



City of Nedlands

Minutes

Special Council Meeting

18 October 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 special meeting of Council held in the Council chambers, Nedlands on Tuesday 18 October 2011 at 6.02 pm for the purpose of appointing a Deputy Mayor; Electing members to the various council and associated committees; and Electing delegates to external committees and working groups.

Declaration of Opening

The Presiding Member declared the meeting open at 6.02 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 N B J Horley	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 GT Foster	Chief Executive Officer
	Mr M Cole	Director Corporate Services
	Mr I Hamilton	Director Technical Services
	Ms N Borowicz	Executive Assistant

Public There was 1 member of the public present.

Press The Post Newspaper representatives.

Leave of Absence Nil.
(Previously Approved)

Apologies	Ms C Eldridge	Director Development Services
	Ms D Blake	Director Community & Strategy

Absent Nil.

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1. Public Question Time

There were no public questions.

2. Addresses by Members of the Public

There were no address by Members of the Public.

3. 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.

There were no disclosures of financial interest.

4. 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*.

There were no disclosures affecting impartiality.

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

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

Nil.

6. Election of Deputy Mayor

Nominations received

1. Councillor Hodsdon
2. Councillor Collins

Mr M Cole, Director Corporate Services left the meeting at 6.06 pm and returned at 6.07pm

Mr I Hamilton, Director Technical Services left the meeting at 6.09pm and returned at 6.11 pm.

There being 2 nominations for the position of Deputy Mayor, the elections were based on First Past the Post and conducted in accordance with Schedule 2.3 Clauses 4(5) and 8(5) of the Local Government Act (1995) with voting by secret ballot. NOTE: There was no provision for proxy voting.

Mr M Cole, Director Corporate Services and Mr G Foster, Chief Executive Officer left the meeting at 6.11 pm to count votes lodged. and returned at 6.13 p.m.

Ballot Result

Following the ballot result, Councillor Collins was appointed and sworn in to the position of Deputy Mayor for a term ending immediately prior to the next Local Government Election in October 2013.

7. Declaration of Office – Deputy Mayor – Councillor Collins

Following his appointment to the position of Deputy Mayor, Councillor Collins undertook the Declaration of Office officiated by his Worship the Mayor, R.M. Hipkins.

8. Appointment of Councillors to the various committees of the City of Nedlands

8.1 Audit & Risk Management Committee

The Audit & Risk Management Committee was formed on 27 May 2003 and meets from time to time on an as required basis. Previous members for the period ending October 2011 were the Mayor and four Councillors, one from each Ward, being Councillors Argyle, Collins, Hodsdon and Somerville-Brown.

Moved – Councillor Collins

Seconded – Councillor Binks

That:

- a) The Mayor and Councillors (James, Hodsdon, Argyle, McManus Porter) be appointed to the Audit & Risk Management Committee for the period ending immediately prior to the next Local Government elections in 2013; and**
- b) Council adopt the Terms of Reference of the Audit & Risk Management Committee as below with the addition of up to two non-Councillor members, being residents of the City of Nedlands.**
- c) Community members are non-voting and have appropriate qualifications and experience in Audit & Risk.**

Councillor Horley asked that it be minuted that she had sought the view of the Director of Corporate Services on whether there should be non-elected members on the committee and she was prevented from obtaining that advice.

The Presiding Member advised that this was a political matter and not an administration matter. The Act allows for independent members and he will not require an officer to respond.

Amendment

Moved – Councillor Horley

Seconded – Councillor Hodsdon

- a) The Mayor and Councillors (James, Hodsdon, Argyle, McManus) be appointed to the Audit & Risk Management Committee for the period ending immediately prior to the next Local Government elections in 2013; and
- b) Council adopt the Terms of Reference of the Audit & Risk Management Committee as below.

Lost 4/8

(Against: Mayor Hipkins Crs. Collins McManus
Argyle Porter Walker James & Shaw)

Amendment

Moved – Councillor Horley

Seconded – Councillor Hodsdon

That:

- a) The Mayor and Councillors (James, Hodsdon, Argyle, McManus & Porter) be appointed to the Audit & Risk Management Committee for the period ending immediately prior to the next Local Government elections in 2013; and**
- b) Council adopt the Terms of Reference of the Audit & Risk Management Committee as below with the addition of up to two non-Councillor members, being residents of the City of Nedlands.**

CARRIED 7/5

**(Against: Mayor Hipkins Crs. McManus
Porter Walker & James)**

Second Amendment

Moved – Councillor Horley

Seconded – Councillor Hodsdon

That:

- a) **The Mayor and Councillors (James, Hodsdon, Argyle, McManus & Porter) be appointed to the Audit & Risk Management Committee for the period ending immediately prior to the next Local Government elections in 2013; and**
- b) **Council adopt the Terms of Reference of the Audit & Risk Management Committee as below with the addition of up to two non-Councillor members, being residents of the City of Nedlands.**
- c) **Community members are non-voting and have appropriate qualifications and experience in Audit & Risk.**

CARRIED 7/5

**(Against: Mayor Hipkins & Crs. Collins
McManus Walker & James)**

The Presiding Member then put the amended motion which became the substantive.

CARRIED UNANIMOUSLY 12/-

Council Resolution

That:

- a) **The Mayor and Councillors (James, Hodsdon, Argyle, McManus Porter) be appointed to the Audit & Risk Management Committee for the period ending immediately prior to the next Local Government elections in 2013; and**
- b) **Council adopt the Terms of Reference of the Audit & Risk Management Committee as below with the addition of up to two non-Councillor members, being residents of the City of Nedlands.**
- c) **Community members are non-voting and have appropriate qualifications and experience in Audit & Risk.**

That:

The following Councillors are appointed as Deputies of the Audit & Risk Committee to each ward Councillors Walker, Somerville-Brown and Collins.

CARRIED UNANIMOUSLY 12/-

Council Resolution

The following Councillors are appointed as Deputies of the Audit & Risk Committee to each ward Councillors Walker, Somerville-Brown and Collins.

Terms of Reference of Audit & Risk Management Committee

Purpose

To assist the Council to discharge its responsibilities with regard to the exercise of due care, diligence and skill in relation to:

- the reporting of financial information, the application of accounting policies, and the management of the financial affairs of the City,
- the assessment of the adequacy of the management of Risk.

Scope

The committee shall have as its primary duties and responsibilities the following tasks:

Audit

1. To consider and approve the brief for the provision of audit services;
2. To evaluate the responses to the request for the provision of audit services and to make a recommendation to Council on the appointment of an auditor;
3. To meet with Council's external auditors and review the Audit Plan prior to the conduct of the interim audit each year;
4. To ensure that the audit is being conducted in accordance with the brief and the terms of appointment and that matters of concern to the Council and/or the Committee are being addressed;
5. Ensure that the Council's financial affairs and systems and processes are being managed and reported in accordance with statutory requirements and Australian Accounting Standards;

6. Ensure that relevant financial information is reported to Council in a form that meets the needs and expectations of Council, clearly setting out the key relevant financial data, such that the Council can confidently understand the financial performance of the Council's affairs;
7. Review the audit report and make appropriate recommendations to Council; and
8. Where appropriate and with the approval of Council seek advice and/or assistance in relation to matters pertaining to the audit or financial affairs of the City.

Risk Management

1. At least once every year consider a report in relation to the management of risk within the City of Nedlands, and satisfy itself that appropriate controls and processes are in operation, and are adequate for dealing with the risks that impact on the City.
2. To address any specific requests referred to it from Council in relation to issues of risk and risk management.

Membership

1. The membership of the committee shall comprise the Mayor and one Councillor from each ward with the Councillors being determined by nomination and if necessary a ballot conducted at a Council Meeting.
2. Council may if it considers it appropriate appoint deputies to the members of the committee.
3. If a vacancy on the committee occurs for whatever reason then Council shall appoint a replacement in accordance with the same arrangements as for the original appointment set out in 1 above.
4. The quorum for a meeting shall be three.
5. The term of membership expires with the expiry of the committee immediately prior to the next ordinary Council election.
6. The presiding member shall be determined by election amongst the members of the committee. The election will take place at the first meeting following the reconstitution of the committee after each ordinary Council election. The Mayor is eligible to vote for a presiding member but is not eligible to sit as the presiding member.

7. The term of the presiding member expires with the expiry of the committee immediately prior to the next ordinary Council election; and
8. Should the elected presiding member not be present during a meeting of the committee then a temporary presiding member shall be elected in accordance with 3. above.

Staff

The following staff will attend committee meetings to provide technical support and advice:

- Chief Executive Officer;
- Director of Corporate Services; and
- Manager Finance.

Other staff may attend committee meetings when requested by the Committee through the Chief Executive Officer:

Invitees/Attendees

The committee may invite relevant persons to attend and address or advise the committee, within the ambit of its scope and where necessary with the approval of Council (eg if authorisation of funding is required), as it sees fit including but not limited to:

- the external auditor or his/her representative,
- financial advisors,
- relevant consultants.

Meetings

The Committee shall have flexibility in relation to when it needs to meet, but as a minimum shall meet twice a year. It is the responsibility of the presiding member to call the meetings of the committee. As a minimum the following business shall be conducted either at each or collectively over the two meetings:

- meet with the internal auditor with regards to the Audit Plan;
- consider a report in relation to the management of risk and review the insurance requirements of the City of Nedlands; and
- meet with the auditor following the completion of the Annual Audit and the issue of the Audit Report.

8.2 Budget Committee

The Budget Committee was established by Council on 24 February 2009 and meets from time to time on an as required basis. Previous members for the period ending October 2011 were the Mayor and all Councillors.

Moved – Councillor Binks

Seconded – Councillor Hodsdon

That:

- a) **The Mayor and all Councillors be appointed to the Budget Committee for the period ending immediately prior to the next Local Government elections in 2013; and**
- b) **Council adopt the revised Terms of Reference of the Budget Committee as below.**

CARRIED UNANIMOUSLY 12/-

Council Resolution

That:

- a) **The Mayor and all Councillors be appointed to the Budget Committee for the period ending immediately prior to the next Local Government elections in 2013; and**
- b) **Council adopt the revised Terms of Reference of the Budget Committee as below.**

Terms of Reference of Budget Committee

Purpose

To assist the Council to discharge its responsibilities with regard to the exercise of due care, diligence and skill in relation to:

- Annual Budget,
- Strategic Financial Planning; and
- Budget Reviews.

Scope

The committee shall have as its primary duties and responsibilities the following tasks:

Annual Budget

1. Consider draft operating and capital works budgets as presented by Administration;
2. Make recommendations to Council for the Adoption of the Budget with regards to rates, fees and charges, operating and capital works budgets.

Strategic Financial Planning

1. Review the Strategic Financial Plan in the context of the Strategic Plan and agree to parameters for the coming years, ie rating strategy, long term debt management, revenue strategy.

Budget Reviews

1. Consider the Budget reviews prior to consideration by Council, including areas of significant variance to Budget; and
2. Consider proposals for unbudgeted expenditure.

Staff

The following staff will attend committee meetings to provide technical support and advice:

- Chief Executive Officer;
- Director of Corporate Services; and
- Manager Finance

Other staff may attend committee meetings when requested by the Committee through the Chief Executive Officer:

Invitees/Attendees

The committee may invite relevant persons to attend and address or advise the committee.

Meetings

The Committee shall have flexibility in relation to when it needs to meet, although a timetable scheduling at least 3 Budget Workshops will be prepared for the coming years Budget.

For Budget Reviews, at least one meeting per year is required under the Act to consider the mid year review, to be undertaken after the completion of the six months ended 31 December.

8.3 Chief Executive Officer's Performance Review Committee

The Chief Executive Officer's Performance Review Committee meets from time to time on an as required basis. Previous members for the period ending October 2013 were the Mayor and four Councillors, one from each Ward, being Councillors, Walker, Porter and McManus.

Moved – Councillor James

Seconded – Councillor Hodsdon

That:

- a) the Mayor and Councillors (James, Walker, Porter and McManus) be appointed to the Chief Executive Officer's Performance Review Committee for the period ending immediately prior to the next Local Government Elections in 2013; and**
- b) Council adopt the Terms of Reference of the Chief Executive Officer's Performance Review Committee as below.**

CARRIED UNANIMOUSLY 12/-

Council Resolution

That:

- a) the Mayor and Councillors (James, Walker, Porter and McManus) be appointed to the Chief Executive Officer's Performance Review Committee for the period ending immediately prior to the next Local Government Elections in 2013; and**
- b) Council adopt the Terms of Reference of the Chief Executive Officer's Performance Review Committee as below.**

Terms of Reference of Chief Executive Officer's Performance Review Committee

The Committee, comprising the Mayor (as Presiding Member) and one Councillor from each Ward, has delegated authority to manage the performance appraisal process of the Chief Executive Officer in order to meet both Council's statutory obligations in accordance with the provisions of Section 5.38 of the Local Government Act 1995 and any terms and conditions of the employment contract of the Chief Executive Officer.

In managing the performance appraisal process, the Committee:

- (a) is to recommend an independent consultant to Council for the purposes of conducting the performance appraisal;
- (b) is to determine and set in place, in conjunction with the independent consultant appointed by Council, an appropriate performance appraisal process;
- (c) is to make recommendations to Council regarding:
 - a. the setting of goals and objectives
 - b. the measurement of key performance indicators (KPIs); and
 - c. changes to the remuneration package within the terms of the Chief Executive Officer's contract; and
- (d) may draw on the resources and professional advice of the Manager Human Resources and any additional assistance that the Manager Human Resources may recommend to determine the process and plan and conduct the appraisal.

Any goals, objectives, KPI measurement or remuneration package changes approved by Council must be acknowledged in writing by both the Mayor and the Chief Executive Officer.

All Elected Members are to be briefed of the outcomes of the appraisal prior to any decision by Council.

8.4 Committee of the Whole of Council (Council Committee)

The Committee of the Whole of Council (Council Committee) was formed by the Mayor in 2003 and consists of all Councillors and meets on the second Tuesday of every month.

Moved – Councillor Somerville-Brown

Seconded – Councillor Hodsdon

That:

- a) the Mayor and all Councillors be appointed to the Committee of the Whole of Council (Council Committee) for a period ending immediately prior to the next Local Government Elections in 2013.**
- b) Council adopt the revised Terms of Reference of the Committee of the Whole of Council (Council Committee) as below.**

CARRIED UNANIMOUSLY 12/-

Council Resolution

That:

- a) the Mayor and all Councillors be appointed to the Committee of the Whole of Council (Council Committee) for a period ending immediately prior to the next Local Government Elections in 2013.
- b) Council adopt the revised Terms of Reference of the Committee of the Whole of Council (Council Committee) as below.

Terms of Reference of Committee of the Whole of Council (Council Committee)

Purpose

The Committee of the Whole of Council (CWC) will consider matters presented to it by the Council administration or as permitted under Council's Standing Orders and only make recommendations to Council to enable the necessary or convenient proper management of the Council functions listed below as described in parts 3 to 9 of the Local Government Act 1995 as amended from time to time.

Functions

Part 3 – Functions of local governments

Part 4 – Elections and other polls

Part 5 – Administration

Part 6 – Financial management

Part 7 – Audit

Part 8 – Scrutiny of the affairs of local governments

Part 9 – Miscellaneous provisions

Scope

1. This Committee is established in accordance with Council Policy "Council Committees and Administrative Liaison Working Groups".
2. Clause 3.2(4) of Council's Standing Orders further states:

"Unless stated otherwise in the Terms of Reference of that Committee, the procedure for meetings of Committees and the order of business shall be the same as the procedure and the order of business for Council meetings".

Under these Terms of Reference

1. The Presiding Member may invite any members of the public who have prior to the meeting commencing requested, as required under Clause 3.4 of Council's Standing Orders, to address the Committee on a particular item just prior to the item being considered by Committee. If the Presiding Member invites the speaker/s forward to address the Committee, then it must also be before the item has been moved and seconded.
2. Committee members and Staff are not required to rise when speaking in a Committee meeting; and
3. A Committee member may speak more than once on a matter, but no more than twice on a matter, unless so agreed to by the Presiding member.

Membership

1. The Mayor and all Councillors will be members of the CWC.
2. Meetings of the Committee shall be open to the public, except where the Committee decides by resolution to conduct its business or any specified part thereof behind closed doors, in which case provisions of clause 3.12 inclusive of Council Standing Orders apply.

Meetings

1. The CWC will meet on the second Tuesday of each month with the exception of December and January.
2. In December, the Committee meeting will be held on first Tuesday of the month, to allow the Council Meeting to be held on the third Tuesday. In January, no Committee meetings or ordinary Council meetings are to be held.

Note: This does not exclude such circumstances that may occur from time to time which require the calling of Special Council meetings in December or January of each year.

8.5 Traffic Management Committee

The Traffic Management Committee was established by Council Resolution at a Special Council Meeting on 14 November 2008 (Item 9) and previous members for the period ending October 2011 were the Mayor and four Delegates (one from each Ward), being Councillors Argyle, Binks, Somerville-Brown and Smyth, and three Deputy Delegates (one from each Ward), being Councillors Bell, Tan and Horley. There was no Deputy Delegate appointed from for the Dalkeith Ward.

The terms of reference for this Committee were endorsed by Council on 26 July 2011.

Moved – Councillor James
Seconded – Councillor Argyle

That appointment of a Traffic Management Committee be deferred for the time being and all items for this Committee be referred to Council via the Council Committee.

**CARRIED 7/6 ON CASTING VOTE
(Against: Crs. Horley Argyle Binks Hodsdon
Shaw & Somerville-Brown)**

Council Resolution

That appointment of a Traffic Management Committee be deferred for the time being and all items for this Committee be referred to Council via the Council Committee.

Recommendation to Council

That:

- a) The Mayor and Delegate Councillors (four – one from each Ward) and Deputy Delegate Councillors (four – one from each Ward) be appointed to the Traffic Management Committee for the period ending immediately prior to the next Local Government Elections in 2013;
- b) The Chief Executive Officer and Director Technical Services or their delegates be appointed as Administration Representatives (non members) to the Traffic Management Committee for a period ending immediately prior to the next Local Government elections in 2013;

- c) The Traffic Management Committee call for nominations from the community for the role of Community Representative for for a period ending immediately prior to the next Local Government elections in 2013; and
- d) Council adopt the Terms of Reference of the Traffic Management Committee as below.

Terms of Reference of Traffic Management Committee

Purpose

To investigate traffic management issues in the City of Nedlands and consider options to address these issues and to submit recommendations to Council for the allocation of funds and the setting of priorities.

Aim

To develop cost effective traffic management strategies and solutions in the City of Nedlands in an equitable manner to address amenity, economic environmental and sustainability considerations in consultation with major stakeholders.

The key objectives are:

- A strategic approach with delegated authority to deliver minor works items.
- Appropriate mechanism for timely efficient and responsive administrative approvals and processes.

Scope

The Traffic Management Committee will be established according to Subdivisions 2 and 3 of Section 5 - Administration, of the Local Government Act 1995.

1. The Committee will investigate strategic traffic management issues for the City of Nedlands.
2. The Committee will initiate and investigate a range of options to address traffic management issues in the City of Nedlands.
3. The Committee will initiate discussions with other relevant stakeholders in accordance with Council policies and guidelines.
4. Committee supports in principle the "Transport Strategy" of the City of Nedlands 2006.

Delegated Authority

The Committee will have delegated authority to approve the following, in accordance with the budget as adopted by Council:

- Minor works
- Parking alterations
- Signage
- Traffic Counts

The Traffic Management Committee further delegates authority to the Chief Executive Officer and Director Technical Services to act upon minor works, parking alterations, signage and traffic counts.

If the Chief Executive Officer and/or Director Technical Services are required to exercise delegated authority on a matter, which in their opinion may potentially have an adverse effect on the wider community and/or they are not adequately satisfied with what they are being asked to deal with under delegation, then they will refer the matter to the Traffic Management Committee to make a final decision.

Membership

1. Mayor and one delegate Councillor from each ward be appointed to the Traffic Management Committee and one Councillor from each ward be appointed as a deputy delegate member, with the Mayor to act as Presiding Member at his/her discretion.
2. Up to a maximum of eight (8) non-voting community representatives from across the City to be appointed by invitation of the Committee.
3. If any non-voting community representative of the Committee fails to attend three (3) consecutive meetings, that position will be declared vacant and be replaced.
4. Elected members are appointed to the Committee for a period to the term of the current Council, however if the Elected Member fails to attend three (3) consecutive meetings, the Committee will refer the matter to Council and request the member be replaced with another representative from that Ward .
5. Remaining Councillors from all Wards and members of the public are encouraged to attend and comment but have no voting rights.
6. Council reviews all Committee membership positions after every ordinary elections after which members can be re-appointed to a position on the Committee.

Role of Community Representatives

1. The role of Community Representatives is mainly advisory in nature.
2. They provide a wider perspective to traffic and parking management issues in the City and thereby play an important role in this Committee.
3. Their regular attendances at Traffic Management Committee meetings are therefore important for the exchange and discussion of ideas and opinions on traffic management in this City.

Staff

The following staff will attend committee meetings to provide technical support and advice:

- Chief Executive Officer (Or his delegate officer)
- Director Technical Services
- Any other officer on an "as needs basis"

Meetings

1. The Committee will meet once in six (6) weeks.
2. The quorum of the Committee will be three (3) elected members.
3. Minutes of the Committee will be presented to Council.
4. The Terms of Reference will be reviewed annually.

Agenda

In addition to the requirements under the Standing Orders Local Law, the Traffic Management Committee agenda will include provisions for:

- Elected Member announcements
- Elected Member requests for information or action

8.6 Sustainable Nedlands Committee

This is an internally formed committee of Council attended by one Councillor Delegate. Councillors Tyson and Negus were the previous delegate/deputy delegate respectively.

Because of the recent election and the newly formed Council, it is now necessary to appoint replacement delegates to this committee. Of the twelve positions available to the Sustainable Nedlands Committee, there were seven (7) Community Representatives on the Committee in the previous terms and prior to Council elections there had been five (5) vacancies. The proposed Terms of Reference state that there will be a reduction in membership to eight (8) members from the previous twelve (12).

Moved – Councillor James
Seconded – Councillor Hodsdon

That:

- (a) The Mayor & Councillor Walker be appointed as Council's delegate and Councillor Shaw be appointed as deputy delegate respectively to the Sustainable Nedlands Committee for a period ending at the next ordinary Local Government elections in 2013;**
- (b) The Director Development Services and the Manager Sustainable Nedlands or their delegates be appointed as Administration Representatives (non members) to the Sustainable Nedlands Committee for a period ending immediately prior to the next Local Government elections in 2013; and**
- (c) The Sustainable Nedlands Committee call for nominations from the community for all Community Representative positions for a period ending immediately prior to the next Local Government elections in 2013; and**
- (d) Subject to (a) above, Council adopt the revised Terms of Reference of the Committee of the Sustainable Nedlands Committee as below.**

CARRIED UNANIMOUSLY 12/-

Council Resolution

That:

- (a) The Mayor & Councillor Walker be appointed as Council's delegate and Councillor Shaw be appointed as deputy delegate respectively to the Sustainable Nedlands Committee for a period ending at the next ordinary Local Government elections in 2013;**
- (b) The Director Development Services and the Manager Sustainable Nedlands or their delegates be appointed as Administration Representatives (non members) to the Sustainable Nedlands Committee for a period ending immediately prior to the next Local Government elections in 2013; and**
- (c) The Sustainable Nedlands Committee call for nominations from the community for all Community Representative positions for a period ending immediately prior to the next Local Government elections in 2013; and**
- (d) Subject to (a) above, Council adopt the revised Terms of Reference of the Committee of the Sustainable Nedlands Committee as below.**

Background

The Sustainable Nedlands Committee is a committee of Council that has been in existence since 1997. The Committee brings together Councillors and local residents who are knowledgeable in various areas, relevant to sustainability.

The committee have achieved their primary objective of integrating sustainability into the City's Strategic Plan and programs. The committee now focus on policy review and community programs.

In terms of membership, the current committee has 7 community members and the Council delegate and has operated with this number for the past three years. A committee of 8 has adequately dealt with the issues. A clause exists to ensure committee members are representatives of the City of Nedlands community.

In the previous term the Committee generally met every quarter. The Committee has more recently agreed to meet formally every other month. The committee has previously been unable to provide a quorum for meetings which has resulted in speakers and administration putting in a lot of time and resources and then not being able to formally discuss issues. The City has now integrated sustainability into the

Strategic Plan and other City programs as well as adopting a Sustainability Plan. The City is increasingly capable of dealing with sustainability related issues.

It has also previously been raised that the Sustainable Nedlands Committee be disbanded and a WESROC wide committee implemented to provide a regional approach to sustainability. There are a number of these Committees within the Western Suburbs where collaboration of this nature will likely improve collective knowledge and sustainability outcomes. A Committee of this nature would require the ongoing support of other WESROC member Councils.

Terms of Reference Of The Sustainable Nedlands Committee

Purpose

To provide research and advice on sustainability issues as they relate to the City's strategic projects programmes services and operations.

Scope

The City of Nedlands Sustainable Nedlands Committee is established according to subdivisions 2 and 3 of Section 5 Administration of the Local Government Act 1995.

The Committee will provide advice to Council and Administration in the following areas:

1. Sustainability issues as they relate to corporate strategic planning;
2. Sustainability issues in relationship to policies and policy development and direction;
3. Monitor progress on sustainability issues in the community and report back to Council on developments;
4. Foster links with kindred groups and interested parties to maximise benefits to the City of Nedlands;
5. Public education and awareness of sustainability issues;
6. The Committee will assist Administration to identify key issues projects and programmes and priorities for action
7. Advice on alternate funding options for the implementation of the corporate strategic plan and its associated projects and programmes, as they relate to sustainability; and

Membership

1. Total Membership of 8 committee members
2. One (1) Councillor of the City of Nedlands (to be appointed with a nominated proxy).

3. Seven (7) Committee members are to be residents or ratepayers of the City of Nedlands or own a business located within the City of Nedlands.
4. Members are appointed to the Committee for a period to the term of the current Council, however if the Member fails to attend three (3) consecutive meetings, their Committee Membership status will be revoked.

Procedure

1. Committee members will be appointed for a term expiring at the conduct of the next Local Government election;
2. The Committee will meet bi-monthly and in accordance with the requirements of the Local Government Act and the City's Local Law Relating to Standing Orders;
3. The Councillor appointed to the Committee or their proxy shall be the Presiding Member at all meetings which shall be run according to Council's Standing Orders;
4. The quorum of the Committee will be five (5);
5. Meetings of the Committee will be open to the public;
6. Minutes of the Committee will be presented to Council ; and
7. These Terms of Reference will be reviewed as part of the City's annual review of policies.
8. If a quorum is not reached by the 15 minutes following the scheduled meeting commencement time the meeting will be abandoned.

9. Appointment of Delegates to External Committees & Internal Working Groups

9.1 Nedlands Aged Persons Homes Trust Inc.

The Nedlands Aged Persons Homes Trust (Inc.) is an external organisation and in terms of the Trust's Constitution, the City is invited to appoint one Councillor representative to the Trust (Inc.). Councillor Horley was Council's previous delegate to the Trust and Councillor Collins deputy delegate.

Moved – Councillor James
Seconded – Councillor Walker

That subject to the Constitution of the Nedlands Aged Persons Homes Trust Inc allowing two members, that two Councillors James and Collins be appointed as Council's delegates to the Nedlands Aged Persons Homes Trust (Inc.) for a period ending immediately prior to the next Local Government Elections in 2013.

Mr I Hamilton, Director Technical Services left the meeting at 7.31 pm.

Mr G Foster, Chief Executive Officer left the room at 7.35pm and returned at 7.36 pm.

Mr I Hamilton, Director Technical Services returned to the meeting at 7.37 pm.

Mr M Cole, Director Corporate Services and Mr G Foster, Chief Executive Officer left the room at 7.37 pm and returned at

**CARRIED 11/1
(Against: Cr. Binks)**

Council Resolution

That subject to the Constitution of the Nedlands Aged Persons Homes Trust Inc allowing two members, that two Councillors James and Collins be appointed as Council's delegates to the Nedlands Aged Persons Homes Trust (Inc.) for a period ending immediately prior to the next Local Government Elections in 2013.

Background

Meetings take place on the fourth Thursday of each month at 9.30 a.m. at Lisle Lodge in Mt. Claremont, however, no meetings are held during January.

This appointment will expire at the next ordinary election of Council in 2013 and thereafter Council will need to resolve a new delegate.

9.2 **Nedlands Cultural & Community Society**

This is an externally formed committee and the City is represented by three Councillors, the previous delegates being the Mayor and Councillors Hodsdon and Tyson.

Because of the recent election and the newly formed Council, it is now necessary to appoint three new delegates to the Nedlands Cultural & Community Society.

Moved – Councillor Hodsdon

Seconded – Councillor Binks

That the Mayor and Councillors Walker and Hodsdon be appointed to the Nedlands Cultural & Community Society for a period ending immediately prior to the next Local Government Elections in 2013.

CARRIED UNANIMOUSLY 12/-

Council Resolution

That the Mayor and Councillors Walker and Hodsdon be appointed to the Nedlands Cultural & Community Society for a period ending immediately prior to the next Local Government Elections in 2013.

Background

Meetings are held on an “as required” basis at a venue/time advised before the meeting. These appointments will expire at the next ordinary election of Council in 2013 and thereafter Council will need to resolve further delegations.

9.3 Swan River Trust

This is an externally formed committee and the City is usually represented by one Councillor Delegate and one Councillor Deputy Delegate. Previously, Council resolved to appoint Councillor Hodsdon as the Delegate and Councillors Argyle as Deputy Delegate.

Moved – Councillor Shaw
Seconded – Councillor Hodsdon

That Councillor Shaw, be appointed as Delegate and Councillor Argyle as Deputy Delegate to the Swan River Trust for a period ending immediately prior to the next Local Government Elections in 2013.

CARRIED UNANIMOUSLY 12/-

Council Resolution

That Councillor Shaw, be appointed as Delegate and Councillor Argyle as Deputy Delegate to the Swan River Trust for a period ending immediately prior to the next Local Government Elections in 2013.

Background

Meetings are held regularly at a venue/time advised before the meeting by the Swan River Trust. These appointments will expire at the next ordinary election of Council in 2013 and thereafter Council will need to resolve further delegations.

9.4 W.A. Local Government Association – Central Metropolitan Zone

The City of Nedlands is a member of the Central Metropolitan Zone of the W.A. Local Government Association (WALGA) and meetings are held on the last Thursday of every second month at 6.00 p.m. on a rotational basis at the offices of member Councils. Meetings are convened by WALGA.

Moved – Councillor James
Seconded – Councillor Shaw

That:

- a) The Mayor is appointed as Council's 1st Delegate and the Deputy Mayor as Council's 2nd Delegate, with voting rights to the Central Metropolitan Zone of the Local Government Association for the period ending immediately prior to the next Local Government Elections in 2013; and**
- b) in the absence of either of the Delegates, the Chief Executive Officer be the Deputy Delegate and be permitted to vote on behalf of the absent Delegate.**

CARRIED UNANIMOUSLY 12/-

Council Resolution

That:

- c) The Mayor is appointed as Council's 1st Delegate and the Deputy Mayor as Council's 2nd Delegate, with voting rights to the Central Metropolitan Zone of the Local Government Association for the period ending immediately prior to the next Local Government Elections in 2013; and**
- d) in the absence of either of the Delegates, the Chief Executive Officer be the Deputy Delegate and be permitted to vote on behalf of the absent Delegate.**

Background

The relationship between State Council and the Zones within the Western Australian Local Government Association is a critical one in the political representation of Local Government at the State and Federal levels. Zones have an integral role in shaping the political and strategic direction of Local Government as a sphere of government. Not only are Zones responsible for bringing relevant local and regional issues to the State decision making table, they are a key player in

developing policy and legislative initiatives for Local Government. Zones have a direct relationship with the State Council of the Association, Policy Teams and Policy Forums and the Secretariat of the Association.

There are 12 Country Zones and 5 Metropolitan Zones. These include: Avon-Midland Country Zone, Central Country Zone, Central Metropolitan Zone, East Metropolitan Zone, Esperance-Eastern Goldfields Country Zone, Gascoyne Country Zone, Great Eastern Country Zone, Great Southern Country Zone, Kimberley Country Zone, Murchison Country Zone, North Metropolitan Zone, Northern Country Zone, Peel Country Zone, Pilbara Country Zone, South Metropolitan Zone, South East Metropolitan Zone, South West Country Zone.

The primary role of Zones are to elect a State Council representative; consider the State Council agenda; and provide direction/feedback to their State Councillor. The role/functions of a Zone may include: developing/advocating positions on regional issues affecting Local Government; progressing regional Local Government initiatives; identifying relevant issues for action by WALGA; networking and sharing information; and contributing to policy development through Policy Teams and Policy Forums.

Under the representational framework of the Association, Member Local Governments have the capacity to be directly involved in the development of policy for Local Government. Member Local Government can access the Association through the State Council, Secretariat, Policy Teams and Policy Forums, or alternatively can access the Association through their respective Zones.

Zones provide critical input into the business which is considered by State Council. This input occurs in two ways:

1. Passing resolutions on items contained on the State Council agenda, which are then included in a "Summary Resolution Document" and distributed to all State Councillors; and
2. Generating new agenda items for consideration by State Council. Resolutions on the State Council Agenda.

Prior to State Council meetings, Zones are required to meet to consider the items contained on the agenda. For Zones to have an input into the decision making of State Council on a particular item, it must pass an advisory resolution. This resolution will either: support the recommendation contained within the agenda item, oppose the recommendation or propose an amendment to the recommendation.

Advisory resolutions from Zones are an important component of the State Council decision making process.

The outputs from Zones are a significant component of the political advocacy activities of the Association. Zones are the key bodies within their regional areas for developing policy which has local and regional significance to Local Government. They will also often identify important issues which are relevant to all other Local Governments and should be put on the state agenda. Zones resolutions can be referred to the Association for a number of actions. These include: Inclusion as a business item on the next State Council agenda; Referral to a relevant Policy Team for consideration; and Referral to the Secretariat for action.

Both individual Member Local Governments and Zones can request that a matter be referred to State Council for consideration. Matters to be submitted to State Council should generally have state-wide relevance to Local Government, or be relevant to a significant majority of Local Governments.

Where a matter is referred from a Member Local Government or Zone to State Council, it will normally be listed for consideration at the next meeting of State Council. The Secretariat will undertake all necessary research on the issue, prepare a report and make a recommendation. Recommendations may be in favour or opposed to the issue, or may propose that the matter be referred to a Policy Team or Policy Forum for more detailed research and consideration. The item will then be listed in the State Council agenda and distributed to all Local Governments for consideration at Zone meetings.

Advisory resolutions arising from Zones will be included in the deliberations undertaken by State Council on the issue prior to an Association resolution. Where State Council resolves to support a position on an issue put forward by a Member Local Government or Zone, this becomes the official position of the Association and will be progressed in accordance with advocacy or representational processes.

In the event that a Zone identifies an issue which requires urgent consideration by State Council, the State Council agenda has been structured to allow individual State Councillors to raise these issues from the floor of the meeting. An 'emerging issues' section has been incorporated at the beginning of each meeting which permits urgent business or emerging issues to be discussed prior to the commencement of the formal agenda. This allows all State Councillors to be informed of significant matters which are emerging and may have a direct impact on Local Government. Generally, motions are not forthcoming from the emerging issues discussion unless the matter is deemed significant enough to warrant immediate action and State Council considers itself sufficiently informed to resolve on a course of action.

The WA Local Government Association is committed to supporting the country and metropolitan Zones in achieving their regional and state objectives. A recent policy adopted by the Association seeks to ensure that senior Secretariat officers are in attendance at all Zone meetings (where possible), whether these are convened on an in-person basis, or via teleconference or videoconference.

In addition, there is a specific officer who has been appointed to act as a conduit between Zones and the Association. The Liaison Officer is the point-of-contact for Zone Secretaries and is responsible for progressing the resolutions arising from each Zone within the Association and State Council. This includes directing issues to the relevant business area of the Association, tracking and reporting to the Zone on actions being taken, and ensuring that all matters are appropriately handled and completed within agreed timeframes.

9.5 Western Suburbs District Planning Committee

This is an externally formed committee and the City is represented by one Councillor as Delegate and one Councillor as Deputy Delegate, the previous Delegate being Councillor Horley and the Deputy Delegate being Councillor Negus.

Moved – Councillor Walker
Seconded – Councillor James

That the Mayor be appointed as Delegate and Councillor Shaw as Deputy Delegate to the Western Suburbs District Planning Committee for a period ending immediately prior to the next Local Government Elections in 2013.

CARRIED UNANIMOUSLY 12/-

Council Resolution

That the Mayor be appointed as Delegate and Councillor Shaw as Deputy Delegate to the Western Suburbs District Planning Committee for a period ending immediately prior to the next Local Government Elections in 2013.

Background

Meetings have previously been held regularly every second month on a rotational basis between member Councils and are now held as required to deal with issues that arise. Meetings are convened by the Western Suburbs District Planning Committee. These appointments will expire at the next ordinary election of Council in 2013 and thereafter Council will need to resolve further delegations.

9.6 Western Suburbs Regional Organisation of Councils (WESROC)

WESROC is a liaison organisation of all Western Suburbs Councils and the Chief Executive Officer represents the City on the WESROC Executive Committee, a Committee comprising Chief Executive Officers of the Western Suburb Councils.

The Mayor is the City's representative on the WESROC Board which is attended by all Mayors and Chief Executive Officers of the Western Suburb Councils. The WESROC Executive meets on the first Tuesday of each month and the WESROC Board meets quarterly.

Moved – Councillor Hodsdon
Seconded – Councillor James

That Council endorses the representation of the Chief Executive Officer (or the Acting Chief Executive Officer in the CEO's absence) at WESROC Executive Meetings and the Mayor (or Deputy Mayor in the Mayor's absence) at the WESROC Board meetings.

CARRIED UNANIMOUSLY 12/-

Council Resolution

That Council endorses the representation of the Chief Executive Officer (or the Acting Chief Executive Officer in the CEO's absence) at WESROC Executive Meetings and the Mayor (or Deputy Mayor in the Mayor's absence) at the WESROC Board meetings

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

Moved: Councillor Hodsdon
Seconded: Councillor James

That the Nomination for the Development Assessment Panels Members be accepted as urgent business.

CARRIED UNANIMOUSLY 12/-

10.1 Development Assessment Panels – City of Nedlands Nomination of Members

Moved: Councillor Walker
Seconded: Councillor James

Council:

- 1. Approves the nomination of two (2) members (Mayor Hipkins & Councillor Shaw)**
- 2. Submits its Recommendation to the Department of Planning by 31 October 2011.**

CARRIED UNANIMOUSLY 12/-

Moved: Councillor Collins
Seconded: Councillor Walker

Council:

- 1. Approves the nomination of one (2) alternate members (Councillors Porter & Hodsdon) for the Development Assessment Panel: and**
- 2. Submits its Recommendation to the Department of Planning by 31 October 2011.**

CARRIED UNANIMOUSLY 12/-

Purpose

The *Planning and Development (Development Assessment Panels) Regulations 2011* established the operational framework for Development Assessment Panels (DAP's) in Western Australia by gazettal on 24 March 2011.

Each council is requested to nominate two (2) members and two (2) alternate members for consideration of appointment.

10.2 International Cities, Town Centres & Communities Society Conference – Replacement Councillor Delegate

Moved: Councillor Collins

Seconded: Councillor Somerville-Brown

That Councillor Shaw be appointed to attend the International Cities, Town Centres & Communities Society Conference.

CARRIED UNANIMOUSLY 12/-

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 7.55 pm.