



City of Nedlands

# ***Minutes***

## ***Council Meeting***

***26 February 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 an ordinary meeting of Council held in the Council chambers, Nedlands on Tuesday 26 February 2013 at 7 pm.

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#### 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)

<b>Councillors</b>	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor K E Collins	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 (from 7.16 pm)	Hollywood Ward
	Councillor T James	Melvista Ward
	Councillor N Shaw	Melvista Ward
	Councillor M L Somerville-Brown	Melvista Ward

<b>Staff</b>	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 23 members of the public present.

**Press** The Post Newspaper representative.

**Leave of Absence (Previously Approved)** Nil.

**Apologies** Councillor N B J Horley Coastal Districts Ward

**Absent** Nil.

**Disclaimer**

No responsibility whatsoever is implied or accepted by the City of Nedlands for any act, omission or statement or intimation occurring during Council or Committee meetings. City of Nedlands disclaims any liability for any loss whatsoever and howsoever caused arising out of reliance by any person or legal entity on any such act, omission or statement or intimation occurring during Council or Committee meetings. Any person or legal entity who acts or fails to act in reliance upon any statement, act or omission made in a Council or Committee meeting does so at that person's or legal entity's own risk.

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.

The City of Nedlands wishes to advise that any plans or documents contained within this agenda may be subject to copyright law provisions (*Copyright Act 1968, as amended*) and that the express permission of the copyright owner(s) should be sought prior to their reproduction.

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## **1. Public Question Time**

A member of the public wishing to ask a question should register that interest by notification in writing to the CEO in advance, setting out the text or substance of the question.

The order in which the CEO receives registrations of interest shall determine the order of questions unless the Mayor determines otherwise. Questions must relate to a matter affecting the City of Nedlands.

There were no public questions.

## **2. Addresses by Members of the Public**

Addresses by members of the public who have completed Public Address Session Forms to be made at this point.

Dr J Muir, 92 Evandale Street, Floreat  
(spoke in support of dual use path on Brockway Road between Alfred Road and Underwood Avenue)

Non-Elector

Moved – Councillor McManus  
Seconded – Councillor Hassell

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

**CARRIED UNANIMOUSLY 10/-**

Mr P McQueen, C/- Lavan Legal, 1 William Street, Perth  
(spoke in support of the recommendation)      Report PD01.13 & PD02.13  
(spoke in opposition to the recommendation)      Report PD03.13

Non-Elector

Moved – Councillor Hassell  
Seconded – Councillor Collins

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

**CARRIED UNANIMOUSLY 10/-**

Ms C Richards, C/- Level 3 / 369 Newcastle Street, Northbridge  
(spoke in support of the recommendation)      Report PD01.13 & PD02.13

Non-Elector

Moved – Councillor Porter  
Seconded – Councillor Argyle

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

**CARRIED UNANIMOUSLY 10/-**

Mr D Caddy, 182 St Georges Terrace, Perth      Report PD03.13  
(spoke in opposition to the recommendation)

Councillor Hodsdon joined the meeting at 7.16 pm.

Mr R Lilburne, 43 Philip Road, Dalkeith      Report PD03.13  
(spoke in support of the application)

The Presiding Member granted Mr Lilburne a further 2 minutes to conclude his address.

Non-Elector

Moved – Councillor Hassell

Seconded – Councillor McManus

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

**CARRIED UNANIMOUSLY 11/-**

Mr D Robinson, C/- Hoffman & Brown Architects, 15/12 Napoleon Street, Cottesloe  
Report PD03.13  
(spoke in support of the proposal)

Mr J Wetherall, 4B Dalkeith Road, Nedlands  
Report PD05.13  
(spoke in opposition to the recommendation)

Ms H Pedersen, 67 Mountjoy Road, Nedlands  
Report TS02.13  
(spoke in support of the recommendation)

Ms S Wilkins, 37 Broome Street, Nedlands  
Report TS02.13  
(spoke in support of the recommendation)

Mr A Annand, 46 Alexander Road, Dalkeith  
Report TS02.13  
(spoke in opposition to the recommendation)

**3. Requests for Leave of Absence**

Nil.

**4. Petitions**

**4.1 Petition from Ms Pam Best – Replacement of Park Seats at Allen Park**

Request the replacement of Park Seats in various positions at Allen Park.

Moved – Councillor Collins

Seconded – Councillor Hodsdon

**That the Petition is received by Council and referred to Administration for a response.**

**CARRIED UNANIMOUSLY 11/-**



**4.2 Petition from– Christian d’Argent, Keiron Bradley and Aaron Bradley – Aberdare Road Reserve Reduction**

Request to reduce Aberdare Road Reserve from 9 metres to 4 metres by year’s end.

Moved – Councillor Hodsdon  
Seconded – Councillor Binks

**That the Petition is received by Council and referred to Administration for a response.**

**CARRIED UNANIMOUSLY 11/-**

**5. 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.

**5.1 Mayor Hipkins – 13.6 – Town Planning Scheme Amendments**

Mayor Hipkins disclosed a proximity interest in Item 13.6 – Town Planning Scheme Amendments. His interest being that his wife owns property at 7A Vincent Street, Nedlands. He believed his interest is trivial. He advised that he would like to participate in the meeting on the matter and would leave meeting while the Council voted on whether he was permitted to stay or not.

**5.2 Councillor Argyle – 13.6 – Town Planning Scheme Amendments**

Councillor Argyle disclosed a proximity interest in Item 13.6 – Town Planning Scheme Amendments. His interest being that his daughter owns property in the area. He advised that he would leave the meeting during this matter.

**5.3 Councillor James – 13.6 – Town Planning Scheme Amendments**

Councillor James disclosed a proximity interest in Item 13.6 – Town Planning Scheme Amendments. Her interest being that she owns property in the area. She advised that she would remain in the meeting during this matter.

**5.4 Mr G Trevaskis, Chief Executive Officer – 13.12 – Appointment of the Chief Executive Officer**

Mr G Trevaskis, Chief Executive Officer disclosed a financial interest in Item 13.12 – Appointment of the Chief Executive Officer. His interest being that it involved his employment. He advised that he would leave the meeting during this matter.

**6. 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*.

**6.1 Councillor Hassell – PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House**

Councillor Hassell disclosed an impartiality interest in Item PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House. He disclosed that he knew the neighbours, 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.

**6.2 Councillor Collins – PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House**

Councillor Collins disclosed an impartiality interest in Item PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House. He disclosed that he is acquainted with the residents at 39 Philip Road, 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.

**6.3 Councillor James – PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House**

Councillor James disclosed an impartiality interest in Item PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House. She disclosed that she knew the neighbours, and as a consequence, there may be a perception that his impartiality on the matter may be affected. She declared that he would consider this matter on its merits and vote accordingly.

**6.4 Councillor Shaw – PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House**

Councillor Shaw disclosed an impartiality interest in PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House. He disclosed that he knows the applicants, and has had discussions and a meeting with them. He has also had an extensive discussion, and 2 meetings with the opponents to the proposal, 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.

**6.5 Councillor Argyle – PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House**

Councillor Argyle disclosed an impartiality interest in Item PD03.13 - No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House. He disclosed that he had known the Lilburne Family for many years, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

**6.6 Councillor McManus – 13.9 - TS05.13 – City of Nedlands Waste and Recycling Tender 2005-06.08 Contract Extension**

Councillor McManus disclosed an impartiality interest in TS05.13 – City of Nedlands Waste and Recycling Tender 2005-06.08 Contract Extension. He disclosed that he is friends with the CEO of Perth Waste, 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.

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

Nil.

**8. Confirmation of Minutes**

**8.1 Ordinary Council meeting 11 December 2012**

Moved – Councillor Collins  
 Seconded – Councillor Shaw

**The minutes of the ordinary Council meeting held 11 December 2012 are confirmed.**

**CARRIED UNANIMOUSLY 11/-**

**9. Announcements of the Presiding Member without discussion**

Functions where the Mayor represented the City since the December 2012 Council meeting:

14 December 2012	City of Nedlands	Active Citizenship Award Judging
14 December 2012	City of Nedlands	Tresillian Christmas Party
14 December 2012	City of Nedlands	Swanbourne Christmas Carols
18 December 2012	WALGA	Swan & Canning Policy Forum
19 December 2012	City of Nedlands	Opening John Leckie Pavilion
20 December 2012	WALGA	Metro Local Government Review
21 December 2012	City of Nedlands	Staff Christmas Function
15 January 2013	City of Nedlands	IGA owners re plastic bags
23 January 2013	City of Nedlands	Australia Day Citizenship Ceremony
30 January 2013	API	Residential Property Outlook
31 January 2013	WALGA	Metropolitan Mayor's Forum
3 February 2013	City of Nedlands	Summer Concert in Park – Floreat
6 February 2013	UDIA	Urban Planning Perth's Prosperity
6 February 2013	City of Nedlands	QEII (David Mulligan)
10 February 2013	City of Nedlands	Summer Concert in Park – Dalkeith
11 February 2013	WALGA	National Trust Council meeting
14 February 2013	LG Planners Association	Sex and Alcohol Planning
14 February 2013	City of Nedlands Library	Local Studies Discussion Forum

15 February 2013	Nedlands Croquet Club	Launch of Floodlights
16 February 2013	Swanbourne Cricket Club	50 Year Celebration
17 February 2013	Nedlands Yacht Club	HMAS Perth Memorial
16 February 2013	City of Nedlands	Summer Concert in Park – Swanbourne
18 February 2013	Subiaco Business Association	Planning to protect and grow your business
22 February 2013	John XXIII College	Opening and Blessing of St Louis Sports Centre
24 February 2013	CoN	Summer Concert in Park – Hollywood
25 February 2013	WALGA	National Trust Executive Meeting

The Mayor announced that, being a candidate for the seat of Nedlands in the forthcoming State Election, this may be his last Council meeting.

Should he not be successful in the election, he will continue in his role as Mayor.

However should he be successful, he would like to thank the electors of the City of Nedlands for giving him the opportunity to serve as their Mayor, and also thank Councillors for their assistance in helping him guide the future of this City during his time as Mayor.

## **10. Members announcements without discussion**

### **10.1 Councillor Argyle**

Councillor Argyle tabled communication from Ms S Morey of Vincent Street regarding Rose Garden Memorial Park. The email was passed to the Director Technical Services for review and follow up.

Councillor Argyle handed in a parking fine that was placed in his letterbox for parking on Clifton Street for \$60.00 that had been found on the street.

### **10.2 Councillor Binks**

Councillor Binks advised that he attended the Lighting of Croquet Club event and hoped it would increase numbers and be very beneficial to the club.

**11. Matters for Which the Meeting May Be Closed**

Council, in accordance with Standing Orders and for the convenience of the public, identified that the meeting be closed to the public in accordance with Section 5.23 (b) of the Local Government Act 1995 to allow confidential discussion on item 17. - Confidential Items.

**12. Divisional reports and minutes of Council committees and administrative liaison working groups**

**12.1 Minutes of Council Committees**

This is an information item only to receive the minutes of the various meetings held by the Council appointed Committees (N.B. This should not be confused with Council resolving to accept the recommendations of a particular Committee. Committee recommendations that require Council's approval should be presented to Council for resolution via the relevant departmental reports).

Moved – Councillor Shaw  
Seconded – Councillor Collins

**The Minutes of the following Committee meetings (in date order) are received:**

**Council Committee** **12 February 2013**  
Unconfirmed, Circulated to Councillors on 19 February 2013

**CARRIED UNANIMOUSLY 11/-**

**Note: As far as possible all the following reports under items 12.2, 12.3, 12.4 and 12.5 will be moved en-bloc and only the exceptions (items which Councillors wish to amend) will be discussed.**

En Bloc

Moved - Councillor James  
Seconded – Councillor Collins

**That all Committee Recommendations relating to Reports under items 12.2, 12.3, 12.4 and 12.5 with the exception of Report Nos. PD01.13, PD02.13, PD03.14, PD05.13, PD07.13 & TS02.13 are adopted en bloc.**

**CARRIED UNANIMOUSLY 11/-**

**12.2 Planning & Development Report No's PD01.13 to PD08.13 (copy attached)**

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.

<b>PD01.13</b>	<b>No. 64 (Lot 4) Jutland Parade, Dalkeith – Proposed Three Storey Dwelling &amp; Swimming Pool</b>
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<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	Milankov Designs and Project Management
<b>Owner</b>	M B Hartono & I Budiastro
<b>Officer</b>	Laura Sabitzer – Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>File ref.</b>	DA12/196 : JU2/64U4
<b>Previous Item No's</b>	Nil

**Regulation 11(da) – Council did not approve for the following reasons:**

- 1. the proposed height of the dwelling exceeds by some 2 metres, the height limit shown on Survey Strata Plan (WAPC Ref 734-09), titled “Building Height Restrictions”, and signed by the City of Nedlands on 29 March 2011;**
- 2. side boundary setbacks are less than the minimums set down in the R-Codes; and**
- 3. on grounds of amenity.**

Moved – Councillor Shaw  
 Seconded – Councillor Porter

**Council does not approve the application for the proposed three storey dwelling and swimming pool at No 64 (Lot 4) Jutland Parade, Dalkeith.**

**CARRIED 6/5  
 (Against: Crs. McManus Hassell Porter  
 Hodsdon & Somerville-Brown)**

**Council Resolution**

**Council does not approve the application for the proposed three storey dwelling and swimming pool at No 64 (Lot 4) Jutland Parade, Dalkeith.**

Committee Recommendation / Recommendation to Committee

Council:

Approves the application under the City of Nedlands Town Planning Scheme No. 2 and recommends the Western Australian Planning Commission approve the application under the Metropolitan Regional Scheme for the proposed three storey dwelling and swimming pool at No. 64 (Lot 4) Jutland Parade, Dalkeith in accordance with the plans received 13 November 2012 subject to the following conditions:

1. The eastern window of Bedroom 3 on the mid floor shall be modified to a non major opening, in accordance with the *Residential Design Codes of WA*;
2. All visual privacy screens and/or obscure glass panels to Major Openings and/or Active Habitable Spaces shall prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes of WA*. The structure(s) shall be installed prior to the occupation of the dwelling and remain in place permanently, unless otherwise approved by the City;
3. The use of the lower floor level shall be restricted to the uses depicted on the approved plans. Prior to occupation of the development the owner shall execute and provide to the City a notification pursuant to s. 70A of the Transfer of Land Act 1893 to be registered on the title to the land as notification to prospective purchasers that the use of the lower floor level is subject to the restriction set out above;
4. A grated channel strip-drain shall be constructed across the driveway, aligned with and wholly contained within the property boundary, and the discharge from this drain to be run to a soak-well situated within the property;
5. 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 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development;



6. All footings and structures to retaining walls and dividing fences shall be constructed wholly inside the site boundaries of the Certificate of Title;
7. 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;
8. The pergolas shall remain with an open-framed roof, permeable to water;
9. 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
10. 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. 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.
2. All swimming pool waste water shall be disposed of into an adequately sized, dedicated soak-well located on the same lot. Soak-wells shall not be situated closer than 1.8m to any boundary of a lot, building, septic tank or other soak-well.
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.

- a. 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](http://www.fairair.com.au) and use this as a guide on air-conditioner placement so as to prevent noise affecting neighbouring properties.
  - b. 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.
5. During a development, any swimming pool/pond on site, whether retained, partially constructed or finished shall be kept dry or the water maintained of a quality which ensures it is not liable to breed mosquitoes.
6. This approval does not obviate rights and responsibilities of strata owners under the *Strata Titles Act 1985*, which may require additional consultation and/or permissions from the stratum, prior to the commencement of works.
7. Building over easements for public utilities may require approval from the relevant authority.

**PD02.13 No. 64 (Lot 5) Jutland Parade, Dalkeith – Proposed Three Storey Dwelling & Swimming Pool**

<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	Milankov Designs and Project Management
<b>Owner</b>	M B Hartono & I Budiastro
<b>Officer</b>	Laura Sabitzer - Planning Officer
<b>Director</b>	Peter Mickleson - Director Planning & Development
<b>File ref.</b>	DA12/196 : JU2/64U4
<b>Previous Item No's</b>	Nil.

**Regulation 11(da) – Council did not approve for the following reasons:**

- 1. the proposed height of the dwelling exceeds by some 2 metres, the height limit shown on Survey Strata Plan (WAPC Ref 734-09), titled “Building Height Restrictions” and signed by the City of Nedlands on 29 March 2011;**
- 2. side boundary setbacks are less than the minimums set down in the R-Codes; and**
- 3. on grounds of amenity.**

Moved – Councillor Shaw  
 Seconded – Councillor Argyle

**Council does not approve the application for the proposed three storey dwelling and swimming pool at No 64 (Lot 5) Jutland Parade, Dalkeith.**

**CARRIED 6/5  
 (Against: Crs. McManus Hassell Porter  
 Hodsdon & Somerville-Brown)**

**Council Resolution**

**Council does not approve the application for the proposed three storey dwelling and swimming pool at No 64 (Lot 5) Jutland Parade, Dalkeith.**

Committee Recommendation / Recommendation to Committee

Council:

Approves the application under the City of Nedlands Town Planning Scheme No. 2 and recommends the Western Australian Planning Commission approve the application under the Metropolitan Regional Scheme for the proposed three storey dwelling and swimming pool at No. 64 (Lot 5) Jutland Parade, Dalkeith in accordance with the plans received 13 November 2012 subject to the following conditions:

1. All visual privacy screens and/or obscure glass panels to Major Openings and/or Active Habitable Spaces shall prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes of WA*.

The structure(s) shall be installed prior to the occupation of the dwelling and remain in place permanently, unless otherwise approved by the City;

2. The use of the lower floor level shall be restricted to the uses depicted on the approved plans. Prior to occupation of the development the owner shall execute and provide to the City a notification pursuant to s. 70A of the Transfer of Land Act 1893 to be registered on the title to the land as notification to prospective purchasers that the use of the lower floor level is subject to the restriction set out above;
3. A grated channel strip-drain shall be constructed across the driveway, aligned with and wholly contained within the property boundary, and the discharge from this drain to be run to a soak-well situated within the property;
4. 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 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development;
5. All footings and structures to retaining walls and dividing fences shall be constructed wholly inside the site boundaries of the Certificate of Title;
6. 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;
7. 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

8. 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. 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.
2. All swimming pool waste water shall be disposed of into an adequately sized, dedicated soak-well located on the same lot. Soak-wells shall not be situated closer than 1.8m to any boundary of a lot, building, septic tank or other soak-well.
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](http://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.

5. During a development, any swimming pool/pond on site, whether retained, partially constructed or finished shall be kept dry or the water maintained of a quality which ensures it is not liable to breed mosquitoes.
6. This approval does not obviate rights and responsibilities of strata owners under the *Strata Titles Act 1985*, which may require additional consultation and/or permissions from the stratum, prior to the commencement of works.
7. Building over easements for public utilities may require approval from the relevant authority.

<b>PD03.13</b>	<b>No. 43 (Lot 4) Philip Road, Dalkeith – Additions (Two-Storey) to Single House</b>
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<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	Hofman & Brown Architects
<b>Owner</b>	Julie Lilburne
<b>Officer</b>	Elle O'Connor – Planning Officer
<b>Director</b>	Peter Mickleson - Director Planning & Development
<b>File ref.</b>	DA12/399 : PH1/43
<b>Previous Item No's</b>	Nil.

### **Councillor Hassell – Impartiality Interest**

He disclosed that he knew the neighbours, 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 Collins – Impartiality Interest**

He disclosed that he is acquainted with the residents at 39 Philip Road, 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 James – Impartiality Interest**

She disclosed that she knew the neighbours, and as a consequence, there may be a perception that his impartiality on the matter may be affected. She declared that he would consider this matter on its merits and vote accordingly.

### **Councillor Shaw – Impartiality Interest**

He disclosed that he knows the applicants, and has had discussions and a meeting with them. He has also had a extensive discussion, and 2 meetings with the opponents to the proposal, 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 Argyle – Impartiality Interest**

He disclosed that he had known the Lilburne Family for many years, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

**Regulation 11(da) – Council agreed to additional clauses 6, 7 and 8 following the presentation from the applicant.**

Moved – Councillor Hassell  
Seconded – Councillor Porter

**That the Amended Administration Recommendation is adopted subject to the addition of the following 3 clauses:**

- 6. the area shown on the Site Plan as a ‘Bar’ is to be deleted from the plans and does not form part of this approval;**
- 7. the proponent is prohibited from constructing a laundry, kitchen, kitchenette or bar without further planning approval, to ensure that the dwelling addition is not used independently to the balance of the single dwelling; and**
- 8. a notification is to be placed on the certificate of title, advising of the limitation that the detached portion of the dwelling is not to be used independently to the balance of the single dwelling.**

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

#### **Council Resolution**

**Council approves an application for two-storey additions to an existing dwelling at No. 43 (Lot 4) Philip Road, Dalkeith in accordance with the application received 8 October 2012 and the plans received 6 February 2013 subject to the following conditions:**

- 1. This approval does not authorise the use of the 2-storey addition for ancillary (self-contained) accommodation. In order to ensure that the addition is not used in a way which unlawfully converts it to ancillary (self-contained) accommodation:**

- (i) the rooms shown on the approved plans may only be used for the purposes for which the rooms are respectively labelled on the approved plans;**



- (ii) no cooking facilities of any kind may be installed in the 'Activity Room' shown on the approved plans; and
  - (iii) no washing machine may be installed in any part of the 2-storey addition.
- 2. 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;
- 3. To prevent stormwater flowing into the property, Ground Levels of driveways must be 150mm higher than the Right-Of-Way;
- 4. 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 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development;
- 5. 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; and
- 6. the area shown on the Site Plan as a 'Bar' is to be deleted from the plans and does not form part of this approval;
- 7. the proponent is prohibited from constructing a laundry, kitchen, kitchenette or bar without further planning approval, to ensure that the dwelling addition is not used independently to the balance of the single dwelling; and
- 8. a notification is to be placed on the certificate of title, advising of the limitation that the detached portion of the dwelling is not to be used independently to the balance of the single dwelling.

Advice Notes

1. **All internal water closets and toilets 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.**
2. **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.**
3. **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](http://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 other mechanical equipment, the applicant is advised to consult residents of neighbouring properties and if necessary take measures to suppress noise.**

#### Amended Administration Recommendation to Council

Council approves an application for two-storey additions to an existing dwelling at No. 43 (Lot 4) Philip Road, Dalkeith in accordance with the application received 8 October 2012 and the plans received 6 February 2013 subject to the following conditions:

1. This approval does not authorise the use of the 2-storey addition for ancillary (self-contained) accommodation. In order to ensure that the addition is not used in a way which unlawfully converts it to ancillary (self-contained) accommodation:
  - (i) the rooms shown on the approved plans may only be used for the purposes for which the rooms are respectively labelled on the approved plans;

- (ii) no cooking facilities of any kind may be installed in the 'Activity Room' shown on the approved plans; and
  - (iii) no washing machine may be installed in any part of the 2-storey addition.
2. 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;
  3. To prevent stormwater flowing into the property, Ground Levels of driveways must be 150mm higher than the Right-Of-Way;
  4. 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 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development; and
  5. 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

1. All internal water closets and toilets 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.
2. 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.
3. 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](http://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 other mechanical equipment, the applicant is advised to consult residents of neighbouring properties and if necessary take measures to suppress noise.

#### Committee Recommendation

That this item be deferred to the Council meeting.

#### Recommendation to Committee

Council approves an application for two-storey additions to an existing dwelling at No. 43 (Lot 4) Philip Road, Dalkeith in accordance with the application received 8 October 2012 and the plans received 6 February 2013 subject to the following conditions:

1. This application does not pertain to self-contained accommodation (Ancillary Accommodation). (Refer to Advice Note 1).
2. 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.
3. To prevent stormwater flowing into the property, Ground Levels of driveways must be 150mm higher than the Right-Of-Way.
4. 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 1.0m<sup>3</sup> for every 80m<sup>2</sup> of calculated surface area of the development.
5. 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. The development comprises of a 4 car garage, activity room, bedroom and bathroom and does not include a kitchen or laundry. Kitchen and laundry facilities would result in the development being self-contained (Ancillary Accommodation) and would require further planning approval.
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](http://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.

<b>PD04.13</b>	<b>No. 10 Selby Street, Shenton Park – Adoption of Proposed Outline Development Plan for Para-Quad Association of Western Australia</b>
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<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	Jonathan Jones (Architect)
<b>Owner</b>	Para Quad Association of W.A.
<b>Officer</b>	Michael Swanepoel – Senior Strategic Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>File ref.</b>	SE3/10; DA2011/358
<b>Previous Item No's</b>	PD20.12

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

Moved – Councillor James  
 Seconded – Councillor Collins

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

**CARRIED UNANIMOUSLY EN BLOC 11/-**

<b>Council Resolution / Recommendation to Committee</b>	<b>Committee Recommendation / Recommendation to Committee</b>
<b>Council:</b>	
1.	Approves the proposed Outline Development Plan for the Para-Quad Association of Western Australia at 10 Selby Street (refer attached); and
2.	Instructs Administration to forward the Outline Development Plan to the Western Australian Planning Commission for final adoption.

<b>PD05.13</b>	<b>Proposed Draft 2012 Municipal Inventory – Heritage</b>
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<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Gabriela Poezyn – Manager Strategic Planning
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>File ref.</b>	HER/017
<b>Previous Item No's</b>	Nil.

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

Moved – Councillor Hassell  
 Seconded – Councillor Binks

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

Mr M Cole, Director Corporate & Strategy left the room at 8.37 pm and returned at 8.40 pm.

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

**Council Resolution / Committee Recommendation**

**Council:**

- 1. refers this item to a Councillor Briefing Session; and**
- 2. requests administration write to all affected owners seeking comment on their properties inclusion/reclassification in the proposed Draft Municipal Inventory 2012, prior to the Councillor Briefing Session.**

Recommendation to Committee

Council:

1. endorses the proposed Draft Municipal Inventory 2012 for public consultation;
2. adopts the following as working documents to assist with future work to preserve the character of Nedlands.
  - a. Inventory of Character Areas;
  - b. Inventory of Historic sites (and Moveable Cultural Heritage);
  - c. Inventory of Significant Contemporary Architecture (post1952);
  - d. Inventory of Flats;
  - e. Inventory of Significant Trees;

Moved – Councillor McManus  
Seconded – Councillor Porter

**That item TS02.13 be brought forward.**

**CARRIED 9/2  
(Against: Mayor Hipkins Cr. Shaw)**



**PLEASE NOTE: THIS ITEM WAS BROUGHT FORWARD**

<b>TS02.13</b>	<b>Stage 2 – Shared Path Network Alexander Road &amp; Beatrice Road</b>
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<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Maria Hulls – Manager Engineering Services
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>File ref.</b>	AL2, BE1
<b>Previous Item No's</b>	Special Council Meeting 28 July 2009

**Regulation 11(da) – Council deferred the construction of the footpath on Beatrice Road and listed it for consideration in the forward works plan.**

Moved – Councillor James  
 Seconded – Councillor Somerville-Brown

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

Councillor Hassell left the room at 8.51 pm and returned at 8.52 pm.

Amendment

Moved – Councillor Binks  
 Seconded – Councillor McManus

**Council:**

- 1. approves the construction of a 1.5 metre wide footpath along Alexander Road (eastern side) between Beatrice Road and Viking Road;**
- 2. lists the 2 metre wide shared footpath on Beatrice Road (southern side) between Wattle Avenue and Adelma Road, for consideration in the forward works plan; and**
- 3. instructs the CEO to have Administration liaise with residents whose properties are adjacent to the proposed footpath, with regards to the position of the path, so as to**

**accommodate the residents' requests in this regard, where reasonably possible.**

**CARRIED 6/5  
(Against: Mayor Hipkins Crs. Argyle Hassell Porter & James)**

Amendment

Moved – Councillor Porter

Seconded – Councillor Hassell

Council approve the construction of a:

1. approves the construction of a 2 metre wide shared footpath on Beatrice Road (southern side) between Wattle Avenue and Adelma Road;
2. lists the construction of a 1.5 metre wide footpath along Alexander Road (eastern side) between Beatrice Road and Viking Road; for consideration in the forward works plan; and
3. instructs the CEO to have Administration liaise with residents whose properties are adjacent to the proposed footpath, with regards to the position of the path, so as to accommodate the residents' requests in this regard, where reasonably possible.

Dissent Motion

Moved – Councillor Porter

Seconded – Councillor Hassell

Motion of Dissent and that Cr Binks no longer be heard

Lost 2/9

(Against: Mayor Hipkins Crs. Collins McManus Argyle Binks  
Hodsdon James Shaw & Somerville-Brown)

The Amendment was put and

Lost 4/7

(Against: Crs. Collins McManus Binks Hodsdon  
James Shaw & Somerville-Brown)

**The substantive motion was put and**

**CARRIED 6/5  
(Against: Mayor Hipkins Crs. Argyle Hassell Porter & James)**

**Council Resolution**

**Council:**

- 1. approves the construction of a 1.5 metre wide footpath along Alexander Road (eastern side) between Beatrice Road and Viking Road;**
- 2. lists the 2 metre wide shared footpath on Beatrice Road (southern side) between Wattle Avenue and Adelma Road, for consideration in the forward works plan; and**
- 3. instructs the CEO to have Administration liaise with residents whose properties are adjacent to the proposed footpath, with regards to the position of the path, so as to accommodate the residents' requests in this regard, where reasonably possible.**

Committee Recommendation / Recommendation to Committee

Council approve the construction of a:

1. 1.5 metre wide footpath along Alexander Road (eastern side) between Beatrice Road and Viking Road; and
2. 2 metre wide shared footpath on Beatrice Road (southern side) between Wattle Avenue and Adelma Road.

<b>PD06.13</b>	<b>Approval in Principle for Proposed Scheme Amendment of No. 17 (Lot 12241) John XX111 Avenue, Mount Claremont, from “Public Purpose” to “Special Use – Storage Facility”</b>
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<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	Planwest
<b>Owner</b>	Mr. S N Bird
<b>Officer</b>	Jason Moore – Strategic Planning Officer
<b>Director</b>	Peter Mickelson – Director Planning & Development
<b>File ref.</b>	JO1/17
<b>Previous Item No's</b>	D01.10 February 2010

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

Moved – Councillor James  
 Seconded – Councillor Collins

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

**CARRIED UNANIMOUSLY EN BLOC 11/-**

**Council Resolution / Committee Recommendation / Recommendation to Committee**

**Council advises the WAPC that it has no objection to a proposal to amend the Town Planning Scheme No. 2 in regard to No. 17 (Lot 12241) John XXIII Avenue from ‘Public Purpose – Hospital’ to ‘Special Use – Storage Facility’.**

<b>PD07.13</b>	<b>Proposed Parking and Parking Facilities Local Law 2013</b>
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<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Gabriela Poczyn – Manager Strategic Planning
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>File ref.</b>	LEG/003-07/01
<b>Previous Item No's</b>	PD36.12 – 28 August 2012 PD21.12 – 26 June 2012 14.3 – 27 April 2011 T24.10 – 14 December 2010 13.2 – 22 June 2010 7.7 – 18 May 2010 CP41.09 – 13 October 2009 14.2 – 11 August 2009

**Please note that under section 3.12(2) of the *Local Government Act 1995*, the Presiding Officer read aloud the purpose and effect of the proposed local law.**

**Purpose:** The purpose of the local law is to provide for regulation, control and management of vehicle parking within the City of Nedlands.

**Effect:** The effect of this local law will be to replace the existing local law entitled “Local Law - Parking and Parking Facilities” and enable up to date management of vehicle parking in the City of Nedlands.

Councillor James retired from the meeting at 9.49 pm.

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

Moved – Councillor Hassell  
Seconded – Councillor Shaw

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution / Committee Recommendation /  
Recommendation to Committee**

**Council gives state-wide public notice and advertises the proposed “Parking and Parking Facilities Local Law 2013” as shown in attachment 1 in accordance with the statutory requirements, Part 3, Division 2, section 3.12 of the *Local Government Act 1995*.**

<b>PD08.13</b>	<b>Lots 4 &amp; 105 Underwood Avenue, Shenton Park – Proposed Outline Development Plan for the University of Western Australia Biological Resources Support Facility</b>
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<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	CLE Town Planning + Design
<b>Owner</b>	University of Western Australia
<b>Officer</b>	Christie Downie – Sustainable Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>File ref.</b>	UN1/L4-09
<b>Previous Item No's</b>	Nil

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

Moved – Councillor James  
 Seconded – Councillor Collins

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

**CARRIED UNANIMOUSLY EN BLOC 11/-**

<b>Council Resolution / Recommendation to Committee</b>	<b>Committee Recommendation / Recommendation to Committee</b>
<b>Council:</b>	
1.	approves in principle, the limited Outline Development Plan (ODP) for the upgrade and reconstruction of the University of Western Australia (UWA) Biological Resources Support Facility, Lots 4 & 105 Underwood Avenue, Shenton Park, as per Clause 3.8.3 of Town Planning Scheme No. 2 (TPS2), for the purpose of seeking consent from the Western Australian Planning Commission (WAPC) to formally advertise the limited ODP;
2.	instructs Administration to refer the limited ODP to the WAPC and to seek consent to advertise the limited ODP; and
3.	instruct Administration to advertise the proposed limited ODP in accordance with Clauses 3.8.4 and 3.8.5 of TPS2, upon receiving consent to advertise from the WAPC.

**12.3 Technical Services Report No's TS01.13 to TS04.13 (copy attached)**

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.

<b>TS01.13</b>	<b>Hampden Road – Permanent Change to Speed Limit from 50 kph to 40 kph</b>
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<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Maria Hulls
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>File ref.</b>	HA6
<b>Previous Item No's</b>	Nil

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

Moved – Councillor James  
 Seconded – Councillor Collins

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

**CARRIED UNANIMOUSLY EN BLOC 11/-**

<b>Council Resolution / Recommendation to Committee</b>	<b>Committee Recommendation /</b>
<b>Council approves the change to the speed limit along Hampden Road from 50 kph to 40 kph as a permanent measure.</b>	



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

The meeting adjourned at 9.51 pm and reconvened at 9.55 pm with the following people in attendance:

<b>Councillors</b>	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor K E Collins	Coastal Districts Ward
	Councillor 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

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

**Public** There were 1 members of the public present.

**Press** The Post Newspaper representative.

**PLEASE NOTE: THIS ITEM WAS BROUGHT FORWARD  
(see page 33)**

<b>TS02.13</b>	<b>Stage 2 – Shared Path Network Alexander Road &amp; Beatrice Road</b>
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<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Maria Hulls – Manager Engineering Services
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>File ref.</b>	AL2, BE1
<b>Previous Item No's</b>	Special Council Meeting 28 July 2009

<b>TS03.13</b> Soundwave Festival, Monday 4 March 2013 – Claremont Showground, Claremont
--

<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	Keiran McNamara – Director General, Department of Environment and Conservation
<b>Owner</b>	Town of Claremont
<b>Officer</b>	Katy Trevaskis – Environmental Health Officer
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>File ref.</b>	ENV/017-04
<b>Previous Item No's</b>	Nil
<b>Disclosure of Interest</b>	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

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

Moved – Councillor James  
 Seconded – Councillor Collins

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

**CARRIED UNANIMOUSLY EN BLOC 11/-**

**Council Resolution / Committee Recommendation / Recommendation to Committee**

Council, pursuant to Regulation 18 (12) of the *Environmental Protection (Noise) Regulations 1997*, agree to the Department of Environment and Conservation's proposed conditions, (refer to attachment 1) for the Soundwave Festival to be held at the Claremont Showgrounds on March 4 2013 subject to the Department of Environment and Conservation or Altered State (WA) Pty Ltd notifying the City of Nedlands Health Section of any noise complaints received from City of Nedlands residents, within 7 days after the event.

<b>TS04.13</b> River Walls
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<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Director</b>	Mark Goodlet – Director Technical Services
<b>File ref.</b>	PRS/100-16
<b>Previous Item No's</b>	Nil.

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

Moved – Councillor James  
 Seconded – Councillor Collins

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

**CARRIED UNANIMOUSLY EN BLOC 11/-**

**Council Resolution / Committee Recommendation / Recommendation to Committee**

**Council approves expenditure on the river wall as follows:**

1. Review and redesign of a standard cross section for the River Wall, which allows for a 1 in 50 year event in terms of strength, durability and overtopping height, to a value of \$20,000 + GST;
2. Detailed design and preparation of plans and a specification for continuation of the wall renewal to a value of \$20,000 + GST;
3. Concept design and estimate for the installation of pocket beaches at Paul Hasluck Reserve to a value of \$30,000 + GST; and either
4. Construction of the river wall with the balance of funds from the \$250,000 budget allocation after execution of items 1 to 3; or
5. Installation of a 1.2m high chain wire fence on damaged sections of the river wall and letters to the Swan River Trust and the State Government explaining that;

- a. The river wall is a shared financial responsibility between the Swan River Trust and the City of Nedlands;**
- b. The City of Nedlands is disappointed in the level of funding provided to the ongoing repair and maintenance of the wall;**
- c. Despite not receiving grant funding the City of Nedlands is proactively undertaking design and preparatory work in anticipation of further grant funding; and**
- d. The City of Nedlands will apply for further grant funding for river wall reconstruction and will undertake the works if it is successful in receiving the grant funding.**

**12.4 Community & Organisational Development Report No's CM01.13 to CM02.13 (copy attached)**

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.

<b>CM01.13 Youth Grant Application Approval by Council</b>
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<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Marion Granich – Manager Community Development
<b>Director</b>	Darla Blake – Director Community and Organisational Development
<b>File ref.</b>	CMS/505
<b>Previous Item No's</b>	CP35.12 – 28 August 2012.

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

Moved – Councillor James  
 Seconded – Councillor Collins

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY EN BLOC 11/-**

<b>Council Resolution / Committee Recommendation / Recommendation to Committee</b>
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<b>Council approves a Youth Grant of \$250 (excluding GST) to Lisa Tibbs.</b>
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<b>CM02.13</b>	<b>Fees and Charges, Public Tennis Courts</b>
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<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Anthony Minchin – Senior Community Development Officer (Recreation) Marion Granich – Manager Community Development
<b>Director</b>	Darla Blake – Director Community and Organisational development
<b>File ref.</b>	CMS/505
<b>Previous Item No's</b>	Nil

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

Moved – Councillor James  
Seconded – Councillor Collins

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

**CARRIED UNANIMOUSLY EN BLOC 11/-**

<b>Council Resolution / Recommendation to Committee</b>	<b>Committee Recommendation / Recommendation to Committee</b>
<b>Council approves the following changes to the Fees and Charges relating to the City's public tennis courts:</b>	
<ol style="list-style-type: none"> <li>1. <b>Removal of Peak Hire Fee; and</b></li> <li>2. <b>Removal of Key Bond Fee.</b></li> </ol>	

**12.5 Corporate & Strategy Report No's CP01.13 to CP08.13 (copy attached)**

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.

<b>CPS01.13 Monthly Financial Report – November 2012</b>
--

<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>Director</b>	Michael Cole – Director Corporate & Strategy
<b>File ref.</b>	Fin/072-17
<b>Previous Item No's</b>	Nil

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

Moved – Councillor James  
 Seconded – Councillor Collins

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

**CARRIED UNANIMOUSLY EN BLOC 11/-**

<b>Council Resolution / Committee Recommendation / Recommendation to Committee</b>
<b>Council receives the Monthly Financial Report for November 2012 (Refer to Attachments).</b>



<b>CPS02.13 Investment Report – November 2012</b>
---

<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>Director</b>	Michael Cole – Director Corporate & Strategy
<b>File ref.</b>	Fin/071-07
<b>Previous Item No's</b>	Nil

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

Moved – Councillor James  
 Seconded – Councillor Collins

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

**CARRIED UNANIMOUSLY EN BLOC 11/-**

<b>Council Resolution / Committee Recommendation / Recommendation to Committee</b>
--

<b>Council receives the Investment Report for the period ended 30 November 2012 (refer to attachment).</b>
--

**CPS03.13 List of Accounts Paid – November 2012**

<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>Director</b>	Michael Cole – Director Corporate & Strategy
<b>File ref.</b>	Fin/072-17
<b>Previous Item No's</b>	Nil

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

Moved – Councillor James  
 Seconded – Councillor Collins

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

**CARRIED UNANIMOUSLY EN BLOC 11/-**

**Council Resolution / Committee Recommendation / Recommendation to Committee**

**Council receives the List of Accounts Paid for the month of November 2012 (Refer to Attachment).**

<b>CPS04.13 Monthly Financial Report – December 2012</b>
--

<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>Director</b>	Michael Cole – Director Corporate & Strategy
<b>File ref.</b>	Fin/072-17
<b>Previous Item No's</b>	Nil

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

Moved – Councillor James  
 Seconded – Councillor Collins

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

**CARRIED UNANIMOUSLY EN BLOC 11/-**

<p><b>Council Resolution / Committee Recommendation / Recommendation to Committee</b></p> <p><b>Council receives the Monthly Financial Report for December 2012 (Refer to Attachments).</b></p>
---

<b>CPS05.13 Investment Report – December 2012</b>
---

<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>Director</b>	Michael Cole – Director Corporate & Strategy
<b>File ref.</b>	Fin/071-07
<b>Previous Item No's</b>	Nil

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

Moved – Councillor James  
 Seconded – Councillor Collins

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

**CARRIED UNANIMOUSLY EN BLOC 11/-**

<b>Council Resolution / Committee Recommendation / Recommendation to Committee</b>
--

<b>Council receives the Investment Report for the period ended 31 December 2012 (refer to attachment).</b>
--

<b>CPS06.13 List of Accounts Paid – December 2012</b>
---

<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>Director</b>	Michael Cole – Director Corporate & Strategy
<b>Previous Item No's</b>	Nil

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

Moved – Councillor James  
 Seconded – Councillor Collins

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

**CARRIED UNANIMOUSLY EN BLOC 11/-**

<b>Council Resolution / Committee Recommendation / Recommendation to Committee</b>
--

<b>Council receives the List of Accounts Paid for the month of December 2012 (Refer to Attachment).</b>
---

**CPS07.13 Policy Review**

<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Phoebe Huigens, A/Manager Corporate Services
<b>Director</b>	Michael Cole – Director Corporate & Strategy
<b>File ref.</b>	CRS/065
<b>Previous Item No's</b>	Nil

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

Moved – Councillor James  
 Seconded – Councillor Collins

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

**CARRIED UNANIMOUSLY EN BLOC 11/-**

**Council Resolution / Committee Recommendation**

**Council**

1. **approves the following policies:**
  - a. **Crossover Construction and Maintenance**
  - c. **Footpaths**
2. **Council approves the following policy:**
  - b. **Underground Power subject to under the heading “Statement” removing clause 2 and adding the word “benefitting” before the words “property owners”.**

Recommendation to Committee

Council approves the following policies:

- a. Crossover Construction and Maintenance
- b. Underground Power; and
- c. Footpaths

**CPS08.13 Hollywood Ward extraordinary election 2013 and future elections and polls to 2017**

<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Mathew Ayre – Rates Officer
<b>Director</b>	Michael Cole – Director Corporate & Strategy
<b>File ref.</b>	ELN/026
<b>Previous Item No's</b>	Nil

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

Moved – Councillor James  
 Seconded – Councillor Collins

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

**CARRIED UNANIMOUSLY EN BLOC 11/-**

**Council Resolution / Committee Recommendation / Recommendation to Committee**

**Council**

1. declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Western Australian Electoral Commissioner to be responsible for the conduct of the extraordinary election for the Hollywood Ward;
2. decides the extraordinary election for the Hollywood Ward being conducted as a postal election in accordance with provisions under section 4.61(2) of the *Local Government Act 1995*;
3. declares, in accordance with section 4.20(4) of the *Local Government Act 1995*, the Western Australian Electoral Commissioner to be responsible for the conduct of all future elections and polls until the end of 2017; and
4. decides, in accordance with section 4.61(2) of the *Local Government Act 1995* that the method of conducting all future elections or polls will be as a postal election.

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

**13.1 Common Seal Register Report – December 2012 & January 2013**

Moved – Councillor Shaw  
Seconded – Councillor Collins

**The attached Common Seal Register Report for the month of December 2012 and January 2013 is received.**

**CARRIED UNANIMOUSLY 10/-**

**13.2 List of Delegated Authorities - December 2012 & January 2013**

Moved – Councillor Shaw  
Seconded – Councillor Collins

**The attached List of Delegated Authorities for the month of December 2012 and January 2013 is received.**

**CARRIED UNANIMOUSLY 10/-**



**13.3 Constitutional Recognition of Local Government**

<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Phoebe Huigens, A/Manager Corporate & Strategy
<b>Director</b>	Michael Cole, Director Corporate & Strategy
<b>CEO</b>	Greg Trevaskis, Chief Executive Officer
<b>File ref.</b>	ORN/006-03
<b>Previous Item No's</b>	CP13.4

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

Moved – Councillor Hassell  
 Seconded – Councillor Porter

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

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

**Council Resolution / Committee Recommendation**

- 1. The City of Nedlands does not support recognition of local government in the Commonwealth Constitution;**
- 2. The City notes:**
  - a. Local government is the creation of State governments;**
  - b. Local government is already recognised in the State Constitution;**
  - c. Constitutionally, the Commonwealth has no role in local government;**
  - d. Recognition of the kind sought will lead to another layer of controls and bureaucracy affecting, limiting and directing local government;**
  - e. If the Commonwealth Government wishes to achieve national objectives it can already fund local government through the States if the States are in agreement with the objectives of the Commonwealth; and**
  - f. The proposal is short sighted in seeking money but will involve as the price of any money which is gained extra**

- controls and directions and a diminution of such independence as remains with local government.**
- 3. The City does not support the holding of another referendum to achieve the objective and notes that two previous referenda have been defeated when voted on by the people, clearly showing that the Australian people do not support the proposal; and**
  - 4. Instructs the CEO of the City to advise:**
    - a. WALGA;**
    - b. ALGA;**
    - c. Local MPs, Lower and Upper Houses; and**
    - d. Our Federal MP, Hon Julie Bishop of our position.**

Recommendation to Committee

Council:

1. Reaffirms its support for financial recognition of local government in the Australian Constitution so that the Federal Government has the power to fund local government directly;
2. Reaffirms its support for inclusion of local government in any new Preamble to the Constitution if one is proposed; and
3. Calls on all political parties to support a referendum in 2013 to change the Constitution to achieve this recognition.

**13.4 Replacement Member for Chief Executive Officer's Performance Review Committee**

Due to the resignation of Councillor Kerry Walker who was the appointed Hollywood Ward member to the Chief Executive Officer's Performance Review Committee, Council is required to appoint a replacement member from the Hollywood Ward (Councillor Binks or Councillor Hodsdon) for the period ending October 2013.

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

Moved – Councillor Collins

Seconded – Councillor McManus

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution / Committee Recommendation**

**Council appoints Councillor Hodsdon to the Chief Executive Officer's Performance Review Committee for the period ending immediately prior to the next Local Government Elections in 2013.**

Recommendation to Council

Council appoints Councillor \_\_\_\_\_ to the Chief Executive Officer's Performance Review Committee for the period ending immediately prior to the next Local Government Elections in 2013.

**13.5 Development Assessment Panels – City of Nedlands Nomination of Members**

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

Moved – Councillor McManus

Seconded – Councillor Collins

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution / Committee Recommendation**

**Council:**

- 1. Approves the nomination of two (2) members (Mayor Hipkins & Councillor Shaw); and**
- 2. Approves the nomination of two (2) alternate members (Councillors Hassell & Somerville-Brown) for the Development Assessment Panel; and**
- 3. Submits its Recommendation to the Department of Planning by 28 February 2013.**

Recommendation to Committee

Council:

1. Approves the nomination of two (2) members (\_\_\_\_\_ & \_\_\_\_\_); and
2. Submits its Recommendation to the Department of Planning by 28 February 2013.

Recommendation to Committee

Council:

1. Approves the nomination of two (2) alternate members (Councillors \_\_\_\_\_ & \_\_\_\_\_) for the Development Assessment Panel; and
2. Submits its Recommendation to the Department of Planning by 28 February 2013.

**13.6 Town Planning Scheme Amendments**

<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Peter Mickleson – Director Planning & Development
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>CEO</b>	Greg Trevaskis
<b>File ref.</b>	
<b>Previous Item No's</b>	

Mr M Goodlet, Director Technical Services rejoined the meeting at 9.58 pm

**Mayor Hipkins – Proximity Interest**

His interest being that his wife owns property at 7A Vincent Street, Nedlands. He believed his interest is trivial. He advised that he would like to participate in the meeting on the matter and would leave meeting while the Council voted on whether he was permitted to stay or not.

**Councillor Argyle – Proximity Interest**

His interest being that his daughter owns property in the area. He advised that he would leave the meeting during this matter.

Mayor Hipkins & Councillor Argyle left the room at 9.58 pm.

Deputy Mayor Collins assumed the chair as Presiding Member.

Moved – Councillor Hassell  
 Seconded – Councillor Porter

**That Mayor Hipkins be permitted to participate in the meeting for this item, be permitted to vote and chair the meeting.**

**CARRIED 6/2  
 (Against: Crs. Binks & Hodsdon)**

Mayor Hipkins returned to the room at 10.01 pm and resumed the Chair.

**Regulation 11(da) - Council discussed the contents of the proposed “Omnibus” amendment to Town Planning Scheme 2 and after considering each main theme resolved to make a number of detailed changes to the amendment as follows.**

Moved – Councillor Hassell  
Seconded – Councillor Hodsdon

**That there is no action on Item 1.**

**CARRIED UNANIMOUSLY 9/-**

Moved – Councillor Shaw  
Seconded – Councillor Porter

**Council approves clause 2 subject to including investigating options for the provision of public access to the rear lane.**

**CARRIED UNANIMOUSLY 9/-**

Moved – Councillor Somerville-Brown  
Seconded – Councillor McManus

**Council approves clause 3 subject to attachment 1, Revision of Clause 5.3 – Residential Planning Codes be amended as follows:**

**For lots less than 800 m<sup>2</sup> replace “(d) Building heights shall be a maximum of 8.5m” with “(d) Building heights shall be a maximum of 10m”.**

**CARRIED 6/3  
(Against: Mayor Hipkins Crs. Collins & Shaw)**

Moved – Councillor Somerville-Brown  
Seconded – Councillor McManus

**Council approves clause 3 subject to attachment 1, Revision of Clause 5.3 – Residential Planning Codes be amended as follows:**

**For large lots replace “(e) (vi) Carparking, notwithstanding the carparking specified in (c) above minimum of 3 covered parking spaces for the storage of wheeled vehicles, boats and other goods, provided that one space may be behind another” with “(e) (vi) Carparking, notwithstanding the carparking specified in (c) above minimum of 2 covered parking spaces for the storage of wheeled vehicles, boats and other goods”.**

**CARRIED 7/2  
(Against: Mayor Hipkins Cr. Hodsdon)**

Moved – Councillor Hassell  
Seconded – Councillor Shaw

**That clause 4 is approved.**

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

Moved – Councillor Shaw  
Seconded – Councillor Hodsdon

That clause 5 is approved subject to amending “not apply” to  
“exclusively residential developments”

Lost 3/6  
(Against: Crs. Collins McManus Porter Binks  
Hodsdon & Somerville-Brown)

Moved – Councillor Hassell  
Seconded – Councillor Binks

**That clause 6 is approved.**

**CARRIED UNANIMOUSLY 9/-**

Moved – Councillor Hassell  
Seconded – Councillor McManus

**That clause 7 paragraph 1 is approved.**

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

Moved – Councillor McManus  
Seconded – Councillor Somerville-Brown

**That clause 7 paragraph 2 is changed to allow Child Care Centres  
as a discretionary use.**

**CARRIED 9/-**

Moved – Councillor Hassell  
Seconded – Councillor Porter

That clause 8 included except for the first sentence

Lost 3/6  
(Against: Crs. Collins McManus Hassell  
Porter Binks & Hodsdon)

Moved – Councillor Hodsdon  
Seconded – Councillor Shaw

**That clause 8 be approved**

**CARRIED 7/2  
(Against: Crs. McManus & Binks)**

Councillor Argyle returned to the room at 11.00 pm.

Moved – Councillor Porter  
Seconded – Councillor Hassell

**That the meeting continue past 11.00 pm.**

**CARRIED 9/1  
(Against: Cr. Somerville-Brown)**

### **Council Resolution**

**Council instructs Administration to draft an “Omnibus” amendment to Town Planning Scheme 2. The intent of the proposed changes is detailed as follows:**

**1. Revision of Amendment No. 192 – Dalkeith Special Control Area Provisions**

**Intent - to remove a conflict between two opposing clauses – one that allows setbacks to be varied and another that says they cannot be varied, by modifying clause 1.5. To define Universal Access, align permitted use symbols in the use class table and correct clause 2.5. Investigating options for the provision of public access to the rear lane.**

**2. Revision of clause 5.3 – Residential Planning Codes**

**Intent – To protect and enhance the “garden suburb” character of the City by: Requiring more covered car parking spaces and landscaping to be provided with all new residential development. (Note: landscaping comprises unroofed**



planting, and may include pedestrian areas and swimming pools).

For lots larger than 800 sq. metres with a frontage of 15m or more, there should be increased mandatory setbacks. Only development completed prior to 2013 would be permitted to have a carport in the front setback area.

**Attachment 1, Revision of Clause 5.3 – Residential Planning Codes be amended as follows:**

For lots less than 800 m<sup>2</sup> replace “(d) Building heights shall be a maximum of 8.5m” with “(d) Building heights shall be a maximum of 10m”.

**Attachment 1, Revision of Clause 5.3 – Residential Planning Codes be amended as follows:**

For large lots replace “(e) (vi) Carparking, notwithstanding the carparking specified in (c) above minimum of 3 covered parking spaces for the storage of wheeled vehicles, boats and other goods, provided that one space may be behind another” with “(e) (vi) Carparking, notwithstanding the carparking specified in (c) above minimum of 2 covered parking spaces for the storage of wheeled vehicles, boats and other goods”.

**3. Revision of clause 5.4 – Standards for Development in other than Residential Zones**

**Intent - To introduce a small amount of landscaping for non-residential uses, in the form of either decorative planting adjoining the street or a buffer adjoining residential use at the rear. The land would remain in private ownership.**

**In the Controlled Development Area along the river, it is proposed to include in the Town Planning Scheme the Swan River Trust’s requirement for a 10m setback adjoining the river reserve and to allow the rear setback (designed to protect views over buildings below) to be reduced provided side setbacks are increased (designed to see around buildings)**

**Changes to the definition of height are to encourage buildings to step down sloping ground, rather than being a fixed height related to the centroid of the lot. It is intended to specify overall height, not number of floors.**

**Intended changes to commercial and industrial zones mainly relate to Stirling Highway but also affect other areas. Along Stirling Highway there is a minimum permitted height of 10m for redevelopment (approximately 3 storeys). Where new**

development has a lot area of at least 2,000 square metres, has entry off a side street or rear laneway, has at least one storey of residential use and land is freely given up for the widening of Stirling Highway, an additional storey is permitted; and if land is freely given up to create a rear laneway, a further storey is permitted (maximum of five storeys). In addition to the widening of the Highway, a front setback of 9m is proposed, to create a “Kings Park Road” type of environment.

4. Additional clause to Part V – General Provisions – introducing a requirement for public art with other than single residential development

Intent - To require 1% of the building contract sum to be spent on public artworks.

5. Revision of clause 6.1 – Planning Approval – specifying where planning approval is not required

Intent - To reduce the number of planning applications, specifying that planning approval is not required for internal work, demolition of any building not on the Municipal Inventory, home occupations, temporary work, certain advertising signs, erection of standard fences, below ground pools, TV aerials, solar panels, letter boxes, and the like.

6. Modifications of table 1 – use class table

Intent – To make changes to the use class table primarily to allow residential use (multiple dwellings) in the Office, Retail Shopping and Office/Showroom Zones and to restrict uses to those of an institutional nature in the Development Zone within the buffer around the Shenton Park waste water treatment plant.

To make a Child Day Care Centre a use that is permitted as a discretionary use within a Residential Zone.

7. Other miscellaneous minor revisions

Intent - To include changes to require on-site power generation for every new dwelling, by solar or other means, specification of minimum floor levels for habitable rooms because of rising sea levels, clarification that a Home Business (including rental of car spaces) requires planning approval, minimum development requirements for development on reserved land and an enabling clause to facilitate web-based processing of development applications.

### Amended Recommendation

Council instructs Administration to draft an “Omnibus” amendment to Town Planning Scheme 2. The intent of the proposed changes is detailed as follows:

1. Revision of Schedule V – Special Use Zone – Hollywood Master Plan

Intent - To allow Council to up-date the Master Plan for the Regis site, as required.

2. Revision of Amendment No. 192 – Dalkeith Special Control Area Provisions

Intent - to remove a conflict between two opposing clauses – one that allows setbacks to be varied and another that says they cannot be varied, by modifying clause 1.5. To define Universal Access, align permitted use symbols in the use class table and correct clause 2.5.

3. Revision of clause 5.3 – Residential Planning Codes

Intent – To protect and enhance the “garden suburb” character of the City by: Requiring more covered car parking spaces and landscaping to be provided with all new residential development. (Note: landscaping comprises unroofed planting, and may include pedestrian areas and swimming pools).

For lots larger than 800 sq. metres with a frontage of 15m or more, there should be increased mandatory setbacks. Only development completed prior to 2013 would be permitted to have a carport in the front setback area.

4. Revision of clause 5.4 – Standards for Development in other than Residential Zones

Intent - To introduce a small amount of landscaping for non-residential uses, in the form of either decorative planting adjoining the street or a buffer adjoining residential use at the rear. The land would remain in private ownership.

In the Controlled Development Area along the river, it is proposed to include in the Town Planning Scheme the Swan River Trust’s requirement for a 10m setback adjoining the river reserve and to allow the rear setback (designed to protect views over buildings below) to be reduced provided side setbacks are increased (designed to see around buildings)

Changes to the definition of height are to encourage buildings to step down sloping ground, rather than being a fixed height related to the centroid of the lot. It is intended to specify overall height, not number of floors.

Intended changes to commercial and industrial zones mainly relate to Stirling Highway but also affect other areas. Along Stirling Highway there is a minimum permitted height of 10m for redevelopment (approximately 3 storeys). Where new development has a lot area of at least 2,000 square metres, has entry off a side street or rear laneway, has at least one storey of residential use and land is freely given up for the widening of Stirling Highway, an additional storey is permitted; and if land is freely given up to create a rear laneway, a further storey is permitted (maximum of five storeys). In addition to the widening of the Highway, a front setback of 9m is proposed, to create a "Kings Park Road" type of environment.

5. Additional clause to Part V – General Provisions – introducing a requirement for public art with other than single residential development

Intent - To require 1% of the building contract sum to be spent on public artworks.

6. Revision of clause 6.1 – Planning Approval – specifying where planning approval is not required

Intent - To reduce the number of planning applications, specifying that planning approval is not required for internal work, demolition of any building not on the Municipal Inventory, home occupations, temporary work, certain advertising signs, erection of standard fences, below ground pools, TV aerials, solar panels, letter boxes, and the like.

7. Modifications of table 1 – use class table

Intent – To make changes to the use class table primarily to allow residential use (multiple dwellings) in the Office, Retail Shopping and Office/Showroom Zones and to restrict uses to those of an institutional nature in the Development Zone within the buffer around the Shenton Park waste water treatment plant.

To make a Child Day Care Centre a use that is not permitted within a Residential Zone – for one to be established, a rezoning would be required.

8. Other miscellaneous minor revisions

Intent - To include changes to require on-site power generation for every new dwelling, by solar or other means, specification of minimum floor levels for habitable rooms because of rising sea levels, clarification that a Home Business (including rental of car spaces) requires planning approval, minimum development requirements for development on reserved land and an enabling clause to facilitate web-based processing of development applications.

Committee Recommendation

That this item be deferred pending the outcome of the Councillor Briefing Session to be held on Tuesday 19 February 2013.

Recommendation to Council

1. Council resolves to initiate an “omnibus” amendment to Town Planning Scheme No. 2 generally in accordance with Attachment 1.
2. A draft of the scheme amendment, suitable for public advertising, is to be presented to Council for approval.

**13.7 Monthly Financial Report – January 2013**

<b>Council</b>	26 February 2013
<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>Director</b>	Michael Cole – Director Corporate & Strategy
<b>CEO</b>	Greg Trevaskis
<b>File ref.</b>	Fin/072-18
<b>Previous Item No's</b>	Nil

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

Moved – Councillor Collins  
 Seconded – Councillor McManus

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution / Recommendation to Council**

**Council receives the Monthly Financial Report for January 2013.  
 (Refer to Attachments)**

**Purpose**

Administration is required to provide Council with a monthly financial report in accordance with *Regulation 34(1) of the Local Government (Financial Management) Regulations 1996*.

**Strategic Plan**

KFA 5: Governance  
 5.6 – Ensure compliance with statutory requirements and guidelines.

This report will ensure the City meets its statutory requirements.

**Background**

*Regulation 34(1) of the Local Government (Financial Management) Regulations 1996* requires a local government to prepare a monthly statement of financial activity reporting on the revenue and expenditure, as set out in the annual budget.

A statement of financial activity and any accompanying documents are to be presented to the Council at the next ordinary meeting of the Council following the end of the month to which the statement relates, or to the next ordinary meeting of the council after that meeting.

In addition to the above and in accordance with *Regulation 34(5) of the Local Government (Financial Management) Regulations 1996*, each year Council is required to adopt a percentage or value to be used in the reporting of material variances. For this financial year the amount is \$10,000 or 10% whichever is the greater.

**Proposal Detail**

Not applicable.

**Consultation**

Required by legislation: Yes  No

Required by City of Nedlands policy: Yes  No

**Legislation**

The monthly financial management report meets the requirements of *Regulation 34(1) and 34(5) of the Local Government (Financial Management) Regulations 1996*.

**Budget/Financial implications**

As outlined in the Monthly Financial Report.

**Risk Management**

The monthly financial variance from the budget of each business unit is reviewed with the respective manager to identify the need for any remedial action. Significant variances are highlighted to Council in the Monthly Financial Report.

**Discussion**

This report covers the first seven months of the 2012/13 Financial Year.

The operating revenue at the end of January 2013 was \$24.91 million, which is marginally higher than the year-to-date Revised Annual Budget.

The total operating expense at the end of the reporting period was \$15.32 million. This is 90% of the year-to-date Revised Annual Budget. The reason for the slightly lower performance than the budget is late

start of some projects and the lower depreciation resulting from the revaluation of roads after the Annual Budget had been adopted.

The attached operating statement compares “Actual” with “Revised Budget” by Business Units.

Variations from the Revised Budget of revenue and expenses by Directorates are highlighted in the following paragraphs. It is to be noted that the Directorates in this report are as per the current organisation structure.

### **Governance**

Expenditure: Unfavourable variance of \$79,500

Revenue: Favourable variance of \$46,400

The unfavourable expenditure variance is mainly due workers compensation payments, and a WESROC project, the cost recovery of which was made by the participating Councils in last financial year.

The favourable revenue variance is due to the workers compensation payments recovered from the insurer.

### **Corporate Services**

Expenditure: Unfavourable variance of \$ 36,200

Revenue: Favourable variance of \$ 175,100

The small unfavourable expenditure variance is mainly due to the timing difference in software licensing payments, and increased printing and stationery costs resulting from increased volume of Council reports printed.

The favourable revenue variance is mainly due to the increased revenue from parking fines and general rates, as well as interest earned from investment of funds surplus to immediate needs.

### **Community and Organisational Development**

Expenditure: Favourable variance of \$ 53,400

Revenue: Favourable variance of \$ 31,100

The favourable expenditure variance is mainly due to timing differences in the distribution of community grants and the payments for tutors of courses at Tresillian.

The favourable revenue variance is due to the receipt of a CPI adjustment to the HACC grant from the Health Department and improved revenue from Council facilities, especially Mount Claremont Community Centre.



## **Planning & Development**

Expenditure: Favourable variance of \$ 69,000

Revenue: Unfavourable variance of \$ 56,300

The favourable expenditure variance is mainly due to reduced utilisation of external professional services by Property Services. The delay with strategic planning projects also contributed to the favourable variance.

The unfavourable revenue variance is mainly due to the lower number of Development Applications and Building Permits Applications received during the year.

## **Technical Services**

Expenditure: Favourable variance of \$ 1,287,000

Revenue: Unfavourable variance of \$ 1,000

The favourable expenditure variance is mainly due to the lower depreciation charge on roads, which is caused by the revaluation of roads after the Budget had been adopted. This anomaly will be rectified in the Mid-Year Budget Review. Timing differences in maintenance works of parks, ovals and reserves, and rubbish collection costs payment also contributed to the favourable expenditure variance.

## **Capital Works Programme**

Infrastructure projects require detailed operational planning and mobilisation once they have been approved by Council. Invariably very little physical work on the ground was carried out in the first few months of the financial year. Thus at the end of January the expenses on new capital works were \$4.65 million, which is 51 % of the Revised Capital Budget for the year. The Mid-Year Budget Review will identify if any of the projects are likely to be carried forward into the following financial year.

Grants for capital works received to the end of January was \$647,900, which is 51 % of the grants budgeted for the year. This is in line with the percentage of capital works completed.

## **Conclusion**

The financial statements for the first seven months indicate that the operating expenses were under budget by 10 % and this is due to the lower depreciation on roads flowing on from the revaluation of roads after the Annual Budget was adopted. Depreciation being a non-cash item there will be no cash savings resulting from the lower depreciation. The budget for depreciation will be adjusted during the Mid-Year Budget Review.

The operating revenue is in line with the Annual Budget.

Capital works completed are just above 50% of the Revised Capital Budget, which includes carry forward work from the previous financial year of \$1.9 million. Any projects likely to be carried forward to the following financial year will be identified at the Mid-Year Budget review.

**Attachments**

1. Statement of Financial Activity by Directorates as at the end of January 2013
2. Net Current Assets as at 31 January 2013
3. Financial Summary (Operating) By Business Units as at 31 January 2013
4. Capital Works & Acquisitions as at 31 January 2013

**13.8 Investment Report – January 2013**

<b>Council</b>	26 February 2013
<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Rajah Senathirajah – Manager Finance
<b>Director</b>	Michael Cole – Director Corporate & Strategy
<b>CEO</b>	Greg Trevaskis
<b>File ref.</b>	Fin/071-08
<b>Previous Item No's</b>	Nil

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

Moved – Councillor Collins  
 Seconded – Councillor McManus

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution / Recommendation to Council**

**Council receives the Investment Report for the period ended 31 January 2013 (Refer to attachment).**

**Purpose**

In accordance with the Council’s Investment Policy, Administration is required to present a summary of investments to Council on a monthly basis.

**Strategic Plan**

KFA5: Governance  
 5.1 – Manage the City’s resources in a sustainable and responsible manner.

This report is in accordance with the Council’s Investment Policy and demonstrates the investment of City’s surplus cash in a sustainable and responsible manner.

**Background**

Council’s Investment Policy requires a summary of investments to be presented to Council on a monthly basis.

**Proposal Detail**

Not applicable.

**Consultation**

Required by legislation: Yes  No

Required by City of Nedlands policy: Yes  No

**Legislation**

Not applicable.

**Budget/Financial implications**

Investment income will be reviewed against progressive budget throughout the year.

**Risk Management**

The Investment Policy of the City, which is reviewed each year by the Audit and Risk Committee of Council, is structured so as to minimise any risks associated with the City's cash investments. The officers adhere to this Policy, and continuously monitor market conditions to ensure that the City obtains attractive yields without compromising on risk management.

**Discussion**

The Investment Summary shows that as at 31 January 2013 the City held the following funds in investments:

Municipal Funds	\$ 7,675,395
Reserve Funds	\$ 5,422,074
Adelma Interest	<u>\$ 349</u>
Total	<u>\$ 13,117,818</u>

The total interest earned from investments for the first six months was \$464,856.

Following Council's decision in April 2012, all investments are placed with the 'big four' banks.

The Investment Portfolio comprises holdings in the following institutions:

<b>Financial Institution</b>	<b>Funds Invested</b>	<b>Interest Rate</b>	<b>Proportion of Portfolio</b>
NAB	\$ 4,644,226	4.47% - 5.01%	35.40%
Westpac	\$ 1,022,630	4.55%	7.80%
ANZ	\$ 4,610,495	4.25% - 4.40%	35.15%
CBA	\$ 2,840,468	4.03% - 4.06%	21.65%
<b>Total</b>	<b>\$ 13,117,818</b>		<b>100.00%</b>

### **Conclusion**

The Investment Report is presented to Council.

### **Attachment**

1. Investment Report for the period ended 31 January 2013.

**13.9 TS05.13 – City of Nedlands Waste and Recycling Tender 2005-06.08 Contract Extension**

<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Andrew Melville – Manager Sustainable Environment
<b>Director</b>	Mark Goodlet –Director Technical Services
<b>File ref.</b>	TEN/181 TS12.12
<b>Previous Item No's</b>	Nil

**Councillor McManus – Impartiality Interest**

He disclosed that he is friends with the CEO of Perth Waste, and as a consequence, there may be a perception that his impartiality on the matter may be affected. He declared that he would consider this matter on its merits and vote accordingly.

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

Moved – Councillor Binks  
Seconded – Councillor Shaw

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution / Committee Recommendation / Recommendation to Committee**

**Council defers the City of Nedlands Waste and Recycling Service tender 2005/06.08 contract extension until the City of Nedlands has concluded contract discussions.**

**13.10 Recovery of Unpaid Council Rates and Charges**

<b>Committee</b>	12 February 2013
<b>Council</b>	26 February 2013

<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Mathew Ayre – Rates Officer
<b>Director</b>	Michael Cole, Director Corporate & Strategy
<b>File ref.</b>	RTV/001-09
<b>Previous Item No's</b>	Nil.

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

Moved – Councillor Shaw  
 Seconded – Councillor Binks

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

<b>Council Resolution / Recommendation to Committee</b>	<b>Committee Recommendation /</b>
<b>Council:</b>	
<b>1. instructs Administration to take possession of the Land at 13 Vincent Street, Nedlands under Section 6.64 (1) Local Government Act 1995; and</b>	
<b>2. sell the land to recover outstanding rates and charges under Section 6.64(1)(b) Local Government Act 1995.</b>	

**13.11 Nos. 87-91 (Lots 3-5) Waratah Avenue, Dalkeith – Proposed Mixed-Use Development (31 Multiple Dwellings, 4 Shops & an Office) within a 4-Storey Building (plus Basement & Loft)**

<b>Council</b>	26 February 2013
<b>Applicant</b>	McDonald Jones Architects
<b>Owner</b>	Waratah Ave Dalkeith Pty Ltd ATFT Waratah Ave Dalkeith Unit Trust
<b>Officer</b>	Matt Stuart – Senior Statutory Planning Officer
<b>Director</b>	Peter Mickleson – Director Planning & Development Services
<b>CEO</b>	Greg Trevaskis
<b>File ref</b>	WA3/87 : DA12/156 : M13/3897
<b>Previous Item No's</b>	28 August 2012 - Urgent Item 16.1

**Regulation 11(da) – Council agreed to the additional clause 11b.**

Moved – Councillor Hassell

Seconded – Councillor Hodsdon

**That the Recommendation to Council is adopted subject to the DAP Responsible Authority Report being amended as follows:**

1. clause 11 becoming 11a; and
2. adding an additional clause 11b permanent dedicated vehicular public access shall be provided to the rear laneway.

**Councillor Hodsdon left the room at 11.11 pm**

**CARRIED UNANIMOUSLY 9/-**



### **Council Resolution**

**Council recommends the Development Assessment Panel approve an application for a Mixed-Use Development (31 Multiple Dwellings, 4 Shops & an Office) within a 4-Storey Building (plus Basement & Loft) at Nos. 87-91 (Lots 3-5) Waratah Avenue, Dalkeith, in accordance with the application (dated 23 April 2012) and amended plans (dated 14 December 2012), subject to the DAP Responsible Authority Report (dated 26 February 2013) being amended as follows:**

- 1. clause 11 becoming 11a; and**
- 2. adding an additional clause 11b permanent dedicated vehicular public access shall be provided to the rear laneway.**

### **Recommendation to Council**

Council recommends the Development Assessment Panel approve an application for a Mixed-Use Development (31 Multiple Dwellings, 4 Shops & an Office) within a 4-Storey Building (plus Basement & Loft) at Nos. 87-91 (Lots 3-5) Waratah Avenue, Dalkeith, in accordance with the application (dated 23 April 2012) and amended plans (dated 14 December 2012), as per the recommendation in the DAP Responsible Authority Report (dated 26 February 2013).

### **Purpose**

This application is referred to Council for a recommendation to the Development Assessment Panel (DAP), as the Council is not the decision-maker as per the DAP Regulations.

### **Attachments**

1. DAP Responsible Authority Report (including amended plans).

**13.12 Appointment of the Chief Executive Officer**

<b>Council</b>	26 February 2013
<b>Applicant</b>	City of Nedlands
<b>Owner</b>	City of Nedlands
<b>Officer</b>	Shelley Mettam – Manager Human Resources and Organisational Development
<b>File ref.</b>	
<b>Previous Item No's</b>	

**Mr G Trevaskis, Chief Executive Officer – Financial Interest**

His interest being that it involved his employment. He advised that he would leave the meeting during this matter.

Mr G Trevaskis, Chief Executive Officer left the room at 11.12 pm.

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

Moved – Councillor Shaw  
 Seconded – Councillor McManus

Councillor Hodsdon return 11.13 pm

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 10/-**

**Council Resolution / Recommendation to Committee**

**Council:**

1. **confirms the appointment of Mr Gregory Trevaskis from 10 December 2012 as Chief Executive Officer for the City of Nedlands; and**
2. **agrees to affix the Common Seal of the City to the employment contract, as presented, in consent thereto.**

Mr G Trevaskis, Chief Executive Officer returned to the room at 11.13 pm.

## **Purpose**

The Local Government Act 1995 (the Act) requires:

Section 5.36 (2):

A person is not to be employed in the position of CEO unless the council:

- (a) Believes the person is suitably qualified for the position; and
- (b) Is satisfied\* with the provisions of the proposed employment contract.

\*Absolute majority required.

At a Special Council Meeting, 27 November 2012 Council appointed the candidate recommended by the CEO Recruitment and Selection Committee, Mr Gregory Trevaskis, as the City of Nedlands Chief Executive Officer on a three (3) year contract.

Having satisfied 5.36 (2) (a) above, Council is required to endorse subsection (b) of the Act.

## **Strategic Plan**

KFA 5: Governance

- 5.1 Manage the City's resources in a sustainable and responsible manner.
- 5.6 Ensure compliance with statutory requirements and guidelines.

## **Background**

Following a rigorous recruitment and selection process to fill the vacant CEO position, in November 2012 Council endorsed Mr Gregory Trevaskis as the new CEO.

Mr Trevaskis commenced with the City on 10 December 2012 and satisfies the qualifications and all other criteria as required by the Local Government Act 1995. The employment contract is attached and submitted for final endorsement by Council.

## **Proposal Detail**

The terms and conditions of the CEO's 3 year Contract of Employment incorporate standard terms and conditions applying to the role.

**Consultation**

Required by legislation: Yes  No

Required by City of Nedlands policy: Yes  No

**Legislation**

The Local Government Act 1995 Section 5.36 (2)

**Budget/financial implications**

Budget:

Within current approved budget: Yes  No

Requires further budget consideration: Yes  No

**Risk Management**

The WA Local Government Act's provisions and risk management requirements were observed in sourcing a new CEO appropriate to lead the City's administration in an appropriate and effective manner.

A rigorous executive search, screening, recruitment and selection process was conducted in accordance with the necessity to select and appoint an appropriate candidate for the CEO role.

**Conclusion**

Council having agreed that Mr Gregory Trevaskis is suitable to the role of CEO endorses his (3) three year employment contract in accordance with the terms and conditions of the attached confidential document.

The process to affix the Common Seal to the employment contract will now occur.

**Attachments**

1. CEO Contract of Employment (confidential)

**14. Elected Members Notices of Motions of Which Previous Notice Has Been Given**

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to a Councillor who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by Administration to the Council meeting considering the motion.

There were no Notices of Motions.

**15. Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 26 March 2013**

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to a Councillor who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by Administration to the Council meeting considering the motion.

Notices of motion for consideration at the Council Meeting to be held on 26 March 2013 to be tabled at this point in accordance with Clause 3.9(2) of Council's Local Law Relating to Standing Orders.

There were no Notices of Motion.

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

Nil.

**17. Confidential Items**

Mayor left at 11.14 pm Deputy Mayor assumed the chair at 11.14 pm.

Closure of Meeting to the Public

Moved – Councillor Hodsdon

Seconded - Councillor Shaw

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

**CARRIED UNANIMOUSLY 9/-**

The meeting was closed at 11.15 pm.

Opening of Meeting to the Public

Moved - Councillor Hodsdon

Seconded - Councillor Somerville-brown

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

**CARRIED UNANIMOUSLY 9/-**

The meeting was reopened to members of the public and press at 11.30 pm.

The Mayor returned to the room at 11.30 pm and resumed the chair.

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.

**17.1 Financial Assistance with Legal Fees**

Moved – Councillor Porter  
Seconded – Councillor Hodsdon

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 9/-**

**Council Resolution / Recommendation to Council**

**Council approves financial fees to the amount of \$1579.05 for legal fees incurred by Mayor Hipkins in relation to proceedings with the Local Government Standards Panel.**

**Declaration of Closure**

There being no further business, the Presiding Member declared the meeting closed at 11.31 pm.