



City of Nedlands

# ***Minutes***

## ***Council Committee Meeting***

***13 November 2012***

**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 Ordinary Council Meeting next 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 November 2012 at 7.00 pm.

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#### 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)

<b>Councillors</b>	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor K E Collins	Coastal Districts Ward
	Councillor N B J Horley	Coastal Districts Ward
	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 K Walker	Hollywood Ward
	Councillor N Shaw	Melvista Ward
	Councillor M L Somerville-Brown	Melvista Ward

<b>Staff</b>	Mr M Cole	Acting Chief Executive Officer
	Ms D Blake	Acting Director Corporate & Strategy
	Mr P Mickleson	Director Planning & Development
	Mr M Goodlet	Director Technical Services
	Ms P Panayotou	Acting Director Community & Organisational Development
	Mrs N Ceric	Executive Assistant
	Ms M Granich	Manager Community Development
	Ms G Poezyn	Manager Strategic Planning

**Public** There were 33 members of the public present.

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

**Leave of Absence (Previously Approved)** Councillor B Hodsdon Hollywood Ward

**Apologies** Councillor R M Binks Hollywood Ward  
Councillor T James Melvista Ward

**Absent** Nil.

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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.

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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 had completed Public Address Session Forms will be invited to be made as each item relating to their address is discussed by the Committee.

Mr P Driscoll, Suite 5/16 Nicholson Road, Subiaco Report PD45.12  
(spoke in support of the recommendation)

Ms R Potter, 80 Monash Avenue, Nedlands Report PD46.12  
(spoke in relation to the matter)

Mr A Hardie, 164 Victoria Avenue, Dalkeith Report PD48.12  
(spoke in support of the recommendation)

Ms W Ireland, 4/8 Philip Road, Dalkeith Report PD48.12  
(spoke in support of the recommendation)

Ms B Mohanrich, Suite 3, 70 Angelo Street, South Perth Report PD49.12  
(spoke in opposition to the recommendation)

Ms R Coghlan, 37 Bulimba Road, Nedlands Report PD49.12  
(spoke in support of the recommendation)

Mr P Plaisted, 22 Vincent Street, Nedlands Report PD49.12  
(spoke in support of the recommendation)

Ms D Broux, 18 Odern Crescent, Swanbourne Report PD52.12  
(spoke in opposition to the recommendation)

Mr P Haselhurst, 2 Walba Way, Swanbourne Report PD52.12  
(spoke in opposition to the recommendation)

Mr A Wilson, 20 Harvest Road, North Fremantle Report PD53.12  
(spoke in opposition to the recommendation)

**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 is discussed.

There were no disclosures of financial interest.

**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*.

**3.1 Councillor Hassell – 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**

Councillor Hassell disclosed an impartiality interest in 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. He disclosed that Clause 11.6 of the Code of Conduct of the City reads:

11.6 In the following clauses 11.7 to 11.12 "interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

As he has advised previously, Councillor Hassell has a long standing association of friendship with Mrs Marie-Louise Wordsworth who has confirmed to him that she is the ultimate beneficial owner of the land in question.

Although he may not be precluded from doing so by law, it is his view that his interest is such that his impartiality could reasonably be regarded as compromised in consideration of the matter before Council and it is my intention to avoid participation in debate on the matter and not to exercise any vote on the matter at Committee of Council.

**3.2 Councillor McManus – PD50.12 - Claremont Nedlands Lions Club – Proposed Lease**

Councillor McManus disclosed an impartiality interest in Report PD50.12 - Claremont Nedlands Lions Club – Proposed Lease. He disclosed that he is the Vice President of Claremont Lions Club, 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.

**3.3 Councillor Walker – PD46.12 - Future planning for North Hollywood: Land use, movement and the public realm**

Councillor Walker disclosed an impartiality interest in Report PD46.12 - Future planning for North Hollywood: Land use, movement and the public realm. She disclosed that lives and knows people in the area, and as a consequence, there may be a perception that her impartiality on the matter may be affected. She declared that she would consider this matter on its merits and vote accordingly.

**3.4 Councillor Porter – PD51.12 - John Leckie Pavilion, College Park (Reserve 1670) and terms of use by the Claremont Junior Football Club Inc.**

Councillor Porter disclosed an impartiality interest in Report PD51.12 - John Leckie Pavilion, College Park (Reserve 1670) and terms of use by the Claremont Junior Football Club Inc. He disclosed that his son plays for the Claremont Junior Football Club Inc, 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.

**3.5 Councillor Argyle – 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**

Councillor Argyle disclosed an impartiality interest in Report 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. He disclosed that he has known the Johnston family for many 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.

**3.6 Councillor Argyle – 10.1 – Parking Trial**

Councillor Argyle disclosed an impartiality interest in Item 10.1 – Parking Trial. He disclosed that he lives in Thomas Street and his daughter has a property in 39 Kinnomont Avenue, Nedlands, 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.

**3.7 Councillor Horley – PD45.12 - No. 101 Monash Avenue, Nedlands (Hollywood Hospital) – Proposed Acute Adult Voluntary Mental Health Unit**

Councillor Horley disclosed an impartiality interest in Report PD45.12 - No. 101 Monash Avenue, Nedlands (Hollywood Hospital) – Proposed Acute Adult Voluntary Mental Health Unit. She disclosed that some of the patients she sees also go to Hollywood Hospital, and as a consequence, there may be a perception that her impartiality on the matter may be affected. She declared that she would consider this matter on its merits and vote accordingly.

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

Nil.

**5. Confirmation of Minutes**

**5.1 Committee Meeting 9 October 2012**

Moved – Councillor Walker  
Seconded – Councillor Collins

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

**CARRIED 8/-  
(Abstained: Crs. Shaw & Walker)**

**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.

Nil.

**7. Deputation from Mr Barry Nunn**

Council received a deputation from Mr Barry Nunn regarding report 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.

Mr Nunn tabled a petition with 3205 signatures.

**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.

Moved – Councillor Walker  
Seconded – Councillor Hassell

**That Report PD49.12 be brought forward**

**CARRIED UNANIMOUSLY 10/-**

**8.1 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).

**Please note this item was brought forward.**

<b>PD49.12</b>	<b>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.</b>
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<b>Committee</b>	13 November 2012
<b>Council</b>	27 November 2012

<b>Applicant</b>	MGA Planners on behalf of the owners
<b>Owner</b>	M L Wordsworth Pty Ltd
<b>Officer</b>	Strategic Planning Department
<b>Director</b>	Peter Mickleson - Director Planning & Development
<b>Director Signature</b>	
<b>File ref.</b>	TPN/A197
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	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> .

**Councillor Hassell – Impartiality Interest**

He disclosed that Clause 11.6 of the Code of Conduct of the City reads:

11.6 In the following clauses 11.7 to 11.12 "interest" means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

As he has advised previously, Councillor Hassell has a long standing association of friendship with Mrs Marie-Louise Wordsworth who has confirmed to him that she is the ultimate beneficial owner of the land in question.

Although he may not be precluded from doing so by law, it is his view that his interest is such that his impartiality could reasonably be regarded as compromised in consideration of the matter before Council and it is my intention to avoid participation in debate on the matter and not to exercise any vote on the matter at Committee of Council.

Councillor Hassell left the room at 7.22 pm.

**Councillor Argyle – Impartiality Interest**

He disclosed that he has known the Johnston family for many 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.

Non-Elector

Moved – Councillor Somerville-Brown

Seconded – Councillor Walker

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

**CARRIED UNANIMOUSLY 9/-**

Ms B Mohanrich, Suite 3, 70 Angelo Street, South Perth  
(spoke in opposition to the recommendation) Report PD49.12

Ms R Coghlan, 37 Bulimba Road, Nedlands Report PD49.12  
(spoke in support of the proposal)

Mr P Plaisted, 22 Vincent Street, Nedlands Report PD49.12  
(spoke in support of the recommendation)

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

Moved – Councillor Somerville-Brown

Seconded – Councillor Walker

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

(Printed below for ease of reference)

Suspension of Standing Order

Moved – Councillor Porter

Seconded – Councillor Argyle

**That Standing Order No. 10.7 be suspended for the purpose of allowing Councillors to speak more than once without having alternating views.**

**CARRIED 7/1  
(Against: Cr. Shaw)  
(Abstained: Cr. Horley)**

**The motion was put and**

**CARRIED 8/1  
(Against: Cr. Shaw)**

**Committee Recommendation / Recommendation to Committee**

**Council does not initiate proposed Scheme Amendment No. 197 as it does not constitute orderly and proper planning for the following reasons:**

- 1. the proposal does not address the planning vision for the lots;**
- 2. the proposal is not sensitive to its adjoining land uses;**
- 3. the proposal does not fully integrate with the sites' characteristics and history; and**
- 4. the proposal advocates for the dominance of one use within the proposed additional floor space which will create a development that is out of character for the area.**

**Resumption of Standing Orders**

**Moved – Councillor Walker**

**Seconded – Councillor Collins**

**That Standing Order No 10.7 be resumed.**

**CARRIED UNANIMOUSLY 9/-**

Standing Order No 10.7 was resumed.

The Presiding Member granted an adjournment for 5 minutes for the purposes of a refreshment break.

The meeting adjourned at 8.18 pm and reconvened at 8.23 pm with the following people in attendance:

<b>Councillors</b>	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor K E Collins	Coastal Districts Ward
	Councillor N B J Horley	Coastal Districts Ward
	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 K Walker	Hollywood Ward
	Councillor N Shaw	Melvista Ward
	Councillor M L Somerville-Brown	Melvista Ward

<b>Staff</b>	Mr M Cole	Acting Chief Executive Officer
	MS D Blake	Acting Director Corporate & Strategy
	Mr P Mickleson	Director Planning & Development
	Mr M Goodlet	Director Technical Services
	Ms P Panayotou	Acting Director Community & Organisational Development
	Mrs N Ceric	Executive Assistant
	Ms M Granich	Manager Community Development
	Ms R Boley	Property Management Officer

**Public** There were 13 members of the public present.

**Press** The Post Newspaper representative.

<b>PD45.12</b>	<b>No. 101 Monash Avenue, Nedlands (Hollywood Hospital) – Proposed Acute Adult Voluntary Mental Health Unit</b>
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<b>Committee</b>	13 November 2012
<b>Council</b>	27 November 2012

<b>Applicant</b>	Peter Driscoll - Landvision
<b>Owner</b>	Ramsay Hospital Holdings
<b>Officer</b>	Elle O'Connor – Planning Officer
<b>Director</b>	Peter Mickleson - Director Planning & Development
<b>Director Signature</b>	
<b>File ref.</b>	DA12/360 : MO1/101-09
<b>Previous Item No's</b>	
<b>Disclosure of Interest</b>	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> .

**Councillor Horley – Impartiality Interest**

She disclosed that some of the patients she sees also go to Hollywood Hospital, and as a consequence, there may be a perception that her impartiality on the matter may be affected. She declared that she would consider this matter on its merits and vote accordingly.

Non-Elector

Moved – Councillor Porter  
 Seconded – Councillor Walker

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

**CARRIED UNANIMOUSLY 10/-**

Mr P Driscoll, Suite 5/16 Nicholson Road, Subiaco  
 (spoke in support of the recommendation)

Report PD45.12

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

Moved – Councillor Shaw

Seconded – Councillor Collins

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

(Printed below for ease of reference)

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

**Committee Recommendation / Recommendation to Committee**

**Council:**

1. approves an application for an Acute Adult Voluntary Mental Health Unit at No. 101 Monash Avenue, Nedlands (Hollywood Hospital) in accordance with the application and plans received 5 September 2012 subject to the following conditions:
  - a. the unit will accommodate a maximum of 30 patients;
  - b. twelve (12) additional car parking bays are to be located on site;
  - c. all stormwater from building, paved areas and driveways shall be contained on site by draining to soak wells of adequate capacity to contain runoff from a 10 year recurrent storm event; and soak wells shall be a minimum capacity of 1 m<sup>3</sup> for every 80 m<sup>2</sup> of paved or roofed surface on the property.
  - d. 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.
  - e. 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.

<b>PD46.12</b>	<b>Future planning for North Hollywood: Land use, movement and the public realm</b>
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<b>Committee</b>	13 November 2012
<b>Council</b>	27 November 2012

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	Various
<b>Officer</b>	Strategic Planning Department
<b>Director</b>	Peter Mickleson - Director Planning & Development
<b>Director Signature</b>	
<b>File ref.</b>	TPN/127-04
<b>Previous Item No's</b>	PD33.12
<b>Disclosure of Interest</b>	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> .

**Councillor Walker – Impartiality Interest**

She disclosed that lives and knows people in the area, and as a consequence, there may be a perception that her impartiality on the matter may be affected. She declared that she would consider this matter on its merits and vote accordingly.

Ms R Potter, 80 Monash Avenue, Nedlands  
(spoke in relation to the matter)

Report PD46.12

**Regulation 11(da) – Council resolved not to progress consultation on the North Hollywood Land Use Strategy.**

Moved – Councillor Walker  
Seconded – Councillor Horley (Pro forma)

**Council:**

1. **refuses the North Hollywood Land Use Strategy for public consultation;**
2. **approves the North Hollywood Movement Strategy for public consultation; and**
3. **approves the North Hollywood Placemaking Strategy for public consultation.**

**CARRIED UNANIMOUSLY 10/-**

**Committee Recommendation**

**Council:**

- 1. refuses the North Hollywood Land Use Strategy for public consultation;**
- 2. approves the North Hollywood Movement Strategy for public consultation; and**
- 3. approves the North Hollywood Placemaking Strategy for public consultation.**

Recommendation to Committee

Council:

4. approves the North Hollywood Land Use Strategy for public consultation;
5. approves the North Hollywood Movement Strategy for public consultation; and
6. approves the North Hollywood Placemaking Strategy for public consultation.

<b>PD47.12</b>	<b>Proposed Amalgamation of Lots 52-59 (No. 1, 3, 5, 7, 9, 11, 13 &amp; 15) Milyarm Rise, Swanbourne (WAPC/146801)</b>
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<b>Committee</b>	13 November 2012
<b>Council</b>	27 November 2012

<b>Applicant</b>	Guidice Surveys
<b>Owner</b>	Western Australian Land Authority
<b>Officer</b>	Jason Moore – Strategic Planning Officer
<b>Director</b>	Peter Mickelson – Director Planning & Development
<b>Director Signature</b>	
<b>File ref.</b>	WAPC/146801
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	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 Argyle  
 Seconded – Councillor Horley

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

(Printed below for ease of reference)

**CARRIED 9/1  
 (Against: Cr. Walker)**

**Committee Recommendation / Recommendation to Committee**

**Council recommends approval of the proposed amalgamation and re-subdivision of lots 52-59 (No 1, 3, 5, 7, 9, 11, 13 and 15) Milyarm Rise, Swanbourne subject to:**

- 1. the Western Australian Planning Commission (WAPC) be requested to impose the following conditions on the subdivision approval:**
  - a. the City of Nedlands Town Planning Scheme No.2 (TPS2) to be amended as follows:**
    - i. changes to the Town Planning Scheme No.2 (TPS2) map to amend the density coding of lots from R60 to R25; and**



<b>PD48.12</b>	<b>Final Endorsement of the DC Cruickshank Master Plan</b>
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<b>Committee</b>	13 November 2012
<b>Council</b>	27 November 2012

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Gabriela Poezyn – Manager Strategic Planning Melanie Cathie – Project Consultant
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Director Signature</b>	
<b>File ref</b>	TEN/330
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	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 A Hardie, 164 Victoria Avenue, Dalkeith  
(spoke in support of the recommendation)

Report PD48.12

Ms W Ireland, 4/8 Philip Road, Dalkeith  
(spoke in support of the recommendation)

Report PD48.12

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

Moved – Councillor Somerville-Brown  
Seconded – Councillor McManus

**That the Recommendation to Committee is adopted subject to clause 1 a being amended by replacing the word “removed” with the word “received”.**

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

**Committee Recommendation**

**Council:**

- 1. endorses the DC Cruickshank Master Plan Report (refer to attachment 1), as the guiding document for future development at the reserve including capital budget allocations and grant applications subject to the following conditions:**

- a. **the proposed BBQ facility at the playgrounds is received;**
  - b. **the Master Plan provides for flexibility in relation to the building design and footprint of the proposed Collegians Amateur Football Club building to prevent the change to the width of the football oval;**
  - c. **the new proposed location of the tennis club's clay courts adjacent to the club building on the north side is acceptable on the condition that the club relocates the playground and ten (10) trees to the east of the new courts.**
2. **instructs Administration to propose a new or amend an existing Council policy to provide capital works grants outside of the Department of Sport and Recreation's CSRFF application process to sporting and other community groups.**

Recommendation to Committee

Council:

1. endorses the DC Cruickshank Master Plan Report (refer to attachment 1), as the guiding document for future development at the reserve including capital budget allocations and grant applications subject to the following conditions:
  - a. the proposed BBQ facility at the playgrounds is removed;
  - b. the Master Plan provides for flexibility in relation to the building design and footprint of the proposed Collegians Amateur Football Club building to prevent the change to the width of the football oval;
  - c. the new proposed location of the tennis club's clay courts adjacent to the club building on the north side is acceptable on the condition that the club relocates the playground and ten (10) trees to the east of the new courts.
2. instructs Administration to propose a new or amend an existing Council policy to provide capital works grants outside of the Department of Sport and Recreation's CSRFF application process to sporting and other community groups.

Councillor Hassell left room at 8.57 pm.

**This Item was brought forward see page 11.**

<b>PD49.12</b>	<b>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.</b>
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<b>Committee</b>	13 November 2012
<b>Council</b>	27 November 2012

<b>Applicant</b>	MGA Planners on behalf of the owners
<b>Owner</b>	M L Wordsworth Pty Ltd
<b>Officer</b>	Strategic Planning Department
<b>Director</b>	Peter Mickleson - Director Planning & Development
<b>Director Signature</b>	
<b>File ref.</b>	TPN/A197
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	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> .

**PD50.12 Claremont Nedlands Lions Club – Proposed Lease**

<b>Committee</b>	13 November 2012
<b>Council</b>	27 November 2012

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rebecca Boley – Property Management Officer
<b>Director</b>	Peter Mickleson - Director Planning & Development
<b>Director Signature</b>	
<b>File ref.</b>	CMS/216
<b>Previous Item No's</b>	N/A
<b>Disclosure of Interest</b>	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> .

Councillor Hassell returned to the room at 8.59 pm.

**Councillor McManus – Impartiality Interest**

He disclosed that he is the Vice President of Claremont Nedlands Lions Club, 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.

**Regulation 11(da) – Council agreed to refer this item back for further consideration of the location.**

Moved – Councillor Hassell  
 Seconded – Councillor Shaw

**That this item be referred back for further consideration of the location.**

Councillor Argyle left the room at 8.59 pm and returned at 9.04 pm.

**CARRIED 6/4  
 (Against: Crs. Horley McManus Porter & Walker)**

**Committee Recommendation**

**That this item be referred back for further consideration of the location.**

Recommendation to Committee

Council:

1. notes the proposal to lease land behind Drabble House situated on City freehold land (part of area with legal description Lot 50 on deposited plan 9922) to the Claremont Nedlands Lions Club; and
2. authorises the Mayor and Chief Executive Officer to sign a lease with the Lions Club for land behind Drabble House to locate a shed on the following conditions:
  - a. the Club apply for and receive planning approval before lease document is executed;
  - b. the City's standard lease template will be used;
  - c. the term will be ten (10) years with an option to renew for a further five (5) years;
  - d. the Club will apply for and receive a building permit before commencing works to erect the shed;
  - e. provision to remove shed at expiration of term or City of Nedlands to acquire any improvements at an agreed value; and
  - f. provision in lease to include any conditions of a planning approval.

<b>PD51.12</b>	<b>John Leckie Pavilion, College Park (Reserve 1670) and terms of use by the Claremont Junior Football Club Inc.</b>
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<b>Committee</b>	13 November 2012
<b>Council</b>	27 November 2012

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rebecca Boley – Property Management Officer
<b>Director</b>	Peter Mickleson - Director Planning & Development
<b>Director Signature</b>	
<b>File ref.</b>	Lease/37
<b>Previous Item No's</b>	D46.10 – 27 July 2010
<b>Disclosure of Interest</b>	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> .

**Councillor Porter – Impartiality Interest**

He disclosed that his son plays for the Claremont Junior Football Club Inc, 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.

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

Moved – Councillor Somerville-Brown  
 Seconded – Councillor McManus

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

**Committee Recommendation / Recommendation to Committee**

**Council:**

- 1. approves and endorses the earlier determination of the lease with the Claremont Junior Football Club Inc. dated 1 August 2010; and**
- 2. approves and endorses a non-standard management licence arrangement for a ten (10) year term between the Claremont Junior Football Club Inc. and the City of Nedlands (“the management licence”) for use of an area in the lower level of the refurbished John Leckie pavilion known as “the clubroom” (which includes a storeroom) plus one (1) other storeroom and two (2) change rooms as per Attachment 1.**

**PD52.12 Swanbourne Beach Café (The Naked Fig Café) – Deed of Variation of Sublease**

<b>Committee</b>	13 November 2012
<b>Council</b>	27 November 2012

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	State Lands Department
<b>Officer</b>	Rebecca Boley – Property Management Officer
<b>Director</b>	Peter Mickleson - Director Planning & Development
<b>Director Signature</b>	
<b>File ref.</b>	Lease/53
<b>Previous Item No's</b>	Item D81.10, on 23 November 2010 Item D73.10 on 26 October 2010 Item 13.7 on 10 February 2009 Item 13.5 on 11 December 2007 Item 13.4 on 14 August 2007 Item 17.3 on 22 May 2007
<b>Disclosure of Interest</b>	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> .

Ms D Broux, 18 Odern Crescent, Swanbourne  
(spoke in opposition to the recommendation)

Report PD52.12

Mr P Haselhurst, 2 Walba Way, Swanbourne  
(spoke in opposition to the recommendation)

Report PD52.12

**Regulation 11(da) – Council refused to endorse the proposed term of the deed of variation which would have increased opening hours and allowed music on the deck.**

Moved – Councillor Horley  
Seconded – Councillor Walker

**That Council refuses to endorse the proposed terms of the deed of variation of sublease.**

**CARRIED 9/1  
(Against: Cr. Argyle)**

**Committee Recommendation**

**Council refuses to endorse the proposed terms of the deed of variation of sublease.**

Recommendation to Committee

Council:

1. re-affirms Council's decision of 23 November 2010 giving delegation to the Chief Executive Officer and Mayor to sign a variation to the sublease in strict compliance with the Western Australian Planning Commission (WAPC) decision.
2. notes the decision of the Western Australian Planning Commission (WAPC) issued by letter dated 13 March 2012 (as per Attachment 1) in response to application for review to State Administrative Tribunal (SAT) on application No. 08-50124-1 by the Naked Fig Pty Ltd; and
3. authorises the Mayor and Chief Executive Officer to sign a Deed of Variation of Sublease with Naked Fig Pty Ltd and Greer Julia Marns and Lorna Alexandra Marns in strict accordance with the Western Australian Planning Commission (WAPC) decision referred to above, specifically on the following terms:
  - a. Approved hours of operation are as follows:
    - i. Core Hours  
Sunday 7 am to 10 pm;  
Monday to Thursday 7 am to 10 pm;  
Friday and Saturday 7 am to 12 midnight; and  
New Year's Eve 7 am to 1 am the following day.
    - ii. Extended Hours  
Sunday 6:30 am to 10 pm;  
Monday to Thursday 6:30am to 11pm;  
Friday and Saturday 6:30am to 12 midnight; and  
New Year's Eve 6:30 am to 1 am the following day.
    - iii. If any substantiated complaints are received in respect to the extended hours, approval for the extended hours will be rescinded and the hours of operation will revert to the core hours. (Substantiation of complaints will be determined by City of Nedlands after an officer/s of the City has attended the site, and has verified that the approved Noise Management Plan dated February 2012 has not been complied with and/or any noise or disturbance arising from the café has exceeded noise levels regulated by the *Environmental Protection (Noise) Regulations 1997*).

- b. The approved Noise Management Plan dated February 2012 (refer to attachment 2) must be implemented at all times during operation of the premises.
  - c. Commencement of the extended hours of operation granted under Condition 2 is not to occur until the bi-fold doors approved under this application have been constructed and are operational and the City of Nedlands has been notified and completed an inspection of the doors.
4. Directs the City of Nedlands Administration to ensure that the Subleasee (Naked Fig Pty Ltd) act in strict compliance with the Deed of Variation of Sublease.

<b>PD53.12</b>	<b>Highview Park - Larry Francis Foley and Andrew Jonathon Wilson (of Sand Volley Australia Pty Ltd) – Termination of Sublease</b>
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<b>Committee</b>	13 November 2012
<b>Council</b>	27 November 2012

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rebecca Boley – Property Management Officer
<b>Director</b>	Peter Mickleson - Director Planning & Development
<b>Director Signature</b>	
<b>File ref.</b>	Lease/73
<b>Previous Item No's</b>	Item C148.97 - 23 September 1997 Item F27.97 - 25 February 1997
<b>Disclosure of Interest</b>	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 M Cole, Acting Chief Executive Officer left the room at 9.39 pm.

Non-Elector

Moved – Councillor Walker  
Seconded – Councillor McManus

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

**CARRIED UNANIMOUSLY 10/-**

Mr A Wilson, 20 Harvest Road, North Fremantle Report PD53.12  
(spoke in opposition to the recommendation)

Mr M Cole, Acting Chief Executive Officer returned to the room at 9.41 pm.

**Regulation 11(da) – Councillors asked the matter be referred back.**

Moved – Councillor Walker  
Seconded – Councillor McManus

**Council:**

- 1. refer back the sublease to administration for renegotiation;  
and**

2. **negotiation of the sublease should include an MOU for all parties that lays out time frames and responsibilities for bringing the illegal structures into compliance by January 2013.**

Councillor McManus left the room at 9.55 pm and returned at 9.56 pm.

Amendment

Moved - Councillor Porter

Seconded - Councillor Shaw

**That clause 1 be amended by removing the words “for renegotiation” and clause 2 be removed.**

**AMENDMENT CARRIED ON THE CASTING VOTE 6/5  
(Against: Crs. Horley McManus Hassell Walker & Somerville-Brown)**

**The substantive motion was put and**

**CARRIED 7/1  
(Against: Cr. Walker)  
(Abstained: Crs. Horley & McManus)**

**Committee Recommendation**

**Council refer back the sublease to administration.**

Recommendation to Committee

Council:

1. notes the current tenancy at Highview Park of Larry Francis Foley and Andrew Jonathon Wilson (“Foley & Wilson) as subleasee held over from an expired sublease agreement on 11 August 2004; and
2. approves the termination of the said sublease.

**8.2 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).

<b>TS22.12</b>	<b>Tender No. 2012/13.03 – Irrigation Maintenance Services</b>
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<b>Committee</b>	13 November 2012
<b>Council</b>	27 November 2012

<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>Director Signature</b>	
<b>File ref.</b>	TEN/379
<b>Previous Item No's</b>	Item 6 – Special Council Meeting Minutes - 14 June 2012
<b>Disclosure of Interest</b>	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 Somerville-Brown

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

**CARRIED UNANIMOUSLY 10/-**

**Committee Recommendation / Recommendation to Committee**

**Council:**

- 1. agrees to award tender number 2012/13.03 to Environmental Industries Pty Ltd trading as Thinkwater Canning Vale for the supply of irrigation maintenance services in accordance with the submitted price schedule (see attachment 1);**
- 2. authorises the Chief Executive Officer to sign an acceptance of offer for this tender, and**
- 3. instruct Administration to provide a progress report of the services provided to the City at the end of the initial period and prior to the negotiations for an extension of contract to extend for two (2) 12 month periods.**

<b>TS23.12</b>	<b>Proposed Principal Shared Path on Stubbs Terrace</b>
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<b>Committee</b>	13 November 2012
<b>Council</b>	27 November 2012

<b>Applicant</b>	Main Roads WA
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Maria Hulls – Manager Engineering Services
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>Director Signature</b>	
<b>File ref.</b>	ST9-03
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	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) – Councillors added an additional clause to facilitate parking wherever possible.**

Moved – Councillor Somerville-Brown  
 Seconded – Councillor Shaw

**That the Recommendation to Committee is adopted subject to a clause 2 c iv being added as follows:**

- iv. to facilitate provision of vehicle parking wherever possible.

**CARRIED UNANIMOUSLY 10/-**

<b>Committee Recommendation</b>	
<b>Council:</b>	
1.	supports the provision of a Principal Shared Path by Main Roads WA from Shenton Park railway station to Loch Street railway station along Stubbs Terrace, generally in the location shown in Attachment 2 of this report;
2.	instructs the Chief Executive Officer to prepare a letter to the Main Roads WA which includes the following information: <ul style="list-style-type: none"> <li>a. formal Council support for the Principal Shared Path;</li> </ul>

- b. a statement acknowledging that the Main Roads WA accepts care, control, ongoing maintenance, management and all responsibility associated with the Principal Shared Path;**
- c. a request for consideration in the detailed design phase;**
  - i. to minimise the loss of trees where reasonably practicable;**
  - ii. to encourage the design to replace any lost trees as a minimum and to include further tree planting along the alignment to enhance the experience for path users;**
  - iii. to emphasise the safety of the PSP in the high density pedestrian areas by means of widening, signage, line marking and other appropriate means; and**
  - iv. to facilitate provision of vehicle parking wherever possible.**

Recommendation to Committee

Council:

1. supports the provision of a Principal Shared Path by Main Roads WA from Shenton Park railway station to Loch Street railway station along Stubbs Terrace, generally in the location shown in Attachment 2 of this report;
2. instructs the Chief Executive Officer to prepare a letter to the Main Roads WA which includes the following information:
  - a. formal Council support for the Principal Shared Path;
  - b. a statement acknowledging that the Main Roads WA accepts care, control, ongoing maintenance, management and all responsibility associated with the Principal Shared Path;
  - c. a request for consideration in the detailed design phase;
    - i. to minimise the loss of trees where reasonably practicable;
    - ii. to encourage the design to replace any lost trees as a minimum and to include further tree planting along the alignment to enhance the experience for path users; and

- iii. to emphasise the safety of the PSP in the high density pedestrian areas by means of widening, signage, line marking and other appropriate means.

<b>TS24.12</b>	<b>Tender No. 2012/13.02 – Highview Park Irrigation Upgrade</b>
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<b>Committee</b>	13 November 2012
<b>Council</b>	27 November 2012

<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>Director Signature</b>	
<b>File ref.</b>	TEN/378
<b>Previous Item No's</b>	Item 6 – Special Council Meeting Minutes - 14 June 2012
<b>Disclosure of Interest</b>	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 Hassell  
 Seconded – Councillor Argyle

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

**CARRIED UNANIMOUSLY 10/-**

**Committee Recommendation / Recommendation to Committee**

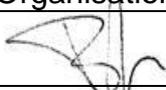
**Council:**

1. agrees to award tender number 2012/13.02 to First Element Irrigation for the supply and installation of the associated irrigation system components for the Highview Park Irrigation Upgrade in accordance with the submitted price of \$79,072.95 excluding GST; and
2. authorises the Chief Executive Officer to sign an acceptance of offer for this tender.

**8.3 Community & Organisational Development No CM09.12**

<b>CM09.12</b>	<b>MOU - City of Nedlands and Rotary - All Abilities Play Space, Beaton Park</b>
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<b>Committee</b>	13 November 2012
<b>Council</b>	27 November 2012

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Marion Granich – Manager Community Development
<b>Director</b>	Pat Panayotou – A/Director Community & Organisational Development
<b>Director Signature</b>	
<b>File ref.</b>	CMS/591
<b>Previous Item No's</b>	CM06.12
<b>Disclosure of Interest</b>	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 Somerville-Brown  
 Seconded – Councillor Shaw

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

(Printed below for ease of reference)

**CARRIED 8/2**  
**(Against: Crs. Argyle & Walker)**

**Committee Recommendation / Recommendation to Committee**

**Council endorses the Memorandum of Understanding between the City and Rotary for the development of an All Abilities Play Space on Beaton Park (refer to attachment 1).**

**8.4 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).

<b>CPS45.12 Monthly Financial Report – September 2012</b>
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<b>Committee</b>	13 November 2012
<b>Council</b>	27 November 2012

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>Director</b>	Darla Blake – A/Director Corporate & Strategy
<b>Director Signature</b>	
<b>File ref.</b>	Fin/072-17
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	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 McManus

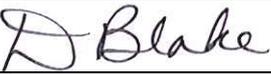
**That the Recommendation to Committee is adopted.**  
 (Printed below for ease of reference)

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

<p><b>Committee Recommendation / Recommendation to Committee</b></p> <p><b>Council receives the Monthly Financial Report for September 2012 (refer to attachments).</b></p>
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<b>CPS46.12 Investment Report – September 2012</b>
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<b>Committee</b>	13 November 2012
<b>Council</b>	27 November 2012

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>Director</b>	Darla Blake – A/Director Corporate & Strategy
<b>Director Signature</b>	
<b>File ref.</b>	Fin/071-07
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	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 Somerville-Brown  
 Seconded – Councillor Collins

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

**CARRIED 9-  
 (Abstained: Cr. Walker)**

<p><b>Committee Recommendation / Recommendation to Committee</b></p> <p><b>Council receives the Investment Report for the period ended 30 September 2012 (refer to attachment).</b></p>
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**CPS47.12 List of Accounts Paid – September 2012**

<b>Committee</b>	13 November 2012
<b>Council</b>	27 November 2012

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>Director</b>	Darla Blake – A/Director Corporate & Strategy
<b>Director Signature</b>	
<b>File ref.</b>	Fin/072-17
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	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 Argyle

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

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

**Committee Recommendation / Recommendation to Committee**

**Council receives the List of Accounts Paid for the month of September 2012 (refer to attachment).**

**CPS48.12 Policy Review**

<b>Committee</b>	13 November 2012
<b>Council</b>	27 November 2012

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Phoebe Huigens, A/Manager Corporate Services
<b>Director</b>	Darla Blake, A/Director Corporate & Strategy
<b>Director Signature</b>	
<b>File ref.</b>	CRS/055
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	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) – Councillors agreed to minor changes to the Policies.**

Moved – Councillor Somerville-Brown  
 Seconded – Councillor Shaw

**That 1a, 1c, 1d and 2 are approved.**

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

Moved – Councillor Collins  
 Seconded – Councillor McManus

Council approves 1f subject to “20%” be amended to “40%” of the total verge area (on corner properties each verge is to be considered independently).

Put Motion

Moved – Councillor McManus  
 Seconded – Councillor Horley

**That the motion be put.**

**PUT MOTION CARRIED 9/1  
 (Against: Crs. Porter)**

The motion was put and

Lost 4/5  
 (Against: Crs. Horley Porter Walker Shaw & Somerville-Brown)  
 (Abstained: Mayor Hipkins)

Moved – Councillor Shaw  
Seconded – Councillor Hassell

**Council:**

1. **approves 1b subject to the inclusion of the policy context;**
2. **1e is referred back to administration; and**
3. **Approve 1f subject to the word “waterwise” being changed to “dry climate planting”**

**CARRIED 9/1  
(Against: Crs. Porter)**

Councillor Somerville-Brown left the room at 10.41 pm and returned at 10.42 pm.

**Committee Recommendation**

**Council:**

1. **approves the following policies:**
  - a. **Payments to Employees in Addition to Contract and Award;**
  - c. **Occupational Health and Safety; and**
  - d. **Asset Management;**
2. **approves the following policies with the following amendments:**
  - b. **Responsibility for Matters Associated with the Administrative Structure of Council, subject to the word “waterwise” being changed to “ dry climate planting”;** and
  - f. **Nature Strip Development with the inclusion of the policy context;**
3. **refers e. Rights of Way – Maintenance and Construction back to administration;**
4. **Council approves the following delegation:**
  - a. **Council Provided Grants, Subsidies and Donations**

Recommendation to Committee

Council:

1. approves the following policies:
  - a. Payments to Employees in Addition to Contract and Award
  - b. Responsibility for Matters Associated with the Administrative Structure of Council
  - c. Occupational Health and Safety
  - d. Asset Management
  - e. Rights of Way – Maintenance and Construction
  - f. Nature Strip Development
2. approves the following delegation:
  - a. Council Provided Grants, Subsidies and Donations

<b>CPS49.12</b> <b>2012/2013 Post-Audit Budget Changes</b>
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<b>Committee</b>	13 November 2012
<b>Council</b>	27 November 2012

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah
<b>Director</b>	Darla Blake – A/Director Corporate & Strategy
<b>Director Signature</b>	
<b>File ref</b>	Fin/003-14
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	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 UNANIMOUSLY 10/-**

**Committee Recommendation / Recommendation to Committee**

**Council:**

1. receives and adopts the changes to the 2012/13 adopted Budget following the audit of the Annual Financial Statements for the 2011/12 financial year,
2. notes the additional brought forward surplus from 2011/12 financial year of \$2,583,200 includes the following:
  - a. \$ 1,952,500 of unutilised funding for capital works approved in 2011/12 but carried forward for completion in 2012/13
  - b. \$ 402,000 from WA Grants Commission, being 53% of the operating grant for 2012/13

- c. \$ 25,600 grant from Dept of Sports and Recreation, for the KidSport program, to be utilised over three years, and**
  - d. \$ 2,500 grant from the Office of Crime Prevention for the Boatsafe project**
- 3. approves the inclusion in the 2012/13 Capital Works Budget the brought forward capital works, as listed in Attachment 1.**
- 4. approves the reduction in the Operating Grants revenue for 2012/13 by \$402,000, and the increase in the expenditure budget for Community Development by \$28,100.**
- 5. approves the uncommitted funds of \$ 200,600 being added to the surplus to be carried forward, pending the Mid-year Budget Review in January when consideration will be given to new projects and increases to items of operational expenditure.**

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

Nil.

Moved – Councillor Walker  
Seconded – Councillor Collins

**That the meeting continue past 11 pm.**

**CARRIED UNANIMOUSLY 10/-**

**10. 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.

**10.1 Councillor McManus - Parking Trial**

**Councillor Argyle - Impartiality Interest**

He disclosed that he lives in Thomas Street and his daughter has a property in 39 Kinnomont Avenue, Nedlands, 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 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)

Moved – Councillor McManus  
Seconded – Councillor Hassell

That the parking trial be suspended west of Dalkeith Road, 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.

Ms N Ceric, Executive Assistant left the room at 11.04 pm and returned at 11.08 pm.

Lost on the casting vote 6/5  
(Against: Mayor Hipkins Crs. Collins  
Porter Shaw & Somerville-Brown)

#### 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).

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

Nil.

**12. Confidential Items**

Nil.

**Declaration of Closure**

There being no further business, the Presiding Member declared the meeting closed at 11.18 pm.