



Minutes of the General Meeting of Electors will be held on Tuesday 6 December 2011 from 6 pm in the Council Chambers, 71 Stirling Highway Nedlands.

1. Opening and Welcome

His Worship the Mayor welcomed the public and attendees to the City of Nedlands 2011 General Meeting of Electors and declared the meeting open at 6.02pm.

The Mayor advised that the advertisement calling the meeting was published in the POST newspaper together with notices displayed at the Administration Centre and Libraries.

2. Introduction of Elected Members and Staff

The Mayor introduced Councillors and staff as listed below.

2.1 Record of Attendance / Apologies / Leave Of Absence

Elected Members	His Worship the Mayor, R M Hipkins	(Presiding Member)
	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 R M Binks	Hollywood Ward
	Councillor K Walker	Hollywood Ward
	Councillor T James	Melvista Ward
	Councillor M L Somerville-Brown	Melvista Ward
	Councillor N Shaw	Melvista Ward

Staff	Ms C Eldridge	Director Development Services
	Mr M Cole	Director Corporate Services
	Mr I Hamilton	Director Technical Services
	Ms N Borowicz	Executive Assistant

Leave of Absence None.

Apologies	Mr GT Foster	Chief Executive Officer
	Ms D Blake	Director Community & Strategy

Absent Councillor B G Hodsdon Hollywood Ward.

3. Procedural Matters

The Mayor outlined the procedures of the meeting.

Meeting procedures

1. Electors only may speak except with approval of the person presiding. 2. Only an elector may vote.
3. An elector does not have to vote.
4. When addressing the meeting, a person is to:
 - a) rise and remain standing unless unable to do so by reason of sickness or disability;
 - b) use the public microphone and state his or her name for recording in the minutes;
 - c) address the meeting through the person presiding; and
 - d) remain respectful and not reflect adversely upon elected members or employees.
5. No motion or amendment is open to debate until it has been seconded. Only one amendment on any one motion shall be received at a time and such amendment shall be disposed of before any further amendment can be received; but any number of amendments may be proposed.
6. The mover of a motion (but not the mover of an amendment) has the right of reply, and this closes the debate.
7. An elector may rise and move without discussion, "that the question be now put", which, on being duly seconded and carried by a majority, will result in submission of the motion at once to the meeting, after the mover has replied.
8. Each elector has one vote.
9. Voting is determined by show of hands or other form of open voting determined by the person presiding.
10. A simple majority carries the vote.
11. The person presiding is to determine questions of order and procedure not stated above but an elector may move a motion of dissent from a ruling of the person presiding, which if seconded, shall be put without discussion.
12. Minutes of this meeting will be available for inspection by members of the public as from Monday 12 December 2011 and will be considered by the Council at its first meeting in 2012 to be held on Tuesday 28 February 2012.
13. The decisions of this meeting are not binding on the Council, but as required by the Local Government Act, the reasons for any Council decision on a decision of this meeting are to be recorded in the minutes of the council meeting.

Definition of Elector

An elector is defined in the Local Government Act 1995. An elector is a person who is eligible to vote in an election of the City of Nedlands.

4. Record of Attendance / Apologies from Electors, Guests and Members of the Press

Public There were 12 members of the public present (see attached attendance sheet).

Press The Post Newspaper representative.

5. Discussion of the contents of the Annual Report for the 2010/2011 Financial Year incorporating:

- Mayor's Report
- Chief Executive Officer's Report
- Financial Statements Period Ending 30 June 2010
- Independent Auditor Report

5.1 Questions Submitted on the annual report by Electors prior to the Meeting

The Mayor responded to the following questions on the annual report that were submitted in writing prior to 4 pm on Friday 2 December 2011.

5.1.1 Mr Ken Eastwood of 7 Alexander Place, Dalkeith

1. What has been the full cost, to the City of Nedlands, of the Nedlands/Subiaco amalgamation proposal for the period from the start to 30 November 2011?

Answer - \$161,801.84

2. What amount of that total cost applied to the 2010/2011 financial year?

Answer - \$145,601.84

3. Was any of that cost included in the City's budget forecasts at the commencement of the 2010/2011 year or at the time of the mid-year budget review?

Answer - \$95,000 was included the City's mid-year budget review

4. What amount of the costs expended to 30 June 2011 and to 30 November 2011 have been recovered from the State Government?

Answer - \$114,729.79

5. What amounts are still to be recovered?

Answer - \$Nil

6. Where, within the 2010/2011 Financial Statements, are these costs reflected?

Answer – These costs are reflected in the Governance and Recreation & Culture programs. By nature and type format, these costs are reflected in Materials and Contracts.

7. If not accumulated in one account, to what account have recovered costs been allocated?

Answer - The costs are reflected in the Governance and Recreation & Culture programs.

5.2 Other Questions on the annual report.

The Mayor called for any other questions on the annual report.

There were no further questions on the annual report.

6. General Business

6.1 Questions Submitted by Electors Prior to the Meeting

The Mayor responded to the following questions that were submitted in writing prior to 4 pm on Friday 2 December 2011.

6.1.1 Mr John Anderson of 3 Adams Road, Dalkeith

1. Given that council has already had approval for roadworks to proceed in Adams road, with all parties agreeing on a final solution, why does council seek to reopen the issue?

Answer

Council considered that Option 3 had not been fully explored nor had it been costed. While noting agreement had been reached with the majority of residents, Council agreed to a final review of the options before proceeding with the works.

2. Why does the council cite extracts from a judgement by Justice Johnson when the judgement relates to a prior scope of works which are not relevant to the approved works which have been halted?

Answer

The comments by Judge Johnson are relevant.

3. Why do some councillors say they believe that a number of residents are motivated by hostility towards one resident?

Answer

Unable to answer this question as it should be answered by individual councillors. All councillors have had the opportunity of discussing the proposed works with residents who had contacted them on them project and are entitled to form their own views.

4. Of what relevance is such alleged hostility to the independent 3rd party consultants process which achieved the agreed solution by all parties already approved by council?

Answer – See answer to 3 above.

5. Why is the council ignoring the clear majority of residents, it's independent consultant, the supreme court agreement of consent, and the mandate of the prior council?

Answer – See answer to 1 above.

6. Are there personal loyalties affecting the incoming councillors desire to reignite an already closed issue?

Answer – See answer to 3 above.

7. Given the council has already had an expensive action against it why is council seeking to expose itself to further extensive legal costs when it already has achieved a resolution agreed to in writing by all parties?

Answer – Council will always seek to minimise the costs of any project. Council was mindful of past legal costs and is seeking to inform itself better before finalising plans for this project.

6.1.2 Ms Bill James of 4 Archdeacon Street, Nedlands

Adams Road

1. Can the Council please confirm that either:
 - a) there are no retaining wall ground anchors installed below the public reserve at the end of Adams Road, or
 - b) the Council has approved the building of a retaining wall at 6 Adams Road which requires ground anchors within the public reserve for its support?

Answer – Council approved ground anchors in the road reserve on the proviso that once completed, the anchors would be made redundant.

2. If ground anchors are installed in the public reserve and they need to be disturbed or cut to execute the proposed drainage and road works foundations related to the extensions of the turning area, will the Council be liable for damages in the event of failure of the retaining wall of 6 Adams Road?

Answer – Any ground anchors remaining on the site are de-stressed and any works that may cause movement will not cause any damage to the retaining wall. In any event, such damage would be covered by the City's insurance.

3. Why is the Council continuing with the Adams Road project when the cost of the works significantly outweighs any public benefit?

Answer – To address ongoing road safety and drainage issues.

Legal Costs

4. In order to contain the cost of legal fees and to ensure that legal advice is only sought when appropriate, will the Council consider revising the CEO's delegated authority to allow him to initiate only planning-related legal opinions? All other legal expenditure to be authorised by the Mayor or Council.

Answer – Administration is required for operational purposes, to seek legal advice on various operational matters. To require Council approval on each and every occasion is not supported by Administration. The Mayor has requested that all legal advice be discussed with him prior to being sought by Administration.

Forced Merger

5. On whose authority did the Council request the LGAB to proceed with a forced merger with Subiaco?

Answer – By Council decision of 7 July 2011. The Mayor added that the recent Supreme Court decision was that Council did not seek a forced merger.

6. If this action was carried out by CEO Foster without express approval of Council, as stated by High Court Justice Edelman, how does Council intend to deal with this unauthorised behaviour and be seen to apply some degree of accountability?

Answer – The CEO acted on Council's decision of 7 July 2011.

6.2 Other Questions on the annual report.

The Mayor called for any items of general business from the floor.

6.2.1 Mrs Irene Tan of 85 Melvista Avenue, Nedlands

1. In the light of the recent ruling by Justice James Edelman on the Neds-Subi merger, can Mayor Hipkins please explain why he moved an Amendment which advocated a forced takeover of the City of Subiaco and would have authorised the LGAB to progress such a takeover (contrary to the standing Recommendation and subsequent Resolution of Council) at a Special Council Meeting on 7th July 2011. The said Amendment is quoted from the Minutes as follows:

“The Minister for Local Government be advised that the City of Nedlands resolves to support the proposal to amalgamate the Cities of Nedlands and Subiaco and refer it to the Local Government Advisory Board to progress under clause 2 of Schedule 2.1 of the Local Government Act 1995. “

Answer – The Mayor responded that it was to make clear Council's resolution.

2. Can Cr Joe Porter please explain why he moved a motion to re-visit the Adams Road roadworks when the matter had been settled by a Supreme Court Judge and the said roadworks had the support of all parties involved in the matter? Is this a reflection of Good Governance one is to expect from this Council?

Answer – The Mayor responded that Cr Porter moved this motion because he believed that all options had not been covered.

3. Can Cr Joe Porter please explain:
 - a) His apparent lack of understanding and knowledge,
 - b) poor grasp of the heritage value of the main buildings of the Swanbourne Hospital site,
 - c) the years of hard work and community consultation that went into the formation of the Outline Development Plan for the site and justify his cursory dismissal of all these factors through his comment (as published in this week's edition of The Post) which said "The site should be let to rot into dust."
 - d) Is this "Duty of Care" to the Community and Community opinion what we are to expect from this Council?

Answer – The Mayor responded that this was the personal opinion of Cr Porter and was in response to the debate at the time.

4. Can Cr Toni James, who has never regularly attended any of the Traffic Management Committee Meetings since its inception please give justifiable cause as to why she thinks it fit to suspend this working strategic and community based Committee that has been delivering positive outcomes; and revert all traffic management items to Council – bearing in mind that the catalyst that created this Committee was the unpopular Council decision on Carrington Street Roadworks (6 speedhumps, 2 chicanes plus the 2 existing roundabouts) which she seconded at a Committee Meeting where it was an Agenda Item?

Answer – The Mayor responded that the reason for the motion was because the Traffic Management Committee had expended too much on traffic management measures to the detriment of road maintenance.

5. a) Can the Mayor please explain why there was only one ratepayer of this City who attended a Strategic Planning Workshop of Council in November of this year?

Answer – The Mayor responded that only 1 was interested in attending.

- b) Was he present by special invitation? If so, on what official criteria based on Good Governance and Open and Accountable Management of this City was the invitation sent?

Answer – The Mayor responded that he had asked if he could attend and Mayor acceded to the request.

- c) If this was a personal invitation from the Mayor, what merit did this person have, above all others (including Ratepayers' Associations in the Community), for this personal invitation?

Answer – Not applicable.

- d) Was there a public notice placed through the normal channels, informing the public of this workshop, and inviting interested parties to attend? If not, why not?

Answer – The Mayor responded that it takes time to put new policies in to practice.

- d) Will Mayor Hipkins authorise such meetings and invitations be made standard public knowledge in the future?

Answer – The Mayor responded that this was his desire but will need to be authorised by Council.

6. a) Can Mayor Hipkins please confirm that it has become normal practice, since he took Office, to hold discussions about matters pertaining to the City during Councillor mealtimes (therefore tantamount to being held “behind closed doors” as no members of the public are allowed to be present at this time) prior to the Council and Committee of Council Meetings, and that neither such meetings, nor the content to be discussed at these meetings, have ever been made public knowledge?

Answer – The Mayor responded that briefings are conducted by staff before the meal. Dinner commences at 6.30pm.

- b) Is there media representation at these discussions of Council? If so, please name the papers involved; bearing in mind that it was one such party that made it clear that such discussions, behind closed doors, made without prior notification to the community are highly illegal as they can be construed as “pre-empting and influencing a Council decision”.

Answer – The Mayor responded that the briefings are open to anybody who wishes to attend.

- c) Is this Good Governance and what the mayor considers “Open and Accountable” management of this City?

Answer - The Mayor responded - Yes

6.2.3 Mr Ken Eastwood of 7 Alexander Place, Dalkeith

Mr Eastwood asked two follow up questions on the RTG.

- a) Mr Eastwood stated that he understood that all RTG costs would be met by the State Government. Why was there a shortfall in costs?

Answer – The Director Corporate Services responded that this was the intention when the Cities of Nedlands and Subiaco entered into the RTG process. However, the RTG Board, comprising the Mayors and one councillor from each Council, agreed to undertake additional community consultation and engagement with their respective communities that the State Government advised it would not fund.

- b) Was Council aware of this additional expenditure?

Answer – The Mayor responded that he was not aware of this additional expenditure. The Director Corporate Services added that this additional expenditure did not formally come to Council. The CEO and the Mayor had been passing information on the RTG informally back to Councillors, although this was not done as formally as it could have been.

6.2.4 Mrs Irene Tan of 85 Melvista Avenue, Nedlands

Mrs Tan advised she was confused about the answer given to the first question on the forced merger. Noted anti merger supporters Cr Hipkins, Cr Argyle and cr Collins voted to support the amendment to support the merger of Nedlands and Subiaco and refer the matter to the Local Government Advisory Board. This amendment was supported by Crs Hipkins Argyle and Collins and she asked what was the reason for this?

Answer – The Mayor responded that he couldn't add more to what he had already given. The amended motion was to achieve clarity of the motion. Motions don't have to reflect Councillors views. He added that he is on record for clarifying what Council has achieved.

Declaration of Closure

The Mayor called for any other items of general business from the floor.

There being no further business, the Presiding Member thanked everyone for their attendance and declared the meeting closed at 6.28 pm.

Note: In accordance with Section 5.33 of the *Local Government Act 1995* a report on the decisions made at the electors' meeting will be presented to Council at the next ordinary meeting, scheduled for 28 February 2012.