



City of Nedlands

Minutes

Council Committee Meeting

8 November 2011

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 a meeting of the Council Committee held in the Council Chambers, Nedlands on Tuesday 8 November 2011 at 7.00 pm.

Declaration of Opening

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

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

Present and Apologies and Leave Of Absence (Previously Approved)

Councillors	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor K E Collins	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor I S Argyle	Dalkeith Ward
	Councillor S J Porter	Dalkeith Ward
	Councillor K Walker	Hollywood Ward
	Councillor R M Binks	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor M L Somerville-Brown	Melvista Ward
	Councillor T James	Melvista Ward
	Councillor N Shaw	Melvista Ward

Staff	Mr M Cole	Director Corporate Services
	Mr I Hamilton (from 7.51 pm)	Director Technical Services
	Ms J Heyes	Manager Statutory Planning
	Ms R Forrest	Technical Services Administration Officer
	Ms G Martyn	Development Services Administration Officer

Public There were 17 members of the public present.

Press The Post Newspaper representative.

Leave of Absence (Previously Approved) Nil.

Apologies	Councillor N B J Horley	Coastal Districts Ward
	Mr G T Foster	Chief Executive Officer
	Ms D Blake	Director Community & Strategy
	Ms C Eldridge	Director Development Services
	Ms N Borowicz	Executive Assistant

Absent Nil

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

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

Address by member of the public Mr Brian Johnson T11.12
(Spoke in support of the resolution)

2. **Disclosures of Financial Interest**

The Presiding Member reminded Councillors and Staff of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting when the matter was discussed.

Nil

3. Disclosures of Interests Affecting Impartiality

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

Mr. I. Hamilton, Director Technical Services disclosed an impartiality interest in Item 9.1 Adams Road. He disclosed that his name along with other senior administration officers was mentioned in the Supreme Court action and as a consequence, there may be a perception that his impartiality on the matter may be affected and therefore will leave to room.

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

Nil.

5. Confirmation of Minutes

5.1 Committee Meeting 11 October 2011

Moved – Councillor Hodsdon
Seconded – Councillor Collins

That the minutes of the Council Committee held 11 October 2011 are confirmed.

CARRIED UNANIMOUSLY 11/-

6. Matters for Which the Meeting May Be Closed

Nil.


7. Divisional Reports

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

7.1 Development Services Report No's D60.11 to D63.11

60.11	No. 114 (Lot 367) Dalkeith Road, Nedlands – Retrospective Additions (Garage) to Single House
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Committee	8 November 2011
Council	22 November 2011

Applicant	Kim Lamb & Hatton Drafting
Owner	Kim Lamb
Officer	Laura Sabitzer – Planning Officer
Director	Carlie Eldridge – Director Development Services
Director Signature	
File ref	DA11/354 : DA11/114
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Shaw
 Seconded – Councillor Binks

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


CARRIED 8/2
(Against: Crs. Argyle & Walker)
(Abstained: Cr. James)

Committee Recommendation	/	Recommendation to Committee
Council:		
<p>1. Refuses an application for retrospective additions (garage) to single house at No. 114 (Lot 367) Dalkeith Road, Nedlands in accordance with the application and plans dated 19 August 2011 for the following reasons:</p> <p>a. The application does not comply with Council's Policy 6.23 'Carports and Minor Structures Forward of the Primary Street Setback'; and</p>		

- b. The application does not meet Clause 5.6.2(b) and 5.6.2(d) of the City of Nedlands Town Planning Scheme No.2;**
- 2. Instructs the removal of the garage door and the decrease in height of the northern and eastern brick walls to 1.8 m high, within 42 days of the date of this decision.**

D61.11	Reserve 33244 Monash Ave (QEII Medical Centre), Nedlands – Proposed New Mental Health Unit
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Committee	8 November 2011
Council	22 November 2011

Applicant	Department of Treasury and Finance
Owner	QEII Medical Trust
Officer	Nick Bakker - Planning Officer
Director	Carlie Eldridge - Director Development Services
Director Signature	
File ref	MO1/R33244-10
Previous Item No's	DA10/654 : DA10/382 : DA09/107
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) - Committee recommended refusal for reason of security, noise and excessive traffic generation through the adjoining residential area. In addition, Committee asked that the supporting Administration recommendation be updated to refer to sustainable landscaping instead of native landscaping, in the event that the full report and resolution is forwarded to the Western Australian Planning Commission.

Moved - Councillor Walker
 Seconded - Councillor Hodsdon

That Council recommends refusal to the Western Australian Planning Commission (WAPC) for the proposed New Mental Health Unit at Reserve 3324 (QEII Medical Centre), Nedlands, for reasons of security, noise and excessive traffic generation through the adjoining residential area.

**CARRIED 7/4
 (Against: Crs. McManus, Shaw, Binks
 & Somerville-Brown)**

Subsequent Amendment

Moved - Councillor James
Seconded - Councillor Collins

That the Administrative recommendation refers to sustainable landscaping instead of native landscaping.

**AMENDMENT CARRIED 7/3
(Against: Crs. Argyle, McManus & Shaw)
(Abstained: Cr. Somerville-Brown)**

Committee Recommendation

That Council recommends refusal to the Western Australian Planning Commission (WAPC) for the proposed New Mental Health Unit at Reserve 3324 (QEII Medical Centre), Nedlands, for reasons of security, noise and excessive traffic generation through the adjoining residential area.

That the Administrative recommendation refers to sustainable landscaping instead of native landscaping.

Recommendation to Committee

Council recommends approval to the Western Australian Planning Commission (WAPC) for the proposed New Mental Health Unit at Reserve 33244 (QEII Medical Centre), Nedlands in accordance with the application dated 29 July 2011 and the amended plans dated 9 August 2011 with the following conditions:

1. Prior to commencement of the approved land use, a landscaping plan shall be submitted for approval by the City and the land use shall not be commenced until the landscape plan has been approved and:
 - a. The landscape plan shall include all existing and proposed landscaping, including hard landscaping;
 - b. The landscaping shall be:
 - i. designed to provide an appropriate visual buffer between the public street and the building;
 - ii. in accordance with the City's Greenways Policy 4.14 i.e. indigenous species to be planted and complementary species of sustainable flora maintained; (if applicable);

- iii. completed in accordance with the approved landscape plan and within three (3) months of the commencement of the approved land use; and
 - iv. implemented with an appropriate reticulation system and continuously maintained to the satisfaction of the City.
2. A separate detailed traffic management plan outlining; the route of construction vehicles access to, within and from the site, the location of the stacking of heavy vehicles etc, the hours of work and risk management, and temporary signage where required.
3. Prior to the commencement of construction, a Construction Management Plan shall be prepared to the satisfaction of the City's Environmental Health section. The Construction Management Plan shall detail how proposed site works will be managed to minimise environmental impacts and shall address but not be limited to:
 - a. staging plan for the entire works;
 - b. applicable timeframes and assigned responsibilities for tasks;
 - c. on-site storage of materials and equipment;
 - d. parking for contractors;
 - e. waste management;
 - f. management of noise in accordance with the control of environmental noise practices set out in section 6 of AS 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition sites, as described in the *Environmental Protection (Noise) Regulations 1997*;
 - g. management of vibrations; and
 - h. complaints and incidents.
4. The approved Construction Management Plan shall be implemented.
5. Prior to the commencement of construction, a noise management plan shall be prepared and shall include:
 - a. details of and reasons for any work on the construction site that is likely to be carried out other

than between 7:00 am and 7:00 pm on any day which is not a Sunday or public holiday;

- b. details of and duration of activities on the construction site likely to result in noise emissions that fail to comply with the standard prescribed under regulation 7 of the *Environmental Protection (Noise) Regulations 1997*;
 - c. predictions of noise emission on the construction site;
 - d. details of measures to be implemented to control noise (including vibration) emissions;
 - e. procedures to be adopted for monitoring noise (including vibration) emissions; and
 - f. complaint response procedure to be adopted.
6. Prior to the commencement of any demolition works, a dust management plan shall be prepared to the satisfaction of the City's Environmental Health section; and
 7. A dust management plan shall detail how the proposed demolition works will be managed to minimise environmental impacts and shall address but not be limited to:
 - a. details of how dust will be suppressed (i.e. by use of water tanker, independently powered water pumps, high volume hoses) or whether an approval from the Water Corporation for hydrant standpipe has been granted; and
 - b. details of how dust and sand drift will be controlled in the event that the landscape remains bare for any period of time after demolition (consideration of more permanent dust suppression or sand drift measures such as hydromulching).
 8. The approved Dust Management Plan shall be implemented.
 9. Prior to the commencement of any demolition works, any asbestos containing material (ACM) in the structure to be demolished, shall be identified and safely removed and conveyed to an appropriate landfill which accepts ACM.
 10. 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.

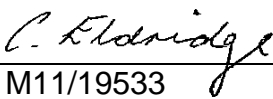
11. All storm water from building and paving areas (including driveways) shall be contained on site by draining to soakwells of adequate capacity to contain runoff from a 10 year recurrent storm event and the capacity of soakwells shall be a minimum of 1 cubic metre for every 80 m² of paved or roofed surface on the property.
12. 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 per second.
13. 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:

- a. Removal and disposal of asbestos containing material (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.
- b. Where there is over 10 square metres of asbestos containing material (ACM) or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.

D62.11	City of Nedlands Climate Change Declaration
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Committee	8 November 2011
Council	22 November 2011

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Phoebe Huigens - Sustainability Officer
Director	Carlie Eldridge - Director Development Services
Director Signature	
File ref.	M11/19533
Previous Item No's	N/A
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Walker
 Seconded – Councillor Hodsdon

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

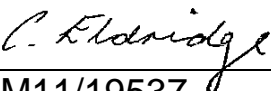
CARRIED 8/2
(Against: Crs. Porter & Binks)
(Abstained: Cr. James)

Committee Recommendation	/	Recommendation to Committee
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Council adopts the City of Nedlands Climate Change Declaration as attached (attachment 1) as recommended by the Sustainable Nedlands Committee.

D63.11	City of Nedlands Carbon Inventory and Management Report Baseline Year 2009–2010
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Committee	8 November 2011
Council	22 November 2011

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Phoebe Huigens - Sustainability Officer
Director	Carlie Eldridge - Director Development Services
Director Signature	
File ref.	M11/19537
Previous Item No's	N/A
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) - The Carbon Inventory Management Report is the City's report that measures the scope of emissions. The 2009–2010 report excludes important emission sources which should have been measured to provide a valid baseline. A recommendation is put forward to ensure that the base line is a valid starting point from which an action plan/strategy can be created for reaching a 20% reduction in emissions.

Moved – Councillor Walker
 Seconded – Councillor Hodsdon

Committee Recommendation

That Council:

1. **Receives the Carbon Inventory and Management Report Baseline Year 2009–2010 as recommended by the Sustainable Nedlands Committee.**
2. **Commissions the Carbon Inventory process for 2010–2011 to establish a valid baseline year to support the development of an effective Carbon Reduction Strategy and Action Plan.**

CARRIED 8/2
(Against: Crs. McManus & Argyle)
(Abstained: Cr. James)

Committee Recommendation

That Council:

- 3. Receives the Carbon Inventory and Management Report Baseline Year 2009–2010 as recommended by the Sustainable Nedlands Committee.**
- 4. Commissions the Carbon Inventory process for 2010–2011 to establish a valid baseline year to support the development of an effective Carbon Reduction Strategy and Action Plan.**

Recommendation to Committee

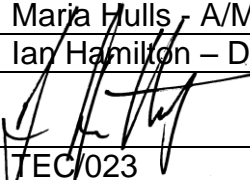
Council:

1. Receives the Carbon Inventory and Management Report Baseline Year 2009–2010 as recommended by the Sustainable Nedlands Committee.
2. Agrees to publish the Carbon Inventory and Management Report Baseline Year 2009–2010 on the City's website and be available to residents.
3. Endorses the development of draft Carbon Reduction Strategy and Action Plan for consultation with the community and consideration by Council.
4. Endorses future annual inventories be prepared and be published on the City's website and be made available to the community.

7.2 Technical Services Report No's T11.12

T11.12	Beecham Road Retaining Wall Stage 1 & 2 Tender
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Committee	8 November 2011
Council	22 November 2011

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Maria Hulls - A/Manager Engineering Services
Director	Ian Hamilton – Director Technical Services
Directors Signature	
File ref.	TEC/023
Previous Item No's	T10.10 - 30 March 2010 / Item 14.5 – 24 May 2011
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Address by member of the public Mr Brian Johnson
(Spoke in support of the resolution)

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

Moved – Councillor Binks
Seconded – Councillor Somerville-Brown

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

CARRIED UNANIMOUSLY 11/-


Committee Recommendation / Recommendation to Committee

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).

7.3 Community & Strategy Report No's CM10.11 to CM11.11

CM10.11	Policy Review
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Committee	8 November 2011
Council	22 November 2011

Applicant	City of Nedlands
Owner	City of Nedlands
Director	Carlie Eldridge – Director Development Services and Ian Hamilton – Director Technical Services
Director Authorising	Darla Blake - Director Community and Strategy
Director Signature	
File ref.	CRS/065
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) - Committee recommended to refer the Policies to a workshop with Councillors.

REFER BACK

MOVED – Councillor Walker

SECONDED – Councillor McManus

That this matter be referred back to Administration for further consideration.

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

Committee Recommendation

That this matter be referred back to Administration for further consideration.


Recommendation to Committee

Council approves the following policies:

1. Trading in Public Places
2. Elected Members – Entitlements
3. Graffiti Management
4. Underground Power – Council Schemes

CM11.11	Nedlands Aged Persons Homes Trust Inc. (Lisle Villages) – Proposed Change to Constitution
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Committee	8 November 2011
Council	22 November 2011

Applicant	Nedlands Aged Persons Homes Trust Inc. (Lisle Villages)
Owner	Nedlands Aged Persons Homes Trust Inc. (Lisle Villages)
Director	Darla Blake - Director Community and Strategy
Director Signature	
File ref.	CMS/155
Previous Item No's	Report C73.04 – Item 14.5 – 14 December 2004 Report C10/133 – Item 13.3 – 26 October 2010
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Regulation 11(da) - Committee agreed to defer this item pending further discussion by Councillor Collins, the Councils Board representation, with Nedlands Aged Persons Homes Trust (Inc) executives.

Moved – Councillor Collins
Seconded – Councillor Binks

That this item be deferred to the next meeting to allow Councillor Collins time to meet with the executives of the Nedlands Aged Persons Homes Trust (Inc) before discussion of the item takes place.

CARRIED UNANIMOUSLY 11/-

Committee Recommendation

That this item be deferred to the next meeting to allow Councillor Collins time to meet with the executives of the Nedlands Aged Persons Homes Trust (Inc) before discussion of the item takes place.

Recommendation to Committee

1. Council approves the withdrawal of the section of the Nedlands Aged Persons Home Trust Inc (Lisle Villages) Constitution requiring City of Nedlands approval for any changes to the constitution (Clause 21) subject to:

A restrictive covenant first being registered against the certificates of title to:

- i. 125 (Lot 93) Alfred Road, Mount Claremont;
- ii. 53-57 (Lots 104 and 105) Lisle Street, Mount Claremont;

pursuant to section 129BA of the *Transfer of Land Act 1893*, in which the owner of that land agrees that the land may not be used for any purpose other than accommodation for aged persons; to which, the Council agrees that the Rules of the Association (Constitution) for the Nedlands Aged Persons Home Trust (Inc) may be amended accordingly.

2. In the event the Chief Executive Officer forms the opinion that the registration of the restrictive covenant required by the preceding resolution is not possible or is impractical, as an alternative a deed between the owner of the land and the City of Nedlands may be prepared, in which the owner covenants to use the land only for aged persons accommodation, and charges the land in favour of the City of Nedlands to allow the lodgement of an absolute caveat against the certificates of title.
3. The restrictive covenant (or the deed and caveat if required) is to be prepared to the satisfaction of the Chief Executive Officer by the City's solicitors. All costs associated with the preparation and registration of the documents, are to be borne by Nedlands Aged Persons Homes Trust Inc (Lisle Villages).
4. Once a restrictive covenant or other mechanism is in place to ensure that the land remains as aged persons accommodation, Council agrees to activate the Council resolution of 14 December 2004 (relevant to Clause 9 (v) of the Nedlands Aged Persons Home Trust Inc (Lisle Villages) Constitution), that resolved:

That the Nedlands Aged Persons Home Trust (Inc) be advised that the Council no longer wishes to have a Councillor representative on its Management Committee and would support an amendment to the Nedlands Aged Persons Homes Trust (Inc) constitution to put this change into effect.

7.4 Corporate Services Report No's CP37.11 to CP41.11

CP37.11	Monthly Financial Report – September 2011
Committee	8 November 2011
Council	22 November 2011
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate Service
Director Signature	
File ref.	Fin/072-17
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Binks
 Seconded – Councillor Collins

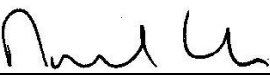
That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council receives the Monthly Financial Report for September 2011.

CP38.11	<i>Investment Report – September 2011</i>
Committee	8 November 2011
Council	22 November 2011
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate Service
Director Signature	
File ref.	Fin/071-07
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor Binks

Seconded – Councillor Somerville-Brown

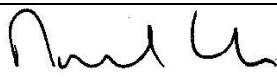
That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council receives the Investment Report for the period ended 30 September 2011.

CP39.11	List of Accounts Paid – September 2011
Committee	8 November 2011
Council	22 November 2011
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate Service
Director Signature	
File ref:	Fin/072-17
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Mr I Hamilton, Director Technical Services joined the meeting at 7.51 pm.

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

Moved – Councillor Binks
 Seconded – Councillor Shaw

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


CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of September 2011.

CP40.11	City of Nedlands Code of Conduct
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Committee	8 November 2011
Council	22 November 2011

Applicant	City of Nedlands
Owner	City of Nedlands
Director	Michael Cole - Director Corporate Services
CEO	Graham Foster – Chief Executive Officer
CEO Signature	
File ref.	CRS/007
Previous Item No's	CP34.10 – 26 October 2010
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the Local Government Act (1995).

Regulation 11(da) - Committee agreed to refer the Code of Conduct to a Councillor Workshop.

Moved – Councillor Walker
 Seconded – Councillor Hodsdon

Council workshops the City of Nedlands' Code of Conduct to ensure that the principles and values of the Code reflect and reinforce a culture of best practice in professional conduct.

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

Committee Recommendation


Council workshops the City of Nedlands' Code of Conduct to ensure that the principles and values of the Code reflect and reinforce a culture of best practice in professional conduct.

Recommendation to Committee

Council adopts the City of Nedlands' Code of Conduct in accordance with section 5.103(1) of the *Local Government Act 1995*.

CP41.11	Annual Report and Annual Electors Meeting
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Committee	8 November 2011
Council	22 November 2011

Applicant	City of Nedlands
Owner	City of Nedlands
Director	Michael Cole - Director Corporate Services
CEO	Graham Foster – Chief Executive Officer
CEO Signature	
File ref.	PUB/003
Previous Item No's	Nil
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the Local Government Act (1995).

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

Moved – Councillor McManus
 Seconded – Councillor Collins

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

CARRIED 10/1
(Against: Crs. Walker)

Committee Recommendation / Recommendation to Committee

That Council:

- 1. receives the Annual Report of the City of Nedlands for the Financial Year ended 30 June 2011 comprising:**
 - a. report from the Mayor;**
 - b. report from the Chief Executive Officer;**
 - c. financial report; and**
 - d. the Auditor's Report**

in accordance with the provisions of Section 5.54 of the *Local Government Act 1995*; and

2. agrees to hold the Annual Meeting of Electors for the City of Nedlands on Tuesday 6 December 2011 at 6.00 pm at the Council Chambers.

8. Reports by the Chief Executive Officer

Nil.

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

9.1 Adams Road

Mr. I. Hamilton, Director Technical Services disclosed an impartiality interest in Item 9.1 Adams Road. He disclosed that his name along with other senior administration officers was mentioned in the Supreme Court action and as a consequence, there may be a perception that his impartiality on the matter may be affected and therefore will leave to room.

Mr. I. Hamilton, Director Technical Services left the meeting at 8.07 pm.

Moved – Councillor Porter
Seconded – Councillor Binks

That all road works at Adams Rd Dalkeith be postponed to enable Council to properly consider option 3 as presented by the engineers McDowall Affleck.

CARRIED UNANIMOUSLY 11/-

Committee Recommendation

That all road works at Adams Rd Dalkeith be postponed to enable Council to properly consider option 3 as presented by the engineers McDowall Affleck.

Comment:

- Options 1, 2 and 3 were presented by the engineers and sent for public comment. Option 3 was then discarded on the basis that all consulted neighbours, with the exception of Mr Marron and one other, objected to option 3. Mr Marron requested option 3 as his preferred option and was very happy with this outcome. Elected members have been advised by administration that the objections of the neighbours was the main reason that option 3 was

discarded. It was therefore never debated or considered by council. This is considered to be an unsafe basis upon which to have discarded option 3 due to the obvious ongoing tension between Mr Marron and his neighbours.

2. Option 3 has not been costed but enquiries reveal that it may be less expensive.
3. The planned road works impact exclusively on Mr Marron.
4. The planned road works provide encouragement for vehicles to venture onto the steep lower section of Adams Road.
5. The planned road works do not provide the best outcome in terms of providing ease of access for the rubbish truck.
6. Option 3 appears from the drawings to be more aesthetically pleasing and more functional in terms of the objectives of the road works required and it seems to address the problems in the street more totally than the current proposed road works.
7. To provide procedural fairness to Mr Marron, the council ought to fully consider this 3rd option.

9.2 Metropolitan Local Government Review

Moved – Councillor Collins
Seconded – Councillor Walker

That:

1. **the City of Nedlands prepares and lodges a submission to the Metropolitan Local Government Review Panel by 23 December 2011 ;**
2. **the submission should emphasise the importance of building on the history and structure of governance existing in the Perth metropolitan area, not importing an alien model from elsewhere;**
3. **the submission is to include an examination of the option of retaining existing local governments in Perth's western suburbs and strengthening and developing a group entity with multi-functional regional responsibilities.**

**CARRIED 6/1
(Against: Cr. Binks)
(Abstaining Crs. Somerville-Brown,
Shaw, Hodsdon & Porter)**

Committee Recommendation

That:

1. **the City of Nedlands prepares and lodges a submission to the Metropolitan Local Government Review Panel by 23 December 2011 ;**
2. **the submission should emphasise the importance of building on the history and structure of governance existing in the Perth metropolitan area, not importing an alien model from elsewhere;**
3. **the submission is to include an examination of the option of retaining existing local governments in Perth's western suburbs and strengthening and developing a group entity with multi-functional regional responsibilities.**

Comment:

At the Local Government Managers Australia conference at Fremantle on 4 November 2011, the Chair of the Metropolitan Local Government Review Panel, Professor Alan Robson, spoke on the review. He stated the terms of reference provided a strong mandate for change and this was a once-in-a-lifetime opportunity. He interpreted this as a directive to examine the appropriateness of alternative governance structures for capacity building in regional, financial and social planning. The review was looking at Auckland, with its metropolitan government and local boards (a top down approach) and Vancouver with its over-arching voluntary metropolitan board (a bottom up approach). Professor Robson said "If starting again, it is unlikely there would be 30 local governments in the Perth metropolitan area". He wanted to avoid metropolitan mediocrity and there was a strong desire for change. Leadership was about making decisions; history remembers people with courage, not the naysayers.

There were many questions to Professor Robson, which he had difficulty answering.

It is understandable that the State Government wants to reduce the number of local governments it has to deal with: 30 in the metropolitan area and 139 throughout WA. If it dealt only with regional groups for the distribution of road funds, Royalties for Regions grants, etc, the number could be reduced to less than 10 in country areas and around the same number in the metropolitan area.

This could be the basis of the City of Nedlands' submission to the Metropolitan Local Government Review.

9.3 Scheme Amendment No. 192 Town Planning Scheme No. 2 – Dalkeith Special Control Area Provisions

Mr I Hamilton, Director Technical Services returned to the meeting at 8.14 pm.

Moved – Councillor Hodsdon

Seconded – Councillor Binks

The Ministers instructions are taken under protest as the Scheme Amendment No. 192 is:

- **contrary to the views of the majority of the community;**
- **contrary to the outcomes of extensive community consultation; and**
- **contrary to orderly and proper planning undertaken by the City.**

**CARRIED 10/-
(Abstaining: Cr. Somerville-Brown)**

Committee Recommendation

The Ministers instructions are taken under protest as the Scheme Amendment No. 192 is:

- **contrary to the views of the majority of the community;**
- **contrary to the outcomes of extensive community consultation; and**
- **contrary to orderly and proper planning undertaken by the City.**

Recommendation to Committee

That the City of Nedlands discontinues amendment No. 192 of Town Planning Scheme No. 2.

Comment:

The City of Nedlands in good faith initiated scheme amendment No. 192 of Town Planning Scheme No. 2 to increase commercial and residential densities along Waratah Avenue Dalkeith, in accordance with State Government policies. After much community consultation a compromise was reached and documents submitted to the Minister for Planning, for approval.

The Minister requested changes to further increase densities, which were rejected by a clear majority of submissions from the community. Notwithstanding, the minister has resolved to override all objections.

It is now considered that Amendment No. 192 is unacceptable to the community and City of Nedlands.

A town planning scheme amendment initiated by a local government can be discontinued at any time. However under clause 76 of the Planning and Development Act, the Minister has the power to order a local government to prepare or adopt a scheme or amendment.

It is recommended that the City of Nedlands discontinues Amendment No. 192. The Minister could instruct the Council to finalise the amendment. However in that event, the responsibility for the amendment would lie squarely with the Minister, not the Council who would keep faith with the community.

Council's solicitors have been asked to confirm the wording of the resolution.

10. Confidential Items

Nil.

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 8.15 pm.