



City of Nedlands

Minutes

Council Committee Meeting

13 March 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 March 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 C M de Lacy	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor G A R Hay	Melvista Ward
	Councillor T P James	Melvista Ward
	Councillor N W Shaw	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	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

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

Public There were 13 members of the public present.

Press The Post Newspaper representative.

Leave of Absence (Previously Approved) Nil.

Apologies	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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1. Public Question Time

Nil.

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

Mr Murray Casselton, Level 18, 191 St Georges Terrace, Perth (spoke in support of the recommendation)	PD07.18
Dr Mark Hands, 14 Odern Crescent, Swanbourne (spoke in support of the recommendation)	PD07.18
Ms Theresa Grapsas, 77 Viking Road, Dalkeith (spoke in support of the recommendation)	PD08.18
Mr John Passarelli, 77 Viking Road, Dalkeith (spoke in support of the recommendation)	PD08.18
Ms Jenny Colegate & Mr Peter Farrer-Smith, 37 Weld Street, Nedlands (spoke in support of the recommendation)	PD09.18
Mr Carlo Famiano, 1/3 Mulgul Road, Malaga (spoke in support of the recommendation)	PD11.18
Ms Bronwen Tyson, 62 Tyrell Street, Nedlands (spoke in opposition to the recommendation)	TS01.18
Dr Robin Collin, 83 Birdwood Parade, Dalkeith (spoke in opposition to the recommendation)	TS01.18
Dr Dorothy Collin, 76 Hobbs Avenue, Dalkeith (spoke in opposition to the recommendation)	TS01.18

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*.

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 13 February 2018

Moved – Councillor Shaw
Seconded – Councillor McManus

The Minutes of the Council Committee held 13 February 2018 be confirmed.

CARRIED UNANIMOUSLY 12/-

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.

8.1 Planning & Development Report No's PD07.18 to PD11.18

Planning & Development Report No's PD07.18 to PD11.18 to be dealt with at this point (copy attached yellow cover sheet).

PD07.18	(Lot 54) No. 14 Odern Crescent, Swanbourne – Amendments to DA17/275 (Two-Storey Single House with Under-croft)
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Committee	13 March 2018
Council	27 March 2018
Applicant	TPG + Place Match
Landowner	M E Hands & A M Cullen
Director	Peter Mickleson – Director Planning & Development
Reference	DA18/013
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. Applicant's Site Photographs 2. Applicant's Justification

Mr Murray Casselton, Level 18, 191 St Georges Terrace, Perth PD07.18
(spoke in support of the recommendation)

Dr Mark Hands, 14 Odern Crescent, Swanbourne PD07.18
(spoke in support of the recommendation)

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Shaw

Seconded – Councillor Wetherall

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 12/-

Committee Recommendation / Recommendation to Committee

Council approves the development application dated 24 January 2018 to amend the plans for a two-storey single house with under-croft at (Lot 54) No. 14 Odern Crescent, Swanbourne, subject to the following conditions and advice:

- 1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 2. The previous development approval (DA17/275, dated 18 December 2017) and conditions there-in, remain in effect. This excludes the plans approved as part of the previous development application.**

Advice Notes:

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

PD08.18	(Lot 136) No. 77 Viking Road, Dalkeith – Proposed Cabana
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Committee	13 March 2018
Council	27 March 2018
Applicant	T Grapsas
Landowner	T Grapsas
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA2018/14
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. Nil.

Ms Theresa Grapsas, 77 Viking Road, Dalkeith
(spoke in support of the recommendation)

PD08.18

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)

CARRIED 11/1
(Against: Cr. Shaw)

Committee Recommendation / Recommendation to Committee

Council approves the development application to construct a cabana at the rear of (Lot 136) No.77 Viking Road, Dalkeith, received on 24 January 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 cabana only.
3. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.

Advice Notes specific to this approval:

- 1. Stormwater to be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, at least 1.8m from the boundary of the block. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.**
- 2. 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.**
- 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.**

PD09.18	(Lot 271) No. 37 Weld Street, Nedlands – Proposed Home Business (Occupational Therapy Paediatric)
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Committee	13 March 2018
Council	27 March 2018
Applicant	J Colegate and P Farrer-Smith
Landowner	J Colegate and P Farrer-Smith
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA2018/9
Previous Item	Nil.
Delegation	In accordance with Clause 6.7.1a) of the City’s Instrument of Delegation, Council is required to determine the application due to an objection being received.
Attachments	1. Photograph of the subject property

Ms Jenny Colegate & Mr Peter Farrer-Smith,
37 Weld Street, Nedlands
(spoke in support of the recommendation)

PD09.18

Regulation 11(da) – Council determined that the amended and additional conditions provided greater protection of the amenity of the ara.

Moved – Councillor Wetherall
Seconded – Councillor Smyth

That the Recommendation to Committee be adopted subject to:

- 1. The removal of existing condition 5;**
- 2. A new condition 5 being added as follows:**
 - 5. That the approval be for 12 months with an extension being subject to the satisfaction of Administration.**
- 3. An additional condition 6. being added as follows:**
 - 6. No people who are not family members of the occupier household are to be employed and no signage advertising the business is permitted.**

CARRIED 9/3
(Against: Crs. Argyle Mangano & de Lacy)

Committee Recommendation

Council approves the development application to operate a home business (occupational therapy paediatric) at (Lot 271) No.37 Weld Street, Nedlands, received on 17 January 2018, subject to the following conditions and advice:

- 1. With the exception of the hours of operation, the development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 2. The proposed use complying with the home business definition stipulated under the City's Town Planning Scheme No. 2 (refer to advice note 1).**
- 3. Patients visiting the property by prior appointment only.**
- 4. A maximum of 6 patients per day.**
- 5. That the approval be for 12 months with an extension being subject to the satisfaction of Administration.**
- 6. No people who are not family members of the occupier household are to be employed and no signage advertising the business is permitted.**

Advice Notes specific to this approval:

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

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

- i) does not employ more than 2 people not members of the occupier's household;***
- ii) will not cause injury to or adversely affect the amenity of the neighbourhood;***
- iii) does not occupy an area greater than 50 square metres;***
- iv) does not involve the retail sale, display or hire of goods of any nature;***

- v) ***in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and***
 - vi) ***does not involve the use of an essential service of greater capacity than normally required in the zone.”***
2. **Noise levels are to comply with the *Environmental Protection (Noise) Regulations 1997*.**
 3. **This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**

Recommendation to Committee

Council approves the development application to operate a home business (occupational therapy paediatric) at (Lot 271) No.37 Weld Street, Nedlands, received on 17 January 2018, subject to the following conditions and advice:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
2. The proposed use complying with the home business definition stipulated under the City’s Town Planning Scheme No. 2 (refer to advice note 1).
3. Patients visiting the property by prior appointment only.
4. A maximum of 6 patients per day.
5. The home business only being permitted to operate at the following times:
 - Tuesdays – 9.00am to 6.00pm
 - Fridays – 4.00pm to 6.00pm
 - Saturdays – 9.00am to midday
 - Sundays – 9.00am to 3.00pm

Advice Notes specific to this approval:

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

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

- i) does not employ more than 2 people not members of the occupier's household;*
 - ii) will not cause injury to or adversely affect the amenity of the neighbourhood;*
 - iii) does not occupy an area greater than 50 square metres;*
 - iv) does not involve the retail sale, display or hire of goods of any nature;*
 - v) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and*
 - vi) does not involve the use of an essential service of greater capacity than normally required in the zone.”*
2. Noise levels are to comply with the *Environmental Protection (Noise) Regulations 1997*.
 3. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.

PD10.18	(Lot 101) No. 8 Bishop Road, Dalkeith – Two Storey Single House
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Committee	13 March 2018
Council	27 March 2018
Applicant	Boughton Architecture
Landowner	J L Jones
Director	Peter Mickleson – Director Planning & Development
Reference	DA17/298
Previous Item	PD03.18 – February 2018
Delegation	In accordance with Clause 6.7.1a) of the City’s Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	1. Site Photographs 2. Applicant’s response to submissions

Councillor Hay left the room at 7.58 pm.

Regulation 11(da) – Not Applicable – Request for withdrawal from Administration was after closing of agenda.

Moved – Councillor McManus

Seconded – Councillor Shaw

Committee Recommendation

Council agrees that this item be withdrawn as requested by the applicant.

CARRIED UNANIMOUSLY 11/-

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 higher of the ground 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 onsite.
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.
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.

- 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 onsite, 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 1.0m³ for every 80m² of calculated surface area of the development.
 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. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

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

Where there is over 10m² of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.

11. 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 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.

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.

PD11.18	(Lot 46) No. 154 Adelma Road, Dalkeith – Two Storey Single House with Under-croft
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Committee	13 March 2018
Council	27 March 2018
Applicant	Seacrest Homes
Landowner	58 Ocean Drive Pty Ltd T/A Seacrest Homes
Director	Peter Mickleson – Director Planning & Development
Reference	DA17/127
Previous Item	PD53.17 (withdrawn)
Delegation	In accordance with Clause 6.7.1a) and d) of the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	1. Site Photographs 2. Applicant Justification

Mr Carlo Famiano, 1/3 Mulgul Road, Malaga
(spoke in support of the recommendation)

PD11.18

Councillor Hay returned to the room at 8.01 pm.

Regulation 11(da) – Council determined that the development would adversely affect the amenity of the surrounding area.

Moved – Councillor Shaw
Seconded – Councillor Argyle

Committee Recommendation

Council does not approve the development application.

Councillor Hodsdon left the room at 8.08 pm.

Councillor Mangano left the room at 8.15 pm.

Councillor Hodsdon returned to the room at 8.16 pm.

**CARRIED 7/1
(Against: Cr. McManus)
(Abstained: Crs. Hassell Hodsdon & Wetherall)**

Recommendation to Committee

Council approves the development application dated 01 June 2017 with amended plans dated 31 January 2018 to construct a two-storey single house with an under-croft at (Lot 46) No. 154 Adelma 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 with an undercroft, associated landscaping, fill & retaining and fencing.
3. The dwelling shall not be used as a display home without further planning approval from the City being obtained.
4. The upper floor of the dwelling shall not be used for short-term accommodation or ancillary accommodation without further planning approval from the City being obtained.
5. The use of the basement level shall be restricted to the uses of plant and equipment, storage, toilets and/or the parking of wheeled vehicles. Prior to occupation of the dwelling, the owner shall execute and provide to the City a notification pursuant to s. 70A of the *Transfer of Land Act 1893* to be registered on the title to the land as notification to prospective purchasers that the use of the basement level is subject to the restriction set-out above.
6. The north and south facing obscured windows to habitable rooms are fixed obscured up to 1.6m above the finished floor level.
7. The front fencing in-fill panels shall be visually permeable in accordance with the Residential Design Codes.
8. All footings and structures to retaining walls and fences, shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
9. All dividing fencing, 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 dividing fencing, 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.
10. The pool pump area shall not have water permeable roofing without obtaining further planning approval.

11. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.

Advice Notes:

1. Should the cost of development exceed the amount stated in the development application, the development application fee required to be paid will increase. This remainder of the required development application fee shall be paid prior to the processing of the building permit.
2. All crossovers 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. The redundant crossover shall be removed and the nature-strip (verge) reinstated to the City's satisfaction.
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 1.0m³ for every 80m² of calculated surface area of the development.

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. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

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

Where there is over 10m² of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.

11. 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 fair-air noise calculator at 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.

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 Mangano returned to the room at 8.20 pm.

8.2 Technical Services Report No's TS01.18 to TS04.18

Technical Services Report No's TS01.18 to TS04.18 to be dealt with at this point (copy attached blue cover sheet).

TS01.18	Point Resolution Reserve Enviro-scape Master Plan
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Committee	13 March 2018
Council	27 March 2018
Applicant	City of Nedlands
Officer	Andrew Dickson – Manager Parks Services
Director	Martyn Glover – Director Technical Services
Attachments	1. Point Resolution Reserve Enviro-scape Master Plan 2. Community Engagement Results

Ms Bronwen Tyson, 62 Tyrell Street, Nedlands TS01.18
(spoke in opposition to the recommendation)

Dr Robin Collin, 83 Birdwood Parade, Dalkeith TS01.18
(spoke in opposition to the recommendation)

Dr Dorothy Collin, 76 Hobbs Avenue, Dalkeith TS01.18
(spoke in opposition to the recommendation)

Moved – Councillor Argyle
Seconded – Councillor James (Pro Forma)

Reduce expenditure from \$600,000 to \$320,000.

Councillor Shaw left room at 8.42 pm and returned at 8.44 pm.

Put Motion

Moved - Councillor Smyth
Seconded - Councillor Hodson

That the Motion be put.

CARRIED 10/1
(Against: Cr. McManus)
(Abstained: Cr. Mangano)

The Original Motion was PUT and WAS

LOST 4/7
(Against: Mayor Crs. Hassell Hodsdon Wetherall
Shaw McManus & Smyth)
(Abstained: Cr. de Lacy)

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)

Amendment

Moved - Councillor de Lacy
Seconded - Councillor James

Councillor Hay retired from the meeting at 9.25 pm.

Remove the playground upgrade and the shared path is to be sympathetic to the natural environment.

Councillor McManus left the room at 9.25 pm and returned at 9.27 pm.

Councillor de Lacy left the room at 9.30 pm and returned at 9.33 pm.

Councillor Mangano left the room at 9.40 pm and returned at 9.41 pm.

The AMENDMENT was PUT and WAS

LOST 4/7
(Against: Mayor Crs. Argyle Hassell Hodsdon
Shaw McManus & Smyth)

The Original Motion was PUT and WAS

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

Committee Recommendation / Recommendation to Committee

Council endorses the Point Resolution Reserve Enviro-scape Master Plan concept.

Councillor Shaw retired from the meeting at 9.46 pm.

TS02.18	City of Nedlands 2018 Annual Waste Report
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Committee	13 March 2018
Council	27 March 2018
Applicant	City of Nedlands
Officer	Chaminda Mendis - Waste Minimisation Co-ordinator
Director	Martyn Glover - Director Technical Services
Attachments	Nil

Councillor Argyle left the room at 9.47 pm.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hassell
 Seconded – Councillor McManus

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

Councillor Argyle returned to the room at 9.49 pm.

CARRIED UNANIMOUSLY 10/-

Committee Recommendation / Recommendation to Committee

Council:

1. notes the City of Nedlands 2018 Annual Waste Report; and
2. seeks a review of the effectiveness of the second recycling bin at no charge in preparation of the 2018-2019 budget.

TS03.18	Proposed Road Names for the Shenton Park Rehabilitation Hospital Redevelopment
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Committee	13 March 2018
Council	27 March 2018
Applicant	MNG and Landcorp
Officer	Steve Crossman – Asset Management Coordinator
Director	Martyn Glover – Director Technical Services
Attachments	<ol style="list-style-type: none"> 1. Proposed Road Names 2. Alternative Road Names 3. Montario Quarter Shenton Park 4. Extract of Policies and Standards for Geographical Naming in Western Australia

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor James

Seconded – Councillor McManus

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 10/-

Committee Recommendation / Recommendation to Committee

Council endorses the proposed road names list as provided in Attachment 1 with any relevant changes.

TS04.18	Proposed Extension of Archdeacon Street
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Committee	13 March 2018
Council	27 March 2018
Applicant	City of Nedlands
Officer	Pollyanne Fisher – Policy & Projects Officer
Director	Martyn Glover – Director Technical Services
Attachments	<ol style="list-style-type: none"> 1. Alternative Proposed Road Names 2. Extract of Policies and Standards for Geographical Naming in Western Australia

Councillor Hassell left the room at 9.50 pm.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor James

Seconded – Councillor McManus

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 9/-

Committee Recommendation / Recommendation to Committee

Council:

- 1. approves an application to be made to the Department of Lands for the excision of land from Reserve 1669, Lot 122 on deposited plan 222793, for the dedication of road reserve to provide formal public access to Lot 203 on deposited plan 27668;**
- 2. endorses the new road reserve to be dedicated as an extension of ‘Archdeacon Street’; and**
- 3. in the case that the Geographical Names Committee of Landgate does not approve for the new road reserve to be dedicated as an extension of ‘Archdeacon Street’, endorses the names provided in Attachment 1 for the alternative naming of the new road.**

8.3 Corporate & Strategy Report No's CPS04.18 to CPS06.18

Report No's CPS04.18 to CPS06.18 to be dealt with at this point (copy attached green cover sheet).

CPS04.18 List of Accounts Paid – January 2018	
Committee	13 March 2018
Council	27 March 2018
Applicant	City of Nedlands
Officer	Vanaja Jayaraman – Manager Finance
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Creditor Payment Listing January 2018 2. Purchasing Card Payments January 2018 (29th December – 28th January)

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor James
Seconded – Councillor McManus

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

Councillor Hassell returned to the room at 9.53 pm.

CARRIED UNANIMOUSLY 10/-

Committee Recommendation / Recommendation to Committee

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

CPS05.18	2017 Compliance Audit Return
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Committee	13 March 2018
Council	27 March 2018
Applicant	City of Nedlands
Officer	Stacey Gibson – PA to Director Corporate & Strategy
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Compliance Audit Return 2017

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor James
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 adopts the 2017 Compliance Audit Return as per recommendation by the Audit & Risk Committee.

CPS06.18	Mid-Year Budget Review – 2017/18
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Committee	13 March 2018
Council	27 March 2018
Applicant	City of Nedlands
Officer	Vanaja Jayaraman – Manager Financial Services
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	<ol style="list-style-type: none"> 1. Revised Rate Setting Statement for the year ending 30 June 2018; 2. List of Changes Required to the Revised Operating Budget 2017/18; and 3. List of Changes Required to the Revised Capital Works & Acquisition Program Budget 2017/18

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hassell
 Seconded – Councillor James

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

CARRIED 8/-
(Abstained: Crs. Mangano & McManus)

Committee Recommendation / Recommendation to Committee

Council:

- 1. receives and adopts, in accordance with Regulation 33A of the Local Government (Financial Management) Regulations 1996, the mid-year budget review and the revised Rate Setting Statement for the year ending 30 June 2018;**
- 2. notes the brought forward surplus from 2016/2017 Financial Year of \$2,965,451;**
- 3. notes the requested changes to the current 2017/18 Annual Budget listed in Attachments 2 and 3, and summarised in this report;**
- 4. approves the Revised Budget incorporating all the changes listed in Attachments 2 and 3 of this report, providing an estimated net deficit of \$112,886 (Attachment 1).**

ABSOLUTE MAJORITY REQUIRED

9. Reports by the Chief Executive Officer

Nil.

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

10.1 Local Government Act Review

Committee	13 March 2018
Council	27 March 2018
Applicant	City of Nedlands
Officer	Pollyanne Fisher – Policy & Projects Officer
Acting CEO	Peter Mickleson
Attachments	1. Review Consultation Paper 2. Proposed Submission to the Local Government Act Review Process

Regulation 11(da) – Council determined that a more comprehensive submission would be made in the second round of submissions.

Moved – Councillor Wetherall

Seconded – Councillor Hodsdon

Committee Recommendation

Council does not submit a Local Government Act Review Submission for this round and will reconsider its position at the second round of submissions.

**CARRIED 6/3
(Against: Mayor Crs. James & Smyth)
(Abstained: Cr. McManus)**

Recommendation to Committee

Council endorse the proposed submission to the Local Government Act Review as provided in Attachment 2.

Executive Summary

The purpose of this report is to seek Councils endorsement of a submission to be made the Department of Local Government, Sport and Cultural Industries for consideration in their review of the *Local Government Act 1995* (the Act).

Discussion/Overview

On 20 June 2017, the Local Government Minister announced that the Department of Local Government and Communities would commence a review of the Act. This is the first major review since the Act was introduced more than 20 years ago in 1995.

The review is intended to introduce changes that will modernise the Act and identify ways to reduce red tape to ensure WA communities benefit from efficient and effective councils now and into the future. It is important to note that the review does not examine Local Government boundaries and its scope does not include any consideration for Local Government amalgamations.

The review is supported by a reference group with representation from the Western Australian Local Government Association, Local Government Professionals Australia (WA), Western Australian Electoral Commission, Western Australian Council of Social Service, Regional Chamber of Commerce and Industry and the WA Rangers Association.

Elected Members were briefed on the review at a Councillor Briefing on 19 September 2017 and feedback was taken into consideration.

The review has been planned in two phases. Phase one, 'Modernising Local Government' focuses on four key areas:

- electronic availability of information;
- meeting public expectations for accountability, including gift disclosures;
- meeting community expectations of standards, ethics and performance; and
- building capacity.

Phase one includes Local Governments and the community being invited to have their say up to the 9 March 2018. This deadline has been extended to the 13 March for the City of Nedlands. A consultation paper, provided in Attachment 1, was released on 8 November 2017.

Taking into consideration feedback from Elected Members, the City's Executive Team have put together a proposed submission in response to the review. This is provided for endorsement by Council in Attachment 2. With the deadline for this being 13 March 2018, it will be submitted to the Department based on the Committees recommendation, with supporting full endorsement of the Committees Recommendation sought later at the Ordinary Council Meeting on 27 March 2018.

Phase two has not yet commenced. It is intended to ensure Local Governments are positioned to deliver for the community by examining ways to:

- increase participation and public confidence in local government elections;
- increase community participation in local government decision-making;
- improve financial management, including through local government enterprises; and
- build capacity through reducing red tape.

Key Relevant Previous Council Decisions:

Nil.

Consultation

The review was considered at a Councillor Briefing on 19 September 2018 and updates provided to Elected Members via the weekly CEO update.

Budget/Financial Implications

Nil.

11. Confidential Items

Nil.

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 10.07 pm.