



City of Nedlands

# Minutes

## Council Committee Meeting

14 July 2020

### **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 online via Teams and livestreamed for the public and onsite in the Council Chambers, 71 Stirling Highway, Nedlands (Councillors Only) on Tuesday 14 July 2020 at 6 pm.**

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### Declaration of Opening

The Presiding Member declared the meeting open at 6 pm and drew attention to the disclaimer below.

### Present and Apologies and Leave of Absence (Previously Approved)

<b>Councillors</b>	Deputy Mayor L J McManus	(Presiding Member)
	Councillor F J O Bennett	Dalkeith Ward
	Councillor A W Mangano (from 6.14 pm)	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor P N Poliwka	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor G A R Hay	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward

<b>Staff</b>	Mrs L M Driscoll	Acting Chief Executive Officer
	Mr Ross Jutras-Minett	A/Director Planning & Development
	Mr J Duff	Director Technical Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

**Public** A maximum of 21 persons logged into the live stream of the proceedings and 4 members of the public attended for the public address session only.

**Leave of Absence (Previously Approved)** Her Worship the Mayor, C M de Lacy

**Apologies** Mr M A Goodlet 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**

A member of the public wishing to ask a question should register that interest by notification in writing to the CEO in advance, setting out the text or substance of the question.

The order in which the CEO receives registrations of interest shall determine the order of questions unless the Mayor determines otherwise. Questions must relate to a matter affecting the City of Nedlands.

### **1.1 Mr Simon Edis, 72 Kingsway, Nedlands**

#### **Question 1**

When will public information sessions for development applications be moved back to the pre-COVID venue Adam Armstrong Pavilion? Wouldn't it be more convenient and efficient for the city, residents, and developers to only attend one session?

#### **Answer 1**

The running of multiple sessions assists with providing people opportunity to contribute at various times where they may not be available to attend at a singular time or feel comfortable contributing to a larger format event.

Smaller events also reduce the risk of infection of COVID-19 for both the community and staff. The 2 square meter rule applies to these events and limits the number of people permitted within a room. Additionally, government advice encourages people to remain 1.5m apart. The City supports this advice and expects staff to be operating according this advice as is appropriate.

Adam Armstrong Pavilion is leased to a community group and not always available to the City in the winter months.

## 1.2 Mrs Lanie Byk, 3 Betty Street, Nedlands

### Question 1

I would like to understand how such a substantial change to residential zoning did not include ANY form of communication to immediate residents. I needed special council approval to put a garage door on my carport, yet 4 residential blocks can be changed in secret, without consultation and with obvious direct benefit to mere developer. How is this possible? How can I trust council going forward? As a long-standing resident how are my interests considered, respected, and protected?

### Answer 1

The draft Local Planning Scheme 3 was adopted by Council in December 2016 for the purposes of advertising, modified as required by the Western Australian Planning Commission in October 2017, advertised from December 2017 to March 2018 and presented to Council for final consideration in July 2018. In each instance, the use was identified and advertised for Residential Aged Care purposes and was ultimately approved by the Minister for Planning and published in the Government gazette on 16 April 2019.

### Question 2

How do council staff (CEO, etc) have the interests of residents reflected in their performance reviews and employment contracts?

### Answer 2

The CEO is required under the LG Act and his employment contract to have an annual review of his performance undertaken by Council.

The CEOs Key Results Areas are also reviewed by Council and reflect his employment contract and the City's corporate and strategic plans, which emanate from the integrated planning process, reflecting community plans. There are a number of informing plans (Long term financial plan; corporate business plan; strategic workforce plan; capital works program) that flow from the overarching plans.

Directors and managers have a set of requirements outlined in their employment contracts and position descriptions. The CEO's key results areas flow to the management team, directorates and to business units.

All employees have a work plan and twice-yearly performance reviews.

**1.3 Mr Brian Burton, 14 Betty Street, Nedlands**

Question 1

Could Council please explain why there has been no ratepayer consultation regarding the planned Oryx development at 16-18 Betty street and 73-75 Doonan Road, Nedlands? This is despite the incorrect and misleading statements made by the CEO and Planning Officer.

Answer 1

A Development Application for a proposed Residential Aged Care Facility at No.16 & 18 Betty Street and No.73 & 75 Doonan Road, Nedlands was received by City Offices on the 11 June 2020. In accordance with the City's Local Planning Policy – Consultation of Planning Proposals, the development was advertised for public comment for a period of 21 days from the 26 June to 18 July 2020 which included letters to occupiers and landowners within a 200m radius from the subject lots, two (2) signs on site, notice in the local newspaper (The Post) and published on the City's website and social media page. Two (2) Community Information Sessions were held on the 8 July and 13 July 2020 from 4pm – 6pm held at the Council Chambers. The advertising period has since been extended for an additional week closing on the 25 July 2020.

**1.4 Mrs Robyn Burton, 14 Betty Street, Nedlands**

Question 1

Could council please explain why the planned ORYX development at 16/18 Betty street and 73/75 Doonan Road in Nedlands does not take to account traffic congestion and why it does not comply with requirements?

Answer 1

A Transport Impact Statement accompanies this Development Application. The City's Technical Services Department will be undertaking a review and assessment to ascertain its compliance.

**1.5 Mr John Sanders, 70 Doonan Road, Nedlands**

Question 1

Can the Council please explain how it is appropriate to approve a high-density, 4-5 storey aged care facility in Betty Street and Doonan Road when the Royal Commission into Aged Care Quality and Safety Interim Report is recommending against such forms of institutional care in favour of aging in place?

Answer 1

The RCACQSI Report has described the pitfalls and difficulties with aged care facilities. It has not yet made recommendations on this.

The subject lots (16 & 18 Betty Street and 73 & 75 Doonan Road) have an Additional Use which includes 'Residential Aged Care Facility' being a 'P' use – this means the use is permitted if it complies with any relevant development

standards and requirements of the Local Planning Scheme No.3. The determining authority for the Residential Aged Care Facility at the subject site is the Metro Inner North Joint Development Assessment Panel. The City is in the process of undertaking its assessment on the application and therefore the Metro Inner North Joint Development Assessment Panel has neither considered nor determined this application.

Question 2

Can the Council please explain how it was appropriate to amend the aged care Local Planning Policy from the advertised 3 storeys to current 4 storeys without any community consultation on the change.

Answer 2

Council debated the matter of whether or not the amendments required were minor or major and whether readvertising was required, this occurred at its April Council meeting, and ultimately chose to endorse the Local Planning Policy – Residential Aged Care Facility at 4 storeys.

Question 3

Can the Council please explain why a new, high density, 90 bed aged care facility is required in Betty St and Doonan Road when Melvista Lodge, an existing aged care facility immediately adjacent to the proposed new development, is sitting empty?

Answer 3

In determining an application, the matters decision makers can have regard to are outlined in Clause 67 of the Deemed Provisions of Planning and Development (Local Planning Schemes) Regulations. Matters such as market demand do not form any such consideration.

Question 4

Can the Council please explain the independent analysis it has conducted on demand for high care aged care places south of Stirling Highway in Nedlands.

Answer 4

The subject lots (16 & 18 Betty Street and 73 & 75 Doonan Road) were identified in its original draft Local Planning Scheme No. 3 to accommodate Residential Aged Care Facilities. The suitability of the site has been established by the WAPC when considering the Additional Use to the subject land. The market will ultimately determine demand for the product.

**1.6 Mr George Gelavis, 69 Riley Road, Nedlands**

Question 1

Can council explain why they failed to recognise that Betty Street / Doonan Road has no density coding and why they did nothing to correct this.

Answer 1

The City's original draft of Local Planning Scheme 3, considered by Council in December 2016, applied Special Use Zone to the subject lots (16 & 18 Betty Street and 73 & 75 Doonan Road), with provisions for a Local Development Plan to guide future development over the Lisle Lodge and subject lots. As a Special Use Zone the site was no longer zoned Residential and hence no residential density code applied. The final amended version that was approved by the WAPC in April 2019, removed the Special Use Zone and the LDP provisions and instead applied an 'Additional Use' of Residential Aged Care Facility to the Residential Zone, without any further built form controls or R Coding. Once the City noted the omission, a policy was prepared by the City and approved by Council in April 2020.

**1.7 Mr Michael Cahill, 65 Melvista Avenue, Nedlands**

Question 1

The 4-storey aged care facility on Monash Avenue is located in the 74,129 m<sup>2</sup> Regis precinct 135m from the nearest private residence (R-AC3) and 250-300m from R12.5 and R10 residences. Why is this the chosen model for all aged care facilities in the City when, for example, proposed facilities on Betty St/Doonan Rd will impact at least 170 homes (R10 and R12.5) within a 250m radius, the closest being within 10 meters?

Answer 1

The City does not legislate the type of built form an aged care facility will appear as. Instead built form controls are applied through Local Planning Policies and the Local Planning Scheme.

**1.8 Mrs Bronwyn Stuckey, 26 Kingsway, Nedlands**

Question 1

In the minutes of the Council meeting 27 March 2012 it is stated "The legislation requires the City to have a Heritage List and the Heritage Council recommends that all properties older than 60 years should be evaluated for possible inclusion into the list." Is that legislation still current? If it is not current when did the legislation lapse?

Answer 1

The City has a list of properties that are afforded statutory protection under Local Planning Scheme No. 3.

Question 2

In the Palassis Report 2012, recorded as an attachment to the Agenda of 27 March 2012, there are a large number of residences on Broadway and Kingsway listed as residence of significant heritage. Has this list been given to Hassell as part of its brief in compiling a recommendation on built form for Broadway? If not, why not?

Answer 2

Heritage protection is afforded to properties that have been registered in the Local Planning Scheme or State heritage List. The designation of Heritage areas or the listing of individual properties is subject to Council approval. Until such time as the properties are provided with statutory heritage protection, the City cannot consider their heritage value in the future planning of the City of Nedlands.

Question 3

Two of the houses on the heritage report by Palassis, 93 and 95 Broadway, are proposed by Hassell to be demolished as part of its development of a 6-storey apartment building. The same company is both developing a built form report for Broadway and applying to develop on identified heritage blocks on Broadway. Does the Council not perceive a conflict of interest in this respect?

Answer 3

The City has considered its contractual obligations with Hassell including any perceived conflict of interest. The City is satisfied that through contractual negotiation that no conflict of interest has been dealt with by Hassell.

**1.9 Dr Mohan Rajalingam, 11 Betty Street, Nedlands**

Question 1

Can council explain why they failed to recognise that Betty Street / Doonan Road has no density coding and why they did nothing to correct this.

Answer 1

The move to Residential with an Additional Use was a change made by the WAPC following advertising of LPS3. The density code would only apply if the properties were being redeveloped as residential dwellings.

Question 2

Please explain why council approved R80 on the Betty St / Doonan Road site when the other aged care sites both in Mount Claremont: A7 (two parcels) is coded R25 and R40; A8 is coded R30.

Answer 2

R80 has not been approved as an R-Code on the subject sites. However, some R80 built form controls have been used in the creation of the LPP, and were applied to sites of 2000m<sup>2</sup> and over, due to the capacity of sites of this size to accommodate larger development. This policy was not written specifically for this site, it was written regarding the development of Residential Aged Care Facilities generally which are 'A' Uses in Residential Zoned area regardless of their R Coding.

Question 3

Who is the authority that appears to have this totalitarian /authoritarian power to grant the approval of a change in zoning regulations and change from residential to commercial status with respect to this development?

Answer 3

Residential Aged Care is generally an 'A' use within the Residential Zone in this circumstance the Additional Use allows for the Residential Aged Care to be a 'P' use. An 'A' use means advertised therefore a Residential Aged Care development could be applied for on any residentially zoned block in line with Local Planning Scheme No.3. The site is still zoned Residential although in the scheme many commercial uses are allowed within the residential zone. The Authority who has power over Local Planning Schemes is ultimately the WA Planning Commission and the Hon Minister for Planning Lands and Heritage.

Question 4

Is there a master plan with respect to Aged Care Facilities and is this data evidenced based ( i.e.: Number of Units needed, specific type of aged care facility and specific detail on where it should be located and if due attention has been made to the existing aged care facilities in this neighbourhood. Please let me know details of this plan and evidence-based studies. If there are none, please indicate as well.

Answer 4

The City does not currently have a Housing Strategy or a strategy relating to Aged Care. This is not a current priority of Council.

Question 5

I would also like to query if any due process of thought has been made, during the planning of this 4 storey 90 unit aged care facility, with respect to the COVID-19 environment; as it stands, this facility could be a potential incubator of further propagation of this infectious viral disease SARS. Please let me know the details of this aspect of the planning.

Answer 5

No. Infection control is a matter for the facility and licensing body that regulates the facility.

**1.10 Ms Susan Stevens, 65 Melvista Avenue, Nedlands**

Question 1

Why did the Council not pause Aged Care Development in Nedlands to fully engage public consultation including letters to immediately affected residents, so that a strategic plan for aged care across the combined A9 site as per LPS3 could be developed?

Answer 1

In accordance with the Development Assessment Panel Regulations 2011, the City cannot refuse to accept JDAP applications that include the required documentation. The application will be assessed under the current planning framework.

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

Addresses by members of the public who have completed Public Address Session Forms will be invited to be made as each item relating to their address is discussed by the Committee.

Councillor Mangano joined the meeting at 6.12 pm.

Moved – Councillor Wetherall  
Seconded – Councillor Coghlan

**That Council permits the following 2 public addresses which are in relation to items not listed on the agenda.**

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

Mr Matthew McNeilly, 71 Doonan Road, Nedlands  
(spoke in opposition to the proposed development)

Betty / Doonan Road

Mr John McGuire, 2 Granby Crescent, Nedlands  
(spoke in opposition to the proposed development)

Betty / Doonan Road

Miss Bianca Sandri, Urbanista Planning, 231 Bulwer Street, Bedford PD31.20  
(spoke in opposition to the application)

Mr Petar Mrjda, Urbanista Planning, 231 Bulwer Street, Bedford PD33.20  
(spoke in support of the application)

**3. Disclosures of Financial and/or Proximity Interest**

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

There were no disclosures of financial interest.

**4. Disclosures of Interests Affecting Impartiality**

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

**4.1 Councillor Mangano – TS13.20 - Underground Power – Hollywood East, Nedlands North and Nedlands West**

Councillor Mangano disclosed an impartiality interest in Item TS13.20-Underground Power – Hollywood East, Nedlands North and Nedlands West. Councillor Mangano disclosed that he works for Western Power, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Mangano declared that he would consider this matter on its merits and vote accordingly.

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

Nil.

**6. Confirmation of Minutes**

**6.1 Committee Meeting 9 June 2020**

Moved – Councillor Coghlan  
Seconded – Councillor Wetherall

**The Minutes of the Council Committee held 9 June 2020 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.

## 8.1 Planning & Development Report No's PD31.20 to PD36.20

Planning & Development Report No's PD31.20 to PD36.20 to be dealt with at this point (copy attached yellow cover sheet).

<b>PD31.20</b>	<b>No. 20 Robinson St, Nedlands - Additions to a Single House</b>
<b>Committee</b>	14 July 2020
<b>Council</b>	28 July 2020
<b>Applicant</b>	Rowan Engles
<b>Landowner</b>	Paul and Verity Epstein
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Report Type</b>	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.
Quasi-Judicial	
<b>Reference</b>	DA19/42702
<b>Previous Item</b>	Nil
<b>Delegation</b>	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
<b>Attachments</b>	1. Applicant Justification Letter
<b>Confidential Attachments</b>	1. Plans 2. Submissions

**Regulation 11(da) – Council agreed that the proposed development should be refused due to the decreased rear & southern setback, the effect on the amenity specifically the open wood fireplace (clause 67(n) of the Planning and Development (Local Planning Schemes Regulations) 2015.**

Moved – Councillor Wetherall  
Seconded – Councillor Poliwka

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

Lost 5/6  
(Against: Crs. Horley Smyth Bennett Mangano Coghlan & Hay)

**Please note: No Recommendation from Committee was made.**

## Recommendation to Committee

Council approves the development application dated 3 December 2019 with amended plans received 29 April 2020 for additions to a single house at Lot 299, 20 Robinson St, Nedlands, subject to the following conditions and advice notes:

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 only to additions to a single house as indicated on the plans attached.
3. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
4. This approval is limited to additions to a single house only and does not relate to any site works, decking or retaining walls 500mm or greater above the approved ground levels.
5. The existing outbuilding shall not be utilised for habitable or commercial purposes without further planning approval being obtained.
6. Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners and hot water systems shall be integrated into the design of the building and not be highly visible from the primary street, to the satisfaction of the City of Nedlands.
7. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Nedlands.
8. Fences within the primary street setback area shall not exceed 1.8m in height from natural ground level and are to be visually permeable in accordance with the Residential Design Codes (v1, 2019) above 1.2m in height from natural ground level.
9. Prior to the occupation of the development, all structures within the 1.5m visual truncation area abutting vehicle access points shall be truncated or reduced to 0.75m height to the satisfaction of the City of Nedlands.
10. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite (refer advice note 't')

Advice Notes:

- a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.
- b) This planning decision is confined to the authority of the *Planning and Development Act 2005*, the City of Nedlands' Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
- c) This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.
- d) This planning approval has been issued on the basis of the plans hereby approved. It is the responsibility of the applicant to ensure that the approved plans are accurate and are a true representation of all existing and proposed development on the site, and to ensure that development proceeds in accordance with these plans.
- e) There may be matters which impact on proceeding with the approved development which are not shown on the approved plans (e.g. verge infrastructure, retaining walls). Such matters may need to be separately addressed before the approved development can proceed. It is the responsibility of the applicant to ensure that these matters are addressed prior to the commencement of the development hereby approved.
- f) The applicant is advised that all development must comply with this planning approval and approved plans at all times. Any development, whether it be a structure or building, that is not in accordance with the planning approval, including any condition of approval, may be subject to further planning approval by the City.
- g) The applicant is advised that variations to the hereby approved development including variations to wall dimensions, setbacks, height, window dimensions and location, floor levels, floor area and alfresco area, may delay the granting of a Building Permit. Applicants are therefore encouraged to ensure that the Building Permit application is in compliance with this planning approval, including all conditions and approved plans. Where Building Permit applications are not in accordance with the planning approval, a schedule of changes is to be submitted and early liaison with the City's Planning Department is encouraged prior to lodgement.

- h) 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 approved ground levels.
- i) A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.
- j) 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.
- k) 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.
- l) 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.
- m) 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.
- n) 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 by the City of Nedlands.
- o) The contractor/developer shall protect the City's street trees from any damage that may be caused by the scope of works covered by this contract for the duration of the contract. All work carried out under this contract is to comply with the City's policies, guidelines and Australian Standards relating to the protection of trees on or adjacent to development sites (AS 4870-2009).
- p) A new crossover or modification to an existing crossover will require a separate approval from the City of Nedlands prior to construction commencing.

- q) Where building works are proposed a building permit shall be applied for prior to works commencing.
- r) All car parking dimensions, manoeuvring areas, crossovers and driveways shall comply with Australian Standard AS2890.1 (as amended) to the satisfaction of the City of Nedlands.
- s) In relation to condition 10, the applicant is advised that 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.

<b>PD32.20</b>	<b>No. 150 Stirling Highway, Nedlands - Change of Use – Recreation Private</b>
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<b>Committee</b>	14 July 2020
<b>Council</b>	28 July 2020
<b>Applicant</b>	Olivia Stell
<b>Landowner</b>	Jonathan Swain
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Report Type</b>  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.
<b>Reference</b>	DA19-42964
<b>Previous Item</b>	Nil
<b>Delegation</b>	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received
<b>Attachments</b>	1. Development Proposal (Change of Use) 2. Traffic Report 3. Applicant Justification Letter
<b>Confidential Attachments</b>	1. Submissions

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

Moved – Councillor Wetherall

Seconded – Councillor Senathirajah

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 11/-**

## **Committee Recommendation / Recommendation to Committee**

**Council approves the development application dated 6 December 2019 to change the use of 3/150 Stirling Highway, Nedlands from 'Office' to 'Recreation Private' (Pilates Studio), 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 only to a change of use, from Office to Recreation Private (Pilates Studio).**
- 3. The development, hereby approved, shall at all times comply with the requirements of 'Recreation Private' land use as defined by the City of Nedlands Local Planning Scheme No. 3.**
- 4. All customer visits to the hereby approved Recreation Private (Pilates Studio) shall be during the following hours:**
  - 6:00am – 7:20pm Monday to Friday**
  - 7:30am – 10:00am Saturday and Sunday**
- 5. A maximum of 32 staff and patrons (inclusive) shall be permitted on the premises at any one time.**
- 6. There shall be a minimum 10-minute break between sessions.**
- 7. Prior to occupation, the landowner/applicant is to enter into a legal agreement with surrounding business/the strata body for the purpose of ensuring the satisfactory provision and maintenance of shared parking through a parking management plan to the satisfaction of the City of Nedlands at the applicants cost in accordance with Clause 32.2 (4) of Local Planning Scheme No.3. (refer advice note 'c')**

**Advice Notes specific to this proposal:**

- a) In relation to condition 4, the applicant is advised that the definition of the Recreation Private land use is defined under the City of Nedlands Local Planning Scheme No. 3 as follows:**
  - means premises that are -**
  - (a) used for indoor or outdoor leisure, recreation or sport; and**
  - (b) not usually open to the public without charge.**
- b) In relation to Condition (5) a separate development application is required to be submitted to and approved by the City prior to and increase in the number of staff and patrons.**

- c) In relation to condition 7, the applicant is advised that the shared parking legal agreement and management plan:**
- i. must be to the satisfaction of the local government;**
  - ii. must be made with the owner of the Shared Site, and any other person specified by the local government (which may include the local government);**
  - iii. must be prepared (and if necessary, registered and lodged) at the cost of the owner of the development site;**
  - iv. may, if required by the local government, provide for one or more of an easement, restrictive covenant, right-of-way, reciprocal access and circulation, lease, licence, notification, absolute caveat and any other provision necessary or convenient to ensure the shared parking arrangement is provided and maintained;**
  - v. must not be amended, surrendered or terminated without the approval of the local government; and**
  - vi. must result in a net car parking provision of no less than 16 bays during the time periods where two (2) concurrent sessions are run (6:00am-6:50am and 5:30pm and 6:20pm)**

**A copy of the legal agreement is to be prepared and be provided to the local government and endorsed by the City, prior to applying for an occupancy permit.**

- d) The applicant is advised that a building permit will be required for fit-out prior to proceeding.**
- e) Prior to occupying premises an occupancy permit will be required for a change in class from Class 7b to Class 9b.**
- f) The applicant is advised that the application requires a separate assessment under the Health (Public Buildings) Regulations 1992 including a form 1 Application to Construct, Extend or Alter a Public Building; Form 2 – Application For Certificate of Approval and Form 5 – Certificate of Electrical Compliance.**
- g) The applicant is advised that details will need to be provided to the City’s Environmental Health Department as to the number of patrons (and instructors) to be accommodated on-site at any one time to enable a full assessment of the Public Building requirements to be undertaken.**
- h) This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not occupied within the four-year period, the approval shall lapse and be of no further effect.**

<b>PD33.20</b>	<b>No. 35 The Avenue – Five Two Storey Grouped Dwellings</b>
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<b>Committee</b>	14 July 2020
<b>Council</b>	28 July 2020
<b>Applicant</b>	Urbanista, Petar Mrdja
<b>Landowner</b>	Niche Living Projects Pty Ltd
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Report Type</b>  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.
<b>Reference</b>	DA19-43081
<b>Previous Item</b>	Nil
<b>Delegation</b>	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to the application proposing five dwellings.
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Site Photos</li> <li>2. Planning Report</li> <li>3. Acoustic Report</li> <li>4. Waste Management Plan</li> <li>5. Landscape Plan</li> </ol>
<b>Confidential Attachments</b>	<ol style="list-style-type: none"> <li>1. Plans</li> <li>2. Submissions</li> <li>3. Planning Assessment</li> </ol>

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

Moved – Deputy Mayor McManus  
 Seconded – Councillor Wetherall

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

**CARRIED 6/5**  
**(Against: Crs. Horley Mangano Bennett Coghlan & Hay)**

## **Committee Recommendation / Recommendation to Committee**

**Council approves the development application dated 12 December 2019 with amended plans received 11 June 2020 for five grouped dwellings at No. 35 (Lot 740) The Avenue, Nedlands, subject to the following conditions and advice:**

- 1. This approval is for a 'Residential' land use as defined under the City's Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.**
- 2. The Landscaping plan (Attachment 5) forms part of this approval and shall be installed and maintained in accordance with the approved landscaping plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.**
- 3. Waste management for the development shall comply with the approved Waste Management Plan (Attachment 4) prepared by Dallywater Consulting dated June 2020 to the satisfaction of the City of Nedlands.**
- 4. The acoustic report (Attachment 2) prepared by Sealhurst dated 2 June 2020 forms part of this development approval and shall be complied with at all times to the satisfaction of the City of Nedlands. Recommendations contained within the acoustic report to achieve compliance with the Environmental Protection (Noise) Regulations 1997 are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.**
- 5. The responsible entity (strata/corporate) shall be liable for all bin replacement costs and/or repair costs relating to any damage which may occur as a result of the bin compaction process.**
- 6. The location of any bin stores shall be behind the street alignment so as not to be visible from the street or public place and constructed in accordance with the City's Health Local Law 1997.**
- 7. All stormwater generated from the development shall be contained on site.**
- 8. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.**
- 9. Prior to occupation of the development all fencing/visual privacy screens and obscure glass panels to major openings and unenclosed active habitable areas as annotated on the approved plans shall be screened in accordance with the Residential Design Codes by either;**

- a) fixed obscured or translucent glass to a height of 1.60 metres above finished floor level;
- b) Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;
- c) A minimum sill height of 1.60 metres as determined from the internal floor level; or
- d) an alternative method of screening approved by the City of Nedlands.

The required screening shall be thereafter maintained to the satisfaction of the City of Nedlands.

10. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development or in:
  - a) Face brick;
  - b) Painted render
  - c) Painted brickwork; or
  - d) Other clean material as specified on the approved plans.

And maintained thereafter to the satisfaction of the City of Nedlands

11. Prior to occupation of the development, the proposed car parking and vehicle access areas shall be drained and paved in accordance with the approved plans and are to comply with the requirements of AS2890.1 to the satisfaction of the City.
12. Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.
13. Prior to construction or demolition works, a Construction Management Plan shall be submitted to the satisfaction of the City of Nedlands. The approved construction shall be observed at all times throughout the construction process to the satisfaction of the City.
14. Prior to the occupation of the development a lighting plan is to be implemented and maintained for the duration of the development to the satisfaction of the City.
15. 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.

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

**Advice Notes specific to this proposal:**

- a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency. The City encourages the applicant to speak with each department to understand any further requirements.**
- b) The applicant is advised that in relation to Condition 2, the landscaping plan shall detail the following:**
  - i. Species and maturity of landscaping within the front setback areas which have a minimum pot size of 100L;**
  - ii. Species and maturity of landscaping proposed on the nature strip (verge) which have a minimum pot size of 200L;**
  - iii. Species and maturity of landscaping within each lot; and**
  - iv. Maintenance plan for all proposed landscaping on site and contingencies for replacement of dead and diseased plants.**
- c) The applicant is advised that in relation to condition 3, the maximum number of bins permitted on the verge is eight (8).**
- d) The applicant is advised that in relation to condition 4, as per the recommendations for air conditioning units to comply with the assigned levels of the Regulations at all times of the day, evening and night-time, the current air conditioner condenser unit specification is to be retained and the modified location and screening arrangement schematics detailed within the acoustic report are to be carried through to the Building Permit and construction documentation. Where any changes outside of these recommendations are proposed, assessment by an acoustic consultant is to be completed to confirm compliance with the Regulations.**
- e) The applicant is advised that in relation to Condition 13, the Construction Management Plan is to address but is not limited to the following matters:**
  - i. Construction operating hours;**
  - ii. Contact details of essential site personnel;**
  - iii. Noise control and vibration management;**
  - iv. Dust, sand and sediment management;**
  - v. Stormwater and sediment control;**
  - vi. Traffic and access management;**

- vii. Protection of infrastructure and street trees within the road reserve and adjoining properties;**
  - viii. Dilapidation report of adjoining properties;**
  - ix. Security fencing around construction sites;**
  - x. Site deliveries;**
  - xi. Waste management and materials re-use**
  - xii. Parking arrangements for contractors and subcontractors;**
  - xiii. Consultation plan with nearby properties; and**
  - xiv. Complaint procedure.**
- f) The responsible entity (strata/corporate body) is responsible for the maintenance of the common property (including roads) within the development.**
- g) Any development in the nature-strip (verge), including footpaths, will require a Nature Strip Works Application (NSWA) to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing.**
- h) Where parts of the existing dwelling/building and structures are to be demolished, a demolition permit is required prior to demolition works occurring. All works are required to comply with relevant statutory provisions.**
- i) 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 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.**

<b>PD34.20</b>	<b>No. 92 Smyth Road, Nedlands - 5 Two Storey Grouped Dwellings</b>
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<b>Committee</b>	14 July 2020
<b>Council</b>	28 July 2020
<b>Applicant</b>	Peter Fryer Design
<b>Landowner</b>	Allure Property Group WA
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Report Type</b>  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.
<b>Reference</b>	DA20-44804
<b>Previous Item</b>	PD29.20 – 23 June 2020 - Local Planning Policy: Smyth Road, Gordon Street and Langham Street Laneway and Built Form Requirements
<b>Delegation</b>	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to the number of dwellings and an objection being received
<b>Attachments</b>	Nil
<b>Confidential Attachments</b>	1. Plans 2. Landscaping Plan 3. Waste Management Plan 4. Submissions

Councillor Bennett left the meeting at 7.36 pm and returned at 7.37 pm.

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

Moved – Councillor Wetherall

Seconded – Deputy Mayor McManus

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

(Printed below for ease of reference)

**CARRIED 7/4**  
**(Against: Crs. Horley Smyth Bennett & Coghlan)**

## **Committee Recommendation / Recommendation to Committee**

**Council approves the development application received 10 February 2020 with amended plans dated 28 April 2020 and 15 June 2020 for five (5) two storey grouped dwellings at Lot 17 (No.92) Smyth Road, Nedlands, subject to the following conditions and advice notes:**

- 1. This approval is for a 'Residential' land use as defined under the City's Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.**
- 2. Pursuant to clause 32.3 of the City's Local Planning Scheme No. 3, the proposed laneway shown on the approved Site Plan, dated 15 June 2020 (Sheet 1 of 4), is to be ceded to the local government free of cost and constructed to the satisfaction of the local government, prior to the occupation of the development.**
- 3. The laneway shall be constructed and drained to the specification and satisfaction of the City of Nedlands prior to the occupation of the development.**
- 4. The laneway shall include the installation of lighting infrastructure at the cost of the owner, to the specification and satisfaction of the City.**
- 5. Prior to the occupation of development, semi-mature trees (with a minimum height of 2.4m and species and pot size to be specified by the City) are to be planted in the laneway to the satisfaction of the City and maintained by the owner for a minimum of 2 years from the commencement of occupation.. Where a tree dies within the two-year establishment period, the tree shall be replaced at the owner's cost.**
- 6. Prior to the issue of a Building Permit, a revised Waste Management Plan for the development shall be submitted to and approved by the City. Waste Management for the development to comply with the approved Waste Management Plan to the satisfaction of the City.**
- 7. Prior to the issue of a Building Permit, a revised Landscaping Plan for the development shall be submitted to and approved by the City. Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.**
- 8. All stormwater generated from the development shall be contained on site.**
- 9. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.**

- 10. Prior to occupation of the development all fencing/visual privacy screens and obscure glass panels to major openings and unenclosed active habitable areas as annotated on the approved plans shall be screened in accordance with the Residential Design Codes by either;**
- a) fixed obscured or translucent glass to a height of 1.60 metres above finished floor level;**
  - b) Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;**
  - c) A minimum sill height of 1.60 metres as determined from the internal floor level; or**
  - d) an alternative method of screening approved by the City of Nedlands.**

**The required screening shall be thereafter maintained to the satisfaction of the City of Nedlands.**

- 11. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development or in:**
- a) Face brick;**
  - b) Painted render;**
  - c) Painted brickwork; or**
  - d) Other clean material as specified on the approved plans;**

**And maintained thereafter to the satisfaction of the City of Nedlands**

- 12. Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street or secondary street to the satisfaction of the City.**
- 13. Prior to the construction or demolition works, a Construction Management Plan shall be submitted to the satisfaction of the City of Nedlands. The approved Construction shall be observed at all times throughout the construction process to the satisfaction of the City.**
- 14. Prior to the occupation of the development a lighting plan is to be implemented and maintained for the duration of the development to the satisfaction of the City.**
- 15. 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.**

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

**Advice Notes specific to this proposal:**

- a) The owner and the applicant is advised that in relation to Condition 2, the proposed laneway shown on the approved Site Plan, dated 15 June 2020 (Sheet 1 of 4), is to be ceded free of cost pursuant to Section 152 of the *Planning and Development Act 2005*.**
- b) The owner and applicant is advised that in relation to Condition 6, a revised Waste Management Plan is required to address:
  - i. Waste management in the event that through-access is achieved between No.92 Smyth Road and No.33 Langham Street, Nedlands.****
- c) The owner and applicant is advised that in relation to Condition 7, a revised Landscaping Plan is required to:
  - i. Relocate plant type number 4 (Pyrus Calleryana Pear) to within the laneway, to the satisfaction of the City.****
- d) The owner and the applicant is advised that in relation to Condition 13 the Construction Management Plan is to address but is not limited to the following matters:
  - i. Construction operating hours;**
  - ii. Contact details of essential site personnel;**
  - iii. Noise control and vibration management;**
  - iv. Dust, sand and sediment management;**
  - v. Stormwater and sediment control;**
  - vi. Traffic and access management;**
  - vii. Protection of infrastructure and street trees within the road reserve and adjoining properties;**
  - viii. Dilapidation report of adjoining properties;**
  - ix. Security fencing around construction sites;**
  - x. Site deliveries;**
  - xi. Waste management and materials re-use;**
  - xii. Parking arrangements for contractors and subcontractors;**
  - xiii. Consultation plan with nearby properties; and**
  - xiv. Complaint procedure.****
- e) Any development in the nature-strip (verge), including footpaths, will require a Nature Strip Works Application (NSWA) to be lodged with, and approved by, the City's Technical Services department, prior to commencing construction.**

- f) Where parts of the existing dwelling/building and structures are to be demolished, a demolition permit is required prior to demolition works occurring. All works are required to comply with relevant statutory provisions.**
- g) 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 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.**

<b>PD35.20</b>	<b>Local Planning Scheme 3 – Local Planning Policy: Removal of Occupancy Restrictions</b>
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<b>Committee</b>	14 July 2020
<b>Council</b>	28 July 2020
<b>Applicant</b>	City of Nedlands
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Reference</b>	Nil
<b>Previous Item</b>	OCM 24 March 2020 – PD07.20
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Draft Removal of Occupancy Restrictions LPP</li> <li>2. Draft Planning Information Sheet – Removal of Notifications on Title – Over 55's Accommodation/Ancillary Dwelling</li> </ol>

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

Moved – Councillor Wetherall

Seconded – Councillor Senathirajah

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

(Printed below for ease of reference)

**CARRIED 8/3**

**(Against: Crs. Horley Smyth & Bennett)**

**Recommendation Adopted / Recommendation to Committee**

Council proceeds to adopt the Removal of Occupancy Restrictions Local Planning Policy, as set out in Attachment 1, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4(3)(b)(i).

<b>PD36.20</b>	<b>Built Form Modelling, Broadway, Waratah Village and Nedlands Town Centre</b>
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<b>Committee</b>	14 July 2020
<b>Council</b>	28 July 2020
<b>Applicant</b>	City of Nedlands
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Reference</b>	Nil
<b>Previous Item</b>	SCM 30 January 2020 - Item 6 OCM 26 May 2020 - PD18.20 – Local Planning Policy: Interim Built Form Design Guidelines – Broadway Mixed Use Zone
<b>Attachments</b>	Nil

**Regulation 11(da) – Not Applicable – Recommendation adopted with minor change.**

Moved – Councillor Senathirajah  
Seconded – Councillor Wetherall

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

Amendment

Moved - Councillor Bennett  
Seconded - Councillor Mangano

**That the draft report be presented to the August Council Meeting.**

**The AMENDMENT was PUT and was**

**CARRIED UNANIMOUSLY 11/-**

**The Substantive Motion was PUT and was**

**CARRIED UNANIMOUSLY 11/-**

## **Committee Recommendation**

**Council instructs the Chief Executive Officer to continue with the planned schedule of works relating to built form modelling for the Nedlands Town Centre, Broadway and Waratah Village precincts and that such work is to inform the development of the Draft Precinct Local Plans and a draft report be presented to Council at the August 2020 Council Meeting.**

## Recommendation to Committee

Council instructs the Chief Executive Officer to continue with the planned schedule of works relating to built form modelling for the Nedlands Town Centre, Broadway and Waratah Village precincts and that such work is to inform the development of the Draft Precinct Local Plans and be presented back to Council as soon as possible.

**8.2 Technical Services Report No's TS13.20 to TS14.20**

Technical Services Report No's TS13.20 to TS14.20 to be dealt with at this point (copy attached blue cover sheet).

<b>TS13.20</b>	<b>Underground Power – Hollywood East, Nedlands North and Nedlands West</b>
<b>Committee</b>	14 July 2020
<b>Council</b>	28 July 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Director</b>	Jim Duff – Director Technical Services
<b>Attachments</b>	1. Western Power Works Planning Report – Hollywood East 2. Western Power Works Planning Report – Nedlands North 3. Western Power Works Planning Report – Nedlands West
<b>Confidential Attachments</b>	Nil

**Councillor Mangano – Impartiality Interest**

Councillor Mangano disclosed that he works for Western Power, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Mangano declared that he would consider this matter on its merits and vote accordingly.

Moved – Councillor Wetherall  
Seconded – Councillor Hodsdon

That the Recommendation to Committee be adopted subject to the funds coming out of the operating surplus or the Underground Power Reserve Fund should the asset be sold within the 2020/21 financial year; and

That clause 2 be replaced with the following:

2. Council approve the CEO scope to negotiate with Western Power or directly with an approved sub-contractor to arrive at a price not more than that allocated by this motion.

Lost 5/6

(Against: Crs. Smyth Bennett Mangano Coghlan Hay & Senathirajah)

**Please note: No recommendation from Committee was made.**

## Recommendation to Committee

Council:

1. approves an increase in the operations budget from \$180,000 to \$983,260 to fund the design of underground power in Hollywood East, Nedlands North and Nedlands West. The additional cost to come from the Underground Power Reserve Fund; and
2. approves the CEO to authorise Western Power to proceed with the scoping and planning phase of the Hollywood East, Nedlands North and Nedlands West underground power projects as detailed in the Works Planning Reports dated 16 June.

<b>TS14.20</b>	<b>Safe Active Streets Stage 2 – Variation Costs</b>
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<b>Committee</b>	14 July 2020
<b>Council</b>	28 July 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Director</b>	Jim Duff – Director of Technical Services
<b>Attachments</b>	Nil.
<b>Confidential Attachments</b>	Nil.

### **Regulation 11(da) – Not Applicable - Recommendation**

Moved – Councillor Wetherall  
 Seconded – Councillor Senathirajah

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

**CARRIED 8/3**  
**(Against: Crs. Bennett Mangano & Coghlan)**

### **Committee Recommendation / Amended Recommendation to Committee**

**Council approve an increase to the budget for the Safe Active Street project by \$200,000 of municipal funds. The funds are now required to enable the completion of Stage 2 works from Dalkeith Road to the agreed termination point at the City boundary near Bay Road.**

### **Recommendation to Committee**

Council approves an increase to the budget for the Safe Active Street project by reinstating \$300,000 of municipal funds relinquished as part of the City's 2019/20 mid-year review and allocating a further \$100,000 to enable the completion of Stage 2 works from Dalkeith Road to the agreed termination point at the City boundary near Bay Road.

**8.3 Community Development No's CM05.20**

Report No's CM05.20 to be dealt with at this point (copy attached orange cover sheet).

<b>CM05.20</b>	<b>Community Sport and Recreation Facilities Fund Application – Dalkeith Tennis Club and Allen Park Tennis Club</b>
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<b>Committee</b>	14 July 2020
<b>Council</b>	28 July 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Director</b>	Lorraine Driscoll – Director Corporate and Strategy
<b>Attachments</b>	Nil
<b>Confidential Attachments</b>	Nil

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

Moved – Councillor Hodsdon

Seconded – Councillor Hay

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

(Printed below for ease of reference)

Councillor Bennett left the meeting at 9.22 pm and returned at 9.23 pm.

**CARRIED UNANIMOUSLY 11/-**

**Committee Recommendation / Recommendation to Committee****Council:**

1. advises Department of Local Government, Sport and Cultural Industries (DLGSCI) that it has ranked and rated the application to the Community Sport and Recreation Facilities Fund Small Grant Round as follows:
  - a. Dalkeith Tennis Club – Reconstruction of Four Hard Courts: Well planned and needed by the municipality (A Rating);

- b. Allen Park Tennis Club – Tennis Court Fence Replacement: Well planned and needed by the municipality (A Rating);**
- 2. endorses the above applications to Department of Local Government, Sport & Cultural Industries on the condition that all necessary statutory approvals are obtained by the applicants; and**
  - 3. approves an amount of \$48,799 (ex GST) for Dalkeith Tennis Club, conditional on the project receiving DLGSCI funding.**
  - 4. approves an amount of \$27,324 (ex GST) for Allen Park Tennis Club, conditional on the project receiving DLGSCI funding.**

**8.4 Corporate & Strategy Report No's CPS12.20 to CPS13.20**

Report No's CPS12.20 to CPS13.20 to be dealt with at this point (copy attached green cover sheet).

<b>CPS12.20</b>	<b>List of Accounts Paid – May 2020</b>
<b>Committee</b>	14 July 2020
<b>Council</b>	28 July 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	1. Creditor Payment Listing May 2020 2. Credit Card and Purchasing Card Payments – May 2020 (28 <sup>th</sup> April – 27 <sup>th</sup> May 2020)

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

Moved – Councillor Senathirajah  
Seconded – Councillor Wetherall

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

**CARRIED UNANIMOUSLY 11/-**

**Committee Recommendation / Recommendation to Committee**

**Council receives the List of Accounts Paid for the month of May 2020 as per attachments.**

<b>CPS13.20</b>	<b>Deed of Surrender – Town of Claremont Leases</b>
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<b>Committee</b>	14 July 2020
<b>Council</b>	28 July 2020
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	1. Draft Deed of Surrender; 2. Map of Crown Reserve 35569; and 3. Map of Crown Reserve 45054.

**Regulation 11(da) – Not Applicable – Minor change.**

Moved – Councillor Smyth  
Seconded – Councillor Horley

**That the Recommendation to Committee be adopted subject to an additional clause 3 be added as follows:**

**CARRIED UNANIMOUSLY 11/-**

3. requests the CEO to ensure any operational decisions regarding the future use of the “Surrendered Land” are aligned to the emerging planning framework for NE Mt Claremont Master Plan and Carrington Street Precinct.

**CARRIED 6/5**

**(Against: Deputy Mayor Crs. Poliwka Wetherall Hay & Senathirajah)**

### **Committee Recommendation**

**Council:**

1. endorses the draft Deed of Surrender as contained in Attachment 1;
2. approves the Mayor and CEO to execute the deed and apply the City’s Common Seal; and
3. requests the CEO to ensure any operational decisions regarding the future use of the “Surrendered Land” are aligned to the emerging planning framework for NE Mt Claremont Master Plan and Carrington Street Precinct.

## Recommendation to Committee

### Council:

1. endorses the draft Deed of Surrender as contained in Attachment 1; and
2. approves the Mayor and CEO to execute the deed 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 9.45 pm.