



City of Nedlands

Minutes

Council Meeting

28 February 2012

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 an ordinary meeting of Council held in the Council chambers, Nedlands on Tuesday 28 February 2012 at 7.00 pm.

Declaration of Opening

The Presiding Member declared the meeting open at 7.00 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 Hipkins	(Presiding Member)
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor W R Hassell	Dalkeith Ward
	Councillor S J Porter	Dalkeith Ward
	Councillor R M Binks	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor K Walker	Hollywood Ward
	Councillor N Shaw	Melvista Ward
	Councillor M L Somerville-Brown	Melvista Ward

Staff	Mr M Cole	Acting Chief Executive Officer
	Mr R Senathirajah	Acting Director Corporate & Strategy
	Ms G Poezyn	A/ Director Planning & Development
	Mr A Melville	A/ Director Sustainable Infrastructure
	Ms D Blake	Director Community & Organisational Development
	Ms N Borowicz	Executive Assistant

Public There were 7 members of the public present.

Press The Post Newspaper and the Western Suburbs Weekly representatives.

Absent Nil.

Leave of Absence (Previously Approved) None

Apologies	Councillor K E Collins	Coastal Districts Ward
	Councillor T James	Melvista Ward

Disclaimer

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1. Public Question Time

Moved – Councillor Shaw
Seconded – Councillor Porter

That Item 1.1 be taken as read aloud as copies of questions have been distributed to Councillors and the public gallery and will be published in the minutes.

**CARRIED 10/1
(Against: Crs.Binks)**

1.1 Ms I Tan – 85 Melvista Avenue, Nedlands

Mayor Hipkins and Councillors, you have stood on an Election platform of Honesty and Open and Accountable Government. As such, I have the following questions calling into account certain actions and public comments made by Elected members that have deliberately misled the public and tarnished the integrity and reputation of a number of Councillors past and present, and remain unretracted to date.

The questions are based on facts. I have submitted relevant copies of documents pertaining to the questions for easy reference.

I would like answers to be provided by the Elected Members themselves, and not by Council Officers - and these answers duly recorded in the Minutes.

A copy of this document may be forwarded for further investigation of the Council's responses provided. Any Motion by a Councillor that I "may not be heard" can be perceived as arising from a Conflict of Interest and the intentional gagging of a ratepayer of this City seeking clarification of Councillors' actions and intent in the name of Good Governance and Accountability.

PART A

Mayor Hipkins

1. In going on public record as saying "Words can be put up by a Councillor and voted on, they do not have to be what that Councillor believes in." (Post December 10, 2011), does this duplicity of - "saying one thing but meaning and doing another" reflect your personal idea of Integrity and Political Correctness in Local Government? And do you speak on behalf of this Council as Mayor?
2. As Presiding Member at the Special Electors' Meeting held on 10th August 2011, why did you not, while the wrong Councillors were being targeted as "pro-merger supporters", ever correct that wrongful public perception; and advise ratepayers that it was you, Councillor Ian Argyle and Councillor Ken Collins that had raised your hands to support a forced takeover of Subiaco, and for that takeover to be progressed by the LGAB?
3. Why did you not support Councillor Nikola Horley when she tried to set the record straight (Item 4.4.8 in the Minutes)?
4. In the light of impending Local Elections in October, why did you not declare at that Meeting, Impartiality and Financial Interest – in the knowledge that you had well known Mayoral aspirations at the time, and had previously publicly made known your support of the NEA? Are you aware that this constitutes Breaches of the Code of Conduct?

Councillor Ian Argyle

1. Why did you fail to declare to those present at this Electors' Meeting, that you had voted in support of the LGAB progressing a forced takeover of Subiaco?

2. Do you, like the Mayor, think that it is Honest Good Governance for the Office of an Elected Member to say and do something while meaning something else?

Deputy Mayor Ken Collins

1. As the third Councillor who voted for a forced takeover of Subiaco, and also as a Past Rotary International Director, why have you also remained noticeably silent, and in so doing, fail to uphold key principles of "Truth, and Fairness to All concerned"?
2. Do you support Mayor Hipkins' view (stated earlier) on what constitutes Honesty and Accountability in Local Government?

PART B - Newly Elected Councillors

On their website, the Nedlands Electors Association has declared "Six of the seven candidates who openly supported the aims and ideals of the Nedlands Association were elected to Council on 15th October 2011"

Councillor Toni James – in your election pamphlets, you pride yourself on being a founding member of the NEA. In the same pamphlets, you have repeatedly publicly accused Councillors Negus, Tan, and Smyth of "setting up Subiaco for a forced merger". Several key members of the NEA were present at the 7th July 2011 Council Meeting and witnessed the voting patterns as they occurred, yet chose to misrepresent those votes to the public.

I submit a copy of the Minutes of the Meeting for Council's careful and diligent attention.

Your election pamphlets also herald values of sound logic and equitable and fair consideration.

Councillor Kerry Walker – you are one of the 6 successful Councillors mentioned by the NEA you were noticeably present at the 7th July 2011 meeting. You have also championed fair and equitable representation of all; and truthful scrutiny of Council affairs.

As such my questions to you, as duly Elected Members of this City, are as follows:

1. Given that the Agenda and Minutes of the Meeting of 7th July 2011 are easily available, why did you still vote to support, at the Special Electors' Meeting on 10th August 2011 - a censure Motion (Item 4.2) by Mr Richard Fernandez and Mr Ken

Eastwood of the NEA - of Councillors who had, in fact, rejected an Amendment for a forced takeover of the City of Subiaco?

2. Why did you not, as upright citizens of Nedlands, amend the Motion moved by NEA members to censure Councillors Hipkins, Argyle and Collins instead for voting for a forced takeover of Subiaco as clearly documented in the Minutes, which were duly accepted as True and Correct by all of Council?

I accept the fact that you could have also censured Mr John Bell and Ms Sheryl Froese - as Mr Bell did declare (Item 4.2.5) his support of a merger, and Ms Froese did issue a public statement regarding a "forced merger" that Council did not sanction.

3. Were any of your opinions and actions influenced in any way by your documented support of the NEA, or made with deliberate intent to discredit rival candidates Tan, Negus and Smyth as "pro-merger protagonists" – so as to ensure the successful election of your fellow supporters of the NEA to Council? If not, please explain your failure to divulge the Truth about the "merger vote" of 7th July 2011 to the people of Nedlands.
4. If you deny any/all of the above, why have you not, as Councillors of this City, to date, neither corrected ongoing errors on the NEA website, nor publicly retracted your accusations of wronged Councillors of this City, bearing in mind the recent decision on Council's Resolution by Justice James Edelman and your election claims to honest and accountable government?
5. As supporters of the NEA, do you also support the NEA's request, on their website, for "Confidential messages" to be sent to private email addresses of Councillors so that they will not and cannot be recorded on Council's TRIM records? Is this secrecy your idea of Open and Honest government? If not, as a founding member and an ongoing supporter of the NEA, will you ensure this message is removed from the NEA website?
6. Will your future decisions on Council matters reflect your own independence of thought, or they will be, in view of the NEA statement above, a cohesive reflection of the aims of ideals of a group that has, through deliberate wrongful public censure of independent Councillors, shown itself to be less than ethical and honest?

Answer

The Mayor responded to all questions asked by Ms Tan as follows:

In his opinion the questions are bordering on being out of order as they do not relate directly to matters affecting the City of Nedlands. Instead, some of the questions sought the personal views and opinions of elected members.

For the record, and in response to the general theme of most of the questions, he responded that the intent of the amendment that he moved was to clarify the wording of the resolution to conform with the requirements of the Local Government Act 1995 with respect to proposals submitted to the Local Government Advisory Board. This preferred wording was mentioned in the Supreme Court decision between the City of Subiaco and the Local Government Advisory Board where Justice James Edelman confirmed in part that the amended motion he proposed would have clarified the matter being considered by Council at the time.

Rather than supporting the merger proposal, as has been suggested by Ms Tan, Crs Argyle and Collins supported his amendment to clarify the motion. The record will show that the same three voted against the substantive motion that supported the merger proposal.

In his view, no declarations of impartiality or financial interest have been required and there has been no breach of the Code of Conduct.

1.2 Mr J Wetherall, 38 Clifton Street, Nedlands

Question 1

What is the definition of "amenity value" for individual trees? How is a meaningful estimate of this attribute obtained that does not change over time. Is this to be a dollar value?

Answer 1

In the context of managing trees on public land, "Amenity Value" relates to the assigning of a tangible value to a living asset that reflects how highly a tree is regarded by the community. In assessing amenity value, both the tree and its setting is considered. The most common and widely adopted means of achieving this is by applying one of the internationally recognised tree valuation methodologies. The City intends to apply the Revised (2000) Helliwell method of valuation in assessing these assets. Trees are living entities and change over time and in accordance their amenity value changes and remains dynamic. The dynamic nature of amenity value will be addressed through routine review and auditing of the tree database.

Question 2

Does the CoN intend now or in the future to extend this concept of amenity value to trees on private property and include such trees in the CoN database?

Answer 2

The concept of "Amenity Value" applies equally to trees on private property. In accordance with current Council policy, the City of Nedlands has no intention of extending this program to trees on private property.

2. Addresses by Members of the Public

Addresses by members of the public who have completed Public Address Session Forms were made at this point.

Moved – Councillor McManus
Seconded – Councillor Walker

That Ms P Graieg, a non-elect of the City be permitted to address Council.

CARRIED UNANIMOUSLY 11/-

Ms P Graieg, 25 Shann Street, Floreat
(spoke in relation to Bedbrook Place Development)

Dr G O'Neil, Lot 111 Bedbrook Place, Shenton Park
(spoke in relation to Bedbrook Place Development)

Mr P Nimmo, 37 Lisle Street, Mt Claremont
(spoke in opposition to the recommendation)

Report D02.12

3. Requests for Leave of Absence

Moved – Councillor Hodsdon
Seconded – Councillor Walker

That Councillor James be granted Leave of Absence for the month of March 2012.

CARRIED UNANIMOUSLY 11/-

4. Petitions

Nil.

5. 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.

5.1 Mayor Hipkins – T06.12 - Keeping of Bee Hive - 38 Minora Road, Dalkeith

Mayor Hipkins disclosed a proximity interest in Report T06.12 - Keeping of Bee Hive - 38 Minora Road, Dalkeith. His interest being that he lives next door to the applicant. He advised that he would leave the meeting during this matter.

5.2 Councillor Porter – D01.12 – No. 23 (Lot 759) Circe Circle, Dalkeith Retrospective Front Fencing

Councillor Porter disclosed a financial interest in Item 7.1 - No. 23 (Lot 759) Circe Circle, Dalkeith Retrospective Front Fencing. His interest being that he is a close friend and has a business relationship with the applicant. He advised that he would leave the meeting during this matter.

6. 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*.

6.1 Councillor Binks – Item 13.2 – List of Delegated Authority

Councillor Binks disclosed a financial interest in Item 13.2 – List of Delegated Authority. His interest being that he had applied for a building license. He declared that he would consider this matter on its merits and vote accordingly.

6.2 Councillor Walker – D03.12 - Omnibus Scheme Amendment No. 194 – Actions to be taken by Council

Councillor Walker disclosed an impartiality interest in Item D03.12 – Omnibus Scheme Amendment No. 194 – Actions to be taken by Council. She disclosed that she has an association with the people who have lobbied on this item as a friend and a neighbour, and as a consequence, there may be a perception that her impartiality on the matter may be affected. She declared that she would consider this matter on its merits and vote accordingly.

6.3 Councillor Porter – T06.12 - Keeping of Bee Hive - 38 Minora Road, Dalkeith

Councillor Porter disclosed an impartiality interest in Report T06.12- Keeping of Bee Hive – 38 Minora Road, Dalkeith. He disclosed that Dr Nevin Watson had given him a jar of honey, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

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

Nil.

8. Confirmation of Minutes

8.1 Ordinary Council meeting 13 December 2011

Moved – Councillor Hodsdon
Seconded – Councillor Argyle

The minutes of the ordinary Council meeting held 13 December 2011 are confirmed.

CARRIED UNANIMOUSLY 11/-

8.2 Special Council Meeting 6 February 2012

Moved – Councillor Hodsdon
Seconded – Councillor Shaw

The minutes of the Special Council meeting held 6 February 2012 are confirmed.

The Presiding Member called at 2 minute recess at 7.19 pm.

The meeting resumed at 7.21 pm.

CARRIED 9/2
(Against: Crs. Horley & Walker)

8.3 Special Council Meeting 7 February 2012

Moved – Councillor Hodsdon
Seconded – Councillor McManus

The minutes of the Special Council meeting held 7 February 2012 are confirmed.

CARRIED 9/2
(Against: Crs. Horley & Walker)

9. Announcements of the Presiding Member without discussion

9.1 Functions attended

The Presiding Member tabled the following list of functions he had attended since the last Council meeting:

14 December 2011	WALGA	Swan-Canning Policy Forum
14 December 2011	Metro LG Review	Meeting with Committee
15 December 2011	Swan River Trust	Landowner Briefing
16 December 2011	Town of Claremont	Opening of Claremont Hub
21-22 December 2011	CoN	Adams Road meetings with landowners
4 January 2012	CoN	Dalkeith Rotary Club – children's playground
5 January 2012	CoN	Nedlands Aged Persons Homes Trust
16 January 2012	WALGA	Metro LG Review Models Forum
20 January 2012	CoN	Metro regional Road Group
5-7 February 2012	Australian Urban Planning History	National Conference, Perth
8-9 February 2012	SAT	Bedbrook Place Mediation
February 2012	CoN	Summer Concerts
13 February 2012	Department of Planning	DAP training
February 2012	CoN	Interviews for Director of Planning and Development
17 February 2012	CoN	Local Member Bill Marmion MLA
23 February 2012	CoN	Diamond Wedding Anniversary Mr & Mrs Jago
23 February 2012	City of South Perth	Perth Waterfront meeting
26 February 2012	City Gatekeepers	Perth Foreshore Rally

9.2 Final Remuneration to departing CEO Mr Graham Foster

Remuneration for departing Chief Executive Officer, Graham Foster from the City of Nedlands within the terms agreed in a meeting between Mayor Hipkins, Graham Foster and Anthony Quahe (Civic Legal) on 6 February 2012 has been finalised with the following agreed payments to Mr Foster:

- A sum of \$119,643 in lieu of the unfinished portion of Mr Foster's contract of employment; and
- The additional payment of accrued annual leave entitlement of \$41,229.

Approval has been given to Mr Foster to purchase the Honda CR-V vehicle that he has been using under his contract of employment for the sum of \$24,000 (Red Book valuation) and is deducted from the final payment above.

9.3 Acting Chief Executive Officer, Mr Michael Cole

Mr Michael Cole has agreed to act in the role of Chief Executive Officer pending the recruitment of a substantive Chief Executive Officer. A salary package to the value of \$196,221 per annum with a cash salary component of \$160,753 plus superannuation and a \$1,000 professional membership has been agreed. It is noted that there will be no additional expense for a vehicle as Mr Cole will continue to use the vehicle allocated to him as director. The salary package is at the lower end of the Salaries and Allowance Band 6 which applies to the CEO for the City of Nedlands.

10. Members announcements without discussion

10.1 Councillor Argyle – Ms P Millett – Damage to her vehicle

Councillor Argyle tabled correspondence from Ms P Millett concerning an insurance claim for damages caused to her vehicle as a result of construction works. Councillor Argyle mentioned that the City Building Compliance Coordinator, Mr Hindmarsh had attended and had taken some photographs. To date the builders insurer had refused liability and Councillor Argyle had advised he had offered to attend the Small Claims Tribunal on Ms Millett's behalf.

10.2 Councillor Hodsdon – Summer Concert – Dot Bennett Park

Councillor Hodsdon commented on the last concert he had attended. Congratulations on the great success. Band players had said it was the best organised and attended concert they had played to. Well done to administration.

11. Matters for Which the Meeting May Be Closed

In accordance with Standing Orders and for the convenience of the public, the Presiding Member notified the members of the public that the meeting will be closed for item 17.1 - No. 38 (Lot 51) Jutland Parade Dalkeith- Proposed 4 Storey Dwelling, Fill, Retaining and Swimming Pool and item 17.2 - No. 40 (Lot 50 – Proposed Lots 61 & 62) Jutland Parade, Dalkeith – Proposed 2x Multi Storey Dwellings (including Swimming Pools, Front Fence, Landscaping and Fill) in accordance with Section 5.23(2)(d) of the Local Government Act 1995.

12. Divisional reports and minutes of Council committees and administrative liaison working groups

12.1 Minutes of Council Committees

This is an information item only to receive the minutes of the various meetings held by the Council appointed Committees (N.B. This should not be confused with Council resolving to accept the recommendations of a particular Committee. Committee recommendations that require Council's approval should be presented to Council for resolution via the relevant departmental reports).

Moved – Councillor Shaw
Seconded – Councillor Hodsdon

The Minutes of the following Committee meetings (in date order) are received:

Council Committee **14 February 2012**
Unconfirmed, Circulated to Councillors on 21 February 2012

CARRIED 10/1
(Against: Cr. Walker)

Moved – Councillor McManus
Seconded – Councillor Argyle

The Minutes of the following Committee meetings (in date order) are received:

CEO Performance Review Committee **16 February 2012**
Unconfirmed, Circulated to Councillors on 20 February 2012

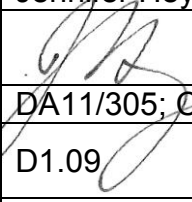
CARRIED 10/1
(Against: Cr. Walker)

12.2 Development Services Report No's D01.12 to D04.12 (copy attached)

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.

D01.12	No. 23 (Lot 759) Circe Circle, Dalkeith – Retrospective Front Fencing
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Committee	14 February 2012
Council	28 February 2012

Applicant	David Bayly – Two Kind Pty Ltd
Owner	David Bayly – Two Kind Pty Ltd
Officer	Laura Sabitzer – Planning Officer
Director	Jennifer Heyes – A/Director Development Services
Director Signature	
File ref.	DA11/305; C11/23-02
Previous Item No's	D1.09
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Councillor Porter – Financial Interest

Councillor Porter disclosed a financial interest. His interest being that he is a close friend and has a business relationship with the applicant. He advised that he would leave the meeting during this matter.

Councillor Porter left the room at 7.37 pm.

Regulation 11(da) – Not applicable –Recommendation adopted.

Moved – Councillor Shaw
 Seconded – Councillor Walker

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

CARRIED UNANIMOUSLY 10/-

Council Resolution / Committee Recommendation

Council approves an application for retrospective front fencing at No. 23 (Lot 759) Circe Circle, Dalkeith in accordance with the application dated 19 July 2011 and the plans dated 27 October 2011 subject to the following conditions:

- 1. The front fencing on the eastern side boundary, as marked in red on the approved plans, shall be amended to meet the following conditions within 60 days from the date of this decision:
 - a. The surface of the fencing shall be finished to a quality finish and to a professional standard to the satisfaction of the City (refer to Advice Note 1); and**
 - b. The gap of the fencing around the retained tree, shall be enclosed and/or finished to the satisfaction of the City (refer to Advice Note 2).****
- 2. The fencing and footings shall be constructed wholly inside the allotment.**
- 3. Any additional development, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by Council.**

Advice Notes specific to this approval:

- 1. As a minimum, the finish of the fence shall be painted to a professional standard and be of a colour approved by the City;**
- 2. The enclosure and/or finish of the gap of fencing around the retained tree, shall be carried out in consultation with the City's Manager Park Services.**

Recommendation to Committee

Council approves an application for retrospective front fencing at No. 23 (Lot 759) Circe Circle, Dalkeith in accordance with the application dated 19 July 2011 and the plans dated 27 October 2011 subject to the following conditions:

1. The front fencing on the eastern side boundary, as marked in red on the approved plans, shall be amended to meet the following conditions within 60 days from the date of this decision:
 - a. The fencing shall be a maximum height of 1.2 m from natural ground level and be visually permeable in accordance with the Acceptable Development provisions of Clause 6.2.5 A5 of the Residential Design Codes;
 - b. The surface of the fencing shall be finished to a quality finish and to a professional standard to the satisfaction of the City (refer to Advice Note 1); and
 - c. The gap of the fencing around the retained tree, shall be enclosed and/or finished to the satisfaction of the City (refer to Advice Note 2).
2. The fencing and footings shall be constructed wholly inside the allotment.
3. Any additional development, which is not in accordance with the original application or conditions of approval, as outlined above, will require further approval by Council.

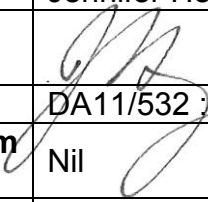
Advice Notes specific to this approval:

1. As a minimum, the finish of the fence shall be painted to a professional standard and be of a colour approved by the City;
2. The enclosure and/or finish of the gap of fencing around the retained tree, shall be carried out in consultation with the City's Manager Park Services.

Councillor Porter returned to the room at 7.38 pm.

D02.12	No. 37 (Lot 20) Lisle Street, Mount Claremont – Proposed Single Storey Dwelling & Carport
---------------	--

Committee	14 February 2012
Council	28 February 2012

Applicant	Melissa Rowbottom & Paul Nimmo
Owner	Melissa Rowbottom & Paul Nimmo
Officer	Laura Sabitzer – Planning Officer
Director	Jennifer Heyes – A/Director Development Services
Director Signature	
File ref.	DA11/532 : LH1/37
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Council agreed to approve the application including the carport at the front given the fall of the property to the rear.

Moved – Councillor Shaw
 Seconded – Councillor Walker

Council approves an application for a single storey dwelling and double garage at the rear and refuses the carport at No. 37 (Lot20) Lisle Street, Mt Claremont in accordance with the application dated 2 December 2011 and amended plans dated 22 February 2012 for the following reasons:

- 1. The application does not meet Clause 5.3.3(a) of the City of Nedlands Town Planning Scheme No.2;**
- 2. The proposed carport does not comply with Council’s Policy 6.23Carport and Minor Structures Forward of the Primary Street Setback; and**
- 3. The proposal will not be orderly and proper planning.**

Amendment

Moved – Councillor Horley

Seconded – Councillor McManus

Council approves an application for a single storey dwelling and double garage at the rear and carport at the front at No. 37 (Lot20) Lisle Street, Mt Claremont in accordance with the application dated 2 December 2011 and amended plans dated 22 February 2012 subject to standard and appropriate conditions as imposed by administration.

CARRIED 7/4

(Against: Mayor Hipkins & Crs. Porter Walker Shaw)

The substantive motion as amended was put and

CARRIED 7/4

(Against: Mayor Hipkins Crs. Porter Walker & Shaw)

Council Resolution

Council approves an application for a single storey dwelling and double garage at the rear and carport at the front at No. 37 (Lot20) Lisle Street, Mt Claremont in accordance with the application dated 2 December 2011 and amended plans dated 22 February 2012 subject to standard and appropriate conditions as imposed by administration.

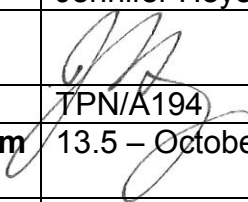
Amended Administration Recommendation to Council

Council refuses an application for a single storey dwelling and carport at No. 37 (Lot20) Lisle Street, Mt Claremont in accordance with the application dated 2 December 2011 and amended plans dated 22 February 2012 for the following reasons:

1. the application does not meet Clause 5.3.3(a) of the City of Nedlands Town Planning Scheme No.2;
2. the proposed carport does not comply with Council's Policy 6.23Carport and Minor Structures Forward of the Primary Street Setback; and
3. the proposal will not be orderly and proper planning.

D03.12	Omnibus Scheme Amendment No. 194 – Actions to be taken by Council
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Committee	14 February 2012
Council	28 February 2012

Applicant	N/A
Owner	Various
Officer	Michael Swanepoel – Senior Strategic Planner
Director	Jennifer Heyes – A/Director Development Services
Director Signature	
File ref.	TPN/A194
Previous Item No's	13.5 – October 2010
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Councillor Walker – Impartiality Interest

Councillor Walker disclosed an impartiality interest. She disclosed that she has an association with the people who have lobbied on this item as a friend and a neighbour, and as a consequence, there may be a perception that her impartiality on the matter may be affected. She declared that she would consider this matter on its merits and vote accordingly.

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor Shaw
 Seconded – Councillor Walker

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

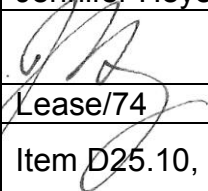
CARRIED 10/1
(Against: Cr. Hodsdon)

Council Resolution / Committee Recommendation / Recommendation to Committee

Council instructs Administration to seek approval from the Western Australian Planning Commission to delay its decision on Scheme Amendment No. 194 until the outcomes of the North Hollywood Precinct Study are confirmed.

D04.12	Sub-Lease of a portion of Nedlands Yacht Club Inc leased premises, Reserve 17391 (Lot 254 on Deposited Plan 37070), House Number 254 Birdwood Avenue, Dalkeith.
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Committee	14 February 2012
Council	28 February 2012

Applicant	Nedlands Yacht Club Inc & Yachting Western Australia Inc
Owner	State of WA – Vested to City of Nedlands
Officer	Neil Scanes – Property Management Officer
Director	Jennifer Heyes – A/Director Development Services
Director Signature	
File ref.	Lease/74
Previous Item No's	Item D25.10, 27 April 2010
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor Somerville-Brown
 Seconded – Councillor Hassell

That the Recommendation to Council is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 11/-

Council Resolution / Committee Recommendation / Recommendation to Committee


Council approves and endorses an exclusive use Sub-Lease for a one (1) year term with the option of a further two, two (2) year terms between the City of Nedlands, Nedlands Yacht Club Inc and Yachting Western Australia Inc for the latter's use of an office administration building and two dry boat storage sheds as shown in attachment 1, annexure 1.

12.3 Technical Services Report No's T01.12 to T07.12 (copy attached)

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.

T01.12	Quarterly Report – Requests for Street Tree Removals Referred for Council Consideration
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Committee	14 February 2012
Council	28 February 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Andrew Dickson – A/Manager Parks Services
Director	Andrew Melville – Acting Director Sustainable Infrastructure and Waste
Director Signature	
File ref.	ME2, ME2/73, DO1, D11/19121
Previous Item No's	Council Minutes 27 July 2010 Item CM18.10
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Council agreed to the amended administration recommendation to remove part of the Red River Gum at 7 Lantana Avenue and to re-inspect the tree on an annual basis.

Moved – Councillor Porter
 Seconded – Councillor Hassell

The Mayor agreed for a vote on each issue separately.

Council:

- a) **approves the request for the removal of two (2) Lemon Scented Gum street trees adjacent to 73 Melvista Avenue, Nedlands (Doonan Road verge) and replanting with Willow Peppermint Trees;**

**CARRIED 8/3
 (Against: Crs. Horley Argyle Shaw)**

- b) approves the request for the removal of that part of the River Red Gum located in Poplar Gardens reserve overhanging units at 7 Lantana Avenue, Mt Claremont, by removing a section of the northern side of the canopy in accordance with Section 6 of the related Arbor Logic report dated 28 February 2012; and**
- c) a re-inspection of the tree in b) is completed by a suitably qualified and experienced arboricultural consultant on an annual cycle.**

Councillor Shaw left the meeting at 8.15 pm and returned at 8.17 pm.

CARRIED 8/3
(Against: Crs. Horley McManus & Walker)

Council Resolution

Council:

- a. approves the request for the removal of two (2) Lemon Scented Gum street trees adjacent to 73 Melvista Avenue, Nedlands (Doonan Road verge) and replanting with Willow Peppermint Trees;**
- b. approves the request for the removal of that part of the River Red Gum located in Poplar Gardens reserve overhanging units at 7 Lantana Avenue, Mt Claremont, by removing a section of the northern side of the canopy in accordance with Section 6 of the related Arbor Logic report dated 28 February 2012; and**
- c. a re-inspection of the tree in b) is completed by a suitably qualified and experienced arboricultural consultant on an annual cycle.**

Committee Recommendation

Council:

- a) approves the request for the removal of two (2) Lemon Scented Gum street trees adjacent to 73 Melvista Avenue, Nedlands (Doonan Road verge) and replanting with Willow Peppermint Trees; and
- b) approves the request for the removal of the River Red Gum located in Poplar Gardens reserve adjacent to the units at 7 Lantana Avenue, Mt Claremont.


Recommendation to Committee

Council:

- a) refuse the request for the removal of two (2) Lemon Scented Gum street trees adjacent to 73 Melvista Avenue, Nedlands (Doonan Road verge); and
- b) refuse the request for the removal of the River Red Gum located in Poplar Gardens reserve adjacent to the units at 7 Lantana Avenue, Mt Claremont.

T02.12	Undertake Tree Audit and Compile Tree Database
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Committee	14 February 2012
Council	28 February 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Steve Crossman – Special Projects
Director	Andrew Melville – Acting Director Sustainable Infrastructure and Waste
Director Signature	
File ref.	TEN/335
Previous Item No's	CM08.10, CM18.10, 14.6 – Council Minutes – 27 April 2011
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor Walker
 Seconded – Councillor Shaw

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

CARRIED 7/4
(Against: Crs. Argyle Hassell Porter & Binks)

Council Resolution / Committee Recommendation / Recommendation to Committee

Council accepts the tender submitted by Homewood Consulting Pty Ltd to undertake an audit of all the trees owned by the City and compile a database in accordance with the submitted price schedule (see Attachment 1).

En Bloc


Moved - Councillor McManus
 Seconded – Councillor Somerville-Brown

That all Committee Recommendations relating to Report Nos. T04.12 & T05.12 are adopted en bloc.

CARRIED UNANIMOUSLY 11/-

T03.12	Sustainable Nedlands Committee
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Committee	14 February 2012
Council	28 February 2012

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Andrew Melville – Manager Sustainable Nedlands
Director	Andrew Melville – Acting Director Sustainable Infrastructure and Waste
Director Signature	
File ref.	Nil
Previous Item No's	Item No 8.6 – Special Council Meeting 18 October 2011
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) – Not applicable – Recommendation adopted.

Moved – Councillor Shaw
 Seconded – Councillor Walker

Mike Cole left room at 8.53 pm and returned at 8.55 pm.

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

Amendment

Moved – Councillor McManus

Seconded – Councillor Argyle

Council appoint the following six (6) persons to the Sustainable Nedlands Committee for a period ending at the next ordinary Local Government election in 2013:

1. Bronwen Channon;
2. Gordon Davies;
3. Rod Griffiths;
4. Susan Hartley;
5. Agnes Pallagi; and
6. Bronwen Tyson

Lost 3/8

(Against: Mayor Hipkins Crs. Horley Porter Binks
Hodsdon Walker Shaw & Somerville-Brown)

The substantive motion was put and

CARRIED 9/2

(Against: Crs. McManus & Hassell)


**Council Resolution / Committee Recommendation /
Recommendation to Committee**

Council appoint the following seven (7) persons to the Sustainable Nedlands Committee for a period ending at the next ordinary Local Government election in 2013:

1. **Bronwen Channon;**
2. **Gordon Davies;**
3. **Rod Griffiths;**
4. **Susan Hartley;**
5. **Agnes Pallagi;**
6. **Bronwen Tyson; and**
7. **Kay Whyte**

T04.12	Point Walter Family Concert and Fireworks, Sunday 4 March 2012 – Point Walter Reserve, Bicton
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Committee	14 February 2012
Council	28 February 2012

Applicant	Dr Shayne Silcox, CEO - City of Melville
Owner	City of Melville
Officer	Shannon Berdal – Environmental Health Officer
Director	Andrew Melville – Acting Director Sustainable Infrastructure and Waste
Director Signature	
File ref	ENV/017-04
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) - Not applicable – Recommendation adopted.

Moved – Councillor McManus
 Seconded – Councillor Somerville-Brown

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

CARRIED UNANIMOUSLY EN BLOC 11/-


Council Resolution / Committee Recommendation / Recommendation to Committee

Council, pursuant to Regulation 18 (12) of the *Environmental Protection (Noise) Regulations 1997*, agrees to the City of Melville's proposed conditions, (outlined in the attachment 1) for the Point Walter Family Concert and Fireworks to be held at Point Walter Reserve, Bicton on Sunday 4 March 2012, subject to:

- a) the Notice of the event being publicised in the 'Post' and 'Western Suburbs Weekly' local newspapers on the week commencing 27 February 2012;**
- b) the notification to City of Nedlands being distributed to residences along Jutland Pde and Victoria Ave, Dalkeith by way of letter drop at least seven (7) days prior to the event; and**
- c) that a delegated policy statement be prepared for presentation to Council which outlines the conditions under which officers may approve this type of application.**

T05.12	Soundwave Festival, Monday 5 March 2012 – Claremont Showground, Claremont
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Committee	14 February 2012
Council	28 February 2012

Applicant	Town of Claremont
Owner	Town of Claremont
Officer	Chris Hammond – Environmental Health Coordinator
Director	Andrew Melville – Acting Director Sustainable Infrastructure and Waste
Director Signature	
File ref	ENV/017-04
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) - Not applicable – Recommendation adopted.

Moved – Councillor McManus
 Seconded – Councillor Somerville-Brown

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

CARRIED UNANIMOUSLY EN BLOC 11/-


Council Resolution / Committee Recommendation / Recommendation to Committee:

Council, pursuant to Regulation 18 (12) of the *Environmental Protection (Noise) Regulations 1997*, agrees to the Town of Claremont's proposed conditions, (outlined in the Attachment 1) for the Soundwave Festival to be held at the Claremont Showground on Monday 5 March 2012, subject to:

- 1. the Town of Claremont notifying the City of Nedlands Manager Sustainable Nedlands in writing, of any noise complaints received from residents in the City of Nedlands, within five (5) days after the event.**

T06.12	Keeping of Bee Hive - 38 Minora Road, Dalkeith
---------------	---

Committee	14 February 2012
Council	28 February 2012

Applicant	Dr Nevin Watson
Owner	Dr Nevin Watson
Officer	Shannon Berdal - Environmental Health Officer
Director	Andrew Melville – Acting Director Sustainable Infrastructure and Waste
Director Signature	
File ref	M12/1257
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Mayor Hipkins – Proximity Interest

Mayor Hipkins disclosed a proximity interest. His interest being that he lives next door to the applicant. He advised that he would leave the meeting during this matter.

Mayor Hipkins left the room at 9.03 pm.

Due to the Presiding Member leaving the room and the absence of the deputy Mayor, Mr M Cole, Acting Chief Executive Officer called for nominations for position of Presiding Member.

Councillor Horley nominated Councillor Hodsdon which was seconded by Councillor McManus. There being no other nominations, Councillor Hodsdon assumed the role of Presiding Member.

Councillor Porter – Impartiality Interest

Councillor Porter disclosed that Dr Nevin Watson had given him a jar of honey, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.