



City of Nedlands

Agenda

Council Committee Meeting

13 November 2012

Dear Council member

The next meeting of the Council Committee will be held on Tuesday 13 November 2012 in the Council Chambers at 71 Stirling Highway Nedlands commencing at 7 pm.

Michael Cole
Acting Chief Executive Officer
6 November 2012

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City of Nedlands

Notice of a meeting of the Council Committee to be held in the Council Chambers, Nedlands on Tuesday 13 November 2012 at 7 pm.

Council Committee Agenda

Declaration of Opening

The Presiding Member will declare the meeting open at 7 pm, 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 (Previously Approved)	Councillor B Hodsdon	Hollywood Ward
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Apologies	Councillor R M Binks	Hollywood Ward
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Disclaimer

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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 will be invited to be made as each item relating to their address is discussed by the Committee.

2. Disclosures of Financial Interest

The Presiding Member to remind 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.

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

However, other members may allow participation of the declarant if the member further discloses the extent of the interest. Any such declarant who wishes to participate in the meeting on the matter, shall leave the meeting, after making their declaration and request to participate, while other members consider and decide upon whether the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

3. Disclosures of Interests Affecting Impartiality

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

Councillors and staff are required, in addition to declaring any financial interests to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making procedure.

The following pro forma declaration is provided to assist in making the disclosure.

"With regard to the matter in item x..... I disclose that I have an association with the applicant (or person seeking a decision). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

The member or employee is encouraged to disclose the nature of the association.

4. 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.

5. Confirmation of Minutes

5.1 Committee Meeting 9 October 2012

The minutes of the Council Committee held 9 October 2012 are to be confirmed.

6. 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.

7. Divisional Reports

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

7.1 Planning & Development Report No's PD45.12 to PD53.12

Planning & Development Report No's PD45.12 to PD53.12 to be dealt with at this point (copy attached yellow cover sheet).

- PD45.12 No. 101 Monash Avenue, Nedlands (Hollywood Hospital) – Proposed Acute Adult Voluntary Mental Health Unit
- PD46.12 Future planning for North Hollywood: Land use, movement and the public realm
- PD47.12 Proposed Amalgamation of Lots 52-59 (No. 1, 3, 5, 7, 9, 11, 13 & 15) Milyarm Rise, Swanbourne (WAPC/146801)
- PD48.12 Final Endorsement of the DC Cruickshank Master Plan.
- PD49.12 Initiation of proposed Scheme Amendment No. 197 of Town Planning Scheme No. 2 to amend the zoning of Various Lots to “Special Use” to allow for a Woolworths development.
- PD50.12 Claremont Nedlands Lions Club – Proposed Lease.
- PD51.12 John Leckie Pavilion, College Park (Reserve 1670) and terms of use by the Claremont Junior Football Club Inc.
- PD52.12 Swanbourne Beach Café (The Naked Fig Café) – Deed of Variation of Sublease
- PD53.12 Highview Park - Larry Francis Foley and Andrew Jonathon Wilson (of Sand Volley Australia Pty Ltd) – Termination of Sublease.

7.2 Technical Services Report No's TS22.12 to TS24.12

Technical Services Report No's TS22.12 to TS24.12 to be dealt with at this point (copy attached blue cover sheet).

TS22.12 Tender No. 2012/13.03 – Irrigation Maintenance Services.

TS23.12 Proposed Principal Shared Path on Stubbs Terrace.

TS24.12 Tender No. 2012/13.02 – Highview Park Irrigation Upgrade.

7.3 Community & Organisational Development No CM09.12

Report No CM09.12 to be dealt with at this point (copy attached pink cover sheet).

CM09.12 MOU - City of Nedlands and Rotary – All Abilities Play Space, Beaton Park

7.4 Corporate & Strategy Report No's CP45.12 to CP49.12

Report No's CP45.12 to CP49.12 to be dealt with at this point (copy attached green cover sheet).

CPS45.12 Monthly Financial Report – September 2012

CPS46.12 Investment Report – September 2012

CPS47.12 List of Accounts Paid – September 2012

CPS48.12 Policy Review

CPS49.12 2012/2013 Post Audit Budget Changes

8. Reports by the Chief Executive Officer

Nil.

9. Elected Members Notices of Motions of Which 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.

9.1 Councillor McManus - Parking Permits

Councillor McManus gave notice of his intention to move the following at the Council Meeting to be held on 27 November 2012. (Note: first going to Committee on 13 November)

That the parking trial be suspended, pending

- 1. consultation with stakeholders; and**
- 2. a resolution of the issues or problems of small businesses in the City of Nedlands with respect to parking by their employees.**

Administration Comment

Given the scope of the project there are numerous stakeholders. While property owners and business owners can quite easily be identified, employees and visitors to the businesses and residential properties are not. This complicates stakeholder consultation to the point that it is unlikely to ever be comprehensive, which in turn exposes Council to the criticism of selective canvassing.

In relation to addressing the parking issues for employees of small businesses, it is worth noting that these parking needs are only one side of the coin. In addition to the all day employee parking they also need parking space for customers (short term) which is very difficult to estimate and highly unlikely that the business owners themselves would know. With limited bays available parking allocations for one business will be at the expense of another.

As it is not within the scope of a public authority to provide for the parking needs of private businesses, developments are generally required to meet their parking needs on-site. This also places an onus on business owners to locate their businesses in positions where the availability of parking is appropriate for their needs.

A significant benefit of the parking trial will be that it will bring out all the issues (direct and indirect) that are being experienced in relation to parking in the Stirling Highway area. Any other methods are unlikely to bring out the issues as well. Suspending the trial is therefore not a preferred option particularly given the costs that have already been incurred in this regard which are in excess of \$60 000 (excluding staff time).

9.2 Councillor Walker - Local Government Reform

Councillor Walker gave notice of her intention to move the following at the Council Meeting to be held on 27 November 2012. (Note: first going to Committee on 13 November)

Council

- 1. the City of Nedlands carries out a postal referendum of all electors to determine their views on the proposed voluntary amalgamation of the City to form a G7 Western Suburbs Council comprising of the following local governments Claremont, Cottesloe, Mosman Park Subiaco and Cambridge; and**
- 2. the Western Australian Electoral Commission be asked as a matter of priority to undertake the postal referendum of the electors of the City of Nedlands with the following question.**
Are you in favour of the City of Nedlands voluntary amalgamating with the G7 Councils to form one Western Suburbs Council?

Yes [] No []

Justification

The Metropolitan Local Government Review Report has been released with its findings and recommendations. The consequences of which see the City of Nedlands amalgamating with Claremont, Cottesloe, Mosman Park, Subiaco and Cambridge.

Since the previous failed RTG process, the City of Nedlands Council has championed self determination and supports a democratic process of government. Given the Robson Reports recommendations the City should take a proactive leadership role for a second time. Therefore in supporting the democratic process and representative government the Council must solicit from citizens their views before participating in any

amalgamation process. In undertaking a referendum of the electors, the electors will provide the Council with a clear determination of its views on what is being recommended by the State Government for a Western Suburbs Council.

Administration Comment

The proposal to hold a referendum is not supported at this time for the following reasons:

1. In releasing the final report of the Metropolitan Local Government Review Panel, the Minister announced the report would be open for public comment until 5 April 2013. A referendum at this time would be premature without first knowing the State Government's final position on the recommendations in the report.
2. The final report includes a number of recommendations, including the amalgamation of the Western Suburbs into one Council. While the report recommends 12 Councils in the metropolitan area, the Premier has already separately indicated support for the WALGA preferred model of 15 to 20 Councils. Some neighbouring Councils have already seen this as an opportunity to consider other options with more than one local government in the Western Suburbs suggested. The G4 model of Claremont, Cottesloe, Mosman Park and Peppermint Grove being one such option. A referendum at this time would be premature without knowing the position of our neighbouring Councils.
3. The City of Nedlands has previously indicated a preference to merge with the Town of Claremont but the Town of Claremont has expressed a desire to consider a merger with Cottesloe, Mosman Park and Peppermint Grove. The Cities of Subiaco and Nedlands then explored the potential to merge in 2011. Subiaco also voted against this proposal and following the October 2011 Local Government Ordinary Elections, the City of Nedlands informed the Minister that it no longer wished to merge with the City of Subiaco. Given the public opposition at the time to this proposal, a referendum at this time would be premature without community support for such a proposal.
4. A referendum on voluntary reform could be considered once the State Government has considered feedback on the final report and determined its position. Electors would need to be fully informed on the issue, and a case for and against developed. While the Robson Report is a lengthy document, it could be used as the basis to present a case for amalgamation. A counter view opposing the amalgamation should also be prepared.
5. The estimated cost of the referendum is \$40,000. This is based on the cost of the ballot and provision for publicity in the local

press and website, including preparation of a case for and against. Such expenditure would be premature without knowing the State Government's position on the recommendations in the report.

6. Council has previously supported the holding of a poll to determine the views of electors and while the views of residents should be sought, it is premature to canvass the views of residents via a referendum without first knowing the position of the State Government.

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

11. Confidential Items

Nil.

Declaration of Closure

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



Michael Cole
Acting Chief Executive Officer