



City of Nedlands

# ***Minutes***

## ***Council Meeting***

***26 March 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 26 March 2013 at 7 pm.

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#### 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)

<b>Councillors</b>	His Worship the Mayor, R M Hipkins	(Presiding Member)
	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

<b>Staff</b>	Mr G Trevaskis	Chief Executive Officer
	Mr M Cole	Director Corporate & Strategy
	Mr J Heyes	Acting Director Planning & Development
	Mr M Goodlet	Director Technical Services
	Ms D Blake	Director Community & Organisational Development
	Mrs N Ceric	Executive Assistant

**Public** There were 9 members of the public present including 1 member of staff.

**Press** The Post Newspaper and Western Suburbs Weekly representatives.

**Leave of Absence (Previously Approved)** Nil.

<b>Apologies</b>	Councillor K E Collins	Coastal Districts Ward
	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. Public Question Time**

### **1.1 Mr T Kendall, 97 Melvista Avenue, Nedlands**

The City of Nedlands has no requirements for minimum finished floor levels in potentially flood prone areas of the City. This is potentially negligent of the Council in light of the information that has been accumulated by the academic community and statutory bodies such as the Swan River Management Authority and the Department of Water.

Meanwhile the City of Nedlands continues to approve buildings with finished floor levels below those levels that are prudent for flood-free habitation over the next century.

What do the Mayor and Council propose to do to address this matter?

The Mayor responded that the Council was aware on the issue and had included this in the proposed Omnibus Amendment to Town Planning Scheme No. 2. The Mayor advised that it may take 6 months before the final draft is considered by Council and then take some time to be finalised.

## 2. Addresses by Members of the Public

### Non-Elector

Moved – Councillor Hassell

Seconded – Councillor Hodsdon

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

**CARRIED UNANIMOUSLY 10/-**

Mr M Szabo, Burgess Design Group, 101 Edward Street Perth  
(spoke in support of the Administration Recommendation) Report PD10.13

### Non-Elector

Moved – Councillor Hassell

Seconded – Councillor Somerville-Brown

**That Mr M Hay, a non-elect of the City be permitted to address the meeting.**

**CARRIED UNANIMOUSLY 10/-**

Mr M Hay, 45 Kathleen Street, Cottesloe  
(spoke in relation to Sunset Hospital)

Sunset Hospital

## 3. Requests for Leave of Absence

Nil.

## 4. Petitions

### 4.1 **Petition from Dr Digby & Susan Cullen – Create a Swanbourne Beach Precinct Green Zone**

Create a Swanbourne Beach Precinct Green Zone.

Moved – Councillor McManus

Seconded – Councillor James

**That the Petition is received by Council and referred to Administration for a response.**

**CARRIED UNANIMOUSLY 10/-**

**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.

There were no disclosures of financial interest.

**6. Disclosures of Interests Affecting Impartiality**

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

**6.1 Councillor Binks – PD10.13 - Proposed Scheme Amendment No. 200 of Town Planning Scheme No. 2- Amend the zoning of Lot 289 (No 123) Dalkeith Road from 'Service Station' to 'Residential' with 'Additional Use' to allow three (3) Dwellings**

Councillor Binks disclosed an impartiality interest in Item PD10.13 - Proposed Scheme Amendment No. 200 of Town Planning Scheme No. 2- Amend the zoning of Lot 289 (No 123) Dalkeith Road from 'Service Station' to 'Residential' with 'Additional Use' to allow three (3) Dwellings. He disclosed that he has used the services of the workshop on several occasions over the 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.

**6.2 Councillor Shaw – PD10.13 - Proposed Scheme Amendment No. 200 of Town Planning Scheme No. 2- Amend the zoning of Lot 289 (No 123) Dalkeith Road from 'Service Station' to 'Residential' with 'Additional Use' to allow three (3) Dwellings**

Councillor Shaw disclosed an impartiality interest in Item PD10.13 Proposed Scheme Amendment No. 200 of Town Planning Scheme No. 2- Amend the zoning of Lot 289 (No 123) Dalkeith Road from 'Service Station' to 'Residential' with 'Additional Use' to allow three (3) Dwelling. He disclosed that has spoken with the owner once, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he/she would consider this matter on its merits and vote accordingly.

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

Nil.

**8. Confirmation of Minutes**

**8.1 Ordinary Council meeting 26 February 2013**

Moved – Councillor Shaw  
 Seconded – Councillor Porter

**The minutes of the ordinary Council meeting held 26 February 2013 are to be confirmed.**

**CARRIED UNANIMOUSLY 10/-**

**9. Announcements of the Presiding Member without discussion**

Functions the Mayor represented the City since the last Council meeting:

28 February 2013	WALGA	Central Metropolitan Zone Meeting
3 March 2013	City of Nedlands	Clean up Australia Day
7 March 2013	City of Nedlands	CEO Performance Review Committee Meeting
11 March 2013	City of Nedlands	Volunteer Appreciation Event
18 March 2013	City of Nedlands	Waratah Avenue Placemaking Steering Committee
19 March 2013	Department of Planning	DAP Meeting

**10. Members announcements without discussion**

**10.1 Councillor Binks**

Councillor Binks attended All Abilities Play Space Meeting at Mt Claremont Community Centre Leaders Event. Marion Granich spoke on matter and gave a very good passionate speech. There was a good vibe, everyone was positive on accepting this project. He advised that another Rotary Club had joined the project.

Councillor Binks also advised on Monday 11 March 2013 he attended a Volunteer Event thanking the volunteers. \$30,000 has been saved due to all the work they have done.

## 10.2 Councillor Hassell

Councillor Hassell advised Councillors that he attended a Waste Recycling Seminar where he met Dave Thompson from the Department of Transport. He arranged to meet to discuss the light rail link to QEII.

Councillor Hassell let them know of our ongoing interest and what is being done. Councillor Hassell concluded that the Department of Transport was undertaking serious planning on the light rail.

## 10.3 Councillor Argyle

Councillor Argyle expressed thanks to Dr Malcolm Hay for his efforts on Sunset.

Councillor Argyle also commented on State Election day in Queensland a clear majority voted to de-amalgamate. He added that in his view, smaller Governments are better.

## 11. Matters for Which the Meeting May Be Closed

Council, in accordance with Standing Orders and for the convenience of the public, the CEO advised the meeting would be closed to members of the public in accordance with Section 5.23(2) (a) of the *Local Government Act 1995* to allow confidential discussion on Item 17.1 - City Provided Child Care Service and Positive Ageing Programme which is the last item on the agenda.

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

### 12.1 Minutes of Council Committees

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

Moved – Councillor Shaw  
Seconded – Councillor Hodsdon

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

**Sustainable Nedlands Committee** **11 February 2013**  
Unconfirmed, Circulated to Councillors on 21 February 2013

**CARRIED UNANIMOUSLY 10/-**

Moved – Councillor Hodsdon  
Seconded – Councillor McManus

**Audit & Risk Committee**

**21 February 2013**

Unconfirmed, Circulated to Councillors on 25 February 2013

**CARRIED UNANIMOUSLY 10/-**

Moved – Councillor Shaw  
Seconded – Councillor James

**Council Committee**

**12 March 2013**

Unconfirmed, Circulated to Councillors on 19 March 2013

**CARRIED UNANIMOUSLY 10/-**

**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 James  
Seconded – Councillor Binks

**That all Committee Recommendations relating to Reports under items 12.2, 12.3, 12.4 and 12.5 with the exception of Report Nos. PD09.13, PD10.13, CPS11.13 are adopted en bloc.**

**CARRIED UNANIMOUSLY 10/-**

**12.2 Planning & Development Report No's PD09.13 to PD10.13 (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.

<b>PD09.13</b>	<b>No.90 (Lot 51) Rosedale Street Floreat – Two Storey Single House</b>
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<b>Committee</b>	12 March 2013 PD09.13 No.90 (Lot 51) Rosedale Street Floreat – Two Storey Single House
<b>Council</b>	26 March 2013
<b>Applicant</b>	J Corp Pty Ltd t/as Perceptions
<b>Owner</b>	Kandos Pty Ltd
<b>Officer</b>	Laura Sabitzer – Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>File ref.</b>	DA12/413 : RO5/90
<b>Previous Item No's</b>	

**Regulation 11(da) – Councillors agreed to a minor change to clarify the retaining wall concerned was on the southern boundary.**

Moved – Councillor Shaw  
 Seconded – Councillor Binks

**That the Recommendation to Council is adopted subject to clause 7 being amended as follows:**

- 7. the retaining wall on the Southern boundary be the responsibility of the applicant.**

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution**

**Council approves an application for two-storey single house at No. 90 (Lot 51) Rosedale Street, Floreat in accordance with the application received 16 October 2012 and the plans received 7 February 2013 subject to the following conditions:**

- 1. all crossovers to the street shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision on-site, prior to commencement of works;**

2. the existing crossover shall be removed and the verge reinstated with grass or landscaping in accordance with Council's Verge Development Policy 4.7;
3. 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 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development;
4. 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;
5. 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
6. 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.
7. the retaining wall on the Southern boundary be the responsibility of the applicant.

**Advice Notes specific to this approval:**

1. any fencing forward of the primary and/or secondary street setback requires further development approval from the City;
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](http://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; and**

- 5. Where a laundry is situated adjacent to a kitchen, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof / ceiling, or an opening which is not more than 1220mm wide and has a door which when closed completely fills the opening.**

#### Committee Recommendation

Council approves an application for two-storey single house at No. 90 (Lot 51) Rosedale Street, Floreat in accordance with the application received 16 October 2012 and the plans received 7 February 2013 subject to the following conditions:

1. all crossovers to the street shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision on-site, prior to commencement of works;
2. the existing crossover shall be removed and the verge reinstated with grass or landscaping in accordance with Council's Verge Development Policy 4.7;
3. 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 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development;
4. 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;
5. 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

6. 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.
7. the retaining wall be the responsibility of the applicant.

Advice Notes specific to this approval:

1. any fencing forward of the primary and/or secondary street setback requires further development approval from the City;
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](http://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; and

5. Where a laundry is situated adjacent to a kitchen, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof / ceiling, or an opening which is not more than 1220mm wide and has a door which when closed completely fills the opening.

Recommendation to Committee

Council approves an application for two-storey single house at No. 90 (Lot 51) Rosedale Street, Floreat in accordance with the application received 16 October 2012 and the plans received 7 February 2013 subject to the following conditions:

1. all crossovers to the street shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision on-site, prior to commencement of works;
2. the existing crossover shall be removed and the verge reinstated with grass or landscaping in accordance with Council's Verge Development Policy 4.7;
3. 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 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development;
4. 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;
5. 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
6. 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. any fencing forward of the primary and/or secondary street setback requires further development approval from the City;
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

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5. Where a laundry is situated adjacent to a kitchen, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof / ceiling, or an opening which is not more than 1220mm wide and has a door which when closed completely fills the opening.

<b>PD10.13</b>	<b>Proposed Scheme Amendment No. 200 of Town Planning Scheme No. 2- Amend the zoning of Lot 289 (No 123) Dalkeith Road from ‘Service Station’ to ‘Residential’ with ‘Additional Use’ to allow three (3) Dwellings</b>
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<b>Committee</b>	12 March 2013
<b>Council</b>	26 March 2013
<b>Applicant</b>	Burgess Design Group
<b>Owner</b>	Mr and Mrs. Venoutsos - Lot 289 (No 123) Dalkeith Road
<b>Officer</b>	Gabriela Poezyn – Manager Strategic Planning
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>File ref.</b>	TPN/A200
<b>Previous Item No’s</b>	

**Councillor Binks – Impartiality Interest**

He disclosed that he has used the services of the workshop on several occasions over the 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 has spoken with the owner once, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he/she would consider this matter on its merits and vote accordingly.

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

Moved – Councillor Somerville-Brown  
 Seconded – Councillor Hassell

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

Amendment

Moved - Councillor Porter

Seconded – Mayor Hipkins

That clause 1 be amended by replacing “three (3)” with “two (2)”

AMENDMENT Lost 2/8

(Against: Crs. McManus Argyle Hassell Binks  
Hodsdon James Shaw & Somerville-Brown)

**The motion was put and**

**CARRIED UNANIMOUSLY 10/-**

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

**Council:**

- 1. initiates the proposed scheme amendment to rezone Lot 289 (No 123) Dalkeith Road from ‘Service Station’ to ‘Residential’ with ‘Additional Use’ to allow three (3) Dwellings;**
- 2. instructs Administration to progress the proposal in accordance with requirements of the relevant legislation.**

**12.3 Technical Services Report No's TS05.13 (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.

**TS05.13 Proposed New Reserve for Purposes of “Public Recreation” and “Rights of Way” – Lot 415 on Deposited Plan 71165, Mt Claremont**

<b>Committee</b>	12 March 2013
<b>Council</b>	26 March 2013
<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Andrew Dickson – Manager Parks Services
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>File ref.</b>	TPN/104, ST1/L12040, WAPC/131108, WAPC/131109
<b>Previous Item No's</b>	Items 13.1 and 13.2 – Council Minutes – 19 May 2009 Items 13.1 and 13.2 – Council Minutes – 21 July 2009 Item 8.1 report D58.10 – Council Minutes – 10 August 2010 Item 12.2 report PD18.12 – Council Minutes – 22 May 2012

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

Moved – Councillor James  
Seconded – Councillor Binks

**That the Recommendation to Council is adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 10/-**

**Council Resolution / Committee Recommendation**

**That this item be deferred to the April Committee meeting to allow for further consideration of other options.**

Recommendation to Committee

Council

1. Instructs Administration to advise State Land Services that Council accepts the management order for Lot 415 on deposited plan 71165, Mt Claremont conditional to:
  - a. negotiating an arrangement with the Department of Regional Development and Lands for the transfer of title of 648 square metres of crown land at lot 375 on deposited plan 82163 to the City of Nedlands as freehold land, or another such arrangement, to Council's satisfaction, to allow the raising of capital funds for the development of the reserve to a 'high level' of aesthetic and functionality;

Alternatively;

- b. the acceptance of surrounding property owners bounded by St Johns Wood Boulevard to the north, John XXIII College to the east, Mooro Drive to the south and Montgomery Avenue to the West to a "Special Area Rates" of \$500, payable over two years, to raise the necessary capital funds allowing for the development of the reserve to a 'moderate level' of aesthetic and functionality; and
    - c. in the event an arrangement as described in item a. and/or b. above is unable to be secured, Council will defer a decision on accepting the management order until it is able to secure suitable financial arrangements, to its satisfaction, allowing for development of the reserve.

**12.4 Corporate & Strategy Report No's CP09.13 to CP12.13 (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.

**CPS09.13 List of Accounts Paid – January 2013**

<b>Committee</b>	12 March 2013
<b>Council</b>	26 March 2013
<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>Director</b>	Michael Cole – Director Corporate & Strategy
<b>File ref.</b>	Fin/072-17
<b>Previous Item No's</b>	Nil.

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

Moved – Councillor James  
Seconded – Councillor Binks

**That the Recommendation to Council is adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 10/-**

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

**Council receives the List of Accounts Paid for the month of January 2013 (refer to attachment).**

**CPS10.13 Compliance Audit Return**

<b>Committee</b>	12 March 2013
<b>Council</b>	26 March 2013
<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Phoebe Huigens, A/Manager Corporate & Strategy
<b>Director</b>	Michael Cole – Director Corporate & Strategy
<b>File ref.</b>	ORN/088-05
<b>Previous Item No's</b>	Nil.

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

Moved – Councillor James  
 Seconded – Councillor Binks

**That the Recommendation to Council is adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 10/-**

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

**Council adopts the 2012 Compliance Audit Return.**

**CPS11.13 Policy and Delegations Review**

<b>Committee</b>	12 March 2013
<b>Council</b>	26 March 2013
<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Phoebe Huigens, A/Manager Corporate & Strategy
<b>Director</b>	Michael Cole – Director Corporate & Strategy
<b>File ref.</b>	CRS/065
<b>Previous Item No's</b>	Nil.

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

Moved – Councillor Hassell  
 Seconded – Councillor Binks

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

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution / Committee Recommendation**

**Council:**

1. approves the following policies:
  - a. Sea Containers; and
  - b. Community Notice Boards in Council Operated Facilities subject to the removal of the word “Party” before the words Political Material”;
2. revokes the Management of Phytophthora Dieback policy;
3. approves the Council Provided Grants, Subsidies and Donations delegation.

Recommendation to Committee

Council:

1. approves the following policies:
  - a. Sea Containers; and
  - b. Community Notice Boards in Council Operated Facilities;
2. revokes the Management of Phytophthora Dieback policy;
3. approves the Council Provided Grants, Subsidies and Donations delegation.

**CPS12.13 Appointment of Auditor**

<b>Committee</b>	12 March 2013
<b>Council</b>	26 March 2013
<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>Director</b>	Michael Cole – Director Corporate & Strategy
<b>File ref.</b>	FIN/008-24
<b>Previous Item No's</b>	Nil.

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

Moved – Councillor James  
 Seconded – Councillor Binks

**That the Recommendation to Council is adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 10/-**

**Council Resolution / Committee Recommendation / Audit & Risk Committee Recommendation to Committee**

**Council in accordance with the provisions of Section 7.3 of the *Local Government Act 1995*, appoints Macri Partners as the City's independent auditor for the years 2012/13 to 2014/15.**

**13. Reports by the Chief Executive Officer**

**13.1 Common Seal Register Report – February 2013**

Moved – Councillor Binks  
Seconded – Councillor Shaw

**The attached Common Seal Register Report for the month of February 2013 is received.**

**CARRIED UNANIMOUSLY 10/-**

**13.2 List of Delegated Authorities – February 2013**

Moved – Councillor Hodsdon  
Seconded – Councillor Hassell

**That this item be withdrawn and resubmitted to April Council Meeting.**

**CARRIED UNANIMOUSLY 10/-**

**13.3 Monthly Financial Report – February 2013**

<b>Council</b>	26 March 2013
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>CEO</b>	Greg Trevaskis
<b>File Reference</b>	FIN/072-18
<b>Previous Item</b>	Nil

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

Moved – Councillor Shaw

Seconded – Councillor James

**That the Recommendation to Council is adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

### **Council Resolution / Recommendation to Council**

**Council receives the Monthly Financial Report for February 2013 (Refer to Attachments).**

### **Executive Summary**

Administration is required to provide Council with a monthly financial report in accordance with *Regulation 34(1) of the Local Government (Financial Management) Regulations 1996*.

### **Strategic Plan**

KFA 4: Governance and Civic Leadership

### **Background**

*Regulation 34(1) of the Local Government (Financial Management) Regulations 1996* requires a local government to prepare a monthly statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget.

A statement of financial activity and any accompanying documents are to be presented to the Council at the next ordinary meeting of the Council following the end of the month to which the statement relates, or to the next ordinary meeting of the council after that meeting.

In addition to the above and in accordance with *Regulation 34(5) of the Local Government (Financial Management) Regulations 1996*, each year Council is required to adopt a percentage or value to be used in the reporting of material variances. For this financial year the amount is \$10,000 or 10% whichever is the greater.

## **Discussion**

This report covers the first eight months of the 2012/13 Financial Year.

The operating revenue at the end of February 2013 was \$25.42 million, which is marginally higher than the year-to-date revised Annual Budget.

The total operating expense at the end of the reporting period was \$17.12 million. This is 90% of the year-to-date revised Annual Budget. The reason for the slightly lower than budget expenditure is the late start of some projects and the lower depreciation resulting from the revaluation of roads after the Annual Budget had been adopted.

The attached operating statement compares “Actual” with “Revised Budget” by Business Units.

Variations from the year-to-date Revised Budget of revenue and expenses by Directorates are highlighted in the following paragraphs. It is to be noted that the Directorates in this report are as per the organisation structure in February 2013.

## **Governance**

Expenditure: Unfavourable variance of \$ 45,100

Revenue: Favourable variance of \$ 115,600

The unfavourable expenditure variance is mainly due to increase in the insurance premium payments and the Workers Compensation payments, which are recoverable.

The favourable revenue variance is mainly due to the recovery of Workers Compensation payments from the insurer and the WESROC projects cost recovery from the participating WESROC Councils.

## **Corporate Services**

Expenditure: Favourable variance of \$ 14,400

Revenue: Favourable variance of \$ 28,800

The small favourable expenditure variance is due to the savings in salaries due to vacancies.

The favourable revenue variance is mainly due to the increased revenue from parking fines and general rates.

## **Community and Organisational Development**

Expenditure: Favourable variance of \$ 71,000

Revenue: Favourable variance of \$ 58,000

The favourable expenditure variance is mainly due to timing differences between the budget and the distribution of community grants.

The favourable revenue variance is due to the receipt of a CPI adjustment to the HACC grant from the Health Department and improved revenue from Council facilities, especially Mount Claremont Community Centre.

### **Planning & Development**

Expenditure: Favourable variance of \$ 156,300

Revenue: Unfavourable variance of \$ 84,900

The favourable expenditure variance is due to the reduced utilisation of external professional services by Property Services and the delay with Strategic Planning Projects.

The unfavourable revenue variance is mainly due to the lower number of Development Applications and Building Permits applications received during the year.

### **Technical Services**

Expenditure: Favourable variance of \$ 1,593,000

Revenue: Favourable variance of \$ 41,200

The favourable expenditure variance is mainly due to the lower depreciation charge on roads, which is caused by the revaluation of roads after the Budget had been adopted. This anomaly will be rectified in the Mid-Year Budget Review. Timing differences in maintenance works of parks, ovals and reserves, and rubbish collection costs payment also contributed to the favourable expenditure variance.

The apparent favourable revenue variance is due to the contribution collected for road works from the collaborating Council.

### **Capital Works Programme**

Infrastructure projects require detailed operational planning and mobilisation once they have been approved by Council. Invariably very little physical work on the ground was carried out in the first few months of the financial year. Thus at the end of February the expenses on new capital works were \$5.24 million, which is 58% of the Revised Capital Budget for the year. The Mid-Year Budget Review will identify if any of the projects are likely to be carried forward into the following financial year.

Grants for capital works received to the end of February was \$623,800, which is 49% of the grants budgeted for the year. Refund payment of the part grant

contribution from Main Road reduced the revenue slightly from last month. No additional grant was received this month.

## Consultation

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

## Legislation / Policy

The monthly financial management report meets the requirements of *Regulation 34(1) and 34(5) of the Local Government (Financial Management) Regulations 1996*.

## Budget/Financial Implications

As outlined in the Monthly Financial Report.

## Risk Management

The monthly financial variance from the budget of each business unit is reviewed with the respective manager to identify the need for any remedial action. Significant variances are highlighted to Council in the Monthly Financial Report.

## Conclusion

The financial statements for the first eight months indicate that the operating expenses were under budget by 10 % and this is largely due to the lower depreciation on roads flowing on from the revaluation of roads after the Annual Budget was adopted. Depreciation being a non-cash item there will be no cash savings resulting from the lower depreciation. The budget for depreciation will be adjusted during the Mid-Year Budget Review.

The operating revenue is in line with the Annual Budget. Capital works completed are just above 50% of the Revised Capital Budget, which includes carry forward work from the previous financial year of \$1.9 million. Any projects likely to be carried forward to the following financial year will be identified at the Mid-Year Budget review.

## Attachments

1. Statement of Financial Activity by Directorates as at 28 February 2013
2. Net Current Assets as at February 2013
3. Financial Summary (Operating) by Business Units as at 28 February 2013
4. Capital Works & Acquisitions as at 28 February 2013

**13.4 Monthly Investment Report – February 2013**

<b>Council</b>	26 March 2013
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>CEO</b>	Gregory Trevaskis –Chief Executive Officer
<b>File Reference</b>	FIN/071-08
<b>Previous Item</b>	Nil

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

Moved – Councillor McManus  
 Seconded – Councillor James

**That the Recommendation to Council is adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution / Recommendation to Council**

**Council receives the Investment Report for the period ended 28 February 2013 (refer to attachment).**

**Executive Summary**

In accordance with the Council’s Investment Policy, Administration is required to present a summary of investments to Council on a monthly basis.

**Strategic Plan**

KFA 4: Governance and Civic Leadership

**Background**

Council’s Investment Policy requires a summary of investments to be presented to Council on a monthly basis.

## Discussion

The Investment Summary shows that as at 28 February 2013 the City held the following funds in investments:

Municipal Funds	\$ 6,116,156.47
Reserve Funds	\$ 5,459,971.79
Adelma Interest	\$ <u>675.34</u>
Total	\$ <u><u>11,576,803.60</u></u>

The total interest earned from investments for the first eight months was \$506,165.45.

Following Council's decision in April 2012, all investments are placed with the 'big four' banks.

The Investment Portfolio comprises holdings in the following institutions:

Financial Institution	Funds Invested	Interest Rate	Proportion of Portfolio
NAB	\$ 3,636,523.78	4.26% - 5.01%	31.41%
Westpac	\$ 2,027,448.78	4.25 - 4.29%	17.52%
ANZ	\$ 3,063,602.09	4.25% - 4.40%	26.46%
CBA	\$ 2,849,228.97	4.03% - 4.06%	24.61%
<b>Total</b>	<b>\$11,576,803.60</b>		<b>100.00%</b>

## Consultation

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

## Legislation / Policy

Not applicable.

## Budget/Financial Implications

Investment income will be reviewed against progressive budget throughout the year.

## **Risk Management**

The Investment Policy of the City, which is reviewed each year by the Audit and Risk Committee of Council, is structured so as to minimise any risks associated with the City's cash investments. The officers adhere to this Policy, and continuously monitor market conditions to ensure that the City obtains attractive yields without compromising on risk management.

## **Conclusion**

The Investment Report is presented to Council.

## **Attachments**

1. Investment Report for the period ended 28 February 2013.

**13.5 Metropolitan Local Government Review**

<b>Council</b>	26 March 2013
<b>Applicant</b>	City of Nedlands
<b>Owner</b>	N/A
<b>CEO</b>	Greg Trevaskis
<b>File Reference</b>	D12/24536
<b>Previous Item</b>	CRS/004 - 22 May 2012

**Regulation 11(da) – Councillors agreed to an alternate motion circulated prior to the meeting.**

Moved – Councillor Hassell  
 Seconded – Councillor Porter

**The City of Nedlands declares to Government and its local Parliamentary representatives, and the WALGA, its position in relation to the Robson Review and its proposals for local government and on the matter of changes to local government being considered by Government as follows:**

**Council**

- 1. reject the main findings of the Robson review as involving:**
  - a. forced amalgamations of Councils;**
  - b. removal of the Dadour amendment and the rights of local people protected by it;**
  - c. the complete party politicisation of local government;**
  - d. the creation of very large local government areas akin to regional councils not local government;**
  - e. extensive and excessive State government oversight of local government; and**
  - f. further reduction of the powers and independence of local government; and**
  
- 2. Nedlands supports sensible boundary adjustments to remove anomalies and consensual mergers between Councils which are facilitated by the State government, subject to retention of the Dadour amendment;**
  
- 3. Nedlands believes that the option provided by the so-called Dadour amendment (which allows – subject to strict conditions – residents and ratepayers to force a referendum on any change to a local**

government area) should be retained in the Local Government Act as a means by which local people can protect their rights to self-determination if they so wish and are adequately supported;

4. the CEO is asked to convey this resolution urgently to:
  - The Hon Premier;
  - The Minister for Local Government;
  - All local MPs representing Nedlands (Lower and Upper Houses); and
  - The President of WALGA; and
5. the CEO to seek a meeting with the new Minister for Local Government (preferably by asking him to visit the City of Nedlands) to discuss the matter with him.

**CARRIED 7/3**

**(Against: Crs. Binks Shaw & Somerville-Brown)**

### **Council Resolution**

The City of Nedlands declares to Government and its local Parliamentary representatives, and the WALGA, its position in relation to the Robson Review and its proposals for local government and on the matter of changes to local government being considered by Government as follows:

#### **Council:**

1. reject the main findings of the Robson review as involving:
  - a. forced amalgamations of Councils;
  - b. removal of the Dadour amendment and the rights of local people protected by it;
  - c. the complete party politicisation of local government;
  - d. the creation of very large local government areas akin to regional councils not local government;
  - e. extensive and excessive State government oversight of local government; and
  - f. further reduction of the powers and independence of local government; and
2. Nedlands supports sensible boundary adjustments to remove anomalies and consensual mergers between Councils which are

**facilitated by the State government, subject to retention of the Dadour amendment;**

- 3. Nedlands believes that the option provided by the so-called Dadour amendment (which allows – subject to strict conditions – residents and ratepayers to force a referendum on any change to a local government area) should be retained in the Local Government Act as a means by which local people can protect their rights to self-determination if they so wish and are adequately supported;**
- 4. the CEO is asked to convey this resolution urgently to:**
  - The Hon Premier;**
  - The Minister for Local Government;**
  - All local MPs representing Nedlands (Lower and Upper Houses); and**
  - The President of WALGA; and**
- 5. the CEO to seek a meeting with the new Minister for Local Government (preferably by asking him to visit the City of Nedlands) to discuss the matter with him.**

## Recommendation to Council

Council approves the Department of Local Government, being advised in relation to the Final Report of the Metropolitan Local Government Review, that the City of Nedlands:

1. rejects the proposed creation of a Western Suburbs G7 local government authority;
2. any merger of Councils must involve extensive community consultation and can only proceed where there is demonstrated community support as currently allowed under poll provisions of the *Local Government Act 1995*;
3. opposes party and group nominations for local government electoral vacancies as it will lead to an over-politicising of councils to the detriment of local government; and
4. a copy of Council's submission be provided to local MPs (lower and upper house).

## **Executive Summary**

For Council to determine its response to the Metropolitan Local Government Review Panel's - Final Report regarding proposed changes to the number and structure of councils in the Perth Metropolitan area.

## **Strategic Plan**

KFA 4: Governance and Civic Leadership

## **Background**

The final report of the Metropolitan Local Government Review Panel (Robson Panel) was released by the Minister for Local Government in October 2012. The Panel members were:

- Emeritus Professor Alan Robson AM CitWA, former Vice Chancellor of The University of Western Australia (Chairman)
- Dr Peter Tannock, former Vice Chancellor of the University of Notre Dame Australia
- Dr Sue van Leeuwen, Chief Executive Officer of Leadership WA.

The Metropolitan Local Government Review Panel was appointed in June 2011 to examine the current and anticipated regional, social, environmental and economic issues affecting, or likely to affect, the growth of metropolitan Perth in the next 50 years, as well as current and anticipated national and international factors. The Panel's task was to recommend the most appropriate local government structures and governance models for metropolitan Perth.

The City of Nedlands provided a submission to the Review Draft Findings as approved by Council at its May 2012 meeting (attachment 1). A copy of the Executive Summary of the Final Report October 2012 is also attached for Councillors information (attachment 2).

In summary, the Panel was unanimous in finding that 30 local governments are too many for the Perth region. The Panel's preferred option is a structure of 12 local governments in metropolitan Perth. The report advocates that the western suburbs should be amalgamated into a single new entity made up from the current local governments of Cambridge, Claremont, Cottesloe, Mosman Park, Nedlands, Subiaco and Peppermint Grove (G7).

### **Key Relevant Previous Council Decisions:**

Council Meeting 22 May 2012 – C12/68

The essential element of any local government structural reform is that the right of self-determination is retained, so that local communities can veto any proposal that does not have majority public support.

Council resolved to make a submission to the Draft Review findings on this basis and commented that the Draft Findings do not require a detailed response as the State Government's position needs to be known before detailed comments could be provided.

## **Discussion**

The Council of the City of Nedlands has in the past explored opportunities with neighbouring councils. The initial preference was for an amalgamation with the Town of Claremont. However, the Town of Claremont has indicated on many occasions its preference to work closer with the Councils of Cottesloe, Mosman Park and Peppermint Grove.

The City of Nedlands more recently entered into discussions with the City of Subiaco and explored the potential of a merger with Subiaco, but this was in the end rejected by the City of Subiaco. Following the October 2011 local government elections, the current council of the City of Nedlands resolved to inform the Minister that it no longer wished to pursue an amalgamation with the City of Subiaco.

Councillors considered the recommendations of the Final Report of the Metropolitan Review at a Councillor Briefing Session on 5 February 2013. The general consensus expressed at that meeting can be summarised as:

- reject the proposed creation of a Western Suburbs G7 local government authority.
- any merger of Councils must involve extensive community consultation and can only proceed where there is demonstrated community support as currently allowed under poll provisions of the *Local Government Act 1995*.
- oppose party and group nominations for local government electoral vacancies as it will lead to an over-politicising of councils to the detriment of local government.

## Consultation

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

Councillor Briefing Session 5 February 2013  
Council Meeting – 22 May 2012

## Legislation / Policy

Not applicable

## Budget/Financial Implications

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

## Risk Management

The possible risk to Council is that the State Government may choose to proceed with forced amalgamations across the Perth metropolitan region in accordance with the recommendations of the Final Report of the Metropolitan Local Government Review.

Legislative changes would be required to the Local Government Act 1995 to facilitate this action. The merger of the seven local governments of the western suburbs into a new single local government authority would involve significant changes to local representation, advocacy, employment arrangements and possible financial costs without clear justifications or community support.

## Conclusion

Whilst the City of Nedlands has attempted to explore opportunities for cooperative mergers with adjoining local governments in the past it has always respected the need for amalgamations to be community driven, seek to establish clear benefits and be undertaken with the full cooperation of all stakeholders.

The Final Report of the Metropolitan Local Government Review does not provide substantial evidence or argument that the costs and benefits of large scale mergers in the Perth metropolitan area will outweigh the adverse impacts on local representation, community engagement, service delivery and

organizational upheaval. The prospect of forced mergers would override proper due process and community involvement.

The City of Nedlands needs to form a view on local government mergers/amalgamations with particular respect to what is proposed for the Western Suburbs as proposed in the Final Report with particular regard as to whether there may be perceived benefits or not for the residents (both current and future) of the Nedlands community.

### **Attachments**

1. City of Nedlands – Comments on Metropolitan Local Government Review of Draft Findings
2. Metropolitan Local Government Review Executive Summary of Final Report – October 2012

**13.6 Beecham Road Retaining Wall**

<b>Council</b>	26 March 2013
<b>Applicant</b>	City of Nedlands
<b>Officer</b>	Director Technical Services
<b>CEO</b>	Greg Trevaskis
<b>File Reference</b>	CRS/011-09
<b>Previous Item</b>	Council Minutes, Item 12.3, 30 March 2010 Council Minutes, Item 14.5, 24 May 2013 Council Minutes, Item 12.3, 22 November 2011

**Regulation 11(da) - \***

Moved – Councillor McManus

Seconded – Councillor Somerville-Brown

**That the Recommendation to Council is adopted.**

(Printed below for ease of reference)

Councillor Hassell left the room at 8.43 pm and returned at 8.46 pm.

Ms J Heyes, Acting Director Planning & Development left the room at 8.49 pm and returned at 8.53 pm.

Councillor Hodsdon left the room at 8.54 pm and returned at 8.56 pm.

Amendment

Moved - Councillor Shaw

Seconded - Councillor Binks

That clause 3 be replaced with the following:

That the CEO report back to the next Committee meeting with the total breakdown of costs for the entire project and costed works.

Moved – Councillor Hassell  
Seconded – Councillor Hodsdon

**That this item be adjourned**

**CARRIED 7/3**  
**(Against: Crs. McManus Binks & Shaw)**

### **Council Resolution**

**That this item be adjourned.**

### **Recommendation to Council**

Council

1. agrees to award tender number 2012/13.07 to Italia Stone for the construction of Beecham Road Retaining wall and associated works in accordance with their submitted lump sum price;
2. authorises the Chief Executive Officer to sign an acceptance of offer for this tender; and
3. agrees to increase the budget for this project by \$838,100, with offset savings to be identified in the mid-year budget report to Council.

### **Executive Summary**

This report seeks Council approval to award a construction tender to Italia Stone for completion of the Beecham Road Retaining Wall and to adjust the budget to reflect the construction costs.

### **Strategic Plan**

Transport – Renewal of Community Infrastructure

### **Background**

At its meeting on 30 March 2010, Council resolved the following:

- a. Beecham Road retaining wall option one as per sketch No. 2 in the attached report by BG&E Structural Engineers, be adopted as the preferred option, subject to community consultation and that work be

staged over a five year period with priority being stages one and two as per drawing BGE-BEECH-02-B as shown in attachment 1;

- b. a local community meeting be held to outline Council's position, pertaining to the need to replace the existing retaining wall on Beecham Road and the program to remove and replace the existing trees over a nine year period with a report back to Council;
- c. administration pursue all legal avenues and opportunities to recover costs and report back to Council; and
- d. any budget requirements be referred for consideration in the budget process.

Funds were included in the 2010/11 annual budget for stage one with this funding being carried over to the 2011/12 with the addition of funding for stage two of the Beecham Road retaining wall project in Mt Claremont and WALGA Procurement Consultancy Services (WPCS) was engaged to provide unbiased, expert advice and opinion in the recommendation of a suitable candidate.

On the 24 May 2011, a report was presented to Council for the recommendation to award the Tender RFT 2010/11.07 for the rehabilitation of the Beecham Road retaining wall to the preferred Contractor. Council resolved to refer the item back to the Council Committee meeting held on 14th June 2011 for further clarification and discussion; and to conduct a workshop prior to this date.

Subsequently a workshop was conducted on the 9th June 2011 with Council seeking further clarifications on the BG&E preferred option as well as confirmation of the various design options by independent engineering consultants.

Council was advised of delays in receiving this information before the 14th June 2011 meeting which were due to the heavy workloads and prioritisation of the projects by the independent consultants, and therefore the information could not be presented at the 14th June Council meeting.

Administration received final clarification documentation on the 13th July 2011 and convened a further workshop which was held on the 14th July 2011.

At its meeting on 22 November 2011, Council resolved the following:

Council accepts the tender submitted by Italia Stone Group Pty Ltd for the construction of stage one and two of the Beecham Road retaining wall at a cost of \$710,976.00 (excluding GST).

Stages one and two of the Beecham Road retaining wall have now been built by Italia Stone, totally approximately 160m. This was completed in December 2012.

A section of wall approximately 75m long remains outstanding to complete the project.

## **Discussion**

This item is being brought forward ahead of the mid-year budget review in order to allow a four week earlier start on the project than if it were left to deal with in the mid-year review, which is vital time prior to winter.

The Contractor, Italia Stone, successfully built the previous 160m long section of Beecham Road. The final section is about 75m long.

Italia Stone is accredited under the WALGA tendering panel for the construction of civil works including retaining walls and therefore the City was able to target this contractor specifically. This was motivated by a desire to ensure uniformity of construction approach and successful construction of the first section. This provides some assurance that the contractor will be able to take any lessons from the first contract and apply them to the next section of works, producing a lower risk profile to the City and ultimately a better product.

## **Consultation**

Required by legislation:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Required by City of Nedlands policy:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Full consultation has been carried out for this project. Further notifications will be issued prior to commencement of works.

## Legislation / Policy

The calling and assessment of tenders is outlined in Section 3.57 of the Local Government Act 1995 and Regulation 11 of the Local Government (Functions and General) Regulations 1996.

Amendment of a budget is required to be approved in advance by Council under Section 6.8 of the Local Government Act 1995.

## Budget/Financial Implications

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

The submission by Italia Stone, the successful tenderer on the previous contract, submitted a price that on a linear metre rate, is similar to the first contract, demonstrating good value to the City

Expenditure to the end of February 2013 on the entire wall is:

2010/11	\$ 4,858
2011/12	\$637,850
2012/13	<u>\$392,600</u>
	\$1,035,308

The cost to completion of the project is now \$637,000, bringing the anticipated total project cost to approximately \$1,673,000.

The current available budget is \$191,500. A budget variation is requested to take into account the \$392,600 spent on works in 2012/13 to finish the previous section of wall and to complete the remaining 75m, at \$637,000.

The total cost to completion of \$637,000, plus \$392,600 already spent this financial year to complete the previously approved stages, less the \$191,500 already available in the budget therefore leaves a required budget variation requirement of \$838,100.

This amount has already been taken into consideration in the mid-year budget review to produce a balanced budget by identifying savings elsewhere in the budget. The mid-year report is due to come to Council in April.

## Risk Management

The tenderer has been required to confirm his risk profile through normal submission of risk management within his tender submission including:

### Tenderer Profile

- 3.1.1 Provide the Respondent's Australian Business Number (ABN).
- 3.1.2 Provide the Respondent's Registered Entity Name.
- 3.1.3 Provide the Respondent's Registered Trading or Business Name.
- 3.1.4 Provide the Respondent's Unregistered Trading or Business Name.
- 3.1.5 Provide information if agent or a trust for another party.

### Contact Details

- 3.2.1 Provide the Respondent's contact name.
- 3.2.2 Provide the Contact's position within the organisation.
- 3.2.3 Provide the Contact's address (postal and street).
- 3.2.4 Provide the Contact's telephone number (landline and mobile).
- 3.2.5 Provide the Contact's email address.
- 3.2.6 I/We agree that I am/We are bound by, and will comply with this Request and its associated schedules and attachments contained in this Request signed and completed.

I/We agree that there will be no cost payable by the Principal towards the preparation or submission of this Request irrespective of its outcome.

By submitting this Response, I the person named as the authorised person (Respondent), confirm my understanding that by lodging a Tender, for this Request, I understand no physical signature is required on this Declaration; that by lodging this Tender I am automatically providing an electronic signature for this Declaration in accordance with the Electronic Transactions Act 1999 (Cth) and corresponding state and territory acts.

### Corporation Information

- 3.3.1 Provide information if agent or a trust for another party.
- 3.3.2 Provide a minimum of two referees, including the name, position, telephone, Email address and type of service provided. Describe the nature of the relationship and relevance to this Request.

### Subcontractors

- 3.4.1 Detail the subcontractors to be utilised in conducting the Requirements of this Request inclusive of any relevant current registrations held, their intended role and any relevant experience or qualifications held. If this criterion does not apply, Tenderers are requested to comment 'Not Applicable'.

### Financial Position

- 3.5.1 Confirm the ability to pay all debts in full as and when they fall due.
- 3.5.2 Provide information of any current litigation, claim or judgment as a result of which you may be liable for \$50,000 or more.
- 3.5.3 Provide confirmation that you will co-operate with an independent financial assessor during the conduct of financial assessments.

### Alternative Tenders

- 3.6.1 Tenderers are to provide their proposed alternative Tender in this criterion in accordance with Part 2 of this Request. If an alternative Tender is not proposed then Tenderers are requested to comment 'Not Applicable'.

### Critical Assumptions

- 3.7.1 Tenderers are to specify any assumptions they have made that are critical to the Tender, including assumptions relating to pricing and ability to provide the requirement in the manner specified in this RFT, and the Statement of Requirement. If no assumptions are made Tenderers are requested to comment 'Not Applicable'.

### Conflict Of Interest

- 3.8.1 Will any actual or potential conflict of interest in the performance of your obligations under the Contract exist if you are awarded the Contract, or any such conflict of interest likely to arise during the Contract. Detail any conflicts of interest if selected to provide the services.

### Insurance Details

- 3.9.1 Please provide the following:
- Contract Works Insurer; Broker / Policy Number / Value (\$) / Expiry Date
  - Public and Products Liability; Broker / Policy Number / Value (\$) / Expiry Date
  - Plant and Equipment; Broker / Policy Number / Value (\$) / Expiry Date
  - Workers Compensation; Broker / Policy Number / Value (\$) / Expiry Date

## **Conclusion**

Italia Stone has provided a competitive complying tender for the final section of works. In order to minimize risk the use of the same contractor, who is familiar with the site and the conditions that need to be addressed, it is considered that Italia Stone is the best candidate for the final section of works.

Awarding the tender now allows the contract to commence four weeks earlier than it would otherwise if it were to be delayed until the mid-year review report. The mid-year review has taken into account the extra funding required for this project and will present a balance budget to Council.

## **Attachments**

Nil.

Councillor Somerville-Brown left the room at 9.21 pm

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

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.

Nil.

**15. Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 23 April 2013**

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.

Notices of motion for consideration at the Council Meeting to be held on 23 April 2013 to be tabled at this point in accordance with Clause 3.9(2) of Council's Local Law Relating to Standing Orders.

Nil.

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

Moved – Councillor Argyle  
Seconded – Councillor McManus

**That a Special Council Meeting be called for Tuesday 2 April 2013 to consider the adjourned agenda item 13.6.**

**CARRIED UNANIMOUSLY 10/-**

**17. Confidential Items**

**17.1 City Provided Child Care Service and Positive Ageing Programme**

Closure of the Meeting

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

Closure of Meeting to the Public

Moved – Councillor Hodsdon

Seconded - Councillor James

**That the meeting be closed to the public in accordance with Section 5.23 (a) of the Local Government Act 1995 to allow confidential discussion on the following Items.**

**CARRIED UNANIMOUSLY 10/-**

The meeting was closed to the public at 9.26 pm.

Moved - Councillor Hodsdon

Seconded - Councillor James

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

**CARRIED UNANIMOUSLY 10/-**

The meeting was reopened to members of the public and the press at 9.31 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*.

Moved – Councillor Shaw

Seconded – Councillor Hodsdon

**That the Recommendation to Council is adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution / Committee Recommendation**

**Council approves:**

- 1. administration calling for Expressions of Interest (EOI) for an external child care provider, to be located at the Melvista Pre-School site and PROCC site (with a proviso that Point Resolution Occasional Child Care (PROCC) staff and the currently registered children are included in the service);**
- 2. the services provided by Point Resolution Occasional Child Care (PROCC) to cease, if opening of an approved external child care service at the Melvista Pre-School;**
- 3. relocating PROCC child care services to the vacant Melvista Pre School site, should the EOI be unsuccessful in finding a suitable provider; with City staff making the required operational changes to child care services, to assist with application for Child Care Benefit;**
- 4. the allocation of \$38,200 in the Mid Year Budget Review to cover modification costs of the Melvista site, for PROCC child care; and**
- 5. investigation of the relocation of the Positive Ageing programme to the vacated PROCC site, should it become available.**

**Declaration of Closure**

There being no further business, the Presiding Member declared the meeting closed at 9.31 pm.