



City of Nedlands

Minutes

Council Committee Meeting

12 February 2013

Attention:

This is a Committee which has only made recommendations to Council. No action should be taken on any recommendation contained in these Minutes. The Council resolution pertaining to an item will be made at the Ordinary Council Meeting next following this meeting.

Table of Contents

Declaration of Opening	4
Present and Apologies and Leave Of Absence (Previously Approved)	4
1. Addresses By Members of the Public (only for items listed on the agenda).....	5
2. Disclosures of Financial Interest	5
2.1 Mayor Hipkins – 9.1 – Town Planning Scheme Amendments	5
2.2 Councillor Argyle – 9.1 – Town Planning Scheme Amendments	6
3. Disclosures of Interests Affecting Impartiality.....	6
3.1 Councillor Hassell – PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House.....	6
3.2 Councillor Collins – PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House.....	6
3.3 Councillor James – PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House.....	6
3.4 Councillor Shaw – PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House.....	7
3.5 Councillor Argyle – PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House.....	7
4. Declarations by Members That They Have Not Given Due Consideration to Papers.....	7
5. Confirmation of Minutes	7
5.1 Committee Meeting 4 December 2012.....	7
6. Matters for Which the Meeting May Be Closed	7
7. Divisional Reports	8
7.1 Planning & Development Report No’s PD01.13 to PD08.13	9
PD01.13 No. 64 (Lot 4) Jutland Parade, Dalkeith – Proposed Three Storey Dwelling & Swimming Pool	9
PD02.13 No. 64 (Lot 5) Jutland Parade, Dalkeith – Proposed Three Storey Dwelling & Swimming Pool	13
PD03.13 No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House	16
PD04.13 No. 10 Selby Street, Shenton Park – Adoption of Proposed Outline Development Plan for Para-Quad Association of Western Australia.....	19
PD05.13 Proposed Draft 2012 Municipal Inventory – Heritage.....	20
PD06.13 Approval in Principle for Proposed Scheme Amendment of No. 17 (Lot 12241) John XX111 Avenue, Mount Claremont, from “Public Purpose” to “Special Use – Storage Facility”	22
TS02.13 Stage 2 – Shared Path Network Alexander Road & Beatrice Road	23
PD07.13 Proposed Parking and Parking Facilities Local Law 2013.....	25
PD08.13 Lots 4 & 105 Underwood Avenue, Shenton Park – Proposed Outline Development Plan for the University of Western Australia Biological Resources Support Facility	27
7.2 Technical Services Report No’s TS01.13 to TS04.13	28

TS01.13	Hampden Road – Permanent Change to Speed Limit from 50 kph to 40 kph	28
TS02.13	Stage 2 – Shared Path Network Alexander Road & Beatrice Road	29
TS03.13	Soundwave Festival, Monday 4 March 2013 – Claremont Showground, Claremont	30
TS04.13	River Walls	31
7.3	Community & Organisational Development No's CM01.13 to CM02.13	33
CM01.13	Youth Grant Application Approval by Council	33
CM02.13	Fees and Charges, Public Tennis Courts.....	34
7.4	Corporate & Strategy Report No's CPS01.13 to CPS08.13	35
CPS01.13	Monthly Financial Report – November 2012	35
CPS02.13	Investment Report – November 2012	36
CPS03.13	List of Accounts Paid – November 2012	37
CPS04.13	Monthly Financial Report – December 2012	38
CPS05.13	Investment Report – December 2012	39
CPS06.13	List of Accounts Paid – December 2012	40
CPS07.13	Policy Review	41
CPS08.13	Hollywood Ward extraordinary election 2013 and future elections and polls to 2017	43
8.	Reports by the Chief Executive Officer	45
8.1	Constitutional Recognition of Local Government	45
8.2	Replacement Member for Chief Executive Officer's Performance Review Committee.....	51
8.3	Development Assessment Panels – City of Nedlands Nomination of Members	52
9.	Urgent Business Approved By the Presiding Member or By Decision	54
9.1	Town Planning Scheme Amendments	54
10.	Confidential Items	56
10.1	TS05.13 – City of Nedlands Waste and Recycling Tender 2005/06.08 Contract Extension	57
10.2	Recovery of Unpaid Council Rates and Charges	57
	Declaration of Closure	57

City of Nedlands

Minutes of a meeting of the Council Committee held in the Council Chambers, Nedlands on Tuesday 12 February 2013 at 7 pm.

Declaration of Opening

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

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

Present and Apologies and Leave Of Absence (Previously Approved)

Councillors	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor K E Collins	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 T James	Melvista Ward
	Councillor N Shaw	Melvista Ward
	Councillor M L Somerville-Brown	Melvista 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 D Blake	Director Community & Organisational Development
	Mrs N Ceric	Executive Assistant

Public There were 23 members of the public present.

Press The Post Newspaper representative.

Leave of Absence (Previously Approved) Nil.

Apologies Councillor N B J Horley Coastal Districts Ward

Absent Nil.

Disclaimer

No responsibility whatsoever is implied or accepted by the City of Nedlands for any act, omission or statement or intimation occurring during Council or Committee meetings. City of Nedlands disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the City of Nedlands during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City of Nedlands. The City of Nedlands warns that anyone who has any application lodged with the City of Nedlands must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the City of Nedlands in respect of the application.

The City of Nedlands wishes to advise that any plans or documents contained within this agenda may be subject to copyright law provisions (*Copyright Act 1968, as amended*) and that the express permission of the copyright owner(s) should be sought prior to their reproduction.

It should be noted that Copyright owners are entitled to take legal action against any persons who infringe their copyright. A reproduction of material that is protected by copyright may represent a copyright infringement.

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

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

2. 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.

2.1 Mayor Hipkins – 9.1 – Town Planning Scheme Amendments

Mayor Hipkins disclosed a proximity interest in Item 9.1 – Town Planning Scheme Amendments, His interest being that his wife owns property at 7A Vincent Street, Nedlands. He believed his interest is trivial. He advised that he would like to participate in the meeting on the matter and would leave meeting while the Council voted on whether he was permitted to stay or not.

2.2 Councillor Argyle – 9.1 – Town Planning Scheme Amendments

Councillor Argyle disclosed a proximity interest in Item 9.1 – Town Planning Scheme Amendments, His interest being that his daughter owns property in the area. He advised that he would leave the meeting during this matter.

3. 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*.

3.1 Councillor Hassell – PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House

Councillor Hassell disclosed an impartiality interest in Item PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House. He disclosed that he knew the neighbours, 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.

3.2 Councillor Collins – PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House

Councillor Collins disclosed an impartiality interest in Item PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House. He disclosed that he is acquainted with the residents at 39 Philip Road, 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.

3.3 Councillor James – PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House

Councillor James disclosed an impartiality interest in Item PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House. She disclosed that she knew the neighbours, and as a consequence, there may be a perception that his impartiality on the matter may be affected. She declared that he would consider this matter on its merits and vote accordingly.

3.4 Councillor Shaw – PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House

Councillor Shaw disclosed an impartiality interest in PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House. He disclosed that he knows the applicants, and has had discussions and a meeting with them. He has also had an extensive discussion, and 2 meetings with the opponents to the proposal, 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.

3.5 Councillor Argyle – PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House

Councillor Argyle disclosed an impartiality interest in Item PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House. He disclosed that he had known the Lilburne Family for many years, 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.

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

Nil.

5. Confirmation of Minutes

5.1 Committee Meeting 4 December 2012

Moved – Councillor Collins
Seconded – Councillor Shaw

The minutes of the Council Committee held 4 December 2012 are confirmed.

**CARRIED 9/-
(Abstained: Crs Hassell & Hodsdon)**

6. Matters for Which the Meeting May Be Closed

In accordance with Standing Orders and for the convenience of the public, the Committee identified that the meeting will be closed for Item 10 – Confidential Items in accordance with Section 5.23(2)(c) and (b) (respectively) of the *Local Government Act 1995* to allow confidential discussion.

7. Divisional Reports

Note: Regulation 11(da) of the *Local Government (Administration) Regulations 1996* requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70, but not a decision to only note the matter or to return the recommendation for further consideration.

7.1 Planning & Development Report No's PD01.13 to PD08.13

Report No's PD01.13 to PD08.13 to be dealt with at this point (copy attached yellow cover sheet).

PD01.13	No. 64 (Lot 4) Jutland Parade, Dalkeith – Proposed Three Storey Dwelling & Swimming Pool
----------------	---

Committee	12 February 2013
Council	26 February 2013

Applicant	Milankov Designs and Project Management
Owner	M B Hartono & I Budiastro
Officer	Laura Sabitzer – Planning Officer
Director	Peter Mickleson – Director Planning & Development
File ref.	DA12/196 : JU2/64U4
Previous Item No's	Nil

Non-Elector

Moved – Councillor Hassell
 Seconded – Councillor Binks

That Mr B Wilkinson, a non-elect of the City be permitted to address the meeting.

CARRIED UNANIMOUSLY 11/-

Mr B Wilkinson, C/- 68 Jutland Parade, Dalkeith Report PD01.13
 (spoke in opposition to the recommendation)

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 5/2
(Against: Mayor Hipkins Cr. Argyle)
(Abstained: Crs. Collins Hassell Porter Hodsdon)

Committee Recommendation / Recommendation to Committee

Council:

Approves the application under the City of Nedlands Town Planning Scheme No. 2 and recommends the Western Australian Planning Commission approve the application under the Metropolitan Regional Scheme for the proposed three storey dwelling and swimming pool at No. 64 (Lot 4) Jutland Parade, Dalkeith in accordance with the plans received 13 November 2012 subject to the following conditions:

- 1. The eastern window of Bedroom 3 on the mid floor shall be modified to a non major opening, in accordance with the *Residential Design Codes of WA*;**
- 2. All visual privacy screens and/or obscure glass panels to Major Openings and/or Active Habitable Spaces shall prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes of WA*. The structure(s) shall be installed prior to the occupation of the dwelling and remain in place permanently, unless otherwise approved by the City;**
- 3. The use of the lower floor level shall be restricted to the uses depicted on the approved plans. Prior to occupation of the development the owner shall execute and provide to the City a notification pursuant to s. 70A of the Transfer of Land Act 1893 to be registered on the title to the land as notification to prospective purchasers that the use of the lower floor level is subject to the restriction set out above;**
- 4. A grated channel strip-drain shall be constructed across the driveway, aligned with and wholly contained within the property boundary, and the discharge from this drain to be run to a soak-well situated within the property;**
- 5. All stormwater from the development which includes permeable and non-permeable areas shall be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event; and soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development;**
- 6. All footings and structures to retaining walls and dividing fences shall be constructed wholly inside the site boundaries of the Certificate of Title;**

7. **Further planning approval from the City is required for any fill or retaining walls on the lot other than that shown on the approved plans;**
8. **The pergolas shall remain with an open-framed roof, permeable to water;**
9. **The use of bare or painted metal building materials is permitted on the basis that, if during or following the erection of the development the Council forms the opinion that glare which is produced from the building / roof has or will have a significant detrimental effect upon the amenity of neighbouring properties, the Council may require the owner to treat the building / roof to reduce the reflectivity to a level acceptable to Council; and**
10. **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. **All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres/second.**
2. **All swimming pool waste water shall be disposed of into an adequately sized, dedicated soak-well located on the same lot. Soak-wells shall not be situated closer than 1.8m to any boundary of a lot, building, septic tank or other soak-well.**
3. **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.**
4. **The applicant is advised to consult the City's *Visual and Acoustic Privacy Advisory Information* in relation to selecting and locating any air-conditioner or swimming pool or spa mechanical equipment such that noise, vibration and visual impact on neighbours is mitigated. The City does not recommend installing any equipment near a property boundary where it is likely noise in these locations will intrude on neighbouring properties.**
 - a. **Prior to selecting a location to install an air-conditioner, applicant is advised to consult the online fairair noise**

calculator at www.fairair.com.au and use this as a guide on air-conditioner placement so as to prevent noise affecting neighbouring properties.

- b. Prior to installing an air-conditioner or swimming pool or spa mechanical equipment, the applicant is advised to consult residents of neighbouring properties and if necessary take measures to suppress noise.**
- 5. During a development, any swimming pool/pond on site, whether retained, partially constructed or finished shall be kept dry or the water maintained of a quality which ensures it is not liable to breed mosquitoes.**
- 6. This approval does not obviate rights and responsibilities of strata owners under the *Strata Titles Act 1985*, which may require additional consultation and/or permissions from the stratum, prior to the commencement of works.**
- 7. Building over easements for public utilities may require approval from the relevant authority.**

PD02.13 No. 64 (Lot 5) Jutland Parade, Dalkeith – Proposed Three Storey Dwelling & Swimming Pool

Committee	12 February 2013
Council	26 February 2013

Applicant	Milankov Designs and Project Management
Owner	M B Hartono & I Budiastro
Officer	Laura Sabitzer - Planning Officer
Director	Peter Mickleson - Director Planning & Development
File ref.	DA12/196 : JU2/64U4
Previous Item No's	Nil.

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 6/3
(Against: Mayor Hipkins Crs. Argyle & Hassell)
(Abstained: Crs. Collins & Porter)

Committee Recommendation / Recommendation to Committee

Council:

Approves the application under the City of Nedlands Town Planning Scheme No. 2 and recommends the Western Australian Planning Commission approve the application under the Metropolitan Regional Scheme for the proposed three storey dwelling and swimming pool at No. 64 (Lot 5) Jutland Parade, Dalkeith in accordance with the plans received 13 November 2012 subject to the following conditions:

- 1. All visual privacy screens and/or obscure glass panels to Major Openings and/or Active Habitable Spaces shall prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes of WA*.**

The structure(s) shall be installed prior to the occupation of the dwelling and remain in place permanently, unless otherwise approved by the City;

- 2. The use of the lower floor level shall be restricted to the uses depicted on the approved plans. Prior to occupation of the development the owner shall execute and provide to the City a notification pursuant to s. 70A of the Transfer of Land Act 1893 to be registered on the title to the land as notification to prospective purchasers that the use of the lower floor level is subject to the restriction set out above;**
- 3. A grated channel strip-drain shall be constructed across the driveway, aligned with and wholly contained within the property boundary, and the discharge from this drain to be run to a soak-well situated within the property;**
- 4. All stormwater from the development which includes permeable and non-permeable areas shall be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event; and soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development;**
- 5. All footings and structures to retaining walls and dividing fences shall be constructed wholly inside the site boundaries of the Certificate of Title;**
- 6. Further planning approval from the City is required for any fill or retaining walls on the lot other than that shown on the approved plans;**
- 7. The use of bare or painted metal building materials is permitted on the basis that, if during or following the erection of the development the Council forms the opinion that glare which is produced from the building / roof has or will have a significant detrimental effect upon the amenity of neighbouring properties, the Council may require the owner to treat the building / roof to reduce the reflectivity to a level acceptable to Council; and**
- 8. 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. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres/second.**

2. All swimming pool waste water shall be disposed of into an adequately sized, dedicated soak-well located on the same lot. Soak-wells shall not be situated closer than 1.8m to any boundary of a lot, building, septic tank or other soak-well.
3. 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.
4. The applicant is advised to consult the City's *Visual and Acoustic Privacy Advisory Information* in relation to selecting and locating any air-conditioner or swimming pool or spa mechanical equipment such that noise, vibration and visual impact on neighbours is mitigated. The City does not recommend installing any equipment near a property boundary where it is likely noise in these locations will intrude on neighbouring properties.

Prior to selecting a location to install an air-conditioner, applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as a guide on air-conditioner placement so as to prevent noise affecting neighbouring properties.

Prior to installing an air-conditioner or swimming pool or spa mechanical equipment, the applicant is advised to consult residents of neighbouring properties and if necessary take measures to suppress noise.

5. During a development, any swimming pool/pond on site, whether retained, partially constructed or finished shall be kept dry or the water maintained of a quality which ensures it is not liable to breed mosquitoes.
6. This approval does not obviate rights and responsibilities of strata owners under the *Strata Titles Act 1985*, which may require additional consultation and/or permissions from the stratum, prior to the commencement of works.
7. Building over easements for public utilities may require approval from the relevant authority.

PD03.13	No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House
----------------	--

Committee	12 February 2013
Council	26 February 2013

Applicant	Hofman & Brown Architects
Owner	Julie Lilburne
Officer	Elle O'Connor – Planning Officer
Director	Peter Mickleson - Director Planning & Development
File ref.	DA12/399 : PH1/43
Previous Item No's	Nil.

Councillor Hassell - Impartiality Interest

He disclosed that he knew the neighbours, 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.

Councillor Collins - Impartiality Interest

He disclosed that he is acquainted with the residents at 39 Philip Road, 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.

Councillor James – Impartiality Interest

She disclosed that she knew the neighbours, and as a consequence, there may be a perception that his impartiality on the matter may be affected. She declared that he would consider this matter on its merits and vote accordingly.

Councillor Argyle – Impartiality Interest

He disclosed that he had known the Lilburne Family for many years, 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.

Councillor Shaw - Impartiality Interest

He disclosed that he knows the applicants, and has had discussions and a meeting with them. He has also had a extensive discussion, and 2 meetings with the opponents to the proposal, 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.

Moved – Councillor Hassell
Seconded – Councillor Hodsdon

That this item be deferred to the Council meeting.

**CARRIED 10/-
(Abstained: Cr. Shaw)**

Committee Recommendation

That this item be deferred to the Council meeting.

Recommendation to Committee

Council approves an application for two-storey additions to an existing dwelling at No. 43 (Lot 4) Philip Road, Dalkeith in accordance with the application received 8 October 2012 and the plans received 6 February 2013 subject to the following conditions:

1. This application does not pertain to self-contained accommodation (Ancillary Accommodation). (Refer to Advice Note 1).
2. The use of bare or painted metal building materials is permitted on the basis that, if during or following the erection of the development the Council forms the opinion that glare which is produced from the building / roof has or will have a significant detrimental effect upon the amenity of neighbouring properties, the Council may require the owner to treat the building / roof to reduce the reflectivity to a level acceptable to Council.
3. To prevent stormwater flowing into the property, Ground Levels of driveways must be 150mm higher than the Right-Of-Way.
4. All stormwater from the development which includes permeable and non-permeable areas shall be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event; and soak-wells shall be a minimum

capacity of 1.0m³ for every 80m² of calculated surface area of the development.

5. 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. The development comprises of a 4 car garage, activity room, bedroom and bathroom and does not include a kitchen or laundry. Kitchen and laundry facilities would result in the development being self-contained (Ancillary Accommodation) and would require further planning approval.
2. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres/second.
3. 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.
4. The applicant is advised to consult the City's *Visual and Acoustic Privacy Advisory Information* in relation to selecting and locating any air conditioner or swimming pool or spa mechanical equipment such that noise, vibration and visual impact on neighbours is mitigated. The City does not recommend installing any equipment near a property boundary where it is likely noise in these locations will intrude on neighbouring properties.

Prior to selecting a location to install an air-conditioner, applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as a guide on air-conditioner placement so as to prevent noise affecting neighbouring properties.

Prior to installing an air-conditioner or swimming pool or spa mechanical equipment, the applicant is advised to consult residents of neighbouring properties and if necessary take measures to suppress noise.

PD04.13	No. 10 Selby Street, Shenton Park – Adoption of Proposed Outline Development Plan for Para-Quad Association of Western Australia
----------------	---

Committee	12 February 2013
Council	26 February 2013

Applicant	Jonathan Jones (Architect)
Owner	Para Quad Association of W.A.
Officer	Michael Swanepoel – Senior Strategic Planning Officer
Director	Peter Mickleson – Director Planning & Development
File ref.	SE3/10; DA2011/358
Previous Item No's	PD20.12

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

Moved – Councillor Binks
 Seconded – Councillor Hodsdon

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

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council:

- 1. Approves the proposed Outline Development Plan for the Para-Quad Association of Western Australia at 10 Selby Street (refer attached); and**
- 2. Instructs Administration to forward the Outline Development Plan to the Western Australian Planning Commission for final adoption.**

PD05.13	Proposed Draft 2012 Municipal Inventory – Heritage
----------------	---

Committee	12 February 2013
Council	26 February 2013

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Gabriela Poczyn – Manager Strategic Planning
Director	Peter Mickleson – Director Planning & Development
File ref.	HER/017
Previous Item No's	Nil.

Regulation 11(da) – Councillors agreed to refer this to a workshop and for Administration to write to affected residents seeking their comments prior to the workshop.

Moved – Councillor Binks

Seconded – Councillor Lapsed for want of a Seconder

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

Moved – Councillor Porter

Seconded – Councillor Hassell

Council:

- 1. refers this item to a Councillor Briefing Session; and**
- 2. requests administration write to all affected owners seeking comment on their properties inclusion/reclassification in the proposed Draft Municipal Inventory 2012, prior to the Councillor Briefing Session.**

CARRIED 7/1
(Against: Cr. Shaw)
(Abstained: Crs. McManus Binks & Hodsdon)

Committee Recommendation

Council:

- 1. refers this item to a Councillor Briefing Session; and**
- 2. requests administration write to all affected owners seeking comment on their properties inclusion/reclassification in the proposed Draft Municipal Inventory 2012, prior to the Councillor Briefing Session.**

Recommendation to Committee

Council:

1. endorses the proposed Draft Municipal Inventory 2012 for public consultation;
2. adopts the following as working documents to assist with future work to preserve the character of Nedlands.
 - a. Inventory of Character Areas;
 - b. Inventory of Historic sites (and Moveable Cultural Heritage);
 - c. Inventory of Significant Contemporary Architecture (post1952);
 - d. Inventory of Flats;
 - e. Inventory of Significant Trees;

PD06.13	Approval in Principle for Proposed Scheme Amendment of No. 17 (Lot 12241) John XX111 Avenue, Mount Claremont, from “Public Purpose” to “Special Use – Storage Facility”
----------------	--

Committee	12 February 2013
Council	26 February 2013

Applicant	Planwest
Owner	Mr. S N Bird
Officer	Jason Moore – Strategic Planning Officer
Director	Peter Mickelson – Director Planning & Development
File ref.	JO1/17
Previous Item No’s	D01.10 February 2010

Mr D Barnao, 42 Barrett Street, Wembley Report PD 06.13
(spoke in support of the recommendation)

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

Moved – Councillor Hodsdon
Seconded – Councillor Binks

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

CARRIED 10/-
(Abstained: Cr. Shaw)

Committee Recommendation / Recommendation to Committee

Council advises the WAPC that it has no objection to a proposal to amend the Town Planning Scheme No. 2 in regard to No. 17 (Lot 12241) John XXIII Avenue from ‘Public Purpose – Hospital’ to ‘Special Use – Storage Facility’.

Moved – Councillor Hodsdon
Seconded – Councillor Shaw

That Report TS02.13 be brought forward.

CARRIED UNANIMOUSLY 11/-

PLEASE NOTE: THIS ITEM HAS BEEN BROUGHT FORWARD

TS02.13	Stage 2 – Shared Path Network Alexander Road & Beatrice Road
----------------	---

Committee	12 February 2013
Council	26 February 2013

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Maria Hulls – Manager Engineering Services
Director	Mark Goodlet – Director Technical Services
File ref.	AL2, BE1
Previous Item No's	Special Council Meeting 28 July 2009

Councillor Hassell left the room at 8.27 pm.

Ms L Tucker, 44 Circe Circle, Dalkeith
(spoke in support of the recommendation)

Report TS02.13

Councillor Hassell returned to the room at 8.29 pm.

Ms S Wilkins, 37 Broome Street, Nedlands
(spoke in support of the recommendation)

Report TS02.13

Mr A Annand, 46 Alexander Road, Dalkeith
(spoke in opposition to the recommendation)

Report TS02.13

Ms D Annand, 46 Alexander Road, Dalkeith
(spoke in opposition to the recommendation)

Report TS02.13

The Presiding Member granted Ms Annand a further 2 minutes.

Moved – Councillor Porter
Seconded – Councillor Argyle

Council approve the construction of a 2 metre wide shared footpath on Beatrice Road (southern side) between Wattle Avenue and Adelma Road.

Ms D Blake, Director Community & Organisational Development left the room at 9.09 pm and returned at 9.10 pm.

Lost 4/7
(Against: Crs. Collins McManus Binks Hodsdon
James Shaw & Somerville-Brown)

Moved – Councillor Hassell
Seconded – Councillor Binks

That the motion be put

CARRIED 10/1
(Against: Cr. Porter)

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

Moved – Councillor McManus
Seconded – Councillor James

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

CARRIED 7/3
(Against: Mayor Hipkins Crs. Argyle & Porter)
(Abstained: Cr. Hassell)

Committee Recommendation / Recommendation to Committee

Council approve the construction of a:

- 1. 1.5 metre wide footpath along Alexander Road (eastern side) between Beatrice Road and Viking Road; and**
- 2. 2 metre wide shared footpath on Beatrice Road (southern side) between Wattle Avenue and Adelma Road.**

PD07.13	Proposed Parking and Parking Facilities Local Law 2013
----------------	---

Committee	12 February 2013
Council	26 February 2013

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Gabriela Poezyn – Manager Strategic Planning
Director	Peter Mickleson – Director Planning & Development
File ref.	LEG/003-07/01
Previous Item No's	PD36.12 – 28 August 2012 PD21.12 – 26 June 2012 14.3 – 27 April 2011 T24.10 – 14 December 2010 13.2 – 22 June 2010 7.7 – 18 May 2010 CP41.09 – 13 October 2009 14.2 – 11 August 2009

Councillors James, Councillor Shaw & Councillor Somerville-Brown left the room at 9.21 pm

Please note that under section 3.12(2) of the *Local Government Act 1995*, the Presiding Officer read aloud the purpose and effect of the proposed local law.

Purpose: The purpose of the local law is to provide for regulation, control and management of vehicle parking within the City of Nedlands.

Effect: The effect of this local law will be to replace the existing local law entitled “Local Law - Parking and Parking Facilities” and enable up to date management of vehicle parking in the City of Nedlands.

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

Moved – Councillor Hassell
Seconded – Councillor Binks

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

Councillor Somerville-Brown & Councillor Shaw returned to the room at 9.23 pm.

Councillor James returned to the room at 9.25 pm.

**CARRIED 10/-
(Abstained: Cr. Hodsdon)**

Committee Recommendation / Recommendation to Committee

Council gives state-wide public notice and advertises the proposed “Parking and Parking Facilities Local Law 2013” as shown in attachment 1 in accordance with the statutory requirements, Part 3, Division 2, section 3.12 of the *Local Government Act 1995*.

PD08.13	Lots 4 & 105 Underwood Avenue, Shenton Park – Proposed Outline Development Plan for the University of Western Australia Biological Resources Support Facility
----------------	--

Committee	12 February 2013
Council	26 February 2013

Applicant	CLE Town Planning + Design
Owner	University of Western Australia
Officer	Christie Downie – Sustainable Planning Officer
Director	Peter Mickleson – Director Planning & Development
File ref.	UN1/L4-09
Previous Item No's	Nil

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

Moved – Councillor Hassell
 Seconded – Councillor Shaw

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

CARRIED 10/-
(Abstained: Cr. Hodsdon)

Committee Recommendation / Recommendation to Committee

Council:

1. approves in principle, the limited Outline Development Plan (ODP) for the upgrade and reconstruction of the University of Western Australia (UWA) Biological Resources Support Facility, Lots 4 & 105 Underwood Avenue, Shenton Park, as per Clause 3.8.3 of Town Planning Scheme No. 2 (TPS2), for the purpose of seeking consent from the Western Australian Planning Commission (WAPC) to formally advertise the limited ODP;
2. instructs Administration to refer the limited ODP to the WAPC and to seek consent to advertise the limited ODP; and
3. instruct Administration to advertise the proposed limited ODP in accordance with Clauses 3.8.4 and 3.8.5 of TPS2, upon receiving consent to advertise from the WAPC.

7.2 Technical Services Report No's TS01.13 to TS04.13

Report No's TS01.13 to TS04.13 to be dealt with at this point (copy attached blue cover sheet).

TS01.13	Hampden Road – Permanent Change to Speed Limit from 50 kph to 40 kph
----------------	---

Committee	12 February 2013
Council	26 February 2013

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Maria Hulls
Director	Mark Goodlet – Director Technical Services
File ref.	HA6
Previous Item No's	Nil

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

Moved – Councillor Shaw

Seconded – Councillor Somerville-Brown

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

Mrs N Ceric, Executive Assistant left the room at 9.27 pm and returned at 9.29 pm.

CARRIED 8/2
(Against: Crs. Hassell & Binks)
(Abstained: Cr. McManus)

Committee Recommendation / Recommendation to Committee

Council approves the change to the speed limit along Hampden Road from 50 kph to 40 kph as a permanent measure.

PLEASE NOTE: This item was brought forward. (see page 23)

TS02.13	Stage 2 – Shared Path Network Alexander Road & Beatrice Road
----------------	---

Committee	12 February 2013
Council	26 February 2013

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Maria Hulls – Manager Engineering Services
Director	Mark Goodlet – Director Technical Services
File ref.	AL2, BE1
Previous Item No's	Special Council Meeting 28 July 2009

TS03.13	Soundwave Festival, Monday 4 March 2013 – Claremont Showground, Claremont
----------------	--

Committee	12 February 2013
Council	26 February 2013

Applicant	Keiran McNamara – Director General, Department of Environment and Conservation
Owner	Town of Claremont
Officer	Katy Trevaskis – Environmental Health Officer
Director	Mark Goodlet – Director Technical Services
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 Binks

Seconded – Councillor Somerville-Brown

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

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

Committee Recommendation / Recommendation to Committee

Council, pursuant to Regulation 18 (12) of the *Environmental Protection (Noise) Regulations 1997*, agree to the Department of Environment and Conservation's proposed conditions, (refer to attachment 1) for the Soundwave Festival to be held at the Claremont Showgrounds on March 4 2013 subject to the Department of Environment and Conservation 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.

TS04.13 River Walls

Committee	12 February 2013
Council	26 February 2013

Applicant	City of Nedlands
Owner	City of Nedlands
Director	Mark Goodlet – Director Technical Services
File ref.	PRS/100-16
Previous Item No's	Nil.

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

Moved – Councillor Shaw

Seconded – Councillor Somerville-Brown

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

CARRIED 10/-
(Abstained: Cr. Hassell)

Committee Recommendation / Recommendation to Committee

Council approves expenditure on the river wall as follows:

1. **Review and redesign of a standard cross section for the River Wall, which allows for a 1 in 50 year event in terms of strength, durability and overtopping height, to a value of \$20,000 + GST;**
2. **Detailed design and preparation of plans and a specification for continuation of the wall renewal to a value of \$20,000 + GST;**
3. **Concept design and estimate for the installation of pocket beaches at Paul Hasluck Reserve to a value of \$30,000 + GST; and either**
4. **Construction of the river wall with the balance of funds from the \$250,000 budget allocation after execution of items 1 to 3; or**
5. **Installation of a 1.2m high chain wire fence on damaged sections of the river wall and letters to the Swan River Trust and the State Government explaining that;**

- a. The river wall is a shared financial responsibility between the Swan River Trust and the City of Nedlands;**
- b. The City of Nedlands is disappointed in the level of funding provided to the ongoing repair and maintenance of the wall;**
- c. Despite not receiving grant funding the City of Nedlands is proactively undertaking design and preparatory work in anticipation of further grant funding; and**
- d. The City of Nedlands will apply for further grant funding for river wall reconstruction and will undertake the works if it is successful in receiving the grant funding.**

7.3 Community & Organisational Development No's CM01.13 to CM02.13

Report No's CM01.13 to CM02.13 to be dealt with at this point (copy attached pink cover sheet).

CM01.13	Youth Grant Application Approval by Council
----------------	--

Committee	12 February 2013
Council	26 February 2013

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Marion Granich – Manager Community Development
Director	Darla Blake – Director Community and Organisational Development
File ref.	CMS/505
Previous Item No's	CP35.12 – 28 August 2012.

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

Moved – Councillor Binks
 Seconded – Councillor McManus

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council approves a Youth Grant of \$250 (excluding GST) to Lisa Tibbs.

CM02.13	Fees and Charges, Public Tennis Courts
----------------	---

Committee	12 February 2013
Council	26 February 2013

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Anthony Minchin – Senior Community Development Officer (Recreation) Marion Granich – Manager Community Development
Director	Darla Blake – Director Community and Organisational development
File ref.	CMS/505
Previous Item No's	Nil

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

Moved – Councillor Binks
Seconded – Councillor McManus

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

CARRIED 10/-
(Abstained: Cr. Shaw)

Committee Recommendation / Recommendation to Committee

Council approves the following changes to the Fees and Charges relating to the City's public tennis courts:

- 1. Removal of Peak Hire Fee; and**
- 2. Removal of Key Bond Fee.**

7.4 Corporate & Strategy Report No's CPS01.13 to CPS08.13

Report No's CPS01.13 to CPS08.13 to be dealt with at this point (copy attached green cover sheet).

CPS01.13 Monthly Financial Report – November 2012
--

Committee	12 February 2013
Council	26 February 2013

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate & Strategy
File ref.	Fin/072-17
Previous Item No's	Nil

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

Moved – Councillor McManus
 Seconded – Councillor Collins

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

CARRIED 10/-
(Abstained: Cr. Porter)

Committee Recommendation / Recommendation to Committee

Council receives the Monthly Financial Report for November 2012 (Refer to Attachments).

CPS02.13 Investment Report – November 2012

Committee	12 February 2013
Council	26 February 2013

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate & Strategy
File ref.	Fin/071-07
Previous Item No's	Nil

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

Moved – Councillor Shaw
 Seconded – Councillor Collins

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council receives the Investment Report for the period ended 30 November 2012 (refer to attachment).

CPS03.13 List of Accounts Paid – November 2012

Committee	12 February 2013
Council	26 February 2013

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate & Strategy
File ref.	Fin/072-17
Previous Item No's	Nil

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

Moved – Councillor Collins

Seconded – Councillor McManus

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of November 2012 (Refer to Attachment).

CPS04.13 Monthly Financial Report – December 2012
--

Committee	12 February 2013
Council	26 February 2013

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate & Strategy
File ref.	Fin/072-17
Previous Item No's	Nil

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

Moved – Councillor Shaw
 Seconded – Councillor Collins

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

CARRIED 10/-
(Abstained: Cr. Porter)

Committee Recommendation / Recommendation to Committee

Council receives the Monthly Financial Report for December 2012 (Refer to Attachments).

CPS05.13 Investment Report – December 2012

Committee	12 February 2013
Council	26 February 2013

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate & Strategy
File ref.	Fin/071-07
Previous Item No's	Nil

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

Moved – Councillor Collins
 Seconded – Councillor Shaw

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

CARRIED 10/-
(Abstained: Cr. Binks)

Committee Recommendation / Recommendation to Committee

Council receives the Investment Report for the period ended 31 December 2012 (refer to attachment).

CPS06.13	List of Accounts Paid – December 2012
-----------------	--

Committee	12 February 2013
Council	26 February 2013

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate & Strategy
Previous Item No's	Nil

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

Moved – Councillor Collins

Seconded – Councillor McManus

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

**CARRIED 10/-
(Abstained: Cr. Binks)**

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of December 2012 (Refer to Attachment).

CPS07.13 Policy Review

Committee	12 February 2013
Council	26 February 2013

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Phoebe Huigens, A/Manager Corporate Services
Director	Michael Cole – Director Corporate & Strategy
File ref.	CRS/065
Previous Item No's	Nil

Regulation 11(da) – agreed to a minor change to the Underground Power Policy by removing clause 2.

Moved – Councillor James
 Seconded – Councillor Collins

Council approves the following policy:

- a. **Crossover Construction and Maintenance**

CARRIED UNANIMOUSLY 11/-

Council approves the following policy:

- b. **Underground Power subject to the removal of clause 2 from the statement.**

CARRIED 8/1
(Against: Cr. Hodsdon)
(Abstained: Crs. McManus & Binks)

Add the word benefitting owners

CARRIED 6/1
(Against: Crs. Hodsdon)
(Abstained: Crs. McManus Hassell Porter & Binks)

Council approves the following policy:

c. Footpaths

Councillor Hodsdon left the room at 9.50 pm and returned at 9.51 pm.

**CARRIED 10/-
(Abstained: Cr. Hodsdon)**

Committee Recommendation

Council

- 1. approves the following policies:**
 - a. Crossover Construction and Maintenance**
 - c. Footpaths**
- 2. Council approves the following policy:**
 - b. Underground Power subject to under the heading “Statement” removing clause 2 and adding the word “benefitting” before the words “property owners”.**

Recommendation to Committee

Council approves the following policies:

- a. Crossover Construction and Maintenance
- b. Underground Power; and
- c. Footpaths

CPS08.13	Hollywood Ward extraordinary election 2013 and future elections and polls to 2017
-----------------	--

Committee	12 February 2013
Council	26 February 2013

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Mathew Ayre – Rates Officer
Director	Michael Cole – Director Corporate & Strategy
File ref.	ELN/026
Previous Item No's	Nil

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

Moved – Councillor Hassell
 Seconded – Councillor Porter

Council

1. declares, in accordance with section 4.20(4) of the Local Government Act 1995, the Western Australian Electoral Commissioner to be responsible for the conduct of the extraordinary election for the Hollywood Ward;
2. decides the extraordinary election for the Hollywood Ward being conducted as a postal election in accordance with provisions under section 4.61(2) of the Local Government Act 1995;
3. declares, in accordance with section 4.20(4) of the Local Government Act 1995, the Western Australian Electoral Commissioner to be responsible for the conduct of all future elections and polls until the end of 2017; and

Amendment

Moved – Councillor McManus

Seconded – Councillor Somerville-Brown

4. **decides, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting all future elections or polls will be as a postal election.**

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

The substantive motion was put and

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council

1. **declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Western Australian Electoral Commissioner to be responsible for the conduct of the extraordinary election for the Hollywood Ward;**
2. **decides the extraordinary election for the Hollywood Ward being conducted as a postal election in accordance with provisions under section 4.61(2) of the *Local Government Act 1995*;**
3. **declares, in accordance with section 4.20(4) of the Local Government Act 1995, the Western Australian Electoral Commissioner to be responsible for the conduct of all future elections and polls until the end of 2017; and**
4. **decides, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting all future elections or polls will be as a postal election.**

8. Reports by the Chief Executive Officer

8.1 Constitutional Recognition of Local Government

Constitutional Recognition of Local Government

Committee	12 February 2013
Council	26 February 2013

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Phoebe Huigens, A/Manager Corporate & Strategy
Director	Michael Cole, Director Corporate & Strategy
CEO	Greg Trevaskis, Chief Executive Officer
File ref.	ORN/006-03
Previous Item No's	CP13.4

Regulation 11(da) – Council did not support the recognition of local government in the Commonwealth Constitution and agreed to inform WALGA, ALGA and local MPs accordingly.

Moved – Councillor Hassell
 Seconded – Councillor Porter

- 1. The City of Nedlands does not support recognition of local government in the Commonwealth Constitution;**
- 2. The City notes:**
 - a. Local government is the creation of State governments;**
 - b. Local government is already recognised in the State Constitution;**
 - c. Constitutionally, the Commonwealth has no role in local government;**
 - d. Recognition of the kind sought will lead to another layer of controls and bureaucracy affecting, limiting and directing local government;**
 - e. If the Commonwealth Government wishes to achieve national objectives it can already fund local government through the States if the States are in agreement with the objectives of the Commonwealth; and**
 - f. The proposal is short sighted in seeking money but will involve as the price of any money which is gained extra controls and directions and a diminution of such independence as remains with local government.**

3. **The City does not support the holding of another referendum to achieve the objective and notes that two previous referenda have been defeated when voted on by the people, clearly showing that the Australian people do not support the proposal; and**
4. **Instructs the CEO of the City to advise:**
 - a. **WALGA;**
 - b. **ALGA;**
 - c. **Local MPs, Lower and Upper Houses; and**
 - d. **Our Federal MP, Hon Julie Bishop of our position.**

CARRIED 8/1
(Against: Cr. Shaw)
(Abstained: Crs. McManus & Somerville-Brown)

Committee Recommendation

1. **The City of Nedlands does not support recognition of local government in the Commonwealth Constitution;**
2. **The City notes:**
 - a. **Local government is the creation of State governments;**
 - b. **Local government is already recognised in the State Constitution;**
 - c. **Constitutionally, the Commonwealth has no role in local government;**
 - d. **Recognition of the kind sought will lead to another layer of controls and bureaucracy affecting, limiting and directing local government;**
 - e. **If the Commonwealth Government wishes to achieve national objectives it can already fund local government through the States if the States are in agreement with the objectives of the Commonwealth; and**
 - f. **The proposal is short sighted in seeking money but will involve as the price of any money which is gained extra controls and directions and a diminution of such independence as remains with local government.**
3. **The City does not support the holding of another referendum to achieve the objective and notes that two previous referenda have been defeated when voted on by**

the people, clearly showing that the Australian people do not support the proposal; and

4. Instructs the CEO of the City to advise:

- a. WALGA;**
- b. ALGA;**
- c. Local MPs, Lower and Upper Houses; and**
- d. Our Federal MP, Hon Julie Bishop of our position.**

Recommendation to Committee

Council:

1. Reaffirms its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly;
2. Reaffirms its support for inclusion of local government in any new Preamble to the Constitution if one is proposed; and
3. Calls on all political parties to support a referendum in 2013 to change the Constitution to achieve this recognition.

Purpose

For Council to consider reaffirming its support to the ALGA Campaign for constitutional recognition of local government.

Strategic Plan

KFA 5: Governance

- 5.7 Provide Elected Members and Staff with training to assist them in complying with their legislative and implied roles and responsibilities.
- 5.8 Establish and actively manage a range of partnerships with government, private and not-for-profit sectors.

Background

The Australian Local Government Association (ALGA) has been pushing for some years to amend the Constitution to formally recognize local government as a third tier of government. On 22 March 2011, the City of Nedlands Council resolved to support ALGA's campaign to this effect, as well as support a referendum by 2013 to change the Constitution to achieve this recognition.

In November 2012, a Parliamentary Joint Select Committee (“the Committee”) on the Constitutional Recognition of Local Government was established to investigate the likelihood of success of a referendum on the financial recognition of local government in the Constitution.

The proposal is to amend section 96 of the Constitution as per the following:

“...the Parliament may grant financial assistance to any State or to any local government body formed by State or Territory Legislation on such terms and conditions as the Parliament thinks fit.”

Two previous referendums have been held on this matter, both of which failed. ALGA is of the opinion that it is crucial not to hold a third referendum on this same matter until widespread public support is sought.

The Committee has called for submissions on the matter by 15 February 2013.

Proposal Detail

This report proposes extending support to ALGA regarding their campaign to amend the Constitution of Australia to financially recognize local government. This will allow the Federal Government to directly fund local government.

Consultation

Required by legislation: Yes No

Required by City of Nedlands policy: Yes No

Legislation

Not applicable.

Budget/Financial Implications

Budget:

Within current approved budget: Yes No

Requires further budget consideration: Yes No

Financial:

Nil.

Risk Management

Not applicable.

Discussion

In November 2012, a Parliamentary Joint Select Committee (“the Committee”) on the Constitutional Recognition of Local Government was established to investigate the likelihood of success of a referendum on the financial recognition of local government in the Constitution.

The Committee has called for submissions on the matter by 15 February 2013. The Committee has so far published 131 submissions that it has received. Some of the more relevant submissions to the City of Nedlands include:

1. The Australian Local Government Association (ALGA) strongly supports the financial recognition of local government within the Constitution. This would enable the Commonwealth to directly fund local government. ALGA stresses the fact that before any referendum is held, the proposal must have bipartisan support, and the support of most (if not all) states and territories. ALGA also explains the need for an appropriate amount of time before the referendum to allow sufficient public awareness raising. ALGA is not confident that there is sufficient time left to be able to hold the referendum in conjunction with the 2013 Federal election (as is being proposed by the Committee).
2. The Premier of Western Australia expressed that the State Government of Western Australia does not support the amendment to the constitution. The Premier predicts that the amendment “is likely to affect the powers, capacity and function of the State Parliament and Government in relation to local governments and that any reduction or impact on these powers would not be supported”. The Premier explains that “local government exists under State legislation and is not a sharing of powers but a delegation of powers from the State Government to local governments”.
3. The Law Council of Australia supports the amendment to the Australian Constitution. However, it is the Law Council’s preference to seek financial and democratic recognition for local government at the same time.
4. The Australian Electoral Commission expresses concerns surrounding the limited time between the 15 February deadline, and a potential referendum in conjunction with the Federal election in 2013.

Some Western Australian local governments have also made their own individual submissions.

Conclusion

The Australian Local Government Association is campaigning for an amendment to section 96 of the Australian Constitution to attain financial recognition for local government. This would allow the Commonwealth to fund local governments directly. On 22 March 2011, the City of Nedlands Council resolved to support ALGA's campaign to this effect, as well as support a referendum by 2013 to change the Constitution to achieve this recognition. This report is seeking a reaffirmation of the City's position to support ALGA's campaign.

Attachments

Nil.

8.2 Replacement Member for Chief Executive Officer's Performance Review Committee

Due to the resignation of Councillor Kerry Walker who was the appointed Hollywood Ward member to the Chief Executive Officer's Performance Review Committee, Council is required to appoint a replacement member from the Hollywood Ward (Councillor Binks or Councillor Hodsdon) for the period ending October 2013.

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

Moved – Councillor Binks
Seconded – Councillor Porter

Council appoints Councillor Hodsdon to the Chief Executive Officer's Performance Review Committee for the period ending immediately prior to the next Local Government Elections in 2013.

CARRIED UNANIMOUSLY 11/-

Committee Recommendation

Council appoints Councillor Hodsdon to the Chief Executive Officer's Performance Review Committee for the period ending immediately prior to the next Local Government Elections in 2013.

Recommendation to Council

Council appoints Councillor _____ to the Chief Executive Officer's Performance Review Committee for the period ending immediately prior to the next Local Government Elections in 2013.

8.3 Development Assessment Panels – City of Nedlands Nomination of Members

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

Moved – Councillor James

Seconded – Councillor McManus

Council:

- 1. Approves the nomination of two (2) members (Mayor Hipkins & Councillor Shaw); and**
- 2. Approves the nomination of two (2) alternate members (Councillors Hassell & Somerville-Brown) for the Development Assessment Panel; and**
- 3. Submits its Recommendation to the Department of Planning by 28 February 2013.**

CARRIED UNANIMOUSLY 11/-

Committee Recommendation

Council:

- 1. Approves the nomination of two (2) members (Mayor Hipkins & Councillor Shaw); and**
- 2. Approves the nomination of two (2) alternate members (Councillors Hassell & Somerville-Brown) for the Development Assessment Panel; and**
- 3. Submits its Recommendation to the Department of Planning by 28 February 2013.**

Recommendation to Committee

Council:

1. Approves the nomination of two (2) members (_____ & _____); and
2. Submits its Recommendation to the Department of Planning by 28 February 2013.

Recommendation to Committee

Council:

1. Approves the nomination of two (2) alternate members (Councillors _____ & _____) for the Development Assessment Panel; and
2. Submits its Recommendation to the Department of Planning by 28 February 2013.

Purpose

The *Planning and Development (Development Assessment Panels) Regulations 2011* established the operational framework for Development Assessment Panels (DAP's) in Western Australia by gazettal on 24 March 2011.

Each council is requested to nominate two (2) members and two (2) alternate members for consideration of appointment.

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

9.1 Town Planning Scheme Amendments

Committee	12 February 2013
Council	26 February 2013

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Peter Mickleson – Director Planning & Development
Director	Peter Mickleson – Director Planning & Development
CEO	Greg Trevaskis
File ref.	
Previous Item No's	

Mayor Hipkins – Proximity Interest

His interest being that his wife owns property at 7A Vincent Street, Nedlands. He believed his interest is trivial. He advised that he would like to participate in the meeting on the matter and would leave meeting while the Council voted on whether he was permitted to stay or not.

Councillor Argyle – Proximity Interest

His interest being that his daughter owns property in the area. He advised that he would leave the meeting during this matter.

Mayor Hipkins & Councillor Argyle left the room at 10.11 pm.

Deputy Mayor Collins assumed the chair as Presiding Member.

Moved – Councillor Porter
 Seconded – Councillor James

That Mayor Hipkins be permitted to participate in the meeting for this item, be permitted to vote and chair the meeting.

**CARRIED 7/2
 (Against: Crs. Binks & Hodsdon)**

Mayor Hipkins returned to the room at 10.12 pm and resumed the Chair.

Ms B Monarich (on behalf of Regis Aged Care Pty Ltd),
Suite 3, 70 Angelo Street, South Perth
(spoke in opposition to part of the recommendation)

Item 9.1

The Presiding Member granted Ms Monarich a further 2 minutes.

Regulation 11(da) – Councillors deferred further consideration pending the Councillor Briefing Session scheduled for 19 February 2013.

Moved – Councillor Hassell

Seconded – Councillor McManus

That this item be deferred pending the outcome of the Councillor Briefing Session to be held on Tuesday 19 February 2013.

CARRIED UNANIMOUSLY 10/-

Committee Recommendation

That this item be deferred pending the outcome of the Councillor Briefing Session to be held on Tuesday 19 February 2013.

Recommendation to Council

1. Council resolves to initiate an “omnibus” amendment to Town Planning Scheme No. 2 generally in accordance with Attachment 1.
2. A draft of the scheme amendment, suitable for public advertising, is to be presented to Council for approval.

Councillor Argyle returned to the meeting at 10.38 pm.

10. Confidential Items

At this point the meeting will be closed to members of the public in accordance with Section 5.23(2)(c) and (b) (respectively) of the *Local Government Act 1995* to allow confidential discussion on the following items.

Councillor Hodsdon left the room at 10.38 pm.

Councillor Binks & Councillor Somerville-Brown left the room at 10.39 pm.

Closure of Meeting to the Public

Moved – Councillor Collins

Seconded - Councillor Porter

That the meeting be closed to the public in accordance with Section 5.23(2)(c) and (b) (respectively) of the Local Government Act 1995 to allow confidential discussion on the following items.

**CARRIED 7/1
(Against: Cr. Argyle)**

The meeting was closed to members of the public and press at 10.40 pm.

Councillor Hodsdon returned to the room at 10.41 pm.

Councillor Binks & Councillor Somerville-Brown returned to the room at 10.42 pm.

Opening of Meeting to the Public

Moved - Councillor Collins

Seconded - Councillor Somerville-Brown

That the meeting be reopened to members of the public and the press.

CARRIED UNANIMOUSLY 11/-

The meeting was reopened to members of the public and press at 10.56 pm.

In accordance with Standing Orders 12.7(3) the Presiding Member read out the motions passed by the Committee whilst it was proceeding behind closed doors and the vote of the members to be recorded in the minutes under section 5.21 of the Local Government Act 1995.

10.1 TS05.13 – City of Nedlands Waste and Recycling Tender 2005/06.08 Contract Extension

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

Moved – Councillor James

Seconded – Councillor Somerville-Brown

Council defers the City of Nedlands Waste and Recycling Service tender 2005/06.08 contract extension until the City of Nedlands has concluded its audit.

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council defers the City of Nedlands Waste and Recycling Service tender 2005/06.08 contract extension until the City of Nedlands has concluded contract discussions.

10.2 Recovery of Unpaid Council Rates and Charges

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

Moved – Councillor Binks

Seconded – Councillor Hodsdon

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council:

- 1. instructs Administration to take possession of the Land at 13 Vincent Street, Nedlands under *Section 6.64 (1) Local Government Act 1995*; and**
- 2. sell the land to recover outstanding rates and charges under *Section 6.64(1)(b) Local Government Act 1995*.**

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 10.57 pm.