



City of Nedlands

Minutes

Special Council Meeting

22 October 2013

ATTENTION

These minutes are subject to confirmation.

Prior to acting on any resolution of the Council contained in these minutes, a check should be made of the Ordinary Council Meeting next following this meeting to ensure that there has not been a correction made to any resolution.

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City of Nedlands

Minutes of a Special Meeting of Council held in the Council Chambers, Nedlands on Tuesday 22 October 2013 at 6.00 pm for the purpose of appointing a Deputy Mayor; electing members to the various Council and associated committees; and electing delegates to external committees and working groups.

Declaration of Opening

The Presiding Member declared the meeting open at 6.01 pm and drew attention to the disclaimer below.

Present and Apologies and Leave Of Absence (Previously Approved)

Councillors	His Worship the Mayor, R M Hipkins	(Presiding Member)
	Councillor L J McManus	Coastal Districts Ward
	Councillor K Smyth	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 J Wetherall	Hollywood Ward
	Councillor T James	Melvista Ward
	Councillor G A R Hay	Melvista Ward
	Councillor N Shaw	Melvista Ward

Staff	Mr G Trevaskis	Chief Executive Officer
	Mr M Cole	Director Corporate & Strategy
	Mr P Mickleson	Director Planning & Development
	Mr M Goodlet	Director Technical Services
	Ms M Granich	Manager Community Development
	Ms P Huigens	Policy & Projects Officer

Public There were 5 members of the public present.

Press The Post Newspaper representatives.

Leave of Absence (Previously Approved) Nil

Apologies Nil

Absent Cr Elect Nikola Horley

Disclaimer

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

1. Election of Deputy Mayor

The election of a Deputy Mayor is based on First Past the Post and is to be conducted in accordance with Schedule 2.3 Clauses 4(5) and 8(5) of the Local Government Act (1995) and voting will be by secret ballot. NOTE: There is no provision for proxy voting.

Nominations must be in writing, and can be received by the CEO either before the meeting or during the meeting at the point that the CEO advises of current nominations and calls for any further nominations.

Please Note: Should a councillor nominate another councillor for the position, the CEO must also receive confirmation, either written or verbal, from the nominated councillor that they accept the nomination.

Councillor Hassell was the only nomination, and was elected Deputy Mayor and sworn in, for a term ending immediately prior to the next Local Government Election in October 2015.

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

2.1 Audit & Risk Management Committee

The Audit & Risk Management Committee was formed on 27 May 2003 and meets from time to time on an as required basis. Previous members for the period ending October 2013 were the Mayor and four Councillors, one from each Ward, being Councillors Argyle, McManus, Hodsdon and James. In addition, Council also appointed Councillor Porter as an additional member at the Committees.

Regulation 11(da) - Not Applicable – Recommendation Adopted.

Moved – Councillor James
Seconded – Councillor Shaw

That:

- 1. the Mayor and Councillors (four - one from each Ward) , Crs Argyle, James, Hodsdon and McManus be appointed to the Audit & Risk Management Committee for the period ending immediately prior to the next Local Government elections in 2015;**
- 2. the CEO call for expressions of interest from the Community for the Community Member; and**
- 3. Council adopt the Terms of Reference of the Audit & Risk Management Committee as below.**

Carried Unanimously 12/-

Recommendation to Council

That:

- 1. the Mayor and Councillors (four - one from each Ward) be appointed to the Audit & Risk Management Committee for the period ending immediately prior to the next Local Government elections in 2015;**
- 2. the CEO call for expressions of interest from the Community for the Community Member; and**
- 3. Council adopt the Terms of Reference of the Audit & Risk Management Committee as below.**

ABSOLUTE MAJORITY VOTE REQUIRED

Terms of Reference of Audit & Risk Management Committee

Purpose

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

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

Scope

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

Audit

1. To consider and approve the brief for the provision of audit services;
2. To evaluate the responses to the request for the provision of audit services and to make a recommendation to Council on the appointment of an auditor;
3. To meet with Council's external auditors and review the Audit Plan prior to the conduct of the interim audit each year;
4. To ensure that the audit is being conducted in accordance with the brief and the terms of appointment and that matters of concern to the Council and/or the Committee are being addressed;
5. Ensure that the Council's financial affairs and systems and processes are being managed and reported in accordance with statutory requirements and Australian Accounting Standards;
6. Ensure that relevant financial information is reported to Council in a form that meets the needs and expectations of Council, clearly setting out the key relevant financial data, such that the Council can confidently understand the financial performance of the Council's affairs;
7. Review the audit report and make appropriate recommendations to Council; and
8. Where appropriate and with the approval of Council seek advice and/or assistance in relation to matters pertaining to the audit or financial affairs of the City.

Risk Management

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

Membership

1. The membership of the committee shall comprise the Mayor and one Councillor from each ward with the Councillors being determined by nomination and if necessary a ballot conducted at a

Council Meeting and up to two non-Councillor Members, being residents of The City of Nedlands

2. Council may if it considers it appropriate appoint deputies to the members of the committee.
3. If a vacancy on the committee occurs for whatever reason then Council shall appoint a replacement in accordance with the same arrangements as for the original appointment set out in 1 above.
4. The quorum for a meeting shall be three.
5. The term of membership expires with the expiry of the committee immediately prior to the next ordinary Council election.
6. The presiding member shall be determined by election amongst the members of the committee. The election will take place at the first meeting following the reconstitution of the committee after each ordinary Council election. The Mayor is eligible to vote for a presiding member but is not eligible to sit as the presiding member.
7. The term of the presiding member expires with the expiry of the committee immediately prior to the next ordinary Council election; and
8. Should the elected presiding member not be present during a meeting of the committee then a temporary presiding member shall be elected in accordance with 3. above.
9. Community members are non-voting and have appropriate qualifications in Audit and Risk.

Staff

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

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

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

Invitees/Attendees

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

- the external auditor or his/her representative,

- financial advisors,
- relevant consultants.

Meetings

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

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

2.2 Chief Executive Officer's Performance Review Committee

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

Regulation 11(da) - Not Applicable – Recommendation Adopted.

Moved – Councillor James
Seconded – Councillor Hodsdon

That:

- a) the Mayor and Councillors (four – one from each Ward) Shaw, Porter, Wetherall and McManus be appointed to the Chief Executive Officer's Performance Review Committee for the period ending immediately prior to the next Local Government Elections in 2015; and**
- b) Council adopt the Terms of Reference of the Chief Executive Officer's Performance Review Committee as below.**

CARRIED UNANIMOUSLY 12/-

Recommendation to Council

That:

- a) **the Mayor and Councillors (four – one from each Ward) be appointed to the Chief Executive Officer’s Performance Review Committee for the period ending immediately prior to the next Local Government Elections in 2015; and**
- b) **Council adopt the Terms of Reference of the Chief Executive Officer’s Performance Review Committee as below.**

ABSOLUTE MAJORITY VOTE REQUIRED

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

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

In managing the performance appraisal process, the Committee:

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

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

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

2.3 Committee of the Whole of Council (Council Committee)

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

Regulation 11(da) - Not Applicable – Recommendation Adopted.

Moved – Councillor James
Seconded – Councillor Binks

That the Recommendation to Council is adopted.

(Printed below for ease of reference)

Carried Unanimously 12/-

Recommendation to Council

That:

- a) the Mayor and all Councillors be appointed to the Committee of the Whole of Council (Council Committee) for a period ending immediately prior to the next Local Government Elections in 2015.**
- b) Council adopt the Terms of Reference of the Committee of the whole Council (Council Committee) as below**

ABSOLUTE MAJORITY VOTE REQUIRED

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

Purpose

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

Functions

Part 3 – Functions of local governments

Part 4 – Elections and other polls

Part 5 – Administration

Part 6 – Financial management

Part 7 – Audit

Part 8 – Scrutiny of the affairs of local governments

Part 9 – Miscellaneous provisions

Scope

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

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

Under these Terms of Reference

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

Membership

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

Meetings

1. The CWC will meet on the second Tuesday of each month with the exception of December and January.
2. In December, the Committee meeting will be held on first Tuesday of the month, to allow the Council Meeting to be held

on the third Tuesday. In January, no Committee meetings or ordinary Council meetings are to be held.

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

2.4 Sustainable Nedlands Advisory Committee

This is an internally formed committee of Council attended by one Councillor Delegate. The Mayor and Councillor Shaw were the previous delegate/deputy delegate respectively.

As the Committee comprises eight (8) members, seven (7) of which are members of the Community, Administration proposes the Committee be an advisory Committee to Council.

As an Advisory Committee, the Committee Members can determine their own terms of reference, preparing of meeting etc, without the need to strictly comply with the Council Standing Orders or other requirements of the Local Government Act 1995.

Regulation 11(da) – Councillors agreed to allow the new Sustainable Nedlands Advisory Committee to review the Terms of Reference and to consider them at a Councillor workshop.

Motion put:

Refer the matter to a Councillor workshop for further discussion

Moved: Cr Binks

Sec: Cr Porter

Recess to meeting 6.12pm to swear in Cr Elect Nikola Horley

Meeting resumed at 6.14pm

Mike Cole left the room at 6.19pm

Mike Cole returned at 6.20pm

**LOST 6/7
(Against: Crs. Hay Shaw Horley Hodsdon McManus Smyth Mayor)**

Moved – Councillor Hodsdon
Seconded – Councillor Shaw

Council appoints Councillor Hay as delegate and Councillor Shaw as deputy delegate to the Sustainable Nedlands Advisory Group, and that the Committee's Terms of Reference and resources are referred to a Councillor workshop for further discussion.

Carried Unanimously 13/-

Recommendation to Council:

Council appoints one (1) elected member as delegate and one (1) elected member as deputy delegate to the Sustainable Nedlands Advisory Group.

Terms of Reference Of The Sustainable Nedlands Advisory Group

Purpose

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

Scope

The City of Nedlands Sustainable Nedlands Advisory Group will provide advice to Council in the following areas:

1. Monitor progress on sustainability issues in the community and report back to Council on developments;
2. Foster links with kindred groups and interested parties to maximise benefits to the City of Nedlands;
5. Public education and awareness of sustainability issues;
6. Advice on alternate funding options for the implementation of the corporate strategic plan and its associated projects and programmes, as they relate to sustainability.

Membership

1. Total Membership of 8 group members
2. One (1) Councillor of the City of Nedlands (to be approved / appointed by Council with a nominated proxy).
3. Seven (7) group members are to be residents or ratepayers of the City of Nedlands or own a business located within the City of Nedlands.
4. Members are appointed to the group by the City's Administration for a period to the term of the current Council, however if the Member fails to attend three (3) consecutive meetings, their membership status will be revoked.

Procedure

1. Group members will be appointed for a term expiring at the conduct of the next Local Government election;
2. The Group will meet at least bi-monthly, where Administration will prepare agendas and supply minutes to the City's administration which, will be provided to Councillors for review;
3. The Councillor appointed to the Committee or their proxy shall be the Presiding Member of the group at all meetings;
4. The quorum of the Committee will be five (5);
5. Meetings of the Committee will be open to the public; and
6. These Terms of Reference will be reviewed as part of the City's annual review of policies.
7. If a quorum is not reached by the 15 minutes following the scheduled meeting commencement time the meeting will be abandoned.
8. The City's Administration will make a venue and modest catering available for meetings where a minimum of 2 weeks' notice is provided for a meeting.

2.5 Arts Advisory Committee

An Arts Advisory Committee has been suggested to advised Council on public art projects. Should Council agree to the establishment of the Committee, the Chief Executive Officer will prepare a further report to Council with appropriate Terms of Reference.

Regulation 11(da) - Not Applicable – Recommendation Adopted.

Moved – Councillor Hassell
Seconded – Councillor Hodsdon

That the Recommendation to Council is adopted.

(Printed below for ease of reference)

**Carried 12/1
(Against: Cr. Smyth)**

Recommendation to Council

Council:

1. **agrees to establish an Arts Advisory Committee; and**
2. **requests the Chief Executive Officer to prepare a report including appropriate Terms of Reference for Council's consideration.**

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

3.1 Nedlands Aged Persons Homes Trust Inc.

The Nedlands Aged Persons Homes Trust (Inc.) is an external organisation and in terms of the Trust's Constitution, the City is invited to appoint two (2) Councillor representative to the Trust (Inc.). Councillor James and Collins were Council's previous delegate to the Trust.

Regulation 11(da) - Not Applicable – Recommendation Adopted.

Moved – Councillor Shaw

Seconded – Councillor McManus

That Councillors (two (2) Councillors) Horley & Binks be appointed as Council's delegate to the Nedlands Aged Persons Homes Trust (Inc.) for a period ending immediately prior to the next Local Government Elections in 2015.

Carried Unanimously 13/-

Recommendation to Council

That Councillors (two (2) Councillors) be appointed as Council's delegate to the Nedlands Aged Persons Homes Trust (Inc.) for a period ending immediately prior to the next Local Government Elections in 2015.

ABSOLUTE MAJORITY VOTE REQUIRED

Background

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

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

3.2 Swan River Trust

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

Regulation 11(da) - Not Applicable – Recommendation Adopted.

Moved – Councillor Hodsdon
Seconded – Councillor James

That Councillor Hay be appointed as Delegate and Councillor Hassell as Deputy Delegate to the Swan River Trust for a period ending immediately prior to the next Local Government Elections in 2015.

Carried Unanimously 13/-

Recommendation to Council

That Councillor (one Councillor from any Ward) be appointed as Delegate and Councillor (one Councillor from any Ward) as Deputy Delegate to the Swan River Trust for a period ending immediately prior to the next Local Government Elections in 2015.

ABSOLUTE MAJORITY VOTE REQUIRED

Background

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

3.3 Western Suburbs District Planning Committee

No delegates were elected as the Western Suburbs District Planning Committee no longer operates.

Recommendation to Council

That Councillor (one from any Ward) be appointed as Delegate and Councillor (one from any Ward) as Deputy Delegate to the Western Suburbs District Planning Committee for a period ending immediately prior to the next Local Government Elections in 2015.

ABSOLUTE MAJORITY VOTE REQUIRED

Background

Meetings have previously been held regularly every second month on a rotational basis between member Councils and are now held as required to deal with issues that arise. Meetings are convened by the Western Suburbs District Planning Committee.

3.4 Western Suburbs Regional Organisation of Councils (WESROC)

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

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

Regulation 11(da) - Not Applicable – Recommendation Adopted.

Moved – Councillor James

Seconded – Councillor Hodsdon

That the Recommendation to Council is adopted.

(Printed below for ease of reference)

Carried unanimously 13/-

Recommendation to Council

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

ABSOLUTE MAJORITY VOTE REQUIRED

3.5 Development Assessment Panels.

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

Each council is requested to nominate two (2) members and two (2) alternate members for consideration of appointment. The current members are the Mayor and Councillor Shaw and the alternative members are Councillors Hassell and Somerville-Brown. These nominees have been appointed by the Minister for a term of two years ending 26 April 2015. It is therefore only necessary for Council to nominate replacement members that are not returned after the 19 October 2013 ordinary elections. As Councillor Somerville-Brown is the only current DAPs representative to not be returned, it is only necessary to appoint one replacement alternative member.

Regulation 11(da) - Not Applicable – Recommendation Adopted.

Moved – Councillor McManus
Seconded – Councillor Hodsdon

That Councillor Horley be appointed as alternate member to the Development Assessment Panels.

**Carried 12/1
(Against: Cr Argyle)**

Recommendation to Council

That one (1) elected member be appointed as alternate member to the Development Assessment Panels.

3.7 Lake Claremont Committee

Moved – Councillor James
Seconded – Councillor Hay

That Councillor Horley be appointed as delegate and Councillor Hodsdon be appointed a deputy delegate to the Lake Claremont Committee for a period ending immediately prior to the next Local Government Elections in 2015.

CARRIED UNANIMOUSLY 13/-

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 6.47 pm.