



City of Nedlands

Minutes

Special Council Meeting

26 March 2015

Dear Council member

A Special Meeting of the City of Nedlands is to be held on **Thursday, 26 March 2015** in the Council Chambers at 71 Stirling Highway Nedlands **commencing at 5:30pm for the purpose of rescinding Council decision** made at the Ordinary Meeting of Council held on 24 March 2015 with respect to Items 17.1, 17.2 and 17.3, being: Lot 427 – No. 36 Jutland Parade, Lot 51 – No. 38 Jutland Parade and Lots 62 & 61 – No's 40a and 40b Jutland Parade Dalkeith.

Greg Trevaskis
CHIEF EXECUTIVE OFFICER
25 March 2015

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City of Nedlands

Notice of a Special Meeting of Council to be held in the Council Chambers, Nedlands on Thursday, 26 March 2015 at 5:30pm for the purpose of rescinding Council decision made at the Ordinary Meeting of Council held on 24 March 2015 with respect to items 17.1, 17.2 and 17.3, being: Lot 427 – No. 36 Jutland Parade, Lot 51 – No. 38 Jutland Parade and Lots 62 & 61 – No's 40a and 40b Jutland Parade Dalkeith..

Special Council Agenda

Interim Injunction – State Administrative Tribunal

Franco (applicant) V City of Nedlands (respondent)

The applicant sought an injunction (26 March 2015) pursuant to s90 of the *State Administrative Tribunal Act 2004* to refrain the City from revoking its decisions in relation to three development applications for single houses and adjoining properties at Jutland Parade, Dalkeith.

The Tribunal determined to grant the interim injunction sought by the applicant and that the City may not lawfully revoke its decisions of 24 March 2015 in relation to the aforementioned properties, unless certain conditions are met. The Tribunal was also satisfied that the balance of convenience favours the granting of an injunction to maintain the status quo.

Due to the granting of the interim injunction the Special Council meeting of 26 March 2015 did not proceed and the meeting therefore lapsed.

Greg Trevaskis
CHIEF EXECUTIVE OFFICER
1 April 2015

Declaration of Opening

The Presiding Member will declare the meeting open at 5:30pm and will draw 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)

Leave of Absence None at distribution of this agenda.
(Previously Approved)

Apologies Cr. Smyth

Disclaimer

Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. For example by reference to the confirmed Minutes of Council meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

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1. Public Question Time

A member of the public wishing to ask a question should register that interest by notification in writing to the CEO in advance, setting out the text or substance of the question.

The order in which the CEO receives registrations of interest shall determine the order of questions unless the Mayor determines otherwise. Questions must relate to a matter affecting the City of Nedlands.

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

Members who have not read the business papers to make declarations at this point.

3. Confidential Business

Prior to giving any consideration to the following items, Council is to determine whether the meeting should be closed to members of the public on the grounds that legal advice has been obtained and will be further discussed at the meeting. Council's legal counsel will be in attendance during associated discussions.

Recommendation:

Council pursuant to Section 5.23(2)(d) of the Local Government Act 1995 closes the meeting to members of the public to consider:

- (a) Notice of Motion to revoke a Decision of Council (attached);**
- (b) Legal advice in relation to planning considerations; and**

- (c) **Reconsider Confidential Reports 17.1 (Lot 427) No. 36 Jutland Parade, Dalkeith; – Item 17.2 (Lot 51) No. 38 Jutland Parade, Dalkeith and Item 17.3 (Lots 61 & 62) No's. 40a & 40b Jutland Parade, Dalkeith – Proposed Four Storey Single House(s) with conditions.**

Please note:

It is requested that Councillors please bring along their confidential items agenda and attachments as previously distributed. Some copies will be made available at the meeting.

Declaration of Closure

There being no further business, the Presiding Member will declare the meeting closed.

Greg Trevaskis

CHIEF EXECUTIVE OFFICER

25 March 2015

Interim Injunction – State Administrative Tribunal

Franco (applicant) and the City of Nedlands (respondent)

The applicant sought an interim injunction (26 March 2015) pursuant to section 90 of the *State Administrative Tribunal Act 1994* to refrain the City from revoking its decisions in relation to three development applications for single houses adjoining properties at Jutland Parade, Dalkeith.

The Tribunal determined to grant the interim injunction sought by the applicant and that the City may not lawfully revoke its decisions of 24 March 2015 in relation to the aforementioned properties, unless certain conditions are met. The Tribunal was also satisfied that the balance of convenience favours the granting of an injunctions to maintain the status quo.

Due to the granting of the interim injunction, the Special Council Meeting of 26 March 2015 did not proceed and the meeting therefore lapsed.

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