



City of Nedlands

Minutes

Council Committee Meeting

12 August 2014

Attention

These minutes are subject to confirmation

Prior to acting on any resolution of the Council contained in these minutes, a check should be made of the Ordinary Council Meeting next following this meeting to ensure that there has not been a correction made to any resolution

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City of Nedlands

Minutes of a meeting of the Council Committee held in the Council Chambers on Tuesday 12 August 2014 commencing at 7.00pm.

Council Committee Agenda

Declaration of Opening

The Presiding Member declared the meeting open at 7.00pm and drew your attention to the disclaimer below:

(Note: At the Ordinary Meeting held on 24 August 2014, Council resolved that should the meeting time reach 11.00pm, the meeting is to consider an adjournment motion to reconvene the next day).

Councillors	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor G Hay	Melvista Ward
	Councillor W R Hassell	Dalkeith Ward
	Councillor T James	Melvista Ward
	Councillor N Shaw	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K Smyth	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor S J Porter (from 7.07pm)	Dalkeith Ward
	Councillor R M Binks	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward

Staff	Mr G Trevaskis	Chief Executive Officer
	Mr M Cole	Director Corporate & Strategy
	Mr P Mickleson	Director Planning & Development
	Mr M Goodlet	Director Technical Services
	Ms M Granich	Manager Community Development
	Mrs A Sunderland	Executive Assistant

Public There were 4 members of the public present.

Press The Post Newspaper.

Apologies Nil

Absent Nil.

**Leave of Absence
(previously approved)**

Councillor J Wetherall Hollywood Ward

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 a Council's position. For example, by reference to the Confirmed Minutes of a 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 their interest by notification in writing to the Chief Executive Officer in advance, setting out the text or substance of the question.

The order in which the Chief Executive Officer 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.

Nil received.

2. ADDRESS BY MEMBERS OF THE PUBLIC (ONLY ITEMS LISTED ON THE AGENDA)

Addresses by members of the public who have completed the Intention to Address Council Forms will be invited to address Council as their item is discussed by the Committee.

Mr M Collins & Ms F Cameron, 5 & 6 / 14 Leura St, Nedlands PD28.14
(Spoke in support of the recommendation)

Mr B Renwick, 37 Langham St, Nedlands PD28.14
(Spoke against the recommendation)

3. DISCLOSURES OF FINANCIAL INTEREST

The Presiding Member will remind Councillors and Staff of the requirements of Section 5.65 of the *Local Government Act (1995)* to disclose any interest during the meeting when the matter is discussed.

Nil.

4. DISCLOSURES OF INTERESTS AFFECTING IMPARTIALITY

The Presiding Member is to remind Councillors and Staff of the requirements of the Council's *Code of Conduct* in accordance with Section 5.103 of the *Local Government Act (1995)*.

4.1 Councillor Hodsdon – PD28.14 - (Lot 315) No. 12 Leura Street Nedlands –Additions (Three-Storey) to Office-Professional

Councillor Hodsdon disclosed an impartiality interest in Item PD28.14. (Lot 315) No. 12 Leura Street Nedlands – Additions (Three-Storey) to Office-Professional disclosed that he is the teacher of the applicants children, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Hodsdon declared that he would consider this matter on its merits and vote accordingly.

5. DECLARATIONS BY MEMBERS THAT THEY HAVE NOT GIVEN DUE CONSIDERATION

Nil.

6. CONFIRMATION OF MINUTES

6.1 COMMITTEE MEETING 8 JULY 2014

Moved – Councillor Shaw
Seconded – Councillor Argyle

The minutes of the Council Committee held on 8 July 2014 be confirmed.

CARRIED UNANIMOUSLY 11/-

7. MATTERS FOR WHICH THE MEETING MAY BE CLOSED

Nil.

8. DIVISIONAL REPORTS

Note:

Regulation 11(da) of the *Local Government Act (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. Not a decision to only note the matter or to return the recommendation for further consideration.

8.1 Planning and Development Report No's PD28.14 to PD29.14

Planning and Development Reports PD28.14 to PD29.14 be dealt with at this point (yellow cover sheet attached).

PD28.14	(Lot 315) No. 12 Leura Street Nedlands -Additions (Three-Storey) to Office- Professional
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Committee	12 August 2014
Council	26 August 2014
Applicant	Design Management Group
Landowner	Genteel Nominees Pty Ltd
Officer	Thomas L Geddes – Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
File Reference	LE4/12 : DA2014/112

Mr Cole left the Chambers at 7.02pm and returned at 7.03pm.

Mr M Collins, 5/14 Leura St, Nedlands PD28.14
(Spoke against the recommendation)

Mr B Renwick, 37 Langham St, Nedlands PD28.14
(Spoke against the recommendation)

Cr Porter entered the Chambers at 7.07pm and joined the meeting.

Council was advised that amended plans had been received and following a preliminary assessment, the application could possibly comply with relevant planning requirements. It was requested that this item be deferred to the Ordinary Council Meeting on 26 August 2014 in order for the City to notify submitters and finalise an assessment of the amended plans.

It was agreed to defer this item to the Ordinary Council Meeting to be held on 26 August 2014.

Recommendation to Committee

Council refuses an application for additions (three-storey) to office-professional at (Lot 315) No. 12 Leura Street Nedlands, in accordance with the application dated 13 March 2014 and amended plans received on 5 June 2014, for the following reasons:

1. The proposed setbacks, increased plot ratio and reduced landscaped area are inconsistent with the provisions of clause 5.4 of Town Planning Scheme No. 2 (Table III) as they are considered to have an effect upon the amenity of the surrounding locality and are not supported by the City.
2. The proposed setbacks, increased plot ratio and reduced landscaping area are inconsistent with the provisions of clause 5.5.1 of TPS2 (Preservation of Amenity) as it is considered to have an adverse effect upon the amenity of the surrounding streetscape and is not in keeping with the general character of the locality.
3. An insufficient number of car bays are provided for the office – professional use as per TPS2 Schedule III which will adversely affect the surrounding neighbours.
4. The proposal is not orderly and proper planning as it is inconsistent with the zoning of the property.

PD29.14	(Lot 109) No. 60 Vincent Street Nedlands –Proposed Additions (Two Storey Garage and Attic) to Single House
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Committee	12 August 2014
Council	26 August 2014
Applicant	President Constructions
Landowner	Dr. V Talbot
Officer	Thomas L Geddes – Planning Officer
Director	Peter Mickleson – Director Planning & Development Services
File Reference	VI5/60 : DA2014/181

Regulation 11(da) – Not applicable – Recommendation adopted

Moved – Councillor Shaw
 Seconded – Councillor Hay

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

Carried 11/-
(Abstained: Cr. Porter)

Committee Recommendation / Recommendation to Committee

Council approves the application for additions (garage & storage attic) to single house at (Lot 109) No. 60 Vincent Street Nedlands, in accordance with the application dated 30 April 2014 with amended plans received on 1 July 2014, subject to the following for the following reasons:

- 1. The development shall at all times comply with the approved plans;**
- 2. The proposed structure is to be set back 1.5m from the Princess Road boundary (south);**
- 3. All crossovers to the street(s) 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;**
- 4. The existing crossover(s) shall be removed and the nature-strip / verge reinstated with grass or landscaping in accordance with Council’s Nature-Strip / Verge Development Policy;**
- 5. Concrete footpaths shall be retained across crossovers;**

6. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to 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;
7. A further planning application and approval from the City is required for any fill or retaining walls on the lot, other than that shown on the approved plans; and
8. All footings and structures to retaining walls, fences and parapet walls shall be constructed wholly inside the site boundaries of the Certificate of Title.

Advice Notes specific to this approval:

1. 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;
2. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM;
3. 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;
4. 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; and
5. 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 refuses the application for additions (garage & storage attic) to single house at (Lot 109) No. 60 Vincent Street Nedlands, in accordance with the application dated 30 April 2014 with amended plans received on 1 July 2014, subject to the following for the following reasons:

1. The proposal does not meet the deemed-to-comply requirements or Design Principles of R-Codes clause 5.2.5 – appropriate sight lines are not provided and the proposal presents a safety risk.
2. The proposal will not be orderly and proper planning

Or alternatively

Council approves the application for additions (garage & storage attic) to single house at (Lot 109) No. 60 Vincent Street Nedlands, in accordance with the application dated 30 April 2014 with amended plans received on 1 July 2014, subject to the following for the following reasons:

1. The development shall at all times comply with the approved plans.
2. The proposed structure is to be set back 1.5m from the Princess Road boundary (south).
3. All crossovers to the street(s) 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.
4. The existing crossover(s) shall be removed and the nature-strip / verge reinstated with grass or landscaping in accordance with Council's Nature-Strip / Verge Development Policy.
5. Concrete footpaths shall be retained across crossovers.
6. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite by draining to 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.
7. A further planning application and approval from the City is required for any fill or retaining walls on the lot, other than that shown on the approved plans.
8. All footings and structures to retaining walls, fences and parapet walls shall be constructed wholly inside the site boundaries of the Certificate of Title.

Advice Notes specific to this approval:

1. 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.
2. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

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

3. 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.
4. 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 TS15.14

TS15.14 Tender No. 2013/14.17 – Lawn Maintenance Estate Areas

Committee	12 August 2014
Council	26 August 2014
Applicant	City of Nedlands
Officer	Andrew Dickson – Manager Parks Services
Director	Mark Goodlet – Director Technical Services
File Reference	TS-PRO-00025
Previous Item	Not Applicable

Regulation 11(da) – Not applicable – Recommendation Adopted

Moved – Councillor Binks
 Seconded – Councillor Shaw

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

CARRIED UNANIMOUSLY 12/-

Committee Recommendation / Recommendation to Committee

Council:

1. **Agrees to award tender no. 2013/14.17 to Skyline Landscape Services (WA) for the provision of lawn maintenance services as per the schedule of rates (Attachment 1) submitted; and**
2. **Authorises the Chief Executive Officer to sign an acceptance of offer for this tender.**

8.3 Community & Organisational Development Report No CM05.14

CM05.14	Tresillian Proposed Name Change
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Committee	12 August 2014
Council	26 August 2014
Applicant	City of Nedlands
Officer	Marion Granich – Manager Community Development
Director	Mike Cole – Director Corporate Services
File Reference	CD-000216
Previous Item	N/A

Regulation 11(da) – Not applicable – Recommendation adopted

Moved – Councillor James
 Seconded – Councillor Shaw

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

Carried 10/-
(Abstained: Crs. Porter & Hay)

Committee Recommendation / Recommendation to Committee

Council approves to change the name of Tresillian Community Centre to “Tresillian Arts Centre”.

8.4 Corporate & Strategy's Report No's CPS27.14 to CPS28.14

CPS27.14	List of Accounts Paid – June 2014
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Committee	12 August 2014
Council	26 August 2014
Applicant	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate & Strategy
File Reference	Fin/072-17
Previous Item	Nil

Regulation 11(da) – Not applicable – Recommendation adopted

Moved – Councillor Shaw

Seconded – Councillor McManus

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

**Carried 11/-
(Abstained: Cr. Binks)**

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of June 2014.

CPS28.14	Policy Review
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Committee	12 August 2014
Council	26 August 2014
Applicant	City of Nedlands
Officer	Phoebe Huigens, Policy & Projects Officer
Director	Michael Cole, Director Corporate & Strategy
File Reference	Policy & Projects
Previous Item	NIL

Regulation 11(da) – Not applicable – Recommendation adopted

Moved – Councillor Shaw

Seconded – Councillor James

That the Amended Recommendation to Committee is adopted.

(Printed below for ease of reference)

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

Committee Recommendation

Council approves the following policies:

1. **Dinghy Storage on River Foreshore Reserves;**
2. **Home Business**
3. **Use of City of Nedlands Copyrighted Material by Elected Members, Staff and Others**

Moved – Mayor Hipkins
Seconded – Councillor Smyth

That the Amended Recommendation to Committee is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 12/-

Committee Recommendation

4. Development Approvals – Minimum Requirements –with the following alterations:

a. 1) Minimum criteria for Development Applications:

i. Delete ‘of’ at the end of the first line (unnecessary).

b. ‘1) Forms, Fees and Content and Number of Plans’:

i. Delete ‘and Number of plans’ as none specified.

c. ‘3l) Nature and extent of any proposed open space:

i. Delete ‘for non-residential development and proposed landscaping plan’.

d. Add 3s) ‘Existing trees to be retained and to be removed’.

e. Add 9) Number of documents and plans

- 1 x hard copy of application and supporting documents, and
- 2 x hard copies of plans, or if A4 size or less, 1 x hard copy of plans and 1 x digital copy of plans

Note: In addition, applications for approval by the Development Assessment Panel will require a digital copy of all plans and supporting information.

Councillor Hodsdon left the Chambers at 7.26pm and returned at 7.27pm.

Mr Cole left the Chambers at 7.28pm and returned at 7.28pm.

Recommendation to Committee

Council approves the following policies:

1. Dinghy Storage on River Foreshore Reserves;
2. Home Business
3. Use of City of Nedlands Copyrighted Material by Elected Members, Staff and Others
4. Development Approvals – Minimum Requirements

9. Reports by the Chief Executive Officer

9.1 Register of Delegations of Authority

Committee	12 August 2014
Council	26 August 2014
Applicant	City of Nedlands
Officer	Michael Cole, Director Corporate and Strategy
CEO	Greg Trevaskis
File Reference	CEO-004340
Previous Item	CPS29.13 – 24 September 2013

Regulation 11(da) – Not applicable – Recommendation adopted

Moved – Councillor Shaw

Seconded – Councillor Binks

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 12/-

Recommendation to Committee / Committee Recommendation

Council endorses the correction of the Register of Delegations under the City of Nedlands Town Planning Scheme No 2 to include delegation to the following officers:

- **Manager of Statutory Planning;**
- **Manager Strategic Planning;**
- **Senior Statutory Planning Officer (for categories 1b), 1e), 1f), 1g), 1h) and 3); and**
- **Planning Officer (for categories 1b), 1e), 1f), 1g) (single storey developments only) and 1h) (single storey developments only))**

Executive Summary

This report is being presented to Council to address an omission from the printed Register of Delegations of Authority that was endorsed by Council at its meeting of 24 September 2014.

The omission related to delegations to officers under Town Planning Scheme No 2.

Recommendation to Committee

Council endorses the correction of the Register of Delegations under the City of Nedlands Town Planning Scheme No 2 to include delegation to the following officers:

- Manager of Statutory Planning;
- Manager Strategic Planning;
- Senior Statutory Planning Officer (for categories 1b), 1e), 1f), 1g), 1h) and 3); and
- Planning Officer (for categories 1b), 1e), 1f), 1g) (single storey developments only) and 1h) (single storey developments only))

Strategic Plan

KFA: Governance and Civic Leadership

Officer to write brief comment on how the report relates to the identified KFA/S chosen.

Background

Under section 5.42 of the Local Government Act 1995, the Council may delegate certain functions to the CEO. These delegations must be in writing and any decision to amend the delegation is to be by an absolute majority. These delegations under Section 5.42 relate to the Local Government Act 1995. In addition, Under Section 6.7 of the City of Nedlands Town Planning Scheme No 2, the Council may either generally, or in a particular case by resolution delegate to a Committee of the Council or an officer of the Council the authority to deal with an application for planning approval made under this Scheme.

At its meeting of 24 September 2013, Council approved the Register of Delegations of Authority, which included delegations under 6.7 of the Town Planning Scheme No 2. However, the attachment did not include the officers to whom this was delegated.

These should have been listed as follows:

Delegation:

- Manager of Statutory Planning
- Manager Strategic Planning
- Senior Statutory Planning Officer (for categories 1b), 1e), 1f), 1g), 1h) and 3)
- Planning Officer (for categories 1b), 1e), 1f), 1g) (single storey developments only) and 1h) (single storey developments only))

It is necessary for Council to correct this omission.

Key Relevant Previous Council Decisions:

CPS29.13 – 24 September 2014.

Consultation

Required by legislation: Yes No
Required by City of Nedlands policy: Yes No

Not applicable.

Legislation / Policy

Section 5.42 of the Local Government Act 1995 and Section 6.7 of the City of Nedlands Town Planning Scheme No 2 refers.

Budget/Financial Implications

Within current approved budget: Yes No
Requires further budget consideration: Yes No

There are no financial impacts of the proposal.

Risk Management

The correction of this error will address the omission of the officers that were intended to have delegated authority under Section 6.7 of the City of Nedlands Town Planning Scheme No 2.

Discussion

The inclusion of the following delegations in the register of Delegations is recommended:

3. Register of Delegations under City of Nedlands Town Planning Scheme 2

Authority to delegate: City of Nedlands Town Planning Scheme 2 Section 6.7
Function: Section 6.7.1, the Council may either generally, or in a particular case by resolution delegate to a Committee of the Council or an officer of the

Council the authority to deal with an application for planning approval made under this Scheme

Delegation:

- Manager of Statutory Planning
- Manager Strategic Planning
- Senior Statutory Planning Officer (for categories 1b), 1e), 1f), 1g), 1h) and 3)
- Planning Officer (for categories 1b), 1e), 1f), 1g) (single storey developments only) and 1h) (single storey developments only))

Conclusion

Council is requested to endorse the recommendation that corrects this error in the preparation of the Register of Delegated Authority endorsed by Council on 24 September 2013.

Attachments

1. Extract from Register of Delegations

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

Nil

11. Confidential Items

Nil.

12. Declaration of Closure

There being no further business, the Chairperson declared the meeting closed at 7.34pm.