



City of Nedlands

# Minutes

## Council Committee Meeting

**13 August 2019**

### **ATTENTION**

This is a Committee which has only made recommendations to Council. No action should be taken on any recommendation contained in these Minutes. The Council resolution pertaining to an item will be made at the next Ordinary Meeting of Council following this meeting.

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## City of Nedlands

### Minutes of a meeting of the Council Committee held in the Council Chambers, Nedlands on Tuesday 13 August 2019 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 C Hipkins (Presiding Member)	
	Councillor I S Argyle	Dalkeith Ward
	Councillor W R B Hassell	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor C M de Lacy	Hollywood Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor G A R Hay	Melvista Ward
	Councillor T P James	Melvista Ward
	Councillor N W Shaw	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward

<b>Staff</b>	Mr M A Goodlet	Chief Executive Officer
	Mrs P Panayotou	Acting Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Mr J Duff	Director Technical Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

**Public** There were 4 members of the public present.

**Press** The Post Newspaper representative.

**Leave of Absence (Previously Approved)** Councillor K A Smyth Coastal Districts Ward

**Apologies** Mrs L M Driscoll Director Corporate & Strategy

## **Disclaimer**

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

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The Presiding Member welcomed new Director Technical Services Mr Jim Duff.

### **1. Public Question Time**

Nil.

### **2. Addresses By Members of the Public (only for items listed on the agenda)**

Mr Fraser, 47 Alderbury Street, Floreat PD30.19  
(spoke in support of the recommendation)

Mr Geoffrey Cahif, 8B Alexander Road, Dalkeith PD32.19  
(spoke in support of petition to Council)

### **3. Disclosures of Financial Interest**

The Presiding Member reminded Councillors and Staff of the requirements of Section 5.65 of the *Local Government Act* to disclose any interest during the meeting when the matter is discussed.

There were no disclosures of financial interest.

### **4. 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*.

**4.1 Councillor Shaw – CPS13.19 – Tawarri Redevelopment Heads of Agreement**

Councillor Shaw disclosed an impartiality interest in Item CPS13.19 - Tawarri Redevelopment Heads of Agreement. Councillor Shaw disclosed that strong social relationship with the proponents, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Shaw declared that he would consider this matter on its merits and vote accordingly.

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

Nil.

**6. Confirmation of Minutes**

**6.1 Committee Meeting 9 July 2019**

Moved – Councillor Argyle  
Seconded – Councillor Hay

**The Minutes of the Council Committee held 9 July 2019 be confirmed.**

**CARRIED UNANIMOUSLY 12/-**

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

In accordance with Standing Orders and for the convenience of the public, the Committee is to identify any matter which is to be discussed behind closed doors at this meeting and that matter is to be deferred for consideration as the last item of this meeting.

Nil.

**8. Divisional Reports**

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

**8.1 Planning & Development Report No's PD29.19 to PD33.19**

Planning & Development Report No's PD29.19 to PD33.19 to be dealt with at this point (copy attached yellow cover sheet).

<b>PD29.19</b>	<b>No 2. Bellevue Avenue, Dalkeith - Front Fence</b>
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<b>Committee</b>	13 August 2019
<b>Council</b>	27 August 2019
<b>Applicant</b>	MNB Residential
<b>Landowner</b>	B D Kumar & V K Govindappa
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Report Type</b>  Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
<b>Reference</b>	DA19/35612
<b>Previous Item</b>	Nil.
<b>Delegation</b>	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
<b>Attachments</b>	1. Site Photographs provided by Applicant 2. Applicants Justification

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Shaw

Seconded – Councillor Hassell

**That the Recommendation to Committee be adopted.**

(Printed below for ease of reference)

**CARRIED 11/1  
(Against: Cr. Mangano)**

**Committee Recommendation / Recommendation to Committee**

**Council approves the development application dated 24 April 2019 to construct a portion of solid fencing at Lot 251, No. 2 Bellevue Avenue, Dalkeith, subject to the following conditions and advice**

- 1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval;**
- 2. This development approval only pertains to a solid portion of the wall to be constructed to a height of 1.8m above the level in the verge adjacent along Bellevue Avenue and Brockman Avenue;**
- 3. All structures associated with retaining walls and fences, shall be constructed wholly inside the site boundaries of the property's Certificate of Title; and**
- 4. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**

**Advice Notes specific to this proposal:**

- 1. The applicant is advised that a separate development application is required to be submitted to and approved by the City prior to erecting any fencing within the street setback area(s) which is not compliant with the deemed-to-comply provisions of the Residential Design Codes, and/or erecting any fencing behind the primary street setback area which is more than 1.8m in height above natural ground level;**
- 2. The applicant is advised that any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Works Application (NSWA) to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing;**
- 3. The applicant is advised that no street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved under the Nature Strip Works approval; and**
- 4. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**

<b>PD30.19</b>	<b>No. 47 Alderbury St, Floreat – Additions to Single Dwelling (Retrospective)</b>
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<b>Committee</b>	13 August 2019
<b>Council</b>	27 August 2019
<b>Applicant</b>	Greg Cowie Homes
<b>Landowner</b>	Deborah Fraser
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Report Type</b>	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
<b>Reference</b>	DA19/35178
<b>Previous Item</b>	Nil
<b>Delegation</b>	In accordance with Clause 6.7.1a) of the City's Instrument of Delegation, Council is required to determine the application due to objections being received
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Site Photographs</li> <li>2. Applicant Design Principle Justification and Response to Objectors</li> </ol>

Mr Fraser, 47 Alderbury Street, Floreat  
(spoke in support of the recommendation)

PD30.19

**Regulation 11(da) – Council agreed that the existing heights of the fences were appropriate and it was not unreasonable for them to remain.**

Moved – Councillor Shaw  
Seconded – Councillor Wetherall

**That the Recommendation to Committee be adopted subject to the removal of conditions 3 and 4.**

**CARRIED 7/3**  
**(Against: Mayor Hipkins Crs. Mangano & Hay)**  
**(Abstained: Crs. James & Horley)**



## **Committee Recommendation**

**Council retrospectively approves the development application dated 27 March 2019 for Additions to Single Dwelling including dividing fencing, primary street fencing, secondary street fencing, fill and retaining at No. 47 Alderbury Street, Floreat, subject to the following conditions and advice:**

- 1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval;**
- 2. This development approval only pertains to the street boundary fencing, eastern side boundary fencing and site works and retaining walls within the street setback areas as shown on the approved plans;**
- 3. All footings and structures to retaining walls and fences shall be constructed wholly inside the site boundaries of the property's Certificate of Title; and**
- 4. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.**

### **Advice Notes specific to this proposal:**

- 1. The applicant shall make application to the City's Building Services for a Building Approval Certificate, to acknowledge the unauthorised works;**
- 2. All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved under the Nature Strip Works approval;**
- 3. This development approval does not remove any other legal obligations under the *Dividing Fencing Act 1961*; and**
- 4. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.**

## Recommendation to Committee

Council retrospectively approves the development application dated 27 March 2019 for Additions to Single Dwelling including dividing fencing, primary street fencing, secondary street fencing, fill and retaining at No. 47 Alderbury Street, Floreat, subject to the following conditions and advice:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval;
2. This development approval only pertains to the street boundary fencing, eastern side boundary fencing and site works and retaining walls within the street setback areas as shown on the approved plans;
3. Revised drawings shall be submitted with the Building Approval Certificate application, to the satisfaction of the City, demonstrating the following:
  - a) The fencing within the primary street setback area being visually permeable 1.2m above natural ground level, measured from the primary street side of the front fence; and
  - b) The secondary street fencing outside of the pool area being reduced to a maximum height of 2.1m above the Alderbury street side of the fencing.
4. Remedial works required to bring all unauthorised works into conformity with this planning approval, shall be completed within 30 days from the date of this approval;
5. All footings and structures to retaining walls and fences shall be constructed wholly inside the site boundaries of the property's Certificate of Title; and
6. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.

Advice Notes specific to this proposal:

1. The applicant shall make application to the City's Building Services for a Building Approval Certificate, to acknowledge the unauthorised works;
2. All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved under the Nature Strip Works approval;

3. This development approval does not remove any other legal obligations under the *Dividing Fencing Act 1961*; and
4. This decision constitutes planning approval only and is valid for a period of two years from the date of approval. If the subject development is not substantially commenced within the two-year period, the approval shall lapse and be of no further effect.

<b>PD31.19</b>	<b>Local Planning Scheme 3 – Local Planning Policy Short-Term Accommodation</b>
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<b>Committee</b>	13 August 2019
<b>Council</b>	27 August 2019
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Reference</b>	Nil
<b>Previous Item</b>	PD21.18 – Draft Short-Term Accommodation Local Planning Policy
<b>Attachments</b>	1. Draft Short-Term Accommodation LPP

**Regulation 11(da) – Council agreed that the policy should apply across the entire City not just near major public transport routes.**

Moved – Councillor Shaw

Seconded – Councillor Hassell

**That the Recommendation to Committee be adopted subject to under 7.0 Management Plan 7.1 add an additional clause (k) to provide details of waste disposal.**

Amendment

Moved - Councillor James

Seconded - Councillor de Lacy

**That clauses 4.2 (b) and 4.4 (b) be deleted.**

Councillor Mangano left the room at 7.41 pm and returned at 7.42 pm.

**The AMENDMENT was PUT and was**

**CARRIED 8/2  
(Against: Crs. Argyle & Horley)  
(Abstained: Crs. Mangano & McManus)**

Councillor Hodsdon left the room at 7.53 pm and returned at 7.55 pm.

Councillor Argyle left the room at 7.57 pm and returned at 8.03 pm.

**The Substantive Motion was PUT and was**

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

### **Committee Recommendation**

**Council prepares and advertises the Short-Term Accommodation Local Planning Policy for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4 subject to:**

- 1. Under 7.0 Management Plan 7.1 add an additional clause (k) to provide details of waste disposal; and**
- 2. delete clauses 4.2 (b) and 4.4 (b).**

### **Recommendation to Committee**

Council prepares and advertises the Short-Term Accommodation Local Planning Policy for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4.

<b>PD32.19</b>	<b>Petition 8a Alexander Road, Dalkeith – Height Variation</b>
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<b>Committee</b>	13 August 2019
<b>Council</b>	27 August 2019
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Reference</b>	Nil
<b>Previous Item</b>	OCM 25 June 2019
<b>Attachments</b>	1. Petition – Alexander Road Dalkeith – Height Variation

Mr Geoffrey Cahif, 8B Alexander Road, Dalkeith  
(spoke in support of petition to Council)

PD32.19

**Regulation 11(da) – Not Applicable – Minor variation.**

Moved – Councillor Shaw  
Seconded – Councillor McManus

**That the Recommendation to Committee be adopted subject to clause 1 being deleted.**

**CARRIED 11/1  
(Against: Cr. Argyle)**

**Committee Recommendation**

**Council instructs the Chief Executive Officer to prepare a Precinct Plan for the Waratah Village Precinct, including the residential frame rezoning area with consideration being given to building heights within the precinct.**

## Recommendation to Committee

1. Council resolves to take no action with regard to the petitioner for Alexander Road height reduction at present.
2. Council instructs the Chief Executive Officer to prepare a Precinct Plan for the Waratah Village Precinct, including the residential frame rezoning area with consideration being given to building heights within the precinct.

<b>PD33.19</b>	<b>Scheme Amendment No. 1 – Amendment to Clause 32.4(5)</b>
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<b>Committee</b>	13 August 2019
<b>Council</b>	27 August 2019
<b>Director</b>	Peter Mickleson – Director Planning & Development
<b>Reference</b>	Nil
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Previous Item</b>	Nil
<b>Attachments</b>	1. Scheme Amendment No. 1 Report

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Shaw  
 Seconded – Councillor de Lacy

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

**CARRIED 9/2**  
**(Against: Mayor Hipkins Cr. Argyle)**  
**(Abstained: Cr. Mangano)**

**Committee Recommendation / Recommendation to Committee**

**Council:**

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, adopt an Amendment to Local Planning Scheme 3 by:
  - a) Inserting the words ‘local planning policy’ into clause 32.4(5) to state “in relation to developments that are not subject to the R-Codes, where development standards are not specified in an approved structure plan, local development plan, local planning policy and/or activity centre plan, the development standards are subject to the applicable R-Code;”
2. In accordance with Planning and Development (Local Planning Schemes) Regulations 2015 section 35(2), the City believes that the amendment is a Basic Amendment for the following reasons:
  - a) An amendment to correct an administrative error;



- b) An amendment to the scheme so that it is consistent with the model provisions in schedule 1 or with another provision of the local planning scheme; and**
  - c) An amendment to the scheme so that it is consistent with a State planning policy.**
- 3. Pursuant to Section 81 of the *Planning and Development Act 2005*, refers Scheme Amendment 1 to the Environmental Protection Authority.**

**8.2 Technical Services Report No's TS16.19 to TS18.19**

Technical Services Report No's TS16.19 to TS18.19 to be dealt with at this point (copy attached blue cover sheet).

<b>TS16.19</b>	<b>Jones Park Enviro-scape Master Plan – Bushland Conservation Fencing Petition</b>
<b>Committee</b>	13 August 2019
<b>Council</b>	27 August 2019
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	James Duff – Director Technical Services
<b>Attachments</b>	1. Jones Park Enviro-scape Master Plan (as endorsed). 2. Petition: Ms Barbara Leonard, 13 Hooley Street, Swanbourne – Bushland adjacent to Jones Park

Councillor McManus left the room at 8.33 pm.

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Horley

Seconded – Councillor Hodsdon

**That the Recommendation to Committee be adopted.**

(Printed below for ease of reference)

Councillor McManus returned to the room at 8.34 pm.

**CARRIED 6/5**  
**(Against: Crs. Argyle Mangano de Lacy Wetherall & James)**  
**(Abstained: Cr. Hassell)**

**Committee Recommendation / Recommendation to Committee**

**Council:**

- 1. approves the installation of bushland conservation fencing at Jones Park in accordance with the endorsed Jones Park Enviro-scape Master Plan subject to:
  - a. the Administration consulting with local residents to obtain consensus on the style of fencing to be installed;**
  - b. amending the alignment of the fencing in the concept to allow children to access the western garden area and investigating how this area may be enhanced to provide for unstructured nature-based play opportunities; and****
- 2. requests Administration advise the lead petitioner of Council's decision.**

<b>TS17.19</b>	<b>Adoption of the Asset Management Strategy 2019 – 2029</b>
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<b>Committee</b>	13 August 2019
<b>Council</b>	27 August 2019
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Jim Duff – Director Technical Services
<b>Attachments</b>	1. Draft Asset Management Strategy 2019-2029

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Shaw  
 Seconded – Councillor Hodsdon

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

**CARRIED 9/2**  
**(Against: Crs. Mangano & de Lacy)**  
**(Abstained: Cr. Horley)**

**Committee Recommendation / Recommendation to Committee**

**Council adopt the Asset Management Strategy 2019-2029 (AMS).**

<b>TS18.19</b>	<b>Execution of Grant of Easement to the City of Nedlands</b>
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<b>Committee</b>	13 August 2019
<b>Council</b>	27 August 2019
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Jim Duff – Director Technical Services
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Copy of letter from Kott Gunning Lawyers.</li> <li>2. Copy of Easement in Gross Documents.</li> <li>3. Map of lot 182 on Deposited Plan 21826, Montgomery Avenue, Mt Claremont.</li> </ol>

Councillor de Lacy left the room at 9.01 pm.

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor McManus

Seconded – Councillor Hay

**That the Recommendation to Committee be adopted.**

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 11/-**

**Committee Recommendation / Recommendation to Council**

**Council**

1. approves the application of the Council Common Seal (seal) by the CEO on the Grant of Easement documentation for Lot 182 in triplicate; and
2. directs the Mayor and Chief Executive Officer (CEO) to execute the Grant of Easement documentation in triplicate by way of signing.

**8.3 Corporate & Strategy Report No's CPS12.19 to CPS13.19**

Report No's CPS12.19 to CPS13.19 to be dealt with at this point (copy attached green cover sheet).

<b>CPS12.19 List of Accounts Paid – June 2019</b>	
<b>Committee</b>	13 August 2019
<b>Council</b>	27 August 2019
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Lorraine Driscoll – Director Corporate & Strategy
<b>Attachments</b>	1. Creditor Payment Listing June 2019 2. Purchasing Card Payments June 2019 (29 May 2019 – 28 June 2019) 3. CEO Corporate Card (28 March 2019 – 27 June 2019)

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Councillor Shaw  
 Seconded – Councillor McManus

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

Councillor de Lacy returned to the room at 9.03 pm.

**CARRIED UNANIMOUSLY 12/-**

**Committee Recommendation / Recommendation to Committee**

**Council receives the List of Accounts Paid for the month of June 2019 (refer to attachments).**

<b>CPS13.19 Tawarri Redevelopment Heads of Agreement</b>	
<b>Committee</b>	13 August 2019
<b>Council</b>	27 August 2019
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Lorraine Driscoll – Director Corporate and Strategy
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. CONFIDENTIAL Heads of Agreement</li> <li>2. CONFIDENTIAL Financial Due Diligence Report</li> <li>3. Tourism Attractions Case Management</li> <li>4. CONFIDENTIAL Advice – Commercial Tenancy Act</li> <li>5. Tawarri Development - Indicative Timeline</li> <li>6. CONFIDENTIAL John Adcock Adroit Credentials</li> </ol>

**Councillor Shaw – Impartiality Interest**

Councillor Shaw disclosed that strong social relationship with the proponents, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Shaw declared that he would consider this matter on its merits and vote accordingly.

Councillor Shaw left the room at 9.05 pm.

Councillor Hassell left the room at 9.08 pm.

**Regulation 11(da) – Not Applicable – Recommendation Adopted**

Moved – Mayor Hipkins  
 Seconded – Councillor McManus

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

Councillor Hassell returned to the room at 9.14 pm.

**CARRIED 7/4**  
**(Against: Crs. Argyle Mangano James & Horley)**

**Committee Recommendation / Recommendation to  
Committee**

**Council**

- 1. approves the conditions contained within the Heads of Agreement;**
- 2. instructs the CEO to engage Moore Stephens to update their advice where relevant re the structure of the entity (previous advice is now dated given the elapse of time since the commencement of negotiations)**
- 3. instructs the CEO to engage Moore Stephens to update the Financial Due Diligence findings (previous advice is now dated given the elapse of time since the commencement of negotiations)**
- 4. authorises the CEO to instruct McLeods Solicitors to commence drafting of the Agreement for Sublease and Sublease documents for the Tawarri Hot Springs Development;**
- 5. authorises the CEO to provide concept design information to Councils endorsed selection panel once available; and**
- 6. instructs the CEO to bring back to Council the draft Agreement for Sublease, the updated Financial Due Diligence Report, updated advice re Entity Structure and concept design for its approval.**

Councillor Shaw returned to the room at 9.25 pm.



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

Nil.

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

Nil.

**11. Confidential Items**

Nil.

**Declaration of Closure**

There being no further business, the Presiding Member declared the meeting closed at 9.31 pm.