



City of Nedlands

Minutes

Council Committee Meeting

12 March 2013

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 meeting of the Council Committee held in the Council Chambers, Nedlands on Tuesday 12 March 2013 at 7 pm.

Declaration of Opening

The Presiding Member declared the meeting open at 7 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 W R Hassell	Dalkeith Ward
	Councillor S J Porter	Dalkeith Ward
	Councillor R M Binks	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor N Shaw	Melvista Ward
	Councillor M L Somerville-Brown	Melvista Ward

Staff	Mr G Trevaskis	Chief Executive Officer
	Mr M Cole	Director Corporate & Strategy
	Mr P Mickleson	Director Planning & Development
	Mr M Goodlet	Director Technical Services
	Ms D Blake	Director Community & Organisational Development
	Mrs N Ceric	Executive Assistant

Public There were 5 members of the public and 1 member of staff present.

Press The Post Newspaper representative.

Leave of Absence (Previously Approved) Nil.

Apologies Nil.

Absent Councillor T James Melvista Ward

Disclaimer

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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.

Mrs M Chiswell, 10 Kintyre Crescent, Floreat
(spoke in support of the recommendation)

Report PD09.13

Mr M Szabo, Burgess Design Group, 101 Edward Street, Perth
(spoke in support of the recommendation)

Report PD10.13

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 reminded 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 Binks – PD10.13 - Proposed Scheme Amendment No. 200 of Town Planning Scheme No. 2- Amend the zoning of Lot 289 (No 123) Dalkeith Road from 'Service Station' to 'Residential' with 'Additional Use' to allow three (3) Dwellings

Councillor Binks disclosed an impartiality interest in Item PD10.13 - Proposed Scheme Amendment No. 200 of Town Planning Scheme No. 2- Amend the zoning of Lot 289 (No 123) Dalkeith Road from 'Service Station' to 'Residential' with 'Additional Use' to allow three (3) Dwellings. He disclosed that he has used the services of the workshop on several occasions over the 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.

3.2 Councillor Shaw – PD10.13 - Proposed Scheme Amendment No. 200 of Town Planning Scheme No. 2- Amend the zoning of Lot 289 (No 123) Dalkeith Road from 'Service Station' to 'Residential' with 'Additional Use' to allow three (3) Dwellings

Councillor Shaw disclosed an impartiality interest in Item PD10.13 Proposed Scheme Amendment No. 200 of Town Planning Scheme No. 2- Amend the zoning of Lot 289 (No 123) Dalkeith Road from 'Service Station' to 'Residential' with 'Additional Use' to allow three (3) Dwelling. He disclosed that has spoken with the owner once, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he/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 12 February 2013

Moved – Councillor Collins
Seconded – Councillor Shaw

The minutes of the Council Committee held 12 February 2013 are confirmed.

**CARRIED 10/-
(Abstained: Cr Hassell)**

6. Matters for Which the Meeting May Be Closed

In accordance with Standing Orders and for the convenience of the public, the Committee identified under Section 5.23(2) (a) of the *Local Government Act 1995* item 10.1 is to be discussed behind closed doors and that matter is deferred for consideration as the last item of this meeting.

7. Divisional Reports

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

7.1 Planning & Development Report No's PD09.13 to PD10.13

Planning & Development Report No's PD09.13 to PD10.13 to be dealt with at this point (copy attached yellow cover sheet).

PD09.13	No.90 (Lot 51) Rosedale Street Floreat – Two Storey Single House
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Committee	12 March 2013 PD09.13 No.90 (Lot 51) Rosedale Street Floreat – Two Storey Single House
Council	26 March 2013
Applicant	J Corp Pty Ltd t/as Perceptions
Owner	Kandos Pty Ltd
Officer	Laura Sabitzer – Planning Officer
Director	Peter Mickleson – Director Planning & Development
File ref.	DA12/413 : RO5/90
Previous Item No's	

Mrs M Chiswell, 10 Kintyre Crescent, Floreat
(spoke in support of the recommendation)

Report PD09.13

Regulation 11(da) – Councillors agreed to include a condition requiring the applicant to be responsible for the retaining wall.

Moved – Councillor Binks
Seconded – Councillor Hassell

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

Amendment

Moved - Councillor Shaw
Seconded - Councillor Argyle

That an additional condition “The alfresco area should be completely outside the setback area” be included as condition 1 and the remaining conditions renumbered.

AMENDMENT Lost 2/8
(Against: Crs. Collins McManus Argyle Hassell
Porter Binks Hodsdon Somerville-Brown)
(Abstained: Mayor Hipkins)

Amendment

Moved – Councillor Argyle

Seconded – Councillor Shaw

That an additional condition be added as follows:

- 7. the retaining wall be the responsibility of the applicant.**

**CARRIED 10/1
(Against: Cr. Binks)**

Moved – Councillor McManus

Seconded – Councillor Somerville-Brown

That the motion be put

CARRIED UNANIMOUSLY 11/-

The substantive motion was put and

CARRIED UNANIMOUSLY 11/-

Committee Recommendation

Council approves an application for two-storey single house at No. 90 (Lot 51) Rosedale Street, Floreat in accordance with the application received 16 October 2012 and the plans received 7 February 2013 subject to the following conditions:

- 1. all crossovers to the street shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision on-site, prior to commencement of works;**
- 2. the existing crossover shall be removed and the verge reinstated with grass or landscaping in accordance with Council's Verge Development Policy 4.7;**
- 3. all stormwater from the development which includes permeable and non-permeable areas shall be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event; and soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development;**

4. further planning approval from the City is required for any fill or retaining walls on the lot other than that shown on the approved plans;
5. 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; and
6. 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.
7. the retaining wall be the responsibility of the applicant.

Advice Notes specific to this approval:

1. any fencing forward of the primary and/or secondary street setback requires further development approval from the City;
2. all internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres/second;
3. all downpipes from guttering shall be connected so as to discharge into drains which shall empty into a soak-well and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block;
4. the applicant is advised to consult the City's *Visual and Acoustic Privacy Advisory Information* in relation to selecting and locating any air-conditioner or swimming pool or spa mechanical equipment such that noise, vibration and visual impact on neighbours is mitigated. The City does not recommend installing any equipment near a property boundary where it is likely noise in these locations will intrude on neighbouring properties

prior to selecting a location to install an air-conditioner, applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as a guide on

air-conditioner placement so as to prevent noise affecting neighbouring properties prior to installing an air-conditioner or swimming pool or spa mechanical equipment, the applicant is advised to consult residents of neighbouring properties and if necessary take measures to suppress noise; and

- 5. Where a laundry is situated adjacent to a kitchen, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof / ceiling, or an opening which is not more than 1220mm wide and has a door which when closed completely fills the opening.**

Recommendation to Committee

Council approves an application for two-storey single house at No. 90 (Lot 51) Rosedale Street, Floreat in accordance with the application received 16 October 2012 and the plans received 7 February 2013 subject to the following conditions:

1. all crossovers to the street shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision on-site, prior to commencement of works;
2. the existing crossover shall be removed and the verge reinstated with grass or landscaping in accordance with Council's Verge Development Policy 4.7;
3. all stormwater from the development which includes permeable and non-permeable areas shall be contained on site by draining to soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event; and soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development;
4. further planning approval from the City is required for any fill or retaining walls on the lot other than that shown on the approved plans;
5. 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; and

6. 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.

Advice Notes specific to this approval:

1. any fencing forward of the primary and/or secondary street setback requires further development approval from the City;
2. all internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres/second;
3. all downpipes from guttering shall be connected so as to discharge into drains which shall empty into a soak-well and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block;
4. the applicant is advised to consult the City's *Visual and Acoustic Privacy Advisory Information* in relation to selecting and locating any air-conditioner or swimming pool or spa mechanical equipment such that noise, vibration and visual impact on neighbours is mitigated. The City does not recommend installing any equipment near a property boundary where it is likely noise in these locations will intrude on neighbouring properties

prior to selecting a location to install an air-conditioner, applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as a guide on air-conditioner placement so as to prevent noise affecting neighbouring properties prior to installing an air-conditioner or swimming pool or spa mechanical equipment, the applicant is advised to consult residents of neighbouring properties and if necessary take measures to suppress noise; and

5. Where a laundry is situated adjacent to a kitchen, the laundry shall be separated from the kitchen by a wall extending from the floor to the roof / ceiling, or an opening which is not more than 1220mm wide and has a door which when closed completely fills the opening.

PD10.13	Proposed Scheme Amendment No. 200 of Town Planning Scheme No. 2- Amend the zoning of Lot 289 (No 123) Dalkeith Road from ‘Service Station’ to ‘Residential’ with ‘Additional Use’ to allow three (3) Dwellings
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Committee	12 March 2013
Council	26 March 2013
Applicant	Burgess Design Group
Owner	Mr and Mrs. Venoutsos - Lot 289 (No 123) Dalkeith Road
Officer	Gabriela Poezyn – Manager Strategic Planning
Director	Peter Mickleson – Director Planning & Development
File ref.	TPN/A200
Previous Item No’s	

Non-Elector

Moved – Councillor Hassell

Seconded – Councillor Somerville-Brown

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

CARRIED UNANIMOUSLY 11/-

Mr M Szabo, Burgess Design Group, 101 Edward Street, Perth
(spoke in support of the recommendation)

Councillor Binks – Impartiality Interest

He disclosed that he has used the services of the workshop on several occasions over the 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.

Councillor Shaw – Impartiality Interest

He disclosed that has spoken with the owner once, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he/she would consider this matter on its merits and vote accordingly.

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

Moved – Councillor Hassell

Seconded – Councillor Somerville-Brown

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

**CARRIED 9/-
(Abstained: Mayor Hipkins Cr. Shaw)**

Committee Recommendation / Recommendation to Committee

Council:

1. initiates the proposed scheme amendment to rezone Lot 289 (No 123) Dalkeith Road from 'Service Station' to 'Residential' with 'Additional Use' to allow three (3) Dwellings;
2. instructs Administration to progress the proposal in accordance with requirements of the relevant legislation.

7.1 Technical Services Report No's TS05.13

Technical Services Report No's TS05.13 to be dealt with at this point (copy attached blue cover sheet).

TS05.13 Proposed New Reserve for Purposes of "Public Recreation" and "Rights of Way" – Lot 415 on Deposited Plan 71165, Mt Claremont

Committee	12 March 2013
Council	26 March 2013
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Andrew Dickson – Manager Parks Services
Director	Mark Goodlet – Director Technical Services
File ref.	TPN/104, ST1/L12040, WAPC/131108, WAPC/131109
Previous Item No's	Items 13.1 and 13.2 – Council Minutes – 19 May 2009 Items 13.1 and 13.2 – Council Minutes – 21 July 2009 Item 8.1 report D58.10 – Council Minutes – 10 August 2010 Item 12.2 report PD18.12 – Council Minutes – 22 May 2012

Regulation 11(da) – Councillors agreed to defer this item until the April Committee meeting to allow for further consideration of other options.

Moved – Councillor Horley
Seconded – Councillor McManus

That this item be deferred to the April Committee meeting to allow further consideration of other options.

**CARRIED 10/
(Abstained: Cr. Porter)**

Committee Recommendation

That this item be deferred to the April Committee meeting to allow for further consideration of other options.

Recommendation to Committee

Council

1. Instructs Administration to advise State Land Services that Council accepts the management order for Lot 415 on deposited plan 71165, Mt Claremont conditional to:
 - a. negotiating an arrangement with the Department of Regional Development and Lands for the transfer of title of 648 square metres of crown land at lot 375 on deposited plan 82163 to the City of Nedlands as freehold land, or another such arrangement, to Council's satisfaction, to allow the raising of capital funds for the development of the reserve to a 'high level' of aesthetic and functionality;

Alternatively;

- b. the acceptance of surrounding property owners bounded by St Johns Wood Boulevard to the north, John XXIII College to the east, Mooro Drive to the south and Montgomery Avenue to the West to a "Special Area Rates" of \$500, payable over two years, to raise the necessary capital funds allowing for the development of the reserve to a 'moderate level' of aesthetic and functionality; and
 - c. in the event an arrangement as described in item a. and/or b. above is unable to be secured, Council will defer a decision on accepting the management order until it is able to secure suitable financial arrangements, to its satisfaction, allowing for development of the reserve.

7.2 Corporate & Strategy Report No's CP09.13 to CP12.13

Report No's CP09.13 to CP12.13 to be dealt with at this point (copy attached green cover sheet).

CPS09.13 List of Accounts Paid – January 2013

Committee	12 March 2013
Council	26 March 2013
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate & Strategy
File ref.	Fin/072-17
Previous Item No's	Nil.

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

Moved – Councillor Shaw

Seconded – Councillor Somerville-Brown

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of January 2013 (refer to attachment).

CPS10.13 Compliance Audit Return

Committee	12 March 2013
Council	26 March 2013
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Phoebe Huigens, A/Manager Corporate & Strategy
Director	Michael Cole – Director Corporate & Strategy
File ref.	ORN/088-05
Previous Item No's	Nil.

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 UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council adopts the 2012 Compliance Audit Return.

CPS11.13 Policy and Delegations Review

Committee	12 March 2013
Council	26 March 2013
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Phoebe Huigens, A/Manager Corporate & Strategy
Director	Michael Cole – Director Corporate & Strategy
File ref.	CRS/065
Previous Item No's	Nil.

Regulation 11(da) – Councillors agreed to a minor change to the “Community Notice Boards” policy to remove reference to “Party” in political material.

Moved – Councillor Binks
 Seconded – Councillor Shaw

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

Amendment

Moved - Councillor Hassell
 Seconded - Councillor McManus

That the Community Notice Boards in Council Operated Facilities Policy be amended by removing the words “Party Political Material” with the words “offensive material as determined by the CEO”.

The above amendment was withdrawn by the Mover with the agreement of the seconder.

Amendment

Moved - Councillor Hodsdon
 Seconded - Councillor Porter

That the Community Notice Boards in Council Operated Facilities Policy be amended by removing the word “Party” before the words Political Material”.

AMENDMENT CARRIED UNANIMOUSLY 11/-

The substantive motion was put

**CARRIED 10/1
(Against: Crs. Hodsdon)**

Committee Recommendation

Council:

- 1. approves the following policies:**
 - a. Sea Containers; and**
 - b. Community Notice Boards in Council Operated Facilities subject to the removal of the word “Party” before the words Political Material”;**
- 2. revokes the Management of Phytophthora Dieback policy;**
- 3. approves the Council Provided Grants, Subsidies and Donations delegation.**

Recommendation to Committee

Council:

1. approves the following policies:
 - a. Sea Containers; and
 - b. Community Notice Boards in Council Operated Facilities;
2. revokes the Management of Phytophthora Dieback policy;
3. approves the Council Provided Grants, Subsidies and Donations delegation.

CPS12.13 Appointment of Auditor

Committee	12 March 2013
Council	26 March 2013
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate & Strategy
File ref.	FIN/008-24
Previous Item No's	Nil.

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

Moved – Councillor Hodsdon
 Seconded – Councillor McManus

That the Recommendation to Committee is adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Audit & Risk Committee Recommendation to Committee

Council in accordance with the provisions of Section 7.3 of the *Local Government Act 1995*, appoints Macri Partners as the City's independent auditor for the years 2012/13 to 2014/15.

8. Reports by the Chief Executive Officer

Nil.

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

Nil.

10. Confidential Items

At this point the meeting will be closed to members of the public in accordance with Section 5.23(2) (a) of the *Local Government Act 1995* to allow confidential discussion on the following items.

10.1 City Provided Child Care Service and Positive Ageing

Closure of Meeting to the Public

Moved – Councillor Shaw

Seconded - Councillor Collins

That the meeting be closed to the public in accordance with Section 5.23 (a) of the Local Government Act 1995 to allow confidential discussion on the following items.

**CARRIED 9/2
(Against: Cr. Horley & Argyle)**

The meeting was closed to the public at 8.04 pm.

Opening of Meeting to the Public

Moved - Councillor Binks

Seconded - Councillor Hodsdon

That the meeting be reopened to members of the public and the press.

CARRIED UNANIMOUSLY 11/-

The meeting was reopened to members of the public and the press at 8.34 pm.

In accordance with Standing Orders 12.7(3) the Presiding Member read out the motions passed by the Committee whilst it was proceeding behind closed doors and the vote of the members to be recorded in the minutes under section 5.21 of the Local Government Act 1995.

Moved – Councillor Hodsdon
Seconded – Councillor Binks

That the Committee Recommendation remain confidential pending Council determination.

CARRIED UNANIMOUSLY 11/-

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 8.34 pm.