



City of Nedlands

Minutes

Council Committee Meeting

8 October 2019

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 8 October 2019 at 7 pm.

Declaration of Opening

The Presiding Member declared the meeting open at 7 pm and drew attention to the disclaimer below.

(NOTE: Council at its meeting on 24 August 2004 resolved that should the meeting time reach 11.00 p.m. the meeting is to consider an adjournment motion to reconvene the next day).

Present and Apologies and Leave Of Absence (Previously Approved)

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

Staff	Mr M A Goodlet	Chief Executive Officer
	Mrs L M Driscoll	Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Mr J Duff	Director Technical Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

Public There were 11 members of the public present.

Press The Post Newspaper representative.

Leave of Absence (Previously Approved) Nil.

Apologies 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

1.1 Mr Ian Love, 70 Kingsway, Nedlands

Item 1

We request (a representative of our group together with a member of Council) an urgent meeting with the WA Minister for Planning with a view to obtaining her support to brief JDAP panel members on the strategic planning challenges the City is currently facing. We do not want each application reviewed in isolation. We want to ensure that no 'mistakes slip through the net' before the City has prepared robust Local Development Plans.

Question 1

What action will be taken by the Council relative this request?

Answer 1

Council is elected by the community to represent residents and ratepayers. The issues raised are well understood by Council which has, and continues to, make representations to Ministers and the WAPC regarding concerns about the implementation of Local Planning Scheme 3.

Question 2

If no action is to be taken, please advise why no action will be taken?

Answer 2

See above.

Item 2

The City should immediately advise all development applicants and real estate agents that the City will be adopting a 'zero tolerance' policy for any exceptions to LPS 3 until such a time that the LDP's have been developed.

Question 1

What action will be taken by the Council relative this request?

Answer 1

Where a development application is able to be approved subject to Council exercising its discretion the Council is obligated to consider the request with an open mind and consider arguments for and against the proposal prior to exercising its discretion. Adopting a “zero tolerance” to the discretion available to Council is not consistent with the rights of applicants and submitters to have the application considered in on its merits and taking into account the various arguments presented. Furthermore, LDP’s are not contemplated being developed for all areas of the City that may be subject to development applications.

Question 2

If no action is to be taken, please advise why no action will be taken?

Answer 2

See above.

Item 3

We as a community want complete transparency around the development application process. Most importantly we wish to know about potential applications at the time the City is in ‘pre-lodgement’ process, which can be many months before the application is lodged. The City should maintain a register of ‘pre-lodgement’ applications so the community can see the pipeline of applications.

Question 1

What action will be taken by the Council relative this request?

Answer 1

The ‘pre-lodgement’ process is a “without prejudice” process where a potential applicant can explore with the City a development proposal that may or may not come to fruition. It is wholly inappropriate that these matters, which in many cases are “Commercial in confidence”, are disclosed to third parties. Once a complete application containing all required information is received it may be advertised in accordance with Councils policy on advertising of applications.

Question 2

If no action is to be taken, please advise why no action will be taken?

Answer 2

See above.

Item 4

The City should immediate move to establish a ‘Design Review Panel’ or explain in detail ‘if not, why not’.

Question 1

What action will be taken by the Council relative this request?

Answer 1

Council has considered the establishment of a Design Review Panel and has determined that it does not wish to establish such a panel at this time.

Question 2

If no action is to be taken, please advise why no action will be taken?

Answer 2

See above.

Item 5

The City should aim to have well developed draft LDP's or generic LDP's for all re-zoned areas by the end of December and these drafts should be used as guidelines for assessing DA's until they are finalised.

Question 1

What action will be taken by the Council relative this request?

Answer 1

Council has a programme of developing draft Local Planning Policies (LPP's), Local Development Plans (LDP's) and Precinct Plans (PP) covering a number of subject matters and locations including some areas re-zoned under LPS3. This programme has been developed in accordance with the resources and the budget available to Council considering all the priorities of Council for its overall work programme.

Question 2

If no action is to be taken, please advise why no action will be taken?

Answer 2

Completing the current programme of LPP's, LDP's and PP by December is not possible within the current resources allocated by Council.

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

Mr Craig Larkin, 37 Philip Road, Dalkeith PD41.19
(spoke in support of the recommendation)

Mr Bradley Forbes, 39 Wavell Road, Dalkeith CPS16.19
(spoke in relation to the proposed Management Licence)

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

Councillor Smyth declared she has only read the public papers not confidential items as she has been overseas.

6. Confirmation of Minutes

6.1 Committee Meeting 10 September 2019

Moved – Councillor Argyle
Seconded – Councillor Hay

The Minutes of the Council Committee held 10 September 2019 be confirmed.

CARRIED UNANIMOUSLY 13/-

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 PD41.19

Planning & Development Report No's PD41.19 to be dealt with at this point (copy attached yellow cover sheet).

PD41.19	No. 37 Philip Rd, Dalkeith - Covered Structure for Boat / Trailer Storage to Single House
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Committee	8 October 2019
Council	22 October 2019
Applicant	Complete Approvals
Landowner	Toby and Kathleen Leys
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA19/36345
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is requested to determine the application due to the development proposal being contrary with the City's working practice.
Attachments	1. Plans (Confidential) 2. Assessment (Confidential).

Mr Craig Larkin, 37 Philip Road, Dalkeith
(spoke in support of the recommendation)

PD41.19

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Argyle
Seconded – Councillor Hassell

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

CARRIED 9/3
(Against: Crs. Mangano Hay & James)
(Abstained: Cr. Smyth)

Committee Recommendation / Recommendation to Committee

Council approves the development application dated 5 May 2019 to install a covered boat/trailer parking structure at (Lot 291) 37 Philip Rd, Dalkeith, with the following conditions and advice notes.

Conditions:

- 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 addition of a covered boat/trailer parking structure, as indicated on the plans attached to this approval.**
- 3. All sides of the boat/trailer covered parking structure shall remain open and shall not accommodate a door.**
- 4. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.**
- 5. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**
- 6. The boat/trailer covered parking structure shall be used for the storage of a boat and/or trailer only. No motor vehicles are to be parked within the boat/trailer covered parking structure area.**

Advice Notes specific to this proposal:

- 1. Any boats and/or trailers proposed to be stored within the boat/trailer covered parking structure area are to be manually manoeuvred (by hand) into the storage area and not by motor vehicle.**
- 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(s) which is not compliant with the deemed-to-comply provisions of the Residential Design Codes, and/or erecting any fencing behind the primary street setback area which is more than 1.8m in height above natural ground level.**
- 3. Any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Improvement Application and/or a Crossover Permit to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing.**

- 4. 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 Improvement approval.**
- 5. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. 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.**
- 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.**

8.2 Technical Services Report No's TS20.19 to TS21.19

Technical Services Report No's TS20.19 to TS21.19 to be dealt with at this point (copy attached blue cover sheet).

TS20.19	Railway Aberdare Intersection Improvement
Committee	8 October 2019
Council	22 October 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Jim Duff – Director Technical Services
Attachments	1. Railway Road/Aberdare Road Concept Design 2. Aberdare Road Land Availability Map 3. Key Stakeholder Endorsements

Regulation 11(da) – Council agreed that any additional trees not shown on plan which may need to be removed would need Council approval prior to removal.

Moved – Councillor Hassell
Seconded – Councillor Wetherall

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

That any trees not shown orange on the plan which require removal require Council approval.

Amendment

Moved - Councillor Mangano
Seconded - Councillor James

Requests the Chief Executive Officer investigate a southbound slip lane in Railway Road turning left into Aberdare Road.

The AMENDMENT was PUT and was

Lost 6/7
(Against: Crs. Argyle de Lacy Hodsdon
Wetherall Shaw Horley & McManus)

The Original Motion was PUT and was

**CARRIED 12/1
(Against: Cr. Hay)**

Committee Recommendation

Council:

- 1. Supports progressing the concept design to detailed construction drawings for Black Spot funding submission, provided the City of Subiaco endorses the project;**
- 2. To include the Railway Road/Aberdare Road intersection improvement project as part of the 2021/22 budget, provided the City of Subiaco endorses the project;**
- 3. Approves the tree removal as detailed in Table 2 within the City of Nedlands to facilitate construction; and**
- 4. That any trees not shown orange on the plan which require removal require Council approval.**

Recommendation to Committee

Council:

1. Supports progressing the concept design to detailed construction drawings for Black Spot funding submission, provided the City of Subiaco endorses the project;
2. To include the Railway Road/Aberdare Road intersection improvement project as part of the 2021/22 budget, provided the City of Subiaco endorses the project; and
3. Approves the tree removal as detailed in Table 2 within the City of Nedlands to facilitate construction.

TS21.19	Land Sale to City of Nedlands and Grant of Easements to Water Corporation
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Committee	8 October 2019
Council	22 October 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Jim Duff – Director Technical Services
Attachments	<ol style="list-style-type: none"> 1. Copy of Contract of Sale Documents including Grant of Easements. 2. Map of Lot 50 on Deposited Plan 9602, No.56 Dalkeith Road, Nedlands. 3. Drainage map of Lots 50 and 51 Dalkeith Road, Nedlands. 4. Map of Lot 116 on Deposited Plan 231114, No. 80 Melvista Avenue, Dalkeith (Hackett Road Main Sewer). 5. Map of Lot 1 on Diagram 24967, No. 290 Marine Parade, Swanbourne (Cottesloe Main Sewer).

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hodsdon
 Seconded – Councillor Shaw

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

CARRIED 10/2
(Against: Crs. Horley & Smyth)

Committee Recommendation / Recommendation to Committee

Council:

1. approves the Contract of Sale between the Water Corporation (ABN 28 003 434 917) and the City of Nedlands for Lot 50 Dalkeith Road, Nedlands (Lot 50) at a cost of \$1:

- a. approves the application of the Council Common Seal (the seal) by the Chief Executive Officer to the Contract in triplicate; and
 - b. directs the Mayor and Chief Executive Officer to execute the Contract documentation in triplicate by way of signing; and
2. Approves the application of the seal by the Chief Executive Officer on the Grant of Easements for:
 - a. Lot 1 on Diagram 24967, No.290 Marine Parade, Swanbourne (Lot 1); and
 - b. Lot 116 on Deposited Plan No.80 Melvista Avenue, Dalkeith (Lot 116); and
3. Directs the Mayor and Chief Executive Officer to execute the Grant of Easement documentation in triplicate by way of signing for:
 - a. Lot 1, and
 - b. Lot 116.

8.3 Corporate & Strategy Report No's CPS15.19 to CPS17.19

Report No's CPS15.19 to CPS17.19 to be dealt with at this point (copy attached green cover sheet).

CPS15.19 List of Accounts Paid – August 2019	
Committee	8 October 2019
Council	22 October 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Creditor Payment Listing August 2019 2. Purchasing Card Payments August 2019 (29 July 2019 – 27 August 2019)

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Shaw

Seconded – Councillor McManus

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 13/-

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of August 2019 (refer to attachments).
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CPS16.19	Western Suburbs Cricket Club Inc. – Management Licence of John Leckie Pavilion Clubrooms – Reserve 1670
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Committee	8 October 2019
Council	22 October 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Draft Management Licence

Councillor Hay left the room at 8.12 pm and returned at 8.13 pm.

Councillor Mangano left the room at 8.14 pm.

Mr Bradley Forbes, 39 Wavell Road, Dalkeith
(spoke in relation to the proposed Management Licence)

CPS16.19

Regulation 11(da) – Council agreed to defer this item to allow the club more time to read the draft management licence.

Moved – Councillor McManus
Seconded – Councillor Hassell

Committee Recommendation

That the item be deferred to the November meetings.

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

Recommendation to Committee

Council:

1. endorses the draft management licence by Western Suburbs Cricket Club Inc. for a portion of John Leckie Pavilion, College Park, 100 Princess Road, Nedlands as per Attachment 1; and
2. requests that after receiving the Minister for Lands consent to the management licence, the Mayor and Chief Executive Officer sign the agreement and apply the City's common seal.

CPS17.19	Suburban Lions Hockey Club Inc. Management Licence of J.C. Smith Pavilion, Melvista Oval, Nedlands (Reserve 1669)
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Committee	8 October 2019
Council	22 October 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Draft Management Licence

Councillor McManus left the room at 8.16 pm.

Councillor Mangano returned to the room at 8.16 pm.

Regulation 11(da) – Council agreed to defer this item to allow the club more time to read the draft management licence.

Moved – Councillor de Lacy
Seconded – Councillor Hassell

Committee Recommendation

That the item be deferred to the November meetings.

Councillor McManus returned to the room at 8.18 pm.

CARRIED UNANIMOUSLY 13/-

Recommendation to Committee

Council:

1. endorses the draft management licence by Suburban Lions Hockey Club Inc. for J.C. Smith Pavilion, 140 Melvista Avenue, Nedlands as per Attachment 1; and
2. requests that after receiving the Minister for Lands consent to the management licence, the Mayor and Chief Executive Officer sign the agreement and apply the City's common seal.

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 8.18 pm.