



City of Nedlands

# Minutes

## Council Committee Meeting

13 February 2017

### **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 13 February 2018 at 7 pm.

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#### 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)

<b>Councillors</b>	His Worship the Mayor, R M C Hipkins (Presiding Member)	
	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 N W Shaw	Melvista Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor W R B Hassell	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward

<b>Staff</b>	Mr M A Glover	Acting Chief Executive Officer
	Mrs L M Driscoll	Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Mr A C Dickson	Acting Director Technical Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

**Public** There were 18 members of the public present.

**Press** The Post Newspaper representative.

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

<b>Apologies</b>	Councillor T P James	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Mr G K Trevaskis	Chief Executive Officer

**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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## **Presentation to the City from Philippa Nikulinsky**

Councillor Wetherall introduced City of Nedlands ratepayer and 'Nedlands Treasure' Philippa Nikulinsky to the Mayor, Councillors, administration staff and visitors. Councillor Wetherall recounted Ms Nikulinsky's success as an author of books on plants and animals, her cover art on the journal "Landscape", and her being awarded an AM in the general division of the Order of Australia for her significant service to the visual arts as a botanical painter and illustrator. Prior to Council Committee Meeting Ms Nikulinsky presented five watercolour prints of images of flowering native trees in Western Australia:

1. Eucalyptus (corymbia) ficifolia – Red Flowering Gum
2. Banksia Lemniana – Yellow Lantern Banksia
3. Eucalyptus erythrocorys – Red Capped Gum  
(limited edition fine art reproductions)
4. Eucalyptus rhodantha – Rose Mallee
5. Banksia tricuspis – Mount Lesueur Banksia  
(limited edition fine art reproductions)

Two images of rare and endangered species were included. This significant gift to the City had its origin with a chance meeting in a coffee shop and were donated as the specimens she had painted that were found in the City of Nedlands.

## **1. Public Question Time**

### **1.1 Mr Matthew Negus, 10 Philip Road, Dalkeith**

Questions in relation to item PD05.18 on the Agenda for the Council Committee Meeting - 13 February and Ordinary Council Meeting - 27 February 2018.

#### **Question 1**

Is the Council aware that in Dalkeith R10 residential properties back directly on to a 5- storey mixed use development containing commercial tenancies and 36 apartments?

Answer

Yes - however more correctly there is a strip of commercially zoned land making up the rear portion of the Philip Rd properties between the R10 zoning and the laneway which adjoins the 5-story development.

Question 2

Did Administration recommend to Councillors, in early drafts of the Local Planning Strategy and Local Planning Scheme, that increased housing density and diversity should be investigated around the Dalkeith Neighbourhood Centre (or words to that effect)?

Answer

Administration advised that the Dalkeith Neighbourhood Centre had sufficient capacity for infill with its current zoning and additional areas should not be rezoned until the existing capacity was taken up. This may not happen until further iterations of the Scheme prior to which further investigations should take place.

Question 3

Was this removed by Councillors prior to recommending the Local Planning Strategy and Local Planning Scheme be forwarded to the WAPC for approval?

Answer

No.

Question 4

Did the WAPC approve the Local Planning Strategy in 2017 on the condition that a similar clause be reinstated?

Answer

Yes. The WAPC included a new strategy for Dalkeith that increased dwelling diversity through increased residential density be provided for. This is in line with Council's view that this should occur after current capacity was taken up.

Question 5

Did the WAPC approve that Local Planning Scheme No.3 be advertised on the condition (among others) that zoning for the land surrounding the Dalkeith Neighbourhood Centre is increased?

Answer

Yes.

Question 6

Was the City of Nedlands ordered to initiate an amendment to Town Planning Scheme No. 2 by the Minister for Planning on 23rd October 2017?

Answer

Yes.

Question 7

Did the Minister for Planning advise that this order was made in accordance with Section 76(1) of the *Planning and Development Act 2005* because the City of Nedlands had failed to initiate an amendment where such an amendment ought to be initiated?

Answer

Yes. However, the Minister did not give the reason for the Order only the modifications to be made. The Minister was subsequently advised that the Order, as made, went beyond the scope of Orders able to be made under this Section.

Question 8

Was the City of Nedlands requested to comply with this order within 60 days, meaning on or before 23rd December 2017?

Answer

Yes. However, as the Order did not conform with the powers available to the Minister it was not actioned.

Question 9

Did the City of Nedlands intend to present an item regarding Scheme Amendment No. 209 to the 5 December Committee and 19 December Council meeting?

Answer

Yes, until the error in the Minister's Order was detected.

Question 10

Why was the item regarding Scheme Amendment No. 209 not presented to the 5 December Committee and 19 December Council meeting?

Answer

Due to the error in the Minister's Order.

Question 11

Did the City of Nedlands seek legal advice regarding Scheme Amendment No.209 and/or the 23 October 2017 Order by the Minister for Planning?

Answer

Yes.

Question 12

If legal advice was sought what date / dates was that advice requested?

Answer

Late November 2017.

Question 13

Did the legal advice received suggest that the City of Nedlands should comply with the order by the Minister for Planning (or words to that effect)?

Answer

Unable to provide an answer as advice is confidential.

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

Ms Linda Taylor, 3/23 Carrington Street, Nedlands PD01.18  
(spoke in support of the recommendation)

Mr Paul Fletcher on behalf of Mrs Carolyn Cornell, PD03.18  
6 Bishop Road, Dalkeith  
(spoke in opposition to the recommendation)

Mr Martin Blake, 116 Victoria Avenue, Dalkeith PD03.18  
(spoke in opposition to the recommendation)

Mr Andrew Boughton, Unit 4 / 120 Broadway, Dalkeith PD03.18  
(spoke in support of the recommendation)

Mr Lee Martin, Unit 2 / 23 Carrington Street, Nedlands PD06.18  
(spoke in support of the recommendation)

Ms Amanda Martin, 13 Whitfield Street, Floreat CM01.18  
(spoke in opposition to 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*.

There were no disclosures affecting impartiality.

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

Nil.

**6. Confirmation of Minutes**

**6.1 Committee Meeting 5 December 2017**

Moved – Councillor Mangano  
Seconded – Councillor Hay

**The Minutes of the Council Committee held 5 December 2017 be confirmed.**

**CARRIED UNANIMOUSLY 11/-**

**7. Matters for Which the Meeting May Be Closed**

In accordance with Standing Orders and for the convenience of the public, the Committee is to identify any matter which is to be discussed behind closed doors at this meeting and that matter is to be deferred for consideration as the last item of this meeting.

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.

Moved – Councillor McManus  
Seconded – Councillor Smyth

**That item PD06.18 be brought forward**

**CARRIED UNANIMOUSLY 11/-**

**8.1 Planning & Development Report No's PD01.18 to PD06.18**

Planning & Development Report No's PD01.18 to PD06.18 to be dealt with at this point (copy attached yellow cover sheet).

**Please note this item was brought forward from page 28.**

<b>PD06.18</b>	<b>(Lot 102) No. 2/23 Carrington Street, Nedlands – Proposed Change of Use (From Industrial – Light to Lunch Bar)</b>
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<b>Committee</b>	13 March 2018
<b>Council</b>	27 March 2018
<b>Applicant</b>	L and F Martin
<b>Landowner</b>	Little Empire WA Pty Ltd
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>Reference</b>	DA2017/239
<b>Previous Item</b>	Nil
<b>Delegation</b>	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.
<b>Attachments</b>	1. Site Photographs

Mr Lee Martin, Unit 2 / 23 Carrington Street, Nedlands  
(spoke in support of the recommendation)

PD06.18

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Wetherall  
Seconded – Councillor Hay

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

**CARRIED 10/1**  
**(Against: Cr. de Lacy)**

**Committee Recommendation / Recommendation to Committee**

**Council approves the development application for the proposed change of use (from Industrial – Light to Lunch Bar) at (Lot 120) No. 2/23 Carrington Street, Nedlands, in accordance with the application received on 16 August 2017 and amended plans received on 16 November 2017, subject to the following conditions and advice:**

**The development shall at all times comply with the approved plans;**

- 1. The proposed use complying with the lunch bar definition stipulated under the City's Town Planning Scheme No. 2 (refer to advice note 1);**
- 2. The car-parking bays being maintained by the landowner and the applicant to the City's satisfaction;**
- 3. Any items currently being stored within the car parking bays for the subject unit being removed prior to the use commencing;**
- 4. A maximum of 6 seats being available for customers;**
- 5. A maximum of 3 staff on the premises at any one time;**
- 6. Customers not being permitted to consume food and/or drink at the standing bench;**
- 7. The lunch bar only being permitted to operate between Monday and Friday 6.00am to 5.00pm, and Saturdays 7.00am to 4.00pm;**
- 8. No unloading of vehicles is to occur that interferes with the parking of vehicles in the car park by visitors and employees. All car parking bays in the car park are to be made available at all times for the parking of vehicles by visitors and employees; and**
- 9. Service and/or delivery vehicles shall not to 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.**

**Advice Notes specific to this proposal:**

- 1. With regard to Condition 2, the applicants are advised that the use Lunch Bar is defined as being the following under the City's Town Planning Scheme No. 2:**  
  
***“Means premises used for the preparation and/or sale of take-away sandwiches and similar foodstuffs within industrial and commercial areas in a form ready to be consumed without further preparation off the premises.”***
- 2. The applicants are advised that if they intend on either of the following:**
  - a) Primarily serve food which cannot be consumed off the premises; and/or**
  - b) Increase the seating area and/or seating numbers on the premises.**

The use will be deemed to be a restaurant which is not permitted on the property under the City's Town Planning Scheme No. 2 due to being zoned Light Industry;

3. A separate application may be required to be lodged and approved prior to the erection/installation of any signage on the lot;
4. 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. Prior to the proposal commencing the applicant shall lodge with the City an Application for Food Premises Alteration / Fit-out which an Environmental Health Officer at the City is satisfied demonstrates food safety outcomes;
7. Prior to commencing a Food Business\* a proprietor shall lodge with the City a Food Business Registration / Notification Form;

*\*A food business is any business or activity that involves the sale of food or the handling of any type of food for sale in Australia.*

8. Prior to commencing the food business the premises shall receive an inspection from an Environmental Health Officer at the City which cites that the food business may commence;
9. Designated storage areas for cleaning chemicals and equipment and personal belongings shall be available and separate from any food preparation or food storage area;
10. Food handling is only permitted in the servery area of Unit 2; with the remainder of the premises only permitted for storage food equipment and non - potentially hazardous food#, unless otherwise approved by an Environmental Health Officer at the City;

*#Potentially hazardous food is that which must be kept at certain temperatures to minimise the growth of any pathogenic micro-organisms that may be present in the food or to prevent the formation of toxins in the food. These foods are moist, not acidic and contain enough nutrients for bacteria to grow. Refrigerated food must be kept at or below 5°C and hot food or above 60°C; and*

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.

<b>PD01.18</b>	<b>(Lot 102) No. 3/23 Carrington Street, Nedlands – Change of Use - Use Not Listed (Dog Day Care, Dog Grooming and the Manufacturing of Pet Treats)</b>
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<b>Committee</b>	13 February 2018
<b>Council</b>	27 February 2018
<b>Applicant</b>	L Taylor
<b>Landowner</b>	Andoon Holdings Pty Ltd
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Reference</b>	DA2017/270
<b>Previous Item</b>	Nil
<b>Delegation</b>	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
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Site photographs</li> <li>2. Acoustic Report (Dated 7 November 2017)</li> <li>3. Traffic Engineering Review (Dated November 2017)</li> <li>4. Applicant’s response to submissions</li> </ol>

Ms Linda Taylor, 3/23 Carrington Street, Nedlands  
(spoke in support of the recommendation)

PD01.18

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Wetherall  
Seconded – Councillor Shaw

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

**CARRIED 7/4**  
**(Against: Crs. Argyle Mangano de Lacy & Smyth)**

**Committee Recommendation / Recommendation to Committee**

**Council approves the development application dated 22 September 2017 to operate a dog day care, dog grooming and pet treat manufacturing business at 3/23 Carrington 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. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained on site;**

- 3. No animals shall be kept on the premises overnight;**
- 4. No more than two staff members being on site at any given time;**
- 5. A maximum of 20 dogs are permitted on site at any one time;**
- 6. The management practices in the acoustic report prepared by Gabriels Hearne Farrell dated 7 November 2017 being implemented prior to the business commencing, and be complied with thereafter to the City's satisfaction;**
- 7. The car parking bays for the unit being continually maintained to the City's satisfaction;**
- 8. The use only being permitted to operate daily between 7:00am and 6:00pm (excluding Sundays); and**
- 9. Service and/or delivery vehicles shall not to 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.**

**Advice Notes specific to this proposal:**

- 1. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect;**
- 2. A separate development applicant is required to be lodged with, and approved by the City prior to installing signage, and if the number of dogs and/or staff stipulated in this approval is proposed to be increased;**
- 3. Noise levels are to comply with the Environmental Protection (Noise) Regulations 1997;**
- 4. The business shall not commence operating unless a Trade Waste Permit has been issued by the Water Corporation and/or the Water Corporation is satisfied with the premises drainage to sewer;**
- 5. No washing or cleaning activity or disposing of liquid wastes is to occur outside the building, or anywhere except as permitted by the Water Corporation;**
- 6. Arthropod pests and rodents shall be controlled such they are not harboured or allowed to breed at the premises;**

- 7. The premises shall be kept clean and sanitary and waste shall be kept frozen and contained in bags in dedicated freezers inside the premises building. Frozen bagged waste shall only be placed in rubbish bins on collection day;**
- 8. Meat dehydrating shall only occur in dehydrators in the dehydrating room with the door kept shut, except for short periods of staff access; and**
- 9. Prior to any meat dehydrating activity, an Environmental Health Officer at the City shall be provided with specifications for a proposed odour removing filtration system above the drying room. Once deemed satisfactory by the City, the system shall be installed in accordance with manufacturer requirements and shall be operational, before meat dehydrating is able to commence. Any system shall be maintained and/or serviced. Should the filtration system be ineffective at controlling odour in the opinion of an Environmental Health Officer at the City, at the City's discretion, meat dehydrating activity shall cease, until odour can be controlled to the satisfaction of the City.**

<b>PD02.18</b>	<b>(Lot 389) No. 50 Florence Road, Nedlands – Additions (Carport, Outbuilding and Patio) to Single Dwelling</b>
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<b>Committee</b>	13 February 2018
<b>Council</b>	27 February 2018
<b>Applicant</b>	Kensington Design Australia
<b>Landowner</b>	D and R Ganley
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>Reference</b>	DA2017/306
<b>Previous Item</b>	Nil.
<b>Delegation</b>	In accordance with Clause 6.7.1 of the City’s Instrument of Delegation, Council is required to determine the application as discretion exists for Council to approve the variation under the City’s Town Planning Scheme No. 2.
<b>Attachments</b>	1. Site Photographs

**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 9/2  
(Against: Mayor Cr. Mangano)**

**Committee Recommendation / Recommendation to Committee**

**Council approves the development application to construct additions (a carport, outbuilding and patio) to the existing single dwelling at (Lot 389) No. 50 Florence Road, Nedlands, received on 30 October 2017, with the amended plans received on 9 November 2017, 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 carport, outbuilding (shed) and patio (pavilion);**
- 3. The proposed outbuilding being setback at least 1m from the rear and side boundaries. Amended plans showing these setbacks being provided as part of the building permit application;**

4. All sides of the carport shall remain open and shall not accommodate a door; and
5. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained on site.

**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 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development;
2. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM;

Removal and disposal of ACM shall be in accordance with Health (Asbestos) Regulations 1992, Regulations 5.43 - 5.53 of the Occupational Safety and Health Regulations 1996, Code of Practice for the Safe Removal of Asbestos 2nd Edition, Code of Practice for the Management and Control of Asbestos in a Workplace, and any Department of Commerce Worksafe requirements;

Where there is over 10m<sup>2</sup> of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business;

3. All street trees on the verge are to be retained and shall not be removed without written approval from the Manager Parks Services;
4. 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;
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; and

- 6. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**

<b>PD03.18</b>	<b>(Lot 101) No. 8 Bishop Road, Dalkeith – Two Storey Single House</b>
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<b>Committee</b>	13 February 2018
<b>Council</b>	27 February 2018
<b>Applicant</b>	Boughton Architecture
<b>Landowner</b>	J L Jones
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Reference</b>	DA17/298
<b>Previous Item</b>	Nil.
<b>Delegation</b>	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.
<b>Attachments</b>	1. Site Photographs 2. Applicant’s response to submissions

Mr Paul Fletcher on behalf of Mrs Carolyn Cornell,  
6 Bishop Road, Dalkeith PD03.18  
(spoke in opposition to the recommendation)

Mr Martin Blake, 116 Victoria Avenue, Dalkeith PD03.18  
(spoke in opposition to the recommendation)

Mr Andrew Boughton, Unit 4 / 120 Broadway, Dalkeith PD03.18  
(spoke in support of the recommendation)

Moved – Councillor Shaw  
Seconded – Councillor de Lacy

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

Councillor Wetherall left the room at 8.44 pm and returned at 8.46 pm.

Councillor Mangano left the room at 8.55 pm.

Moved – Councillor McManus  
Seconded – Councillor Smyth

**That this item be deferred to the March Committee Meeting.**

**CARRIED 7/4  
(Against: Mayor Crs. de Lacy Wetherall & Shaw)**

### **Committee Recommendation**

**That this item be deferred to the March Committee Meeting.**

Councillor Hay & Councillor de Lacy left the room at 8.56 pm.

Councillor Mangano returned to the room at 8.57 pm.

### **Recommendation to Committee**

Council approves the development application received on 19 October 2017 and amended plans received 20 November 2017, for a Two Storey Single House at (Lot 101) No. 8 Bishop Road, 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 two-storey single house, associated dividing fencing and site works;
3. Amended plans shall be submitted with the building permit showing the proposed dividing fencing to the northern and eastern side lot boundaries being a maximum of 1.8m above the approved levels at the lot boundary;
4. The parapet wall being finished to a professional standard within 14 days of the proposed development's practicable completion and be maintained thereafter by the landowner to the City's satisfaction;
5. All footings and structures to retaining walls, fences and parapet walls, shall be constructed wholly inside the site boundaries of the property's Certificate of Title;
6. All visual privacy screens and obscure glass panels to Major Openings and 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 2015*. The visual privacy

screens and obscure glass panels shall be installed prior to the development's practicable completion and remain in place permanently, unless otherwise approved by the City;

7. All stormwater from the development, which includes permeable and non-permeable areas shall be contained on site;
8. No soil, building materials, rubbish or any other deleterious matter shall be placed on the Parks and Recreation Reserve or be allowed to enter the river as a result of the demolition and construction works;
9. There shall be no access to the site via the Parks and Recreation reserve unless authorised by the City of Nedlands to do so;
10. No wastewater or backwash from the swimming pools are to be discharged onto the land, into the river or into the local government drainage system; and
11. Stormwater drainage shall be contained on site, or connected to the local government stormwater drainage system, to the satisfaction of the City of Nedlands.

Advice Notes specific to this proposal:

1. In relation to Department of Biodiversity, Conservation and Attractions, conditions, the following advice notes are applicable:
  - a) In regard to condition 11, stormwater runoff from constructed impervious surfaces generated by 1 year, 1-hour average occurrence interval (ARI) events (approximately a 15mm rainfall depth) should be retained and/or detained on the lot; and
  - b) The applicant is advised that it is an offence under the *Swan and Canning Rivers Management Regulations 2007* to destroy, pull up, cut back or injure any tree, shrub or perennial plant that is on land within the Swan Canning Development Control Area, except with the approval of the Department of Biodiversity Conservation and Attractions or unless otherwise exempt by the Regulations.
2. 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 which is not compliant with the deemed-to-comply provisions of the Residential Design Codes;
3. The crossovers to the street shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for the crossover from the Council's Infrastructure Services under supervision on site, prior to commencement of works;

4. Any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing;
5. 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;
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 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;
8. 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 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development;
9. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM;

Removal and disposal of ACM shall be in accordance with Health (Asbestos) Regulations 1992, Regulations 5.43 - 5.53 of the Occupational Safety and Health Regulations 1996, Code of Practice for the Safe Removal of Asbestos 2nd Edition, Code of Practice for the Management and Control of Asbestos in a Workplace, and any Department of Commerce Worksafe requirements;

Where there is over 10m<sup>2</sup> of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business;

10. The applicant is advised to consult the City's Visual and Acoustic Privacy Advisory Information in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not

recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours;

Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at [www.fairair.com.au](http://www.fairair.com.au) and use this as a guide to prevent noise affecting neighbouring properties;

Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise;

11. 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; and
12. 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 McManus left the room at 8.57 pm.

Councillor Hay returned to the room at 8.58 pm.

<b>PD04.18</b>	<b>(Lot 115) No. 29 Marita Road, Nedlands – Additions to Single Dwelling</b>
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<b>Committee</b>	13 February 2018
<b>Council</b>	27 February 2018
<b>Applicant</b>	J Lewis
<b>Landowner</b>	S and N O’Dea
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>Reference</b>	DA2017/315
<b>Previous Item</b>	Nil.
<b>Delegation</b>	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.
<b>Attachments</b>	1. Photographs taken at the rear of the subject property 2. Photograph of the fallen portion of fencing on the subject property

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Hassell  
Seconded – Councillor Hodsdon

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

Councillor de Lacy, Councillor Wetherall & Councillor McManus returned to the room at 8.59 pm.

**CARRIED 9/2**  
**(Against: Mayor Cr. Mangano)**

**Committee Recommendation / Recommendation to Committee**

Council approves the development application to construct additions to the rear of the existing single dwelling at (Lot 115) No.29 Marita Road, Nedlands, received on 8 November 2017, with the amended plans received on 14 November 2017 and 4 December 2017, 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 does not pertain to the realignment of the dividing fencing and/or the retaining wall adjacent to the property's boundary with 31 Marita Road (refer to advice note 1);
3. The development may only be commenced if dividing fencing has been lawfully constructed on the current surveyed boundary between 29 Marita Road and 31 Marita Road.
4. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained on site.

**Advice Notes specific to this approval:**

1. Development approval is not required in order to demolish a boundary wall or fence, or to erect a boundary wall or fence compliant with the Residential Design Codes. The Dividing Fences Act is relevant to the proposed construction or relocation of the dividing fence to the surveyed boundary;
2. The applicant and the landowners are advised that if the adverse possession claim is successful the proposed addition will be required to comply with the Planning and Building Code requirements applicable at the time;
3. 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 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development;
4. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM;

Removal and disposal of ACM shall be in accordance with *Health (Asbestos) Regulations 1992*, Regulations 5.43 - 5.53 of the *Occupational Safety and Health Regulations 1996*, *Code of Practice for the Safe Removal of Asbestos 2<sup>nd</sup> Edition*, *Code of Practice for the Management and Control of Asbestos in a Workplace*, and any Department of Commerce Worksafe requirements.

Where there is over 10m<sup>2</sup> of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.

- 5. All street trees on the verge are to be retained and shall not be removed without written approval from the Manager Parks Services;**
- 6. 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;**
- 7. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, lobby 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; and**
- 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.**

<b>PD05.18</b>	<b>Minister Order Scheme Amendment No. 209 Philip Road</b>
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<b>Committee</b>	13 February 2018
<b>Council</b>	27 February 2018
<b>Applicant</b>	Matthew Negus PHC Projects
<b>Landowner</b>	Lot 371 HN 10 Philip Road, Dalkeith
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>Previous Item</b>	PD41.16 Council Resolution 23 August 2016
<b>Delegation</b>	Order to the City of Nedlands under section 76(1) of the Act
<b>Attachments</b>	1. Council Meeting Minutes and Report 23 August 2016 PD41.16 2. Minister Order under s.76 of the Act 2 November 2017

Moved – Councillor Shaw

Seconded – Councillor McManus

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

Procedural Motion

Moved – Councillor Hassell

Seconded – Councillor Hodsdon

**That Council proceeds to the next item.**

**CARRIED 7/4**

**(Against: Crs. de Lacy Wetherall Shaw & McManus)**

## Recommendation to Committee

Council

1. Adopts proposed Scheme Amendment No. 209 to:
  - a) Rezone lot 50 Adalma Road; and lots 367-368 and 371-378 Philip Road, Dalkeith from Residential R10 to Residential R80; and
  - b) Include an Additional Use ‘Dwelling House – Multiple’ with condition “Prior to the application and commencement of development, a Local Development Plan being prepared and approved by the City of Nedlands pursuant to Part 6 – *Local Development Plans* of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*”.

2. In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* s.35(2) Council is of the opinion that the Amendment is a Complex Amendment because it is “(d) an amendment to comply with an order made by the Minister under section 76 or 77 of the Act”.
3. In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* s.37(1) Council resolves to proceed to advertise the complex amendment.

**Please note this item was brought forward (see page 9).**

<b>PD06.18</b>	<b>(Lot 102) No. 2/23 Carrington Street, Nedlands – Proposed Change of Use (From Industrial – Light to Lunch Bar)</b>
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<b>Committee</b>	13 March 2018
<b>Council</b>	27 March 2018
<b>Applicant</b>	L and F Martin
<b>Landowner</b>	Little Empire WA Pty Ltd
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>Reference</b>	DA2017/239
<b>Previous Item</b>	Nil
<b>Delegation</b>	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.
<b>Attachments</b>	1. Site Photographs

## 8.2 Community Development No's CM01.18

Report No's CM01.18 to be dealt with at this point (copy attached orange cover sheet).

<b>CM01.18 Venue Charges Playgroups &amp; Toy Libraries</b>	
<b>Committee</b>	13 February 2018
<b>Council</b>	27 February 2018
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Marion Granich – Manager Community Development
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	Nil

Ms Amanda Martin, 13 Whitfield Street, Floreat  
(spoke in opposition to the recommendation)

CM01.18

### **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)

Councillor Shaw left the room at 9.18 pm and returned at 9.20 pm.

Councillor Hodsdon left the room at 9.21 pm and returned at 9.23 pm.

**CARRIED ON THE CASTING VOTE 5/5**  
**(Against: Crs. de Lacy Hodsdon Hay McManus & Smyth)**  
**(Abstained: Cr. Wetherall)**

**Committee Recommendation / Recommendation to Committee**

**Council:**

1. **Acknowledges the importance of the City’s playgroups and toy libraries to the well-being of children and families;**
2. **Approves the annual venue usage charges for playgroups and toy libraries listed in the table below:**

	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
Nedlands Playgroup	\$2,350	\$2,900	\$3,450	\$4,000
Hackett Playgroup	\$1,920	\$2,620	\$3,300	\$4,000
Mt Claremont Playgroup	\$2,250	\$2,500	\$2,750	\$3,000
Nedlands Toy Library	\$520	\$680	\$840	\$1,000
Floreat Toy Library	\$420	\$610	\$810	\$1,000

3. **Provides delegated authority to the Chief Executive Officer to enter into management licenses with the Nedlands Playgroup, Hackett Playgroup, Mt Claremont Playgroup, Nedlands Toy Library and Floreat Toy Library based on the annual amounts listed in the table above.**

**8.3 Corporate & Strategy Report No's CPS01.18 to CPS03.18**

Report No's CPS01.18 to CPS03.18 to be dealt with at this point (copy attached green cover sheet).

<b>CPS01.18</b>	<b>List of Accounts Paid – November 2017</b>
<b>Committee</b>	13 February 2018
<b>Council</b>	27 February 2018
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Vanaja Jayaraman – Manager Finance
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	1. Creditor Payment Listing November 2017 2. Purchasing Card Payments November 2017 (29 <sup>th</sup> October – 28 <sup>th</sup> November)

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Mangano  
 Seconded – Councillor Shaw

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

Councillor McManus left the room at 9.39 pm.

**CARRIED UNANIMOUSLY 10/-**

**Committee Recommendation / Recommendation to Committee**

**Council receives the List of Accounts Paid for the month of November 2017 (refer to attachments).**

<b>CPS02.18</b>	<b>List of Accounts Paid – December 2017</b>
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<b>Committee</b>	13 February 2018
<b>Council</b>	27 February 2018
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Vanaja Jayaraman – Manager Finance
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	1. Creditor Payment Listing December 2017 2. Purchasing Card Payments December 2017 (29 <sup>th</sup> November – 28 <sup>th</sup> December)

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Shaw

Seconded – Councillor Hassell

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

**Committee Recommendation / Recommendation to Committee**

**Council receives the List of Accounts Paid for the month of December 2017 (refer to attachments).**

<b>CPS03.18</b>	<b>Waste Amendment Local Law 2017</b>
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<b>Committee</b>	13 February 2018
<b>Council</b>	27 February 2018
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Pollyanne Fisher – Policy & Projects Officer
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	City of Nedlands Waste Amendment Local Law 2017

Under section 3.12(2) of the *Local Government Act 1995* the Mayor read aloud the purpose and effect of the proposed local law.

The **PURPOSE** of the local law is to provide for the regulation, control and management of activities and issues relating to waste collection, recycling, reuse and disposal within the district of the City of Nedlands.

The **EFFECT** of the local law is to control activities and manage influences on waste collection, recycling, reuse and disposal within the district of the City of Nedlands.

Councillor Hassell left the room at 9.40 pm.

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Shaw  
 Seconded – Councillor Hay

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

**CARRIED UNANIMOUSLY 9/-**

**Committee Recommendation / Recommendation to Committee**

**Council makes the City of Nedlands Waste Amendment Local Law 2017 as detailed in Attachment 1.**

**ABSOLUTE MAJORITY REQUIRED**

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

Nil.

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

Nil.

**11. Confidential Items**

Nil.

**Declaration of Closure**

There being no further business, the Presiding Member declared the meeting closed at 9.41 pm.