



City of Nedlands

MINUTES

Special Council Meeting

Wednesday 20 May 2026

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 Meeting of Council following this meeting to ensure that there has not been a correction made to any resolution.



Information

Council Meeting Agenda are run in accordance with the City of Nedlands Standing Orders 2016. If you have any questions in relation to the agenda, procedural matters, addressing the Council or attending these meetings please contact the Governance Officer on 9273 3500 or governance@nedlands.wa.gov.au

Public Question Time

Public question time at an Special Council Meeting is available for members of the public to ask a question about items on the agenda. Questions asked by members of the public are not to be accompanied by any statement reflecting adversely upon any Council Member, Committee Member or Employee.

Questions should be submitted via the online form available on the City's website: [Public question time | City of Nedlands](#)

Questions may be taken on notice to allow adequate time to prepare a response and all answers will be published in the minutes of the meeting.

Disclaimer

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

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1 DECLARATION OF OPENING

I am now pleased to declare this Special Council Meeting of the Council of the City of Nedlands open at 6:05 pm.

In opening the meeting, I acknowledge the traditional custodians of this land, the Whadjuk people of the Nyoongar Nation, and pay our respects to culture and Elders, past and present. The City of Nedlands also values the contributions made to the community over the years by people of diverse backgrounds and cultures, including those who have served and sacrificed.

This meeting is being live streamed and recorded, and I refer you to the disclaimer on page 2 of the agenda.

2 PRESENT AND APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Councillors

Ms L Browner	Mayor
Ms E Claplin	Councillor Coastal Ward
Mr S Kobelke	Councillor Coastal Ward
Ms J Matthews	Deputy Mayor Dalkeith Ward
Mr C Pan	Councillor Dalkeith Ward
Ms R Kristensen	Councillor Hollywood Ward
Ms R Coghlan	Councillor Melvista Ward

Staff

Mr A Kyron	Interim Chief Executive Officer
Ms N Jennings	Acting Director Corporate and Community Performance
Mr B Thompson	Director Planning and Development
Ms T Douglas	Manager Executive and Project Management Services
Ms R Stanton-Horne	Executive Officer to CEO and Governance Support

Apologies

Mr Julian Coleman	Councillor Melvista Ward
Mr Albert Jacob	Local Government Monitor

Leave of Absence

Mr Glenn Ruscoe	Councillor Hollywood Ward
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Public

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Media

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3 PUBLIC QUESTION TIME



Rex Hubbard, Dalkeith

Question 1:

Will the CEO:

- Confirm whether he accepts that substantial commencement has not been achieved,
- Explain how he will consistently apply this position alongside the draft LPP 7.8, and
- Confirm whether he will support reassessment of this development under current planning controls?

Response: Mayor L Browner

The City takes the question on notice, as this is a legal matter before the courts.

Question 2:

Is the CEO prepared to expose ratepayers to significant Supreme Court legal costs when:

- The City has already acknowledged that substantial commencement was not achieved?
- Reissuing the Section 214 direction would achieve the correct and lawful planning outcome?
- If a reissued Section 214 direction is subsequently challenged, then a straightforward SAT administrative action would avoid large legal costs?

Response: Mayor L Browner

The City takes the question on notice as this is an ongoing legal matter in court.

Kylie Bennett, Dalkeith

Question 1:

I am also party to this Supreme Court case. My question is for the Councillors. Have you been provided by the City with a copy of the affidavit that we have lodged in the Supreme Court?

Response: Mayor L Browner

The City takes the question on notice as this is an ongoing legal matter in court.

4 DISCLOSURES OF INTERESTS

- **Councillor Charles Pan declared an interest affecting impartiality for Item 12.1**

Reason:

Thomson Geer is involved in related proceedings, and they have done some legal work for my family business in a private capacity. As a consequence, there may be a perception that my impartiality on the matter that maybe affected. I declare that I will consider this matter on its merits and vote accordingly.



5 DECLARATIONS BY MEMBERS THAT THEY HAVE NOT GIVEN DUE CONSIDERATION TO PAPERS

Nil

6 MATTERS FOR WHICH THE MEETING MAY BE CLOSED

- Item 12.1: Confidential Legal Matter



7 DIVISIONAL REPORTS - CITY DEVELOPMENT AND REGULATORY SERVICES

Nil



**8 DIVISIONAL REPORTS - CITY PERFORMANCE AND
COMMUNITY DEVELOPMENT**

Nil



9 DIVISIONAL REPORTS - CHIEF EXECUTIVE OFFICER

Nil



10 DIVISIONAL REPORTS - CITY INFRASTRUCTURE AND ENVIRONMENT

Nil



11 URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION

Nil



12 CONFIDENTIAL ITEMS

REASON FOR CONFIDENTIALITY

This Report is **CONFIDENTIAL** in accordance with Section 5.23(2), of the Local Government Act 1995 (LG Act) which provides that the Council may close to members of the public a meeting, or part of a meeting, if the meeting (or part meeting) deals with a matter identified in sub sections (a) – (h) of section 5.23(2). The reports listed below have been identified as confidential for the following reasons:

Item 12.1 - Confidential Legal Matter

- ***This matter is to be dealt with on a confidential basis under section 5.23(4)(a) - legal advice, or other information, over which the local government holds legal professional privilege;***

Members are reminded that, should Council resolve to close to members of the public that part of its meeting at which this Report and related documents is to be considered, then they are to ensure that the information remains **CONFIDENTIAL** and should not disclose the content of this Report or any related document to any other person. To do so may be an improper use of the information under section 5.93 of the LG Act.

Officer Recommendation and Council Decision

That Council, in accordance with Section 5.23(2) of the Local Government Act 1995, which permits the meeting to be closed to the public for business relating to Section 5.23(4)(a) legal advice, or other information, over which the local government holds legal professional privilege; declares the meeting closed to the public at 6:17 pm.

Moved: Cr Stephen Kolbelke

Seconded: Cr Rachel Kristensen

CARRIED UNANIMOUSLY 7-0

For: Mayor Leonie Browner, Cr Jenny Mathews, Cr Charles Pan, Cr Eliza Clapin, Cr Rachel Kristensen, Cr Rebecca Coghlan and Cr Stephen Kolbelke

Against: Nil



12.1 Confidential Legal Matter

Report Number	DRS06.05.26
Applicant	City of Nedlands
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Authority/Discretion	Executive
Contributing Officer	David Banovic - Acting Manager Urban Planning and Development
Responsible Officer	David Banovic - Acting Manager Urban Planning and Development
Director	Bruce Thompson - Director City Regulatory and Development Services
Attachments	1. Legal Advice Part 1 [14.1.1] - REDACTED 2. Legal Advice Part 2 [14.1.2] - REDACTED

Officer Recommendation

That Council **APPROVES** the officer's recommendation outlined within the confidential report.

Moved: Cr Stephen Kolbelke

Seconded: Cr Eliza Clapin

CARRIED UNANIMOUSLY 7-0

For: Mayor Leonie Browner, Cr Rachel Kristensen, Cr Jenny Mathews, Cr Charles Pan, Cr Rebecca Coghlan, Cr Eliza Clapin and Cr Stephen Kolbelke

Against: Nil



Officer Recommendation and Council Decision

That Council RE-OPENS the meeting to members of the public at 6:21 pm.

Moved: Cr Rachel Kristensen Seconded: Cr Jenny Mathews,

CARRIED UNANIMOUSLY 7-0

For: Mayor Leonie Browner, Cr Eliza Clapin, Cr Stephen Kolbelke, Cr Rachel Kristensen, Cr Jenny Mathews, Cr Charles Pan, and Cr Rebecca Coghlan

Against: Nil

The Mayor read aloud the recommendation passed in the confidential session.



13 DECLARATION OF CLOSURE

There being no further business, the Presiding Member declared the meeting closed at 6:23 pm.