



City of Nedlands

Minutes

Council Committee Meeting

13 June 2017

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 next Ordinary Meeting of Council following this meeting.

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City of Nedlands

Minutes of a meeting of the Council Committee held in the Council Chambers, Nedlands on Tuesday 13 June 2017 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 C Hipkins (Presiding Member)	
	Councillor R M Binks	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor N W Shaw	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor W R B Hassell	Dalkeith Ward

Staff	Mr G K Trevaskis	Chief Executive Officer
	Mrs L M Driscoll	Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Mr M A Glover	Director Technical Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor
	Mrs S C Gibson	Administration officer

Public There were 18 members of the public present.

Press The Post Newspaper representative.

Leave of Absence (Previously Approved) Nil.

Apologies	Councillor T P James	Melvista Ward
	Councillor G A R Hay	Melvista Ward

Absent Nil.

Disclaimer

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

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1. Public Question Time

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

Nil.

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

Ms Tan, 47 Goldsmith Road, Nedlands PD22.17
(Spoke in opposition of the recommendation)

Ms Glynis Kolnik, 45 Goldsmith Road, Nedlands PD22.17
(Spoke in support of the recommendation)

Ms Carolyn Farquhar, 19 Kitchener Street, Nedlands PD23.17
(Spoke in opposition to the recommendation)

Ms Peta Wootton, 31 Verdun Street, Nedlands PD23.17
(Spoke in opposition to the recommendation)

Ms Elizabeth Gilbert, 111 Circe Circle South, Dalkeith PD26.17
(Spoke in support of the recommendation)

3. 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.

No disclosures were made at this time, although both Councillor Hodsdon and Councillor Argyle declared a financial interest on discussion of PD27.17.

4. Disclosures of Interests Affecting Impartiality

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

There were no disclosures affecting impartiality.

5. 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.

Nil.

6. Confirmation of Minutes

6.1 Committee Meeting 9 May 2017

Moved – Councillor Binks
Seconded – Councillor Argyle

The Minutes of the Council Committee held 9 May 2017 be confirmed.

CARRIED UNANIMOUSLY 10/-

7. Matters for Which the Meeting May Be Closed

In accordance with Standing Orders and for the convenience of the public, the Committee is to identify any matter which is to be discussed behind closed doors at this meeting and that matter is to be deferred for consideration as the last item of this meeting.

Nil.

8. 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.

8.1 Planning & Development Report No's PD22.17 to PD27.17

Planning & Development Report No's PD22.17 to PD27.17 to be dealt with at this point (copy attached yellow cover sheet).

PD22.17	(Lot 211) No. 47 Goldsmith Road, Dalkeith – Additions and Alterations to Single House
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Committee	13 June 2017
Council	27 June 2017
Applicant	National Estate Builders
Landowner	Goldfieldz Pty Ltd
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA16/382 – GO2/47
Previous Item	Nil.
Delegation	In accordance with Clause 6.7.1d) of the City's Instrument of Delegation, Council is required to determine the application when refusal is recommended and discretion exists for Council to approve the variations under the City's Town Planning Scheme No. 2, Council Policies and/or the Residential Design Codes and when an objection is received.
Attachments	<ol style="list-style-type: none"> 1. Applicant justification 2. Administrations responses to similar development examples provided by the applicant 3. Site photographs

Ms Tan, 47 Goldsmith Road, Nedlands PD22.17
(Spoke in opposition of the recommendation)

Ms Glynis Kolnik, 45 Goldsmith Road, Nedlands PD22.17
(Spoke in support of the recommendation)

Regulation 11(da) – Not Applicable- Recommendation Adopted.

Moved – Councillor Shaw
Seconded – Councillor Binks

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

CARRIED 9/1
(Against: Cr. Argyle)

Committee Recommendation / Recommendation to Committee

Council refuses the development application dated 09 December 2016 with amended plans received 28 and 30 March 2017 for Additions and Alterations to Single House at (Lot 211) No. 47 Goldsmith Road, Dalkeith, for the following reasons:

- 1. The development will adversely affect the amenity of the surrounding area as the development will appear as two large separate structures, contradicting the lot density coding of the property and surrounding area.**
- 2. The proposal does not satisfy the design principles stipulated under clause 5.1.3 (Lot Boundary Setback) of the Residential Design Codes due to the proposed nil boundary setback of the garage and ancillary accommodation to the rear lot boundary not positively contributing to the streetscape and prevailing development context of the locality.**
- 3. The proposal sets an undesirable precedent in terms of a boundary wall being visible from the laneway and secondary street within a low density locality.**
- 4. The boundary wall to a laneway on a property with a R10 density code does not represent the orderly and proper planning of the City and conflicts with cl. 6.5.1 of Town Planning Scheme No. 2.**
- 5. The new garage adjacent to the rear laneway does not comply with State Development Control Policy 1.7 – General Road Planning, as the reduced street setback to the secondary street and rear laneway will compromise the sightlines where the laneway meets the Sherwood Road reserve.**
- 6. The proposal does not satisfy the design principles stipulated under clause 5.1.4 (Open space) of the Residential Design Codes as the scale of the development does not reflect the desired streetscape character of the locality and is inconsistent with the expectations of building bulk within the R10 density code. The site cover also provides reduced opportunities for residents to use external space around the dwelling typically found in the locality.**
- 7. The proposal not satisfy provisions (m), (n) and (s) of Clause 67 within the *Planning and Development (Local Planning Schemes) Regulations 2015*, as the amount of site cover, appearance of the development and boundary wall to the rear laneway are incompatible with low density coding of the locality and will negatively impact the character and the amenity of the locality.**

PD23.17	(Lot 6) No. 21 Kitchener Street, Nedlands – Additions to Existing Single Dwelling
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Committee	13 June 2017
Council	27 June 2017
Applicant	B Dang
Landowner	S and A Turner
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA2017/66
Previous Item	Nil.
Delegation	In accordance with Clause 6.7.1a) of the City’s Instrument of Delegation, Council is required to determine the application due to an objection being received.
Attachments	<ol style="list-style-type: none"> 1. Photographs taken on 21 Kitchener Street of the proposed two-storey addition’s location. 2. Photographs taken on 21 Kitchener Street of the proposed outdoor fire place’s location.

Ms Carolyn Farquhar, 19 Kitchener Street, Nedlands PD23.17
(Spoke in opposition to the recommendation)

Ms Peta Wootton, 31 Verdun Street, Nedlands PD23.17
(Spoke in opposition to the recommendation)

Moved – Councillor Shaw
Secunder –

That the Recommendation to Committee be adopted.

Lapsed for want of a Secunder.

Regulation 11(da) – Contrary to the amenity of the area.

Moved – Councillor Binks
Secunder – Councillor Hodsdon

Committee Recommendation

That the Development application be refused.

CARRIED 5/3
(Against: Crs. Shaw, Argyle, Hassell)
(Abstained: Crs. Wetherall & Horley)

Recommendation to Committee

Council approves the development application for the proposed two-storey addition and the outdoor fire place at (Lot 6) No.21 Kitchener Street, Nedlands, received on 28 March 2017, subject to the following conditions and advice:

1. The development shall at all times comply with the approved plans.
2. This development approval only pertains to the two-storey addition to the existing single dwelling, and the construction of an outdoor fire place.
3. All stormwater from the development, which includes permeable and non-permeable areas, shall be contained onsite.
4. The proposed two-storey addition not being used as ancillary accommodation nor short stay accommodation.

Advice Notes specific to this approval:

1. 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.
2. The landowner is advised that all mechanical equipment (e.g. air-conditioners) is required to comply with the *Environmental Protection (Noise) Regulations 1997*, in relation to noise.
3. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

Removal and disposal of ACM shall be in accordance with *Health (Asbestos) Regulations 1992*, Regulations 5.43 - 5.53 of the *Occupational Safety and Health Regulations 1996*, *Code of Practice for the Safe Removal of Asbestos 2nd Edition*, *Code of Practice for the Management and Control of Asbestos in a Workplace*, and any Department of Commerce Worksafe requirements.

Where there is over 10m² of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.

4. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.

PD24.17	(Lot 121) No. 7 Finchley Rise, Mount Claremont – Two-Storey Addition to Existing Single Dwelling
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Committee	13 June 2017
Council	27 June 2017
Applicant	L Kelleher
Owner	D Van Der Worm
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA2017/62
Previous Item	Nil.
Delegation	In accordance with Clause 6.7.1 of the City’s Instrument of Delegation, Council is required to determine the application as discretion exists for Council to approve the variation under the City’s Town Planning Scheme No. 2.
Attachments	<ol style="list-style-type: none"> 1. Photographs taken on 7 Finchley Rise of the view towards the western (side) and rear boundary 2. Outline of the proposed two-storey addition

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

Moved – Councillor Shaw

Seconded – Councillor Binks

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

**CARRIED 7/-
(Abstained: Crs. Hodsdon, McManus & Smyth)**

Committee Recommendation / Recommendation to Committee

Council refuses the development application for the proposed two-storey addition to the existing single dwelling at (Lot 121) No.7 Finchley Rise, Mount Claremont, received on 24 March 2017, for the following reasons:

- 1. The proposal not satisfying the design principles stipulated under clause 5.1.3 (Lot Boundary Setback) of the Residential Design Codes due to the proposed reduced rear boundary setback of the addition increasing the impacts of building bulk on adjoining properties.**
- 2. The proposed development is inconsistent with Clause 5.5.1 of the City's Town Planning Scheme No. 2 and Clause 67 (m) and (n) of Schedule 2 – Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as the scale and appearance of the two-storey addition will be imposing when viewed from the adjoining properties to the north and west.**
- 3. The proposal setting an undesirable precedent in terms of two-storey development within the rear setback area.**
- 4. The two-storey addition within the rear setback area in the R12.5 zone does not represent the orderly and proper planning of the City and conflicts with cl. 6.5.1 of Town Planning Scheme No. 2.**
- 5. The proposal not satisfying provisions (m) and (n) of the Planning and Development (Local Planning Schemes) Regulations 2015 cl.67, as the proposal for a two-storey addition within the rear setback area is incompatible with low density zone and will negatively impact the character of the locality.**

PD25.17	(Lot 316) No. 10 Leura Street, Nedlands – Retrospective Change of Use (From Office - Professional to Consulting Rooms)
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Committee	13 June 2017
Council	27 June 2017
Applicant	D Capobianco
Owner	M McManus
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA2017/73
Previous Item	Nil
Delegation	In accordance with Clause 6.7.1a) of the City's Instrument of Delegation, Council is required to determine the application due to an objection being received.
Attachments	1. Photographs of the property

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Binks

Seconded – Councillor Hodsdon

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

**CARRIED 9/-
(Abstained: Cr. Horley)**

Committee Recommendation / Recommendation to Committee

Council approves the retrospective development application for the proposed change of use (from Office – Professional to Consulting Rooms) at (Lot 316) No. 10 Leura Street, Nedlands, in accordance with the application received on 7 April 2017, subject to the following conditions and advice:

- 1. The development shall at all times comply with the approved plans.**
- 2. The car-parking bays being maintained by the landowner to the City's satisfaction.**
- 3. A maximum of 2 practitioners on the premises at any one time.**
- 4. The consulting rooms only being permitted to operate between Monday and Saturday 9.00am to 5.00pm.**

Advice Notes specific to this proposal:

- 1. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, lobby 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. A separate application is required to be lodged and approved prior to the erection/installation of any signage on the lot.**
- 3. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**

PD26.17	(Lot 583) No. 111 Circe Circle South, Nedlands, Dalkeith – Alterations to Existing Single Dwelling
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Committee	13 June 2017
Council	27 June 2017
Applicant	Pinnacle Planning and Giorgi Exclusive
Owner	M Gilbert
Director	Peter Mickleson – Director Planning & Development Services
Reference	DA2016/363
Previous Item	Nil.
Delegation	In accordance with Clause 6.7.1a) of the City's Instrument of Delegation, Council is required to determine the application due to an objection being received.
Attachments	<ol style="list-style-type: none"> 1. Photographs taken on 111 Circe Circle South of the view towards the western (side) boundary. 2. Applicant's Justification

Ms Elizabeth Gilbert, 111 Circe Circle South, Dalkeith
(Spoke in support of the recommendation)

PD26.17

Regulation 11(da) – Not Applicable – Recommendation Adopted.

Moved – Councillor Hassell
Seconded – Councillor Argyle

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

CARRIED 9/-
(Abstained: Cr. Horley)

Committee Recommendation / Recommendation to Committee

Council approves the development application for the proposed alterations to the single dwelling at (Lot 583) No. 111 Circe Circle South, Dalkeith, received on 29 November 2016, subject to the following conditions and advice notes:

- 1. The development shall at all times comply with the approved plans.**
- 2. This development approval only pertains to the ground floor windows of the family room and alfresco area which directly face the property's western boundary.**

Advice Notes specific to this approval:

- 1. The conditions and advice in the development approval dated 24 October 2016 (ref: DA2016/238), except for Condition 2, still apply.**

PD27.17	Scheme Amendment No. 211 – Prepare Standard Amendment to Rezone Stirling Highway
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Committee	13 June 2017
Council	27 June 2017
Applicant	City of Nedlands
Landowner	Various
Director	Peter Mickleson – Director Planning & Development Services
Previous Item	Council Meeting 26 June 2012 (PD22.12).
Attachments	1. Proposed Scheme Amendment Maps

Councillor Hodsdon – Financial Interest

Councillor Hodsdon disclosed that he owns property on Stirling Highway.

Councillor Hodsdon left the room at 7.42 pm.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Shaw

Seconded – Councillor Binks

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

Councillor McManus left the room at 7.49 pm and returned at 7.52 pm.

Councillor Argyle – Financial Interest

Councillor Argyle disclosed that he owns property near the precinct and his daughter owns property within the area.

Councillor Argyle left the room at 7.58 pm.

Councillor Binks left the room at 8.02 pm and returned at 8.03 pm.

**CARRIED 5/3
(Against: Mayor Crs. Wetherall & Horley)**

Committee Recommendation / Recommendation to Committee

- 1. Council prepares Scheme Amendment No. 211 to rezone:**
 - a) Those areas along Stirling Highway partially left without a zone to the zoning or reservation of the remainder of the lot; and**
 - b) Those lots along Stirling Highway left wholly without a zone: Lot 54 (50) to 'Residential R35'; Lot 111 (142), Lot 100 (166), Lot 1 (174) and Lot 8 (180) to 'Office/Showroom'; and Lot 277 (176) and Lot 276 (178) to 'Retail Shopping'.**
- 2. In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* s.35(2) Council is of the opinion that the Amendment is a Standard Amendment because it is "(c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment".**
- 3. In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* s47(2) Council directs Administration to advertise the Standard Amendment and to forward the amendment to the Western Australian Planning Commission s47(1).**

Councillor Hodsdon and Councillor Argyle returned to the room at 8.06 pm.

8.2 Technical Services Report No TS06.17

Report No TS06.17 to be dealt with at this point (copy attached blue cover sheet).

TS06.17	Endorsement of David Cruickshank Reserve Enviro-scape Master Plan
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Committee	13 June 2017
Council	27 June 2017
Applicant	City of Nedlands
Officer	Andrew Dickson – Manager parks Services
Director	Martyn Glover – Director Technical Services
Attachments	1. David Cruickshank Reserve Enviro-scape Master Plan 2. Community Engagement Results

Regulation 11(da) – Not Applicable - Recommendation Adopted.

Moved – Councillor Hassell
Seconded – Councillor McManus

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

Put Motion
Moved – Councillor Wetherall
Seconded – Councillor Hodsdon

That the Motion be put.

CARRIED 9/1
(Against: Cr. Smyth)

The Motion was PUT and was

CARRIED 9/-
(Abstained: Cr. Argyle)

Committee Recommendation / Recommendation to Committee

Council endorses the David Cruickshank Reserve Enviro-Scape Master Plan concept.

8.3 Corporate & Strategy Report No's CPS15.17 to CPS18.17

Report No's CPS15.17 to CPS18.17 to be dealt with at this point (copy attached green cover sheet).

CPS15.17	List of Accounts Paid – April 2017
Committee	13 June 2017
Council	27 June 2017
Applicant	City of Nedlands
Officer	Vanaja Jayaraman – Acting Manager Finance
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	3. Creditor Payment Listing April 2017 4. Purchasing Card Payments April 2017 (29 th March – 28 th April)

Councillor Shaw retired from the meeting at 8.28 pm.

Regulation 11(da) – Not Applicable - Recommendation Adopted

Moved – Councillor Hodsdon
Seconded – Councillor Binks

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

CARRIED 8/-
(Abstained: Cr. Binks)

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of April 2017 (refer to attachments)

CPS16.17	Policy Reviews
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Committee	13 June 2017
Council	27 June 2017
Applicant	City of Nedlands
Officer	Pollyanne Fisher – Policy and Projects Officer
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Stormwater Policy

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hassell
 Seconded – Councillor Binks

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

CARRIED UNANIMOUSLY 9/-

Committee Recommendation / Recommendation to Committee
Council adopt the Stormwater Policy.

CPS17.17	Review of Council's Delegated Authorities
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Committee	13 June 2017
Council	27 June 2017
Applicant	City of Nedlands
Officer	Pollyanne Fisher – Policy and Projects Officer
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Review of Council's Delegated Authorities

Councillor Hodsdon retired from the meeting at 8.35 pm.

Regulation 11(da) – Not Applicable - Recommendation Adopted.

Moved – Mayor Hipkins

Seconded – Councillor Hassell

Committee Recommendation

That Council reaffirms the current delegations of authority and any requests for review of individual delegations be referred to Councillor workshops.

CARRIED UNANIMOUSLY 8/-

Recommendation to Committee

Council approves the Register of Delegations of Authority as per Attachment 1.

CPS18.17	Corporate Business Plan – Quarter 3 2016/17
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Committee	13 June 2017
Council	27 June 2017
Applicant	City of Nedlands
Officer	Pollyanne Fisher – Policy and Projects Officer
Director	Lorraine Driscoll – Director Corporate and Strategy
Attachments	1. Q3 2016/17 Report

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus
 Seconded – Councillor Wetherall

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

CARRIED 7/1
(Against: Cr. Argyle)

Committee Recommendation / Recommendation to Committee

Council receives the Quarter 3 2016/2017 report on progress towards “Nedlands 2023 – Making it Happen”, the Corporate Business Plan.

9. Reports by the Chief Executive Officer

Nil.

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

Any urgent business to be considered at this point.

Nil.

11. Confidential Items

Nil.

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 8.56 pm.