15 Supply and Maintenance of Irrigation Pumps
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Committee	12 June 2018
Council	26 June 2018
Applicant	City of Nedlands
Officer	Nathan Brewer – Purchasing and Tenders Coordinator
Director	Martyn Glover – Director Technical Services
Attachments	1. Final Evaluation (Confidential)

Councillor de Lacy left the room at 9.45 pm.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hay
 Seconded – Councillor Shaw

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

CARRIED 9/1
(Against: Cr. Mangano)

Committee Recommendation / Recommendation to Committee

Council:

1. agrees to award tender no. 2017-18.15 to JLR Pumps for the supply and maintenance of irrigation pumps 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 CPS12.18 to CPS15.18

Report No's CPS12.18 to CPS15.18 to be dealt with at this point (copy attached green cover sheet).

CPS12.18 List of Accounts Paid – April 2018
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Committee	12 June 2018
Council	26 June 2018
Applicant	City of Nedlands
Officer	Vanaja Jayaraman – Manager Finance
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	Creditor Payment Listing April 2018 Purchasing Card Payments April 2018 (29 th March – 28 th April)

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 UNANIMOUSLY 10/-

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of April 2018 (refer to attachments).

CPS13.18	Underground Power Policy Review
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Committee	12 June 2018
Council	26 June 2018
Applicant	City of Nedlands
Officer	Pollyanne Fisher – Policy and Projects Officer
Director	Lorraine Driscoll – Director Corporate and Strategy
Attachments	1. Underground Power Policy

Regulation 11(da) – Minor change Council agreed to leave future negotiations in regard to contributions to Council at the time of the individual projects.

Moved – Councillor James
 Seconded – Councillor Hay

That the Recommendation to Committee be adopted subject to under the heading “Statement” clause 4. b) being amended as follows:

Local Government client funded underground power project funded by Western Power, the City and property owners with negotiated contributions.

Councillor de Lacy returned at 9.50 pm.

CARRIED UNANIMOUSLY 11/-

Committee Recommendation

Council adopt the updated Underground Power Policy as provided in Attachment 1 with clause 4. b) of the Statement being amended to “Local Government client funded underground power project funded by Western Power, the City and property owners with negotiated contributions.”

Recommendation to Committee

Council adopt the updated Underground Power Policy as provided in Attachment 1.

CPS14.18 Memorial Park Furniture Policy Review

Committee	12 June 2018
Council	26 June 2018
Applicant	City of Nedlands
Officer	Andrew Dickson – Manager Parks Services
Director	Lorraine Driscoll – Director Corporate and Strategy
Attachments	1. Memorials in Public Places Policy

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 11/-

Committee Recommendation / Recommendation to Committee

Council adopts the updated Memorial Park Furniture Policy, with the new title Memorials in Public Places Policy.

CPS15.18	City of Nedlands Parking and Parking Facilities Amendment Local Law 2018
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Committee	12 June 2018
Council	26 June 2018
Applicant	City of Nedlands
Officer	Pollyanne Fisher – Facilities Management Officer
Director	Lorraine Driscoll – Director Corporate and Strategy
Attachments	1. Proposed City of Nedlands Parking and Parking Facilities Amendment Local Law 2018

The **PURPOSE** of this local law is to make provisions about the regulation of parking or stopping of vehicles in all or specified thoroughfares and reserves under the care, control and management of the local government and to provide for the management and operation of parking facilities.

The **EFFECT** of this local law is that a person parking a vehicle within the parking region is to comply with the provisions of this local law.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor James
 Seconded – Councillor Shaw

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

CARRIED 10/-
(Abstained: Cr. Hodsdon)

Committee Recommendation / Recommendation to Council

Council:

1. makes the proposed City of Nedlands Parking and Parking Facilities Amendment Local Law 2018 as detailed in Attachment 1 for the purposes of public advertising;
2. advertises the proposed City of Nedlands Parking and Parking Facilities Amendment Local Law 2018 in accordance with section 3.12 (3)(a) of the *Local Government Act 1995*;
3. forwards a copy of the proposed City of Nedlands Parking and Parking Facilities Amendment Local Law 2018 to the Minister for Local Government in accordance with section 3.12 (3)(b) of the *Local Government Act 1995*; and

- 4. requests Administration to prepare a further report at the conclusion of the public advertising period to enable the Council to consider any submissions made.**

9. Reports by the Chief Executive Officer

Nil.

10. Urgent Business Approved By the Presiding Member or By Decision

Nil.

11. Confidential Items

11.1 Future Use of Tawarri Site

Closure of Meeting to the Public

Moved – Councillor Horley

Seconded - Councillor James

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

**CARRIED 9/2
(Against: Crs. Argyle & Mangano)**

The meeting was closed to the public at 9.57 pm.

Moved - Councillor Hodsdon

Seconded - Councillor James

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

CARRIED UNANIMOUSLY 11/-

The meeting was reopened to members of the public and the press at 10.21 pm.

Committee Recommendation / Recommendation to Committee

Moved – Councillor Smyth

Seconded – Councillor Shaw

That the Recommendation to Committee be adopted.

**CARRIED 10/1
(Against: Cr. Mangano)**

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 10.21 pm.