



City of Nedlands

Minutes

Council Meeting

10 December 2013

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 10 December 2013 at 7 pm.

Council Agenda

Declaration of Opening

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

Nelson Mandela

Prior to commencing business, the Mayor gave a brief statement following the passing of Nelson Mandela and the meeting observed 1 minute of silence.

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 K Smyth	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor W R Hassell	Dalkeith Ward
	Councillor R M Binks	Hollywood Ward
	Councillor J Wetherall	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor T James	Melvista Ward
	Councillor G A R Hay	Melvista Ward
	Councillor N Shaw	Melvista Ward

Staff	Mr G Trevaskis	Chief Executive Officer
	Mr M Goodlet	Director Technical Services
	Mr M Fletcher	Manager Corporate Strategy & Systems
	Ms J Heyes	Manager Statutory Planning
	Ms P Panayotou	Manager Community Service Centres
	Ms P Huigens	Policy & Projects Officer

Public There were 14 members of the public present.

Press

Leave of Absence (Previously Approved) Nil.

Apologies Councillor S J Porter Dalkeith Ward

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.

None received.

2. Addresses by Members of the Public

Mr Alan Park, owner of 8 Bedford Street, Nedlands Report PD58.13
(spoke in support of the recommendation)

Moved - Councillor Hodsdon
Second - Councillor Binks

That a non-elect of the City of Nedlands, Mr Tony Watson, be permitted to address the Council.

CARRIED UNANIMOUSLY 12/-

Mr Tony Watson, PO Box 214, North Fremantle Report PD58.13
(spoke in support of the recommendation)

Ms Hilary Dolling, 11 Bedford Street, Nedlands Report PD58.13
(spoke in support of the recommendation)

Ms Roberta Potter, 80 Monash Avenue, Nedlands Street & Verge Parking

Ms Paula Kay, 17 Alexander Road, Dalkeith Item 13.4
(spoke at the time that the item was considered, in opposition of the recommendation)

3. Requests for Leave of Absence

None received.

4. Petitions

None received.

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 Mr Greg Trevaskis – Item 17.1

Mr Greg Trevaskis disclosed a financial interest in item 17.1. He declared that he would leave the Council meeting at this point of the meeting.

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*.

There were no disclosures affecting impartiality.

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

Nil.

8. Confirmation of Minutes

8.1 Ordinary Council meeting 26 November 2013

Moved – Councillor Binks
Seconded – Councillor Hassell

The minutes of the ordinary Council meeting held 26 November 2013 are confirmed.

CARRIED UNANIMOUSLY 12/-

9. Announcements of the Presiding Member without discussion

His Worship the Mayor presented cheques to Nedlands Primary School and Hollywood Primary School for the 2013 Pool Subsidy Grants.

The following is a list of functions where the Mayor represented the City since the last Council meeting of 26 November 2013:

27 November 2013	WESROC	Mayoral Meeting
28 November 2013	City of Cockburn	Parliament House Rally
29 November 2013	ACOSH	Presentation of Anti-Smoking Awards
29 November 2013	WESROC	Sediment Control Launch
2 December 2013	CRC Water Sensitive Cities	Post-Industry Partners Workshop
4 December 2013	CoN	Business Sundowner
5 December 2013	UDIA	Planning reform forum
5 December 2013	DAP	Swanbourne mediation
8 December 2013	CoN	Blessing of the River
9 December 2013	CoN	Meeting with Lyn Maclaren, MLC re Sunset
10 December 2013	CoN	Electors Meeting

The above list does not include meetings with elected members, staff and electors.

10. Members announcements without discussion

None

11. Matters for Which the Meeting May Be Closed

Council, in accordance with Standing Orders and for the convenience of the public, 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.

Item 16 Urgent Business – Aberdare Road

Item 17.1 Chief Executive Officer Annual Performance Review

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

12.1 Minutes of Council Committees

Moved – Councillor James
Seconded – Councillor McManus

That the Minutes of the Audit & Risk Committee meeting of the 14 October 2013, unconfirmed, circulated to Councillors on 24 October 2013, are received.

CARRIED UNANIMOUSLY 12/-

Moved – Councillor McManus
Seconded – Councillor Binks

That the Minutes of the CEO Performance Review Committee meeting of the 2 December 2013, unconfirmed, circulated to Councillors on 5 December 2013, are received.

CARRIED UNANIMOUSLY 12/-

Moved – Councillor Shaw
Seconded – Councillor Hassell

That the Minutes of the Council Committee meeting of the 3 December 2013, unconfirmed, circulated to Councillors on 5 December 2013, are received.

CARRIED UNANIMOUSLY 12/-

Note: As far as possible all the following reports under items 12.2, 12.3, 12.4 and 12.5 will be moved en-bloc and only the exceptions (items which Councillors wish to amend) will be discussed.

En Bloc

Moved: Councillor Binks

Seconded: Councillor James

That all Committee Recommendations relating to Reports under items 12.2, 12.3, 12.4 and 12.5 with the Exception of Report Nos. PD58.13, CM09.13 and CM10.13 are adopted en bloc.

**CARRIED 11/1
(Against: Cr Horley)**

12.2 Planning & Development Report No's PD57.13 to PD61.13 (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.

PD57.13	Sunset Transformation Strategy – Sunset Hospital Site Birdwood Parade, Dalkeith
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Committee	03 December 2013
Council	10 December 2013
Applicant	State Government
Owner	State Government
Officer	Peter Mickleson – Director Planning & Development
Director	Peter Mickleson – Director Planning & Development
File Reference	M13/32955
Previous Item	PD34.12

Moved: Councillor Binks
Seconded: Councillor James

That the Committee Recommendation to Council is adopted.

Committee Recommendation

That the Premier of Western Australia be advised that:

- 1. Council notes the Sunset Transformation Strategy announced by the State Government;**
- 2. Council supports the proposals for the long term development of the site; and**
- 3. However, consistent with its previous decisions expressing Council views in relation to the site and its future and the views expressed by the Nedlands community at the meeting at which the Sunset Transformation Strategy was announced, the Council does not support the sale of any part of the site as a means of funding the Transformation Strategy.**

**CARRIED EN BLOC 11/-
(Against: Cr Horley)**

Regulation 11(da) – Not applicable – Committee Recommendation to Council adopted.

Recommendation to Committee:

That the Council advises the Premier of Western Australia that the City of Nedlands supports the proposed Sunset Transformation Strategy.

PD58.13	Proposed Scheme Amendment No. 201 - Rezone Lot 346 (No. 11) Bedford Street, Nedlands from 'Residential R10' to 'Residential R10 with Additional Use for two (2) Single Houses'
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Committee	03 December 2013
Council	10 December 2013
Applicant	MW Urban Planning and Development
Owner	Mark & Hilary Dolling
Officer	Jason Moore – Strategic Planning Officer
Director	Peter Mickleson – Director Planning & Development
File Reference	TPN/A201
Previous Item	Nil

Cr Hassell left the room at 7.27pm

Cr Hassell returned at 7.28pm

Mr M Cole left the room at 7.41pm

Mr M Cole returned at 7.43pm

Mr M Cole left the room at 8.04pm

Mr M Cole returned at 8.04pm

Moved: Councillor Binks

Seconded : Councillor Wetherall

That Administration's Recommendation to Committee is adopted.

Administration Recommendation:

Council

1. **initiates the proposed scheme amendment to change the zoning of Lot 346 (No. 11) Bedford Street, Nedlands from 'Residential R10' to 'Residential R10 with Additional Use for two single houses' to be developed in accordance with a Local Area Plan attached to the scheme amendment; and**
2. **instructs Administration to progress the proposal in accordance with requirements of the relevant legislation.**

Moved: Councillor Hassell
Seconded: Councillor Binks

Dissent – Point of order – Relevance

Declared LOST on the casting vote of the Mayor 6/7 (Against: His Worship the Mayor, Crs. Hay, James, Horley, Smyth & Argyle)

The substantive motion was put.

CARRIED 7/5 (Against: His Worship the Mayor, Crs. James, Horley, Smyth & Argyle)

Regulation 11(da) – Not applicable – Administration Recommendation to Committee/Council adopted.

PD59.13	Lease of Premises at Charles Court Reserve, Esplanade by Nedlands Rugby Union Football Club Inc.
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Committee	03 December 2013
Council	10 December 2013
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rebecca Boley – Property Management Officer
Director	Peter Mickleson – Director Planning & Development
File Reference	IFM/426-12
Previous Item	Item CM14.06 on 28 March 2006

Moved: Councillor Binks
 Seconded: Councillor James

That the Committee Recommendation to Council be adopted.

Committee Recommendation / Recommendation to Committee

Council

1. **accepts the Nedlands Rugby Union Football Club Inc. surrender of Lease of premises at Charles Court Reserve (commencement date 29 March 2006 and term of 10 years with further term of 5 years); and**
2. **agrees to enter into the Deed of Lease with the Nedlands Rugby Union Football Club Inc. for a term of 21 years as per Attachment 1.**

**CARRIED EN BLOC 11/-
 (Against: Cr Horley)**

Regulation 11(da) – Not applicable – Committee Recommendation to Council adopted.

PD60.13 Big Day Out Concert – Sunday 2 February 2014
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Committee	03 December 2013
Council	10 December 2013
Applicant	Department of Environment and Regulation
Owner	N/A
Officer	Andrew Melville – Manager Health and Compliance
Director	Peter Mickleson – Director Planning & Development
File Reference	IFM/426-12
Previous Item	Nil

Moved: Councillor Binks
 Seconded: Councillor James

That the Committee Recommendation to Council be adopted.

Committee Recommendation:

That Council, pursuant to Regulation 18 (12) of the *Environmental Protection (Noise) Regulations 1997*, agrees to the Department of Environment and Regulation’s proposed conditions, (refer to attachment 1) for the Big Day Out music festival to be held at the Claremont Showgrounds on Sunday 2 February 2014 subject to:

- 1. the Department of Environment and Regulation or Altered State (WA) Pty Ltd notifying the City of Nedlands Health Section of any noise complaints received from City of Nedlands residents, within 7 days after the event; and**
- 2. the notification area be extended to Stephenson Avenue, Mount Claremont.**

**CARRIED EN BLOC 11/-
 (Against: Cr Horley)**

Regulation 11(da) – Not applicable – Committee Recommendation to Council adopted.

Recommendation to Committee:

Council, pursuant to Regulation 18 (12) of the *Environmental Protection (Noise) Regulations 1997*, agrees to the Department of Environment and Regulation's proposed conditions, (refer to attachment 1) for the Big Day Out music festival to be held at the Claremont Showgrounds on Sunday 2 February 2014 subject to the Department of Environment and Regulation or Altered State (WA) Pty Ltd notifying the City of Nedlands Health Section of any noise complaints received from City of Nedlands residents, within 7 days after the event.

12.3 Technical Services Report No's TS20.13 to TS23.13 (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.

TS20.13 Tender No. 2013/14.11 – Supply and Construction Of Extruded Kerbing

Committee	3 December 2013
Council	10 December 2013
Applicant	City of Nedlands
Officer	Taryn King
Director	Mark Goodlet – Director Technical Services
File Reference	TEN424
Previous Item	Not Applicable

Moved: Councillor Binks
 Seconded: Councillor James

That the Committee Recommendation to Council be adopted.

Committee Recommendation / Recommendation to Committee:

Council:

1. agrees to award tender no.2013/14.11 to LD Total for the provision of Supply and Construction of Extruded Kerbing 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.

**CARRIED EN BLOC 11/-
 (Against: Cr Horley)**

Regulation 11(da) – Not applicable – Committee Recommendation to Council adopted.

TS21.13 Tender No. 2013/14.12 Construction of Roundabout at Bruce Street and Elizabeth Street, Nedlands

Committee	3 December 2013
Council	10 December 2013
Applicant	City of Nedlands
Officer	Taryn King
Director	Mark Goodlet – Director Technical Services
File Reference	TEN/425
Previous Item	TS14.13 Council Meeting 27 August 2013 – Bruce Street / Elizabeth Street Black Spot Intersection Improvements

Moved: Councillor Binks
Seconded: Councillor James

That the Committee Recommendation to Council be adopted.

Committee Recommendation / Recommendation to Committee:

Council:

1. **agrees to award tender no.2013/14.12 to Roads 2000 PTY LTD for the provision of construction of a roundabout at Bruce Street and Elizabeth Street, Nedlands.**
2. **authorises the Chief Executive Officer to sign an acceptance of offer for this tender.**

**CARRIED EN BLOC 11/-
(Against: Cr Horley)**

Regulation 11(da) – Not applicable – Committee Recommendation to Council adopted.

TS22.13 Delegation of Authority – Awards of Tenders during the Council Recess

Committee	3 December 2013
Council	10 December 2013
Applicant	City of Nedlands
Officer	Pollyanne Fisher
Director	Mark Goodlet – Director Technical Services
File Reference	IFM/414
Previous Item	CPS53.12

Moved: Councillor Binks
 Seconded: Councillor James

That the Committee Recommendation to Council be adopted.

Committee Recommendation / Recommendation to Committee:

Council:

1. agrees to delegate to the Chief Executive Officer, in consultation with the Mayor, the authority to determine tenders in accordance with the *Local Government Act (Functions and General) Regulations 1996* over the Council recess, from 11 December 2013 to 31 January 2014, and to award tenders to a maximum of \$500,000 (excl GST).

**CARRIED EN BLOC 11/-
 (Against: Cr Horley)**

Regulation 11(da) – Not applicable – Committee Recommendation to Council adopted.

TS23.13 Tender No. 2013/14.14 – Supply and Delivery of 1 x 11/12 Tonne GVM Truck

Committee	3 December 2013
Council	10 December 2013
Applicant	City of Nedlands
Officer	Alex Macarthur
Director	Mark Goodlet – Director Technical Services
File Reference	TEN/427
Previous Item	Not Applicable

Moved: Councillor Binks
 Seconded: Councillor James

That the Committee Recommendation to Council be adopted.

Committee Recommendation / Recommendation to Committee:

Council:

1. agrees to award tender no.2013/14.14 to WA Hino, for the supply of a Hino FD 1024 Long Pro Auto, at a net purchase price of \$136,345.00 including GST;
2. agrees to award tender no.2013/14.14 to PVT Sales Pty Ltd, for the purchase and removal of a trade in vehicle, Hino 12 GVM Truck fleet No 516, at a net purchase price of \$55,100.00 including GST; and
3. authorises the Chief Executive Officer to sign an acceptance of offer for this tender.

**CARRIED EN BLOC 11/-
 (Against: Cr Horley)**

Regulation 11(da) – Not applicable – Committee Recommendation to Council adopted.

12.4 Community Development Report No CM09.13 to CM11.13

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.

CM09.13 Proposal for the City to continue to provide Child Care Services at Point Resolution Child Care

Committee	3 December 2013
Council	10 December 2013
Applicant	City of Nedlands
Officer	Patricia Panayotou – Manager Community Service Centres
Director	Michael Cole – Director Corporate and Strategy
File Reference	CMS/505
Previous Item	Item 13.5, Meeting of Council 22 October 2013

Councillor McManus left the room at 8.20pm
 Councillor Binks left the room at 8.20pm
 Councillor McManus returned at 8.22pm
 Councillor Hodsdon left the room at 8.22pm
 Councillor Binks returned at 8.23pm
 Councillor Hodsdon returned at 8.23pm

Moved: Councillor Hassell
 Seconded : Councillor Shaw

Council agrees to continue to operate Point Resolution Child Care at 53 Jutland Parade, Dalkeith, subject to the following conditions:

- 1. fees are increased in line-with other local long day care centres, which allows Point Resolution Child Care (PRCC) to operate on a cost-neutral basis;**
- 2. the establishment of a Point Resolution Building Reserve Account to fund ongoing building maintenance and ground maintenance and that \$10,000 be set aside annually in the PRCC budget for the Point Resolution Building Reserve account; and**
- 3. the viability of the service is reviewed again at the end of the 2014/2015 financial year to ensure it is operating without subsidization from the City.**

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

Regulation 11(da) – Council sought to clarify that the \$10,000 set aside each year for the Building Reserve Account is to come from the PRCC budget.

Committee Recommendation:

Council agrees to continue to operate Point Resolution Child Care at 53 Jutland Parade, Dalkeith, subject to the following conditions:

1. fees are increased in line-with other local long day care centres, which allows Point Resolution Child Care (PRCC) to operate on a cost-neutral basis;
2. the establishment of a Point Resolution Building Reserve Account to fund ongoing building maintenance and ground maintenance and that \$10,000 be set aside annually for the Point Resolution Building Reserve account; and
3. the viability of the service is reviewed again at the end of the 2014/2015 financial year to ensure it is operating without subsidization from the City.

Recommendation to Committee:

Council agrees to continue to operate Point Resolution Child Care at 53 Jutland Parade, Dalkeith, subject to the following conditions:

1. fees are increased in line-with other local long day care centres, which allows Point Resolution Child Care (PRCC) to operate on a cost-neutral basis;
2. the establishment of a Point Resolution Child Care Reserve to fund ongoing building maintenance and ground maintenance;
3. the ongoing budget for PRCC to include \$10,000 for the Point Resolution Building Reserve account;
4. the viability of the service is reviewed again at the end of the 2014/2015 financial year to ensure it is operating without subsidisation from the City; and
5. on the basis of the Expression of Interest submitted, and within a period of no more than 18 months, Kidz Galore will be the preferred operator should the City be unable to continue to operate PRCC at no cost to ratepayers.

CM10.13 The Great Western Sandstorm Event Application - Beach closure for Swanbourne Beach

Committee	03 December 2013
Council	10 December 2013
Applicant	Dr Mark Familton
Officer	Amanda Cronin – Administration and Events Officer Marion Granich - Manager Community Development
Director	Michael Cole – Director Corporate and Strategy
File Reference	CMS/505
Previous Item	N/A

Councillor Hay left the room at 8.24pm

Councillor Hay returned at 8.26pm

Moved: Councillor McManus

Seconded : Councillor Binks

That the Recommendation to Council be adopted.

Committee Recommendation:

Council approves the use of council facilities and infrastructure at Swanbourne Beach for the purpose of supporting the proposed conduct of the Great Western Sand Storm on Saturday 19 April 2014 between the hours of 6am and 6pm with conditions that the CEO and Administration sees fit.

Moved: Councillor Hassell

Seconded: Councillor Binks

Amendment: After 6pm “subject to full compliance”

CARRIED UNANIMOUSLY 12/-

The Amendment was put and carried, became the Substantive Motion and was put.

Council approves the use of council facilities and infrastructure at Swanbourne Beach for the purpose of supporting the proposed conduct of the Great Western Sand Storm on Saturday 19 April 2014 between the hours of 6am and 6pm subject to full compliance with conditions that the CEO and Administration see fit.

CARRIED UNANIMOUSLY12/-

Regulation 11(da) – Council sought to clarify that the applicant must fully comply with the CEO and Administration’s conditions in order to be granted approval for their event.

Recommendation to Committee:

Council does not approve the use of council facilities and infrastructure at Swanbourne Beach for the purpose of supporting the proposed conduct of the Great Western Sand Storm on Saturday 19 April 2014 between the hours of 6am and 6pm.

CM11.13 Arts Committee and Terms of Reference

Committee	3 December 2013
Council	10 December 2013
Applicant	City of Nedlands
Officer	Marion Granich – Manager Community Development
Director	Michael Cole
File Reference	CMS/505
Previous Item	N/A

Moved: Councillor Binks
 Seconded: Councillor James

That the Committee Recommendation to Council be adopted.

Committee Recommendation:

1. **Establishes an Arts Committee of Council according to the Terms of Reference at Attachment 1, with the following amendments:**
 - a. **After the section headed Scope add the following section Procedure**
After the adoption of the City’s budget by Council each year and before commencing its work for the ensuing year the Committee shall
 - **Consider the budget and any other available funds for art works to be acquired in the ensuing year;**
 - **Formulate a plan of priorities and objectives for the year including the proposed siting of any public art works;**
 - **Present that plan for review and amendment or approval by the Council.**
2. **appoints the Mayor, Cr Wetherall, Cr Shaw, Cr Smyth and Cr James as Council delegates to the Arts Committee.**

**CARRIED EN BLOC 11/-
 (Against: Cr Horley)**

Regulation 11(da) – Not applicable – Committee Recommendation to Council adopted.

Recommendation to Committee:

Council:

1. establishes an Arts Committee of Council according to the Terms of Reference at Attachment 1; and
2. appoints the Mayor, Cr _____ and Cr _____ as Council delegates to the Arts Committee.

12.5 Corporate & Strategy Report No's CPS39.13 to CPS41.13

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.

CPS39.13 List of Accounts Paid – October 2013
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Committee	3 December
Council	10 December
Applicant	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate & Strategy
File Reference	Fin/072-17
Previous Item	Nil

Moved: Councillor Binks
 Seconded: Councillor James

That the Committee Recommendation to Council be adopted.

Committee Recommendation / Recommendation to Committee

Recommendation to Committee

Council receives the List of Accounts Paid for the month of October 2013 (Refer to Attachment).

**CARRIED EN BLOC 11/-
 (Against: Cr Horley)**

Regulation 11(da) – Not applicable – Committee Recommendation to Council adopted.

CPS40.13 Policy Review

Committee	3 December 2013
Council	11 December 2013
Applicant	City of Nedlands
Officer	Phoebe Huigens, Policy & Projects Officer
Director	Michael Cole, Director Corporate & Strategy
File Reference	
Previous Item	NIL

Moved: Councillor Binks
 Seconded: Councillor James

That the Committee Recommendation to Council be adopted.

Committee Recommendation / Recommendation to Committee

Council:

1. approves the following policies:
 - a. Debt Recovery
 - b. Public Interest Disclosure
 - c. Review of Policies
 - d. Fireworks in the City
 - e. Operation of Council Bank Accounts
 - f. Application of Grant Funding
 - g. Disposal and Acquisition of Land
 - h. Investment of Council Funds

2. revokes the following policies:
 - a. Intergenerational Housing
 - b. Elected Members Undertaking Site Visits
 - c. Significant Accounting Policies
 - d. Access to and use of Information
 - e. Council Committees and Administration Liaison Working Groups
 - f. Delegation to Chief Executive Officer
 - g. Acting Chief Executive Officer

**CARRIED EN BLOC 11/-
 (Against: Cr Horley)**

Regulation 11(da) – Not applicable – Committee Recommendation to Council adopted.

CPS41.13 Council and Committee Meeting Dates 2014
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Committee	3 December 2013
Council	10 December 2013
Applicant	City of Nedlands
Officer	Phoebe Huigens
Director	Michael Cole Director Corporate and Strategy
File Reference	
Previous Item	Not applicable

Moved: Councillor Binks
 Seconded: Councillor James

That the Committee Recommendation to Council be adopted.

Committee Recommendation / Recommendation to Committee

Council:

1. endorses the Council and Committee meeting schedule for 2014;
and
2. authorises the CEO to give local public notice of the Council and Committee meeting schedule for 2014

**CARRIED EN BLOC 11/-
 (Against: Cr Horley)**

Regulation 11(da) – Not applicable – Committee Recommendation to Council adopted.

13. Reports by the Chief Executive Officer

13.1 Common Seal Register Report – November 2013

The attached Common Seal Register Report for the month of November 2013 is to be received.

Moved: Councillor Shaw
Seconded: Councillor Binks

The Common Seal Register Report for the month of November 2013 is received.

CARRIED UNANIMOUSLY 12/-

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

13.2 List of Delegated Authorities – November 2013

The attached List of Delegated Authorities for the month of November 2013 is to be received.

Moved: Councillor Shaw

Seconded: Councillor McManus

The list of Delegated Authorities for the month of November 2013 is received.

CARRIED UNANIMOUSLY 12/-

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

13.3 Delegations of Authority – *Cat Act 2011* and *Dog Act 1976*

Council	10 December 2013
Applicant	City of Nedlands
Officer	Phoebe Huigens, Policy & Projects Officer
Director	Michael Cole, Director Corporate & Strategy
File Reference	IFM/417
Previous Item	NIL

Moved: Councillor Hassell
 Seconded : Councillor Hay

That the Recommendation to Council be adopted.

Recommendation to Council

Council:

1. **Delegates all powers under the *Dog Act 1976* to the Chief Executive Officer;**
2. **Delegates all powers under the *Cat Act 2011* to the Chief Executive Officer.**

CARRIED UNANIMOUSLY 12/-

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

13.4 Disposal (Lease) of Property 64-66 Melvista Avenue Dalkeith

Council	10 December 2013
Applicant	City of Nedlands
Officer	Phoebe Huigens, Policy & Projects Officer
Director	Michael Cole, Director Corporate and Strategy
File Reference	TEN/399-02
Previous Item	Confidential item 10.1, meeting of Council 12 March 2013 Item 13.5 Provision of Child Care Services, meeting of Council 22 October 2013

The CEO asked if all members of Council have had sufficient time to consider the one received submission and Administration's response prior to consideration of this item.

The Presiding Member called a recess at 8.30pm, to resume at 8.33pm, to allow Councillors time to read and consider the written submission from Mr. and Mrs. Kay and Administration's responses to questions raised.

The Meeting resumed at 8.34pm (Mr G Trevaskis, Cr Horley & Cr Hodsdon were absent at the recommencement of the meeting)

The Presiding Member allowed Ms Paula Kay to address the meeting at this point, and speak to her written submission.

Address by member of the public:

Ms Paula Kay, 17 Alexander Road, Dalkeith Item 13.4
(spoke at the time that the item was considered, in opposition of the recommendation)

Mr G Trevaskis returned at 8.35pm
Councillor Horley returned at 8.36pm
Councillor Hodsdon returned at 8.36pm

Moved: Councillor Hay
Seconded: Councillor James

That the Motion be put.

LOST 3/9

(Against: His Worship the Mayor, Crs. Shaw, Horley, McManus, Smyth, Argyle, Hassell, Hodsdon & Wetherall)

Moved: Councillor Shaw
Seconded : Councillor Binks

That the Recommendation to Council be adopted.

Recommendation to Council:

Council authorises administration to enter in to a lease agreement with Kidz Galore Pty Ltd for the lease of 64-66 Melvista Avenue Dalkeith for a period of 10 years for the purpose of child care services with an annual rental of \$46,200 per annum (plus GST) and all outgoings, to be increased by CPI each year.

CARRIED 9/3

(Against: Crs. Horley, McManus & Hodsdon)

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

13.5 Mayo House Community Garden

Council	10 December 2013
Applicant	City of Nedlands
Officer	Phoebe Huigens, Policy & Project Officer
Director	Peter Mickleson, Director Planning & Development
File Reference	IFM/417
Previous Item	Nil

Moved: Councillor Horley
 Seconded : Councillor Binks

That the Recommendation to Council be adopted.

Recommendation to Council

Council:

1. Gives in principle support to the establishment of a community garden at the former Mayo House site, No. 91 Wood Street Swanbourne.
2. Notes that any financial contribution from Council for the development of the community garden will be subject to a further report to Council.

CARRIED UNANIMOUSLY12/-

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

13.6 Corporate Business Plan Report – Quarter 1 2013/14

Council	10 December 2013
Applicant	City of Nedlands
Officer	Mike Fletcher, Manager Corporate Strategy & Systems
Director	Michael Cole, Director Corporate & Strategy
File Reference	IFM/417
Previous Item	Nil

Withdrawn by Administration

13.7 Proposal to Extend Parking Restrictions in East Melvista

Council	10 December 2013
Applicant	City of Nedlands
Officer	Jacqueline Scott – Manager Technical Services
Director	Mark Goodlet – Director Technical Services
File Reference	TEC/047
Previous Item	Report TS10.13 Council Meeting 23 July 2013

Moved: Councillor James
 Seconded : Councillor Binks

That the Recommendation to Council be adopted.

Recommendation to Council

Council:

1. receives the petitions from residents of Archdeacon Street and Webster Street;
2. approves the implementation of additional parking restrictions to Thomas Street, Tyrell Street and Archdeacon Street between Edward Street and Princess Road; and
3. requests that Administration monitors the section of Archdeacon Street between Princess Road and Melvista Avenue, and Webster Street for community feedback once the parking restrictions in item 2 have been implemented.

CARRIED 11/1 (Cr Argyle)

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

13.8 Access Working Group

Council	10 December 2013
Applicant	City of Nedlands
Officer	Phoebe Huigens, Policy & Projects Officer
CEO	Greg Trevaskis
File Reference	IFM/417
Previous Item	Nil

Moved: Councillor Hassell
 Seconded : Councillor Shaw

Council appoints Cr Horley and Cr Hodsdon to be its representatives on the City's Access Working Group.

CARRIED UNANIMOUSLY 12/-

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

Recommendation to Council

Council appoints Cr _____ and Cr _____ to be its representatives on the City's Access Working Group.

14. Elected Members Notices of Motions of Which Previous Notice Has Been Given

14.1 Councillor Hassell – Freemen of the City

Moved: Councillor Hassell
Seconded : Councillor James

That the Council request a report on long term volunteers and others of the City of Nedlands as possible candidates for the honour of being made Freemen of the City of Nedlands.

CARRIED UNANIMOUSLY 12/-

15. Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 25 February 2014.

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to a Councillor who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by Administration to the Council meeting considering the motion.

None received.

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

Any urgent business to be considered at this point.

In accordance with the City's Standing Orders Local Law 2011, a rescission motion has been received appropriately signed by five elected members (Crs. Horley, Hay, Smyth & Porter and His Worship the Mayor) in relation to Aberdare Road. A further Notice of Motion also in relation to Aberdare Road was presented. The Mayor considered both motions as urgent and confidential as legal advice had been received and needed to be considered by Council.

Moved: Councillor James
Seconded: Councillor Hay

That the meeting be closed to consider urgent business and Confidential Item 17.1 in accordance with Sections 5.23(2)(d) and (a) of the *Local Government Act 1995*.

CARRIED UNANIMOUSLY 12/-

The meeting was closed to the public at 9.31pm.

Moved: Councillor Hodsdon
Seconded: Councillor Wetherall

That the meeting be reopened.

CARRIED UNANIMOUSLY 12/-

The Mayor reopened the meeting at 10.13pm and read the following motions approved in closed session.

16.1 Rescission motion – Aberdare Road

Councillor Hay left the room at 9.43pm
Councillor Hay returned at 9.45pm

Moved: Councillor Shaw
Seconded: Councillor Horley

Council decision of meeting held on 26 November 2013 with respect to Cr. Wetherall's Notice of Motion item 14.1 on the agenda – Aberdare Road namely:

Council instructs Administration to:

- 1. Initiate and complete as soon as practicable, and at the City's cost, rezoning to R25 for those properties on the southern side of Aberdare Road between Gairdner Drive and Kitchener Streets that have not as of the present date already been subdivided as retrospective compensation for the removal of 5m 30 years ago from the northern boundary of said allotments for provision of landscaping and future road widening.**
- 2. Advise in writing proprietors of properties where physical subdivision has not occurred that the subdivision to R25 process has been agreed to by Council and will commence as soon as practicable with the outcome backdated to the 23rd of July 2013,**
- 3. That rating will continue as at present until physical subdivision and development is affected.**

BE RESCINDED

CARRIED UNANIMOUSLY 12/-

16.2 Aberdare Road

Moved: His Worship the Mayor
Seconded: Councillor Wetherall

Council:

1. Advises landowners that Council's resolution at item 14.1 of the meeting of 26 November 2013 has now been subsequently rescinded;
2. Where the designated road widening is voluntarily surrendered free of charge by the land owner, the City will initiate rezoning the balance of land adjoining Aberdare Road affected by the City of Nedlands By-Laws relating to New Street Alignment gazetted 20 October 1978, to allow two dwellings;
3. Invites any owner wishing to accept the City's offer to enter into an agreement at a time of their choosing;
4. Instructs Administration to waive any fees it may charge for the rezoning application; and
5. Requests Administration to write to each affected proprietor to advise them of the Council's decision.

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

17. Confidential Items

17.1 Chief Executive Officer Annual Performance Review.

Moved: Councillor McManus
Seconded : Councillor Wetherall

Council:

1. Accepts that City of Nedlands Chief Executive officer, Mr Greg Trevaskis has been assessed as having met or exceeded all his key performance indicators during the past 12 months and is found to have demonstrated overall performance in the role to a highly satisfactory level;
2. Having endorsed the CEO's performance review applies the annual remuneration review and increases his total remuneration package as recommended by the CEO Performance Review Committee, recorded in the minutes from its meeting of 2 December 2013; and
3. Notes that the CEO's remuneration is within the Salary Band 2 of the WA Salaries and Allowances Tribunal, effective 1 July 2013.

CARRIED UNANIMOUSLY 12/-

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 10.14 pm.

A handwritten signature in black ink, appearing to read 'Greg Trevaskis', with a long horizontal flourish extending to the left.

Greg Trevaskis
Chief Executive Officer