



City of Nedlands

Agenda

Council Meeting

22 November 2011

Dear Council member

The next ordinary meeting of the City of Nedlands will be held on Tuesday 22 November 2011 in the Council chambers at 71 Stirling Highway Nedlands commencing at 7 pm.

A handwritten signature in black ink, appearing to read 'Graham Foster', with a stylized flourish at the end.

Graham Foster
Chief Executive Officer
15 November 2011

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City of Nedlands

Notice of an ordinary meeting of Council to be held in the Council chambers, Nedlands on Tuesday 22 November 2011 at 7 pm.

Council Agenda

Declaration of Opening

The Presiding Member will declare the meeting open at 7 pm acknowledge the Traditional Owners of the land and pay respects to Elders past and present, and will draw 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)

Leave of Absence	Councillor K E Collins	Coastal Districts Ward
(Previously Approved)	Councillor N B J Horley	Coastal Districts Ward

Apologies None as at distribution of this agenda.

Disclaimer

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In particular and without derogating in any way from the broad disclaimer above, in any discussion regarding any planning application or application for a licence, any statement or intimation of approval made by a member or officer of the City of Nedlands during the course of any meeting is not intended to be and is not to be taken as notice of approval from the City of Nedlands. The City of Nedlands warns that anyone who has any application lodged with the City of Nedlands must obtain and should only rely on written confirmation of the outcome of the application, and any conditions attaching to the decision made by the City of Nedlands in respect of the application.

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1. 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.

1.1 Mr M Yelverton– 19 Portland Street, Nedlands – Regis car park

Question 1

I believe you have moved this motion with undue haste. Having meetings at such short notice ensured many residents were unable to attend. Do you think this will help you with community confidence?

Answer 1

Can't answer that question.

Question 2

Were all Councillors advised of the meeting at Hollywood Bowling Club to enable them to gauge residents opinions?

Answer 2

Councillors were advised of the proposed meeting on Friday 4 November 2011.

Question 3

The previous proposals for Rosalie and Highview parks were advertised with far longer lead times to enable residents to comment. Both these proposals were rejected due to residents objections. You are quoted in the Post as saying, "We just have to make sure we look after the residents. That is going to be the important thing." What made you think this proposal would be acceptable to residents?

Answer 3

Can't answer that question.

Question 4

All streets will experience additional traffic. Vehicles wanting to go South on Stirling Highway will use Portland Street, Karella Street and Williams Road. Portland already carries additional traffic due to the closure of Williams and Karella Street. On leaving vehicles wanting to go south on Stirling Highway will use Portland Street as they are unable to turn right at Smyth road. What traffic management plan do you have to alleviate the problems caused by this car park?

Answer 4

No traffic management plan was available.

Question 5

Prior to the vote on the motion the Manager Statutory Planning completely misled the meeting. Councillor Argyle asked how many car parks were on the site before demolition. The reply by the manager was 296. This is completely incorrect as there were 10 only at the Williams Road entry near Karella Street. You should be aware 25 percent of the proposed site was a bowling green. Given this totally misleading information which I believe swayed the opinion of some Councillors can this motion be redebated or rescinded?

Answer 5

296 car spaces is for the whole site.

Question 6

Your comment in an effort to support the motion. "Are you prepared to see the front page of the Post with someone who has risked a \$500 fine for going to see their dying mother?", could the Mayor explain where such a fine is applicable particularly as there are no disabled bays on the occupied site?

Answer 6

Not sure of the question.

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.

3. Requests for Leave of Absence

Any requests from Councillors for leave of absence to be made at this point.

4. Petitions

Petitions to be tabled at this point.

5. Disclosures of Financial Interest

The Presiding Member to remind 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.

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision making procedure relating to the matter the subject of the declaration.

However, other members may allow participation of the declarant if the member further discloses the extent of the interest. Any such declarant who wishes to participate in the meeting on the matter, shall leave the meeting, after making their declaration and request to participate, while other members consider and decide upon whether the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

6. Disclosures of Interests Affecting Impartiality

The Presiding Member to remind Councillors and Staff of the requirements of Council's Code of Conduct in accordance with Section 5.103 of the *Local Government Act*.

Councillors and staff are required, in addition to declaring any financial interests to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making procedure.

The following pro forma declaration is provided to assist in making the disclosure.

"With regard to the matter in item x..... I disclose that I have an association with the applicant (or person seeking a decision). As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

The member or employee is encouraged to disclose the nature of the association.

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

Members who have not read the business papers to make declarations at this point.

8. Confirmation of Minutes

8.1 Ordinary Council meeting 25 October 2011

The minutes of the ordinary Council meeting held 25 October 2011 are to be confirmed.

8.2 Special Council meeting 8 November 2011

The minutes of the Special Council meeting held 8 November 2011 are to be confirmed.

9. Announcements of the Presiding Member without discussion

Any written or verbal announcements by the Presiding Member to be tabled at this point.

10. Members announcements without discussion

Written announcements by Councillors to be tabled at this point.

Councillors may wish to make verbal announcements at their discretion.

11. Matters for Which the Meeting May Be Closed

Council, in accordance with Standing Orders and for the convenience of the public, 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.

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).

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

Council Committee

8 November 2011

Unconfirmed, Circulated to Councillors on 14 November 2011

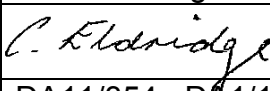
Note: As far as possible all the following reports under items 12.2, 12.3, 12.4 and 12.5 will be moved en-bloc and only the exceptions (items which Councillors wish to amend) will be discussed.

12.2 Development Services Report No's D60.11 to D63.11 (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.

D60.11	No. 114 (Lot 367) Dalkeith Road, Nedlands – Retrospective Additions (Garage) to Single House
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Committee	8 November 2011
Council	22 November 2011

Applicant	Kim Lamb & Hatton Drafting
Owner	Kim Lamb
Officer	Laura Sabitzer – Planning Officer
Director	Carlie Eldridge – Director Development Services
Director Signature	
File ref	DA11/354 : DA11/114
Previous Item No's	Nil
Disclosure of Interest	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> .

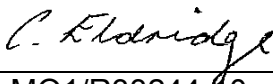
Committee Recommendation / Recommendation to Committee

Council:

1. Refuses an application for retrospective additions (garage) to single house at No. 114 (Lot 367) Dalkeith Road, Nedlands in accordance with the application and plans dated 19 August 2011 for the following reasons:
 - a. The application does not comply with Council's Policy 6.23 'Carports and Minor Structures Forward of the Primary Street Setback'; and
 - b. The application does not meet Clause 5.6.2(b) and 5.6.2(d) of the City of Nedlands Town Planning Scheme No.2;
2. Instructs the removal of the garage door and the decrease in height of the northern and eastern brick walls to 1.8 m high, within 42 days of the date of this decision.

D61.11	Reserve 33244 Monash Ave (QEII Medical Centre), Nedlands – Proposed New Mental Health Unit
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Committee	8 November 2011
Council	22 November 2011

Applicant	Department of Treasury and Finance
Owner	QEII Medical Trust
Officer	Nick Bakker - Planning Officer
Director	Carlie Eldridge - Director Development Services
Director Signature	
File ref	MO1/R33244-10
Previous Item No's	DA10/654 : DA10/382 : DA09/107
Disclosure of Interest	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> .

Committee Recommendation

That Council recommends refusal to the Western Australian Planning Commission (WAPC) for the proposed New Mental Health Unit at Reserve 3324 (QEII Medical Centre), Nedlands, for reasons of security, noise and excessive traffic generation through the adjoining residential area.

That the Administrative recommendation refers to sustainable landscaping instead of native landscaping.

Recommendation to Committee

Council recommends approval to the Western Australian Planning Commission (WAPC) for the proposed New Mental Health Unit at Reserve 33244 (QEII Medical Centre), Nedlands in accordance with the application dated 29 July 2011 and the amended plans dated 9 August 2011 with the following conditions:

1. Prior to commencement of the approved land use, a landscaping plan shall be submitted for approval by the City and the land use shall not be commenced until the landscape plan has been approved and:
 - a. The landscape plan shall include all existing and proposed landscaping, including hard landscaping;

- b. The landscaping shall be:
 - i. designed to provide an appropriate visual buffer between the public street and the building;
 - ii. in accordance with the City's Greenways Policy 4.14 i.e. indigenous species to be planted and complementary species of sustainable flora maintained; (if applicable);
 - iii. completed in accordance with the approved landscape plan and within three (3) months of the commencement of the approved land use; and
 - iv. implemented with an appropriate reticulation system and continuously maintained to the satisfaction of the City.
- 2. A separate detailed traffic management plan outlining; the route of construction vehicles access to, within and from the site, the location of the stacking of heavy vehicles etc, the hours of work and risk management, and temporary signage where required.
- 3. Prior to the commencement of construction, a Construction Management Plan shall be prepared to the satisfaction of the City's Environmental Health section. The Construction Management Plan shall detail how proposed site works will be managed to minimise environmental impacts and shall address but not be limited to:
 - a. staging plan for the entire works;
 - b. applicable timeframes and assigned responsibilities for tasks;
 - c. on-site storage of materials and equipment;
 - d. parking for contractors;
 - e. waste management;
 - f. management of noise in accordance with the control of environmental noise practices set out in section 6 of AS 2436-1981 Guide to Noise Control on Construction, Maintenance and Demolition sites, as described in the *Environmental Protection (Noise) Regulations 1997*;
 - g. management of vibrations; and

- h. complaints and incidents.
- 4. The approved Construction Management Plan shall be implemented.
- 5. Prior to the commencement of construction, a noise management plan shall be prepared and shall include:
 - a. details of and reasons for any work on the construction site that is likely to be carried out other than between 7:00 am and 7:00 pm on any day which is not a Sunday or public holiday;
 - b. details of and duration of activities on the construction site likely to result in noise emissions that fail to comply with the standard prescribed under regulation 7 of the *Environmental Protection (Noise) Regulations 1997*;
 - c. predictions of noise emission on the construction site;
 - d. details of measures to be implemented to control noise (including vibration) emissions;
 - e. procedures to be adopted for monitoring noise (including vibration) emissions; and
 - f. complaint response procedure to be adopted.
- 6. Prior to the commencement of any demolition works, a dust management plan shall be prepared to the satisfaction of the City's Environmental Health section; and
- 7. A dust management plan shall detail how the proposed demolition works will be managed to minimise environmental impacts and shall address but not be limited to:
 - a. details of how dust will be suppressed (i.e. by use of water tanker, independently powered water pumps, high volume hoses) or whether an approval from the Water Corporation for hydrant standpipe has been granted; and
 - b. details of how dust and sand drift will be controlled in the event that the landscape remains bare for any period of time after demolition (consideration of more permanent dust suppression or sand drift measures such as hydromulching).
- 8. The approved Dust Management Plan shall be implemented.
- 9. Prior to the commencement of any demolition works, any asbestos containing material (ACM) in the structure to be

demolished, shall be identified and safely removed and conveyed to an appropriate landfill which accepts ACM.

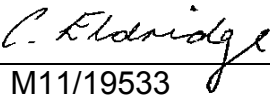
10. The use of bare or painted metal building materials is permitted on the basis that, if during or following the erection of the development the Council forms the opinion that glare which is produced from the building/roof has or will have a significant detrimental effect upon the amenity of neighbouring properties, the Council may require the owner to treat the building / roof to reduce the reflectivity to a level acceptable to Council.
11. All storm water from building and paving areas (including driveways) shall be contained on site by draining to soakwells of adequate capacity to contain runoff from a 10 year recurrent storm event and the capacity of soakwells shall be a minimum of 1 cubic metre for every 80 m² of paved or roofed surface on the property.
12. 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 per second.
13. 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:

- a. Removal and disposal of asbestos containing material (ACM) shall be in accordance with Health (Asbestos) Regulations 1992, Regulations 5.43-5.53 of the Occupational Safety and Health Regulations 1996, Code of Practice for the Safe Removal of Asbestos 2nd Edition, Code of Practice for the Management and Control of Asbestos in a Workplace and any Department of Commerce Worksafe requirements; and
- b. Where there is over 10 square metres of asbestos containing material (ACM) or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.

D62.11	City of Nedlands Climate Change Declaration
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Committee	8 November 2011
Council	22 November 2011

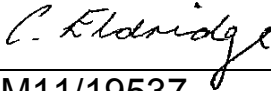
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Phoebe Huigens - Sustainability Officer
Director	Carlie Eldridge - Director Development Services
Director Signature	
File ref.	M11/19533
Previous Item No's	N/A
Disclosure of Interest	No officer involved in the preparation of this report had any interest which required it to be declared in accordance with the provisions of the <i>Local Government Act (1995)</i> .

Committee Recommendation / Recommendation to Committee

Council adopts the City of Nedlands Climate Change Declaration as attached (attachment 1) as recommended by

D63.11	City of Nedlands Carbon Inventory and Management Report Baseline Year 2009–2010
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Committee	8 November 2011
Council	22 November 2011

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Phoebe Huigens - Sustainability Officer
Director	Carlie Eldridge - Director Development Services
Director Signature	
File ref.	M11/19537
Previous Item No's	N/A
Disclosure of Interest	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> .

Committee Recommendation

That Council:

1. **Receives the Carbon Inventory and Management Report Baseline Year 2009–2010 as recommended by the Sustainable Nedlands Committee.**
2. **Commissions the Carbon Inventory process for 2010–2011 to establish a valid baseline year to support the development of an effective Carbon Reduction Strategy and Action Plan.**

Recommendation to Committee

Council:

1. Receives the Carbon Inventory and Management Report Baseline Year 2009–2010 as recommended by the Sustainable Nedlands Committee.
2. Agrees to publish the Carbon Inventory and Management Report Baseline Year 2009–2010 on the City's website and be available to residents.

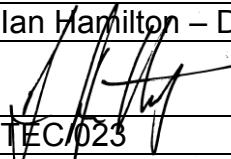
3. Endorses the development of draft Carbon Reduction Strategy and Action Plan for consultation with the community and consideration by Council.
4. Endorses future annual inventories be prepared and be published on the City's website and be made available to the community.

12.3 Technical Services Report No's T11.12 (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.

T11.12	Beecham Road Retaining Wall Stage 1 & 2 Tender
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Committee	8 November 2011
Council	22 November 2011

Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Maria Hulls - A/Manager Engineering Services
Director	Ian Hamilton – Director Technical Services
Directors Signature	
File ref.	TEC/023
Previous Item No's	T10.10 - 30 March 2010 / Item 14.5 – 24 May 2011
Disclosure of Interest	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> .

Committee Recommendation / Recommendation to Committee


Council accepts the tender submitted by Italia Stone Group Pty Ltd for the construction of stage one and two of the Beecham Road retaining wall at a cost of \$710,976.00 (excluding GST).

12.4 Community & Strategy Report No's CM10.11 to CM11.11 (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.

CM10.11 Policy Review

Committee	8 November 2011
Council	22 November 2011

Applicant	City of Nedlands
Owner	City of Nedlands
Director	Carlie Eldridge – Director Development Services and Ian Hamilton – Director Technical Services
Director Authorising	Darla Blake - Director Community and Strategy
Director Signature	
File ref.	CRS/065
Previous Item No's	Nil
Disclosure of Interest	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> .

Committee Recommendation

That this matter be referred back to Administration for further consideration.


Recommendation to Committee

Council approves the following policies:

1. Trading in Public Places
2. Elected Members – Entitlements
3. Graffiti Management
4. Underground Power – Council Schemes

CM11.11	Nedlands Aged Persons Homes Trust Inc. (Lisle Villages) – Proposed Change to Constitution
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Committee	8 November 2011
Council	22 November 2011

Applicant	Nedlands Aged Persons Homes Trust Inc. (Lisle Villages)
Owner	Nedlands Aged Persons Homes Trust Inc. (Lisle Villages)
Director	Darla Blake - Director Community and Strategy
Director Signature	
File ref.	CMS/155
Previous Item No's	Report C73.04 – Item 14.5 – 14 December 2004 Report C10/133 – Item 13.3 – 26 October 2010
Disclosure of Interest	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> .

Committee Recommendation

That this item be deferred to the next meeting to allow Councillor Collins time to meet with the executives of the Nedlands Aged Persons Homes Trust (Inc) before discussion of the item takes place.

Recommendation to Committee

1. Council approves the withdrawal of the section of the Nedlands Aged Persons Home Trust Inc (Lisle Villages) Constitution requiring City of Nedlands approval for any changes to the constitution (Clause 21) subject to:

A restrictive covenant first being registered against the certificates of title to:

- i. 125 (Lot 93) Alfred Road, Mount Claremont;
- ii. 53-57 (Lots 104 and 105) Lisle Street, Mount Claremont;

pursuant to section 129BA of the *Transfer of Land Act 1893*, in which the owner of that land agrees that the land may not be used


for any purpose other than accommodation for aged persons; to which, the Council agrees that the Rules of the Association (Constitution) for the Nedlands Aged Persons Home Trust (Inc) may be amended accordingly.

2. In the event the Chief Executive Officer forms the opinion that the registration of the restrictive covenant required by the preceding resolution is not possible or is impractical, as an alternative a deed between the owner of the land and the City of Nedlands may be prepared, in which the owner covenants to use the land only for aged persons accommodation, and charges the land in favour of the City of Nedlands to allow the lodgement of an absolute caveat against the certificates of title.
3. The restrictive covenant (or the deed and caveat if required) is to be prepared to the satisfaction of the Chief Executive Officer by the City's solicitors. All costs associated with the preparation and registration of the documents, are to be borne by Nedlands Aged Persons Homes Trust Inc (Lisle Villages).
4. Once a restrictive covenant or other mechanism is in place to ensure that the land remains as aged persons accommodation, Council agrees to activate the Council resolution of 14 December 2004 (relevant to Clause 9 (v) of the Nedlands Aged Persons Home Trust Inc (Lisle Villages) Constitution), that resolved:

That the Nedlands Aged Persons Home Trust (Inc) be advised that the Council no longer wishes to have a Councillor representative on its Management Committee and would support an amendment to the Nedlands Aged Persons Homes Trust (Inc) constitution to put this change into effect.

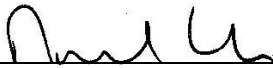
12.5 Corporate Services Report No's CP37.11 to CP41.11 (copy attached)

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.

CP37.11 <i>Monthly Financial Report – September 2011</i>	
Committee	8 November 2011
Council	22 November 2011
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate Service
Director Signature	
File ref.	Fin/072-17
Previous Item No's	Nil
Disclosure of Interest	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> .

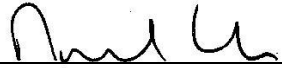
Committee Recommendation / Recommendation to Committee

Council receives the Monthly Financial Report for September 2011.

CP38.11	<i>Investment Report – September 2011</i>
Committee	8 November 2011
Council	22 November 2011
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate Service
Director Signature	
File ref.	Fin/071-07
Previous Item No's	Nil
Disclosure of Interest	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> .

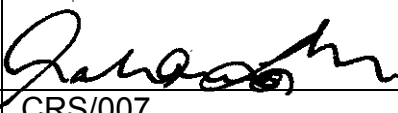
Committee Recommendation / Recommendation to Committee

Council receives the Investment Report for the period ended 30 September 2011.

CP39.11	List of Accounts Paid – September 2011
Committee	8 November 2011
Council	22 November 2011
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rajah Senathirajah – Manager Finance
Director	Michael Cole – Director Corporate Service
Director Signature	
File ref:	Fin/072-17
Previous Item No's	Nil
Disclosure of Interest	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> .

Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of September 2011.

CP40.11 City of Nedlands Code of Conduct	
Committee	8 November 2011
Council	22 November 2011
Applicant	City of Nedlands
Owner	City of Nedlands
Director	Michael Cole - Director Corporate Services
CEO	Graham Foster – Chief Executive Officer
CEO Signature	
File ref.	CRS/007
Previous Item No's	CP34.10 – 26 October 2010
Disclosure of Interest	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 Local Government Act (1995).

Committee Recommendation

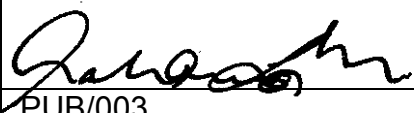
Council workshops the City of Nedlands' Code of Conduct to ensure that the principles and values of the Code reflect and reinforce a culture of best practice in professional conduct.

Recommendation to Committee

Council adopts the City of Nedlands' Code of Conduct in accordance with section 5.103(1) of the *Local Government Act 1995*.

CP41.11	Annual Report and Annual Electors Meeting
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Committee	8 November 2011
Council	22 November 2011

Applicant	City of Nedlands
Owner	City of Nedlands
Director	Michael Cole - Director Corporate Services
CEO	Graham Foster – Chief Executive Officer
CEO Signature	
File ref.	PUB/003
Previous Item No's	Nil
Disclosure of Interest	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 Local Government Act (1995).

Committee Recommendation / Recommendation to Committee

That Council:

1. receives the Annual Report of the City of Nedlands for the Financial Year ended 30 June 2011 comprising:
 - a. report from the Mayor;
 - b. report from the Chief Executive Officer;
 - c. financial report; and
 - d. the Auditor's Report

in accordance with the provisions of Section 5.54 of the *Local Government Act 1995*; and

2. agrees to hold the Annual Meeting of Electors for the City of Nedlands on Tuesday 6 December 2011 at 6.00 pm at the Council Chambers.

13. Reports by the Chief Executive Officer

13.1 Common Seal Register Report – October 2011

The attached Common Seal Register Report for the month of October 2011 is to be received.

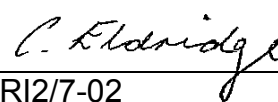
13.2 List of Delegated Authorities – October 2011

The attached List of Delegated Authorities for the month of October 2011 is to be received.

13.3 No.7 (Lot No.112) Riverview Court Dalkeith – Proposed Four Storey Dwelling, front fence and Swimming Pool

D59.11	No.7 (Lot No.112) Riverview Court Dalkeith – Proposed Four Storey Dwelling, front fence and Swimming Pool
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Committee	11 October 2011
Council	22 November 2011

Applicant	Milenkov Designs and Project Management
Owner	Carla Di Latte
Officer	Nick Bakker - Planning Officer
Director	Carlie Eldridge - Director Development Services
Director Signature	
File ref.	RI2/7-02
Previous Item No's	Nil
Disclosure of Interest	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> .

Recommendation to Council

Council approves an application for a proposed four storey dwelling (including swimming pool and front fence) at No.7 (Lot 112) Riverview Court, Dalkeith in accordance with an application dated 28 April 2011 and the amended plans dated 6 September 2011 and 25 October 2011 attached hereto, subject to the following conditions:

1. The proposed screen located on the southern side of balcony 4 shall be increased in length by 1.2 m to protrude a total of

4.7 m, in order to comply with Clause 6.9.1 of the Residential Design Codes (RCodes) (as marked in red on the approved plans).

- 2. The use of the basement and lower levels shall be restricted to the uses as depicted in the plans submitted and dated 6 September 2011 i.e. wine cellar, boat shed, cool room, communications room, toilet, and equipment store for the basement level and; garage, air conditioning plant room, garden store, document store, pool store, and toilet on the lower level.**
- 3. Prior to the issue of a Building Licence for the development the owner shall execute and provide to the City a notification pursuant to section 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 basement and lower levels is subject to the restriction set out in condition 2 above.**
- 4. All stormwater from building and paving areas (including driveways) shall be contained on site by draining to soakwells of adequate capacity to contain runoff from a 10 year recurrent storm event. Capacity of soakwells shall be a minimum of 1.0 m³ for every 80 m² of paved or roofed surface on the property.**
- 5. All crossovers to street shall be constructed to the Council's Crossover Specifications and the applicant/owner to obtain levels for crossovers from the Council's Infrastructure Services under supervision on-site, prior to commencement of works.**
- 6. The parapet wall and footings shall be constructed wholly inside the allotment.**
- 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 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.**
- 8. 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 soakwell situated within the property.**

9. Any swimming pool soakwell shall not be situated closer than 1.8 m to any boundary of a lot, building, septic tank or other soak well.
10. The proposed new retaining wall along the boundary with the Parks and Recreation reservation shall be constructed of natural limestone masonry. (Swan River Trust)
11. The area between the existing and new retaining walls shall be landscaped with local native species in order to reduce water and fertiliser requirements (see Advice Note). (Swan River Trust)
12. The boundary at the foot of the proposed ramp shall be fitted with a gate to provide adequate delineation between the private property and the Parks and Recreation reservation. (Swan River Trust)
13. The proposed swimming pool shall be below the natural ground level and fenced with either glass or open style fencing. (Swan River Trust)
14. No fill, building materials, sediment, rubbish or any other deleterious matter shall be placed on the Parks and Recreation Reserve or allowed to enter the river as a result of the development. (Swan River Trust)
15. No wastewater/backwash from the swimming pool is to be discharged into the river or the local government drainage system. (Swan River Trust)
16. Stormwater drainage shall be contained on site, or connected to the local government stormwater drainage system. (Swan River Trust)
17. 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:

- a. Without limiting Condition 17, it is advised that further planning approval shall be required for:
 - i. any proposed dividing fence greater than 1.8 m above natural ground level;
 - ii. any additional fill/retaining not shown on the plans;

- b. All internal WC's and ensuites without window access to outside air must be serviced by mechanical ventilation, which is ducted to outside air and the minimum rate of air change must be equal or greater than 25 litres per second.
- c. All swimming pool waste water is to be disposed of into an adequate dedicated soakwell located on the same lot, or in a manner approved by the Council's Sustainable Nedlands department.
- d. Ensure that airconditioner unit(s) comply with relevant Australian Standards and that noise emissions comply with the Environmental Protection (Noise) Regulations 1997.
- e. It is strongly advised that consultation is undertaken with the installer and adjoining neighbour(s) prior to installation of air-conditioning equipment. In the event of a noise complaint being received by the City, remedial action (including potential relocation or other attenuation measures) may be required or the airconditioner may be prohibited from being used. It is recommended that applicants refer to the City's Visual and Acoustic Privacy Information document and also the fairair noise calculator online at www.fairair.com.au.
- f. Any pump or pump enclosure and filter equipment for the swimming pool/spa pool should be carefully located so as to ensure that a nuisance is not caused by unreasonable noise or vibration. Should noise levels exceed those stipulated in the Environmental Protection (Noise) Regulations 1997, equipment may require relocation or other attenuation measures, or the equipment may be prohibited from being used. It is recommended that applicants refer to the City's Visual and Acoustic Privacy Information document.
- g. The applicant is advised that launching a vessel directly from a trailer into waters in the Trust Development Control Area is an offence under the Swan and Canning Rivers Management Regulations 2007, except at a permitted launching place. (Swan River Trust)
- h. With regard to Condition 2, the Trust can be contacted for assistance to select appropriate species for landscaping. (Swan River Trust)
- i. The applicant is advised that the selected building materials and colour scheme for the development should be of a low reflective standard, and harmonise with the river environment. (Swan River Trust)
- j. The applicant is advised that the Swan River Trust does not permit the discharge of swimming pool water or backwash

water into the river as the treated water may contain chemicals that are detrimental to riverine ecology. The use of limestone-lined soak wells may be appropriate to carry out this function. (Swan River Trust)

- k. The applicant is advised to contact the Department of Indigenous Affairs to ensure that the proposed works do not breach any section of Part IV (Protection of Indigenous Sites) of the Aboriginal Heritage Act 1972. (Swan River Trust)**

Committee Recommendation / Recommendation to Committee

Council approves an application under the City's Town Planning Scheme No. 2 (TPS2) and recommends that the Western Australian Planning Commission (WAPC) approve the application under the MRS for the proposed four storey dwelling (including swimming pool and front fence) at No.7 (Lot 112) Riverview Court, Dalkeith in accordance with an application dated 28 April 2011 and the amended plans dated 6 September 2011 attached hereto, subject to the following conditions:

1. prior to the issue of a building licence, the plans shall be amended to show the proposed screen located on the southern side of balcony 4 shall be increased in length by 1.2 m to protrude a total of 4.7 m, in order to comply with Clause 6.9.1 of the Residential Design Codes (RCodes) (as marked in red on the approved plans);
2. the proposed roof decks are to remain non-accessible;
3. the use of the basement and lower levels shall be restricted to the uses as depicted in the plans submitted and dated 6 September 2011 i.e. wine cellar, boat shed, cool room, communications room, toilet, and equipment store for the basement level and; garage, air conditioning plant room, garden store, document store, pool store, and toilet on the lower level;
4. prior to the issue of a Building Licence for the development the owner shall execute and provide to the City a notification pursuant to section 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 basement and lower levels is subject to the restriction set out in condition 2 above;
5. all stormwater from building and paving areas (including driveways) shall be contained on site by draining to soakwells of adequate capacity to contain runoff from a 10 year recurrent storm event and the capacity of soakwells shall be a minimum of 1.0 m³ for every 80 m² of paved or roofed surface on the property;

6. all crossovers to street shall be constructed to the Council's Crossover Specifications and the applicant/owner to obtain levels for crossovers from the Council's Infrastructure Services under supervision on-site, prior to commencement of works;
7. the parapet wall and footings shall be constructed wholly inside the allotment;
8. 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 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;
9. 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 soakwell situated within the property;
10. any swimming pool soakwell shall not be situated closer than 1.8 m to any boundary of a lot, building, septic tank or other soak well; and
11. 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:

- a. Without limiting Condition 10, it is advised that further planning approval shall be required for:
 - i. any proposed dividing fence greater than 1.8 m above natural ground level;
 - ii. any additional fill/retaining not shown on the plans;
- b. you are advised that a new easement along the southern side of the lot is needed for the purposes of stormwater drainage;
- c. with specific reference to the Water Corporation sewer easement located adjacent to the eastern and southern boundaries, you are advised to ensure that the proposed dwelling is clear of all easements located on the property or alternatively the necessary arrangements have been made with the appropriate authorities.

- d. all internal WC's and ensuites without window access to outside air must be serviced by mechanical ventilation, which is ducted to outside air and the minimum rate of air change must be equal or greater than 25 litres per second;
- e. all swimming pool waste water is to be disposed of into an adequate dedicated soakwell located on the same lot, or in a manner approved by the Council's Sustainable Nedlands department;
- f. ensure that airconditioner unit(s) comply with relevant Australian Standards and that noise emissions comply with the Environmental Protection (Noise) Regulations 1997.
- g. it is strongly advised that consultation is undertaken with the installer and adjoining neighbour(s) prior to installation of air-conditioning equipment. In the event of a noise complaint being received by the City, remedial action (including potential relocation or other attenuation measures) may be required or the airconditioner may be prohibited from being used. It is recommended that applicants refer to the City's Visual and Acoustic Privacy Information document and also the fairair noise calculator online at www.fairair.com.au;
- h. any pump or pump enclosure and filter equipment for the swimming pool/spa pool should be carefully located so as to ensure that a nuisance is not caused by unreasonable noise or vibration. Should noise levels exceed those stipulated in the Environmental Protection (Noise) Regulations 1997, equipment may require relocation or other attenuation measures, or the equipment may be prohibited from being used. It is recommended that applicants refer to the City's Visual and Acoustic Privacy Information document; and

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.

14.1 Councillor Binks – Traffic Humps in Carrington Street

At the Council meeting on 25 October 2011 Councillor Binks gave notice of his intention to move the following at this meeting.

Council directs Administration to remove the Traffic Humps in Carrington Street.

Supporting comment.

Since the "traffic calming devices" further safety initiatives have been done by administration, that being connecting the chicane just West of the Dalkeith Road roundabout. It is now possible for adults and children using Carrington street to cross at a point which is not congested by vehicles using the roundabout. There is also a reasonable distance for both vehicular traffic and pedestrians to observe each other, making the crossing safer. It is possible for people South of Carrington Street to only cross a major road once as they can get to the controlled crossing at Smyth and Monash Roads using pathways on the westside of Dalkeith and Smyth.

Administration Comment

The remaining two "traffic calming devices" are within MRWA standards and within construction tolerance. Since their installation the two remaining "traffic calming devices" have reduced the speed of vehicles travelling on Carrington St. In addition, there has been no reported crashes/ accident at the roundabout at Broome St and Carrington St (Amco Steel guard barriers).

It has also been observed that children still cross at the roundabout at Dalkeith Rd and Carrington St. Therefore with the above mentioned information in mind, administration does not support the removal or modification of the existing two "traffic calming devices" as it may have a detrimental effect on traffic speed / vehicle / pedestrian crashes.

14.2 Councillor Argyle – Rename Verges

Councillor Argyle gave notice of his intention to move the following at this meeting.

That verges be renamed and become known as "Nature Strips".

Supporting Comments from Councillor Argyle:

Verges/nature strips exist extensively throughout the city of Nedlands, usage is by convention, a partnership between Ratepayers, Residents and their City Council. The word verge came into being as society organised itself; the word nature was in place before society organised itself, as in Crown lands, as set aside since, by society as Parks and Gardens; Verges/Nature strips.

Meaning of the Word "Verge" - To have a particular direction to lie or extend towards a specific point. The bounds, limits, or precincts of a particular place. The extreme edge, brink, border of a surface area, but regarded as having definite limits. A limiting or bounding belt or strip. A grass edging of flower-bed, etc from a walkway or road. Edge of tiles projecting over a gable - board. Wand or rod carried before bishop, dean etc, as an emblem of office.

Meaning of the Word "Nature" - Based on the innate moral sense, instinctive (natural law justice and virtue) established by nature and natural resources. Process favouring survival best adapted to our environment. An arrangement according to natural features. Nature study (as school subject), practical study of plant, animal, in particular bird life. Trail path through woods etc, set aside to draw attention to interesting natural objects. "Nature Strip" a piece of street lawn with or without trees in front of a place of living between fence or footpath and roadway or between dual carriageways, as in Hackett Drive, Thomas Street, through Nedlands and Subiaco. To stimulate pride and awareness in our society as to the importance of our natural surrounds.

Administration Comment:

Verge is the term in current use amongst the majority of Local Governments in WA and is considered all encompassing in its characteristic, whereas the implication of "nature strip" may harbour a belief that the area is naturally landscaped. There are considerable hard stand areas between the boundary and the edge of the carriageway that contain no vegetation. The Local Government Act 1995 also uses the term 'verge' to mean that part of the land between the carriageway and the land which abuts the thoroughfare.

14.3 Adams Road

Committee Recommendation

That all road works at Adams Rd Dalkeith be postponed to enable Council to properly consider option 3 as presented by the engineers McDowall Affleck.

Comment:

1. Options 1, 2 and 3 were presented by the engineers and sent for public comment. Option 3 was then discarded on the basis that all consulted neighbours, with the exception of Mr Marron and one other, objected to option 3. Mr Marron requested option 3 as his preferred option and was very happy with this outcome. Elected members have been advised by administration that the objections of the neighbours was the main reason that option 3 was discarded. It was therefore never debated or considered by council. This is considered to be an unsafe basis upon which to have discarded option 3 due to the obvious ongoing tension between Mr Marron and his neighbours.
2. Option 3 has not been costed but enquiries reveal that it may be less expensive.
3. The planned road works impact exclusively on Mr Marron.
4. The planned road works provide encouragement for vehicles to venture onto the steep lower section of Adams Road.
5. The planned road works do not provide the best outcome in terms of providing ease of access for the rubbish truck.
6. Option 3 appears from the drawings to be more aesthetically pleasing and more functional in terms of the objectives of the road works required and it seems to address the problems in the street more totally than the current proposed road works.
7. To provide procedural fairness to Mr Marron, the council ought to fully consider this 3rd option.

14.4 Metropolitan Local Government Review

Committee Recommendation

That:

- 1. the City of Nedlands prepares and lodges a submission to the Metropolitan Local Government Review Panel by 23 December 2011 ;**
- 2. the submission should emphasise the importance of building on the history and structure of governance existing in the Perth metropolitan area, not importing an alien model from elsewhere;**
- 3. the submission is to include an examination of the option of retaining existing local governments in Perth's western suburbs and strengthening and developing a group entity with multi-functional regional responsibilities.**

Comment:

At the Local Government Managers Australia conference at Fremantle on 4 November 2011, the Chair of the Metropolitan Local Government Review Panel, Professor Alan Robson, spoke on the review. He stated the terms of reference provided a strong mandate for change and this was a once-in-a-lifetime opportunity. He interpreted this as a directive to examine the appropriateness of alternative governance structures for capacity building in regional, financial and social planning. The review was looking at Auckland, with its metropolitan government and local boards (a top down approach) and Vancouver with its over-arching voluntary metropolitan board (a bottom up approach). Professor Robson said "If starting again, it is unlikely there would be 30 local governments in the Perth metropolitan area". He wanted to avoid metropolitan mediocrity and there was a strong desire for change. Leadership was about making decisions; history remembers people with courage, not the naysayers.

There were many questions to Professor Robson, which he had difficulty answering.

It is understandable that the State Government wants to reduce the number of local governments it has to deal with: 30 in the metropolitan area and 139 throughout WA. If it dealt only with regional groups for the distribution of road funds, Royalties for Regions grants, etc, the number could be reduced to less than 10 in country areas and around the same number in the metropolitan area.

This could be the basis of the City of Nedlands' submission to the Metropolitan Local Government Review.

14.5 Scheme Amendment No. 192 Town Planning Scheme No. 2 – Dalkeith Special Control Area Provisions

Committee Recommendation

The Ministers instructions are taken under protest as the Scheme Amendment No. 192 is:

- **contrary to the views of the majority of the community;**
- **contrary to the outcomes of extensive community consultation; and**
- **contrary to orderly and proper planning undertaken by the City.**

Recommendation to Committee

That the City of Nedlands discontinues amendment No. 192 of Town Planning Scheme No. 2.

Comment:

The City of Nedlands in good faith initiated scheme amendment No. 192 of Town Planning Scheme No. 2 to increase commercial and residential densities along Waratah Avenue Dalkeith, in accordance with State Government policies. After much community consultation a compromise was reached and documents submitted to the Minister for Planning, for approval.

The Minister requested changes to further increase densities, which were rejected by a clear majority of submissions from the community. Notwithstanding, the minister has resolved to override all objections.

It is now considered that Amendment No. 192 is unacceptable to the community and City of Nedlands.

A town planning scheme amendment initiated by a local government can be discontinued at any time. However under clause 76 of the Planning and Development Act, the Minister has the power to order a local government to prepare or adopt a scheme or amendment.

It is recommended that the City of Nedlands discontinues Amendment No. 192. The Minister could instruct the Council to finalise the

amendment. However in that event, the responsibility for the amendment would lie squarely with the Minister, not the Council who would keep faith with the community.

Council's solicitors have been asked to confirm the wording of the resolution.

15. Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 13 December 2011

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 13 December 2011 to be tabled at this point in accordance with Clause 3.9(2) of Council's Local Law Relating to Standing Orders.

15.1 Councillor Hodsdon – Parking Restrictions – North Hollywood

In accordance with Standing Orders, Councillor Hodsdon gave notice of his intention to move the following at the Council Meeting to be held on 13 December 2011.

That the City

- 1. sends a letter to ratepayers in the area bounded by Aberdare Road, Kingston Street, Verdurum Street and Kitchener Street and those bound by Williams Road, Hampden Road, Stirling Hwy Smyth Road and Monash Avenue to gather the information on whether they would like no parking on both sides of the street Monday to Friday from 9am to 5pm**
- 2. should the response be an absolute majority then that street will be actioned with no parking Monday to Friday from 9am to 5pm**
- 3. each resident is given one temporary parking permit valid for outside their residence only with the condition that the cars owner is at the residence while the car is there.**

Administration Comment

Administration have engaged an independent traffic consultant to investigate various issues such as traffic movements, traffic volumes, vehicle types and potential traffic solutions in the North Hollywood Precinct as per Traffic Management Committee Resolution on 2 June 2011.

Committee Recommendation

Committee:

- a. receives the report;
- b. requests Administration undertake a traffic and parking monitoring program for a minimum of 3 consecutive months in length to determine traffic movement patterns, parking patterns and heavy vehicle and truck movements in North Hollywood residential area and report back by December 2011;
- c. requests Administration investigate and implement temporary measures to prevent QEII construction traffic particularly trucks from using the North Hollywood residential area; and
- d. requests Administration write to all residents in North Hollywood and advise them on the traffic management.

In addition through Administrations internal Integrated Strategic Transport Working Group, Administration will be reviewing the 2009 Draft Parking Strategy which will encompass issues at both the individual precincts and at a city wide level/approach.

Therefore Administration does not support this notice of motion.

15.2 Councillor Hodsdon – Parking Smyth Road and Park Road

In accordance with Standing Orders, Councillor Hodsdon gave notice of his intention to move the following at the Council Meeting to be held on 13 December 2011.

That the City implements “No parking on verge Monday to Friday from 9am to 5pm” On Smyth Road between Verdun Street and Monash Avenue and the same on Park Street from Hampton Road to Williams Road.

Administration Comment

At the Traffic Management Committee held 2 August 2011, the Committee Recommendation a similar outcome as follows:

Committee Recommendation

1. Administration be instructed to implement a two (2) hour parking restriction (2P) 8 am to 5 pm, Monday to Friday “Verge only” on the eastern side of Smyth Road from Monash Avenue to Verdun Street and that no verge parking be permitted on the western side of Smyth Road from Monash Avenue to Verdun Street for a trial period of six (6) months;
2. Instruct Administration to undertake community consultation with residents and stakeholders within the area including hospital staff; and
3. Investigate options for formalised street and off street parking on Smyth Road.

Points 1 & 2 have been completed and point 3 is being investigated.

15.3 Councillor Hodsdon – Parking near UWA Campus

In accordance with Standing Orders, Councillor Hodsdon gave notice of his intention to move the following at the Council Meeting to be held on 13 December 2011.

That the City designates parking bordering UWA campus on Gordon Street and Clifton Street becomes 2 hours only for Monday to Friday from 9am to 5pm.

Administration Comment

Administration supports and therefore should go out to Community Consultation with the results being presented to Council.

15.4 Councillor Hodsdon – Resource Sharing – Planning and Ranger Services

In accordance with Standing Orders, Councillor Hodsdon gave notice of his intention to move the following at the Council Meeting to be held on 13 December 2011.

That the City looks at sharing planning and ranger services with Town of Claremont and the City of Subiaco.

Administration Comment

Supported. Discussions have been held in respect to sharing rangers but have been unsuccessful due to other Councils withdrawing from discussions.

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

Any urgent business to be considered at this point.

17. Confidential Items

Any confidential items to be considered at this point.

Declaration of Closure

There being no further business, the Presiding Member will declare the meeting closed.



Graham Foster
Chief Executive Officer

Attachment to Item 13.1

Council Meeting – 22 November 2011

Common Seal Register Report – October 2011

OCTOBER 2011

583	4 October 2011	Development Services	Council Resolution 23 August 2011	Mt Claremont Cafe Lease (2 copies) 19 Haldane Street Mt Claremont – between City of Nedlands and La Mousse Cafe & Patisserie
584	26 October 2011	Development Services	Delegated Authority	Notification under Section 70A – Lot 259 No. 101 Victoria Avenue Dalkeith – Restrict Use of garage level to garage or storage.
585	26 October 2011	Development Services	Delegated Authority	Notification under Section 70A –Lot 753 No. 11 Circe Circle Dalkeith – Restrict use of basement level (ie garage, store or wine cellar)

Attachment to Item 13.2

Council Meeting – 22 November 2011

List of Delegated Authorities – October 2011

**DELEGATED AUTHORITY REPORT**

List of Delegated Authority - October 2011

Page 1

Date 15/11/2011

Time 3:38:20 PM

Login Name Nicole Borowicz

DEL11/521**Mt Claremont Cafe Lease (2 copies) 19 Haldane Street Mt Claremont – between City of Nedlands and La Mousse Cafe & Patisserie***Delegation Type* 1D - Use of Council's Common Seal and Authority to Sign Documents*Date Registered* 4/10/2011 at 5:06 PM*Position Exercising Delegated Authority* Chief Executive Officer*How Delegation Is Recorded* Seal Register*Applicant* City of Nedlands (Addressee)**DEL11/522****Approval to write off of minor rate debts - Sept 2011 - \$128.64***Delegation Type* 3F - Write off of Minor Debts*Date Registered* 6/10/2011 at 8:13 AM*Position Exercising Delegated Authority* Chief Executive Officer*How Delegation Is Recorded* Authorisation Form*Applicant* City of Nedlands (Addressee)**DEL11/523****7 (Lot 192) Kinninmont Avenue Nedlands - Additions to Carport and Patio***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 10/10/2011 at 7:27 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Midland Outdoor Centre (Addressee)**DEL11/524****39 (Lot 37) Langham Street Nedlands - Two Storey Additions/Alterations and Carport***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 10/10/2011 at 7:28 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Tascone Design Team (Addressee)**DEL11/525****86 (Lot 237) Birkdale Street Floreat - Single Storey Additions to Dinning Room Only***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 10/10/2011 at 7:30 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* David Allen Brittain (Addressee)**DEL11/526****35 (Lot 215) Verdun Street Nedlands - Two Storey Dwelling***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 10/10/2011 at 7:31 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Arkitek 10 (Addressee)**DEL11/527****7 (Lot 127) Archdeacon Street Nedlands - Front and Rear Boundary Fencing***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 10/10/2011 at 7:33 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Luke & Karen O'Malley (Addressee)**DEL11/528****86 (Lot 8) Brookdale Street Floreat - Single Storey Additions/Alterations***Delegation Type* 6A - TPS No 2 - Approval and Refusal of Planning Applications*Date Registered* 10/10/2011 at 7:35 AM*Position Exercising Delegated Authority* Manager Statutory Planning*How Delegation Is Recorded* Approval Letter (Planning D'A/s)*Applicant* Tangent Nominees Pty (Addressee)

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DEL11/529**30 (Lot 380) Bedford Street Nedlands - Swimming Pool****Delegation Type** 6A - TPS No 2 - Approval and Refusal of Planning Applications**Date Registered** 10/10/2011 at 7:36 AM**Position Exercising Delegated Authority** Manager Statutory Planning**How Delegation Is Recorded** Approval Letter (Planning D'A/s)**Applicant** Sapphire Pools (Addressee)**DEL11/530****57 (Lot 3850) Goldsmith Road Dalkeith - Front Fence****Delegation Type** 6A - TPS No 2 - Approval and Refusal of Planning Applications**Date Registered** 10/10/2011 at 7:37 AM**Position Exercising Delegated Authority** Manager Statutory Planning**How Delegation Is Recorded** Approval Letter (Planning D'A/s)**Applicant** Gerard & Margaret Andre (Addressee)**DEL11/531****25 (Lot 314) Lisle Street Mt Claremont - Amendments to Approval - Rainwater tank Installation, Removal of Obscured Glazing and Screening****Delegation Type** 6A - TPS No 2 - Approval and Refusal of Planning Applications**Date Registered** 10/10/2011 at 7:38 AM**Position Exercising Delegated Authority** Manager Statutory Planning**How Delegation Is Recorded** Approval Letter (Planning D'A/s)**Applicant** Peter & Nicola Netherway (Addressee)**DEL11/532****24 (Lot 383) Bedford Street Nedlands - Swimming Pool****Delegation Type** 6A - TPS No 2 - Approval and Refusal of Planning Applications**Date Registered** 10/10/2011 at 7:40 AM**Position Exercising Delegated Authority** Manager Statutory Planning**How Delegation Is Recorded** Approval Letter (Planning D'A/s)**Applicant** Todd Mitsos (Addressee)**DEL11/533****52 (Lot 674) Gallop Road Dalkeith - Outbuilding to Single House****Delegation Type** 6A - TPS No 2 - Approval and Refusal of Planning Applications**Date Registered** 10/10/2011 at 7:41 AM**Position Exercising Delegated Authority** Manager Statutory Planning**How Delegation Is Recorded** Approval Letter (Planning D'A/s)**Applicant** Stratco (WA) Pty Ltd (Addressee)**DEL11/534****6 (Lot 271) The Lodge Mt Claremont - Additions to Ground Floor of Single House****Delegation Type** 6A - TPS No 2 - Approval and Refusal of Planning Applications**Date Registered** 10/10/2011 at 7:42 AM**Position Exercising Delegated Authority** Manager Statutory Planning**How Delegation Is Recorded** Approval Letter (Planning D'A/s)**Applicant** Neil Wilson Constructions (Addressee)**DEL11/535****12/49 (Lot 12) Broome Street Nedlands - Additions to Garage and Boundary Wall to Grouped Dwellings****Delegation Type** 6A - TPS No 2 - Approval and Refusal of Planning Applications**Date Registered** 10/10/2011 at 7:44 AM**Position Exercising Delegated Authority** Manager Statutory Planning**How Delegation Is Recorded** Approval Letter (Planning D'A/s)**Applicant** Alan L Gibbs (Addressee)**DEL11/536****22 (Lot 158) Neville Road Dalkeith - Retrospective Retaining Wall****Delegation Type** 6A - TPS No 2 - Approval and Refusal of Planning Applications**Date Registered** 10/10/2011 at 7:46 AM**Position Exercising Delegated Authority** Manager Statutory Planning**How Delegation Is Recorded** Approval Letter (Planning D'A/s)**Applicant** Webb & Brown-Neaves (Addressee)

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Continued...**DEL11/537****137a (Lot 802) Rochdale Road Mt Claremont - Front Fence and Gatehouse to Single House***Delegation Type***6A - TPS No 2 - Approval and Refusal of Planning Applications***Date Registered***10/10/2011 at 7:47 AM***Position Exercising Delegated Authority***Manager Statutory Planning***How Delegation Is Recorded***Approval Letter (Planning D'A/s)***Applicant***Andrew & Katherine Bathgate (Addr****DEL11/538****95 (Lot 255) Smyth Road Nedlands - Swimming Pool to Single House***Delegation Type***6A - TPS No 2 - Approval and Refusal of Planning Applications***Date Registered***10/10/2011 at 7:49 AM***Position Exercising Delegated Authority***Manager Statutory Planning***How Delegation Is Recorded***Approval Letter (Planning D'A/s)***Applicant***Sapphire Pools (Addressee)****DEL11/539****29 (Lot 312) Lisle Street Mt Claremont - Amendments from DA10/59 and Retrospective Approval for Loft Windows***Delegation Type***6A - TPS No 2 - Approval and Refusal of Planning Applications***Date Registered***10/10/2011 at 7:50 AM***Position Exercising Delegated Authority***Manager Statutory Planning***How Delegation Is Recorded***Approval Letter (Planning D'A/s)***Applicant***Savvy Construction (Addressee)****DEL11/540****Community Grant - Church Music Concert - NOT APPROVED (Core business of applicant)***Delegation Type***10E - Community and Cultural Development Fund***Date Registered***10/10/2011 at 11:58 AM***Position Exercising Delegated Authority***Manager Community Development***How Delegation Is Recorded***Authorisation Form***Applicant***Nathan & Chanelle Clifford (Address****DEL11/541****Community Grant - International Day for People with Disability Breakfast***Delegation Type***10E - Community and Cultural Development Fund***Date Registered***11/10/2011 at 3:43 PM***Position Exercising Delegated Authority***Manager Community Development***How Delegation Is Recorded***Authorisation Form***Applicant***Tanya McDonald (Addressee)****DEL11/542****Community Grant - Swanbourne Xmas Carols***Delegation Type***10E - Community and Cultural Development Fund***Date Registered***17/10/2011 at 11:17 AM***Position Exercising Delegated Authority***Manager Community Development***How Delegation Is Recorded***Authorisation Form***Applicant***Maxine Mazzucchelli (Addressee)****DEL11/543****Youth Grant - Under 15's Men's State Hockey Championships***Delegation Type***10F - Sponsorship of Youth Initiatives Fund***Date Registered***17/10/2011 at 3:48 PM***Position Exercising Delegated Authority***Manager Community Development***How Delegation Is Recorded***Authorisation Form***Applicant***James Raymond Benetti (Addressee)****DEL11/544****Youth Grant - Future Problem Solving Championships National Finals***Delegation Type***10F - Sponsorship of Youth Initiatives Fund***Date Registered***17/10/2011 at 3:52 PM***Position Exercising Delegated Authority***Manager Community Development***How Delegation Is Recorded***Authorisation Form***Applicant***Claire McCarthy (Addressee)**

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Continued...**DEL11/553****64 (Lot 2) Jutland Parade Dalkeith - Three Storey Dwelling***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***6A - TPS No 2 - Approval and Refusal of Planning Applications****21/10/2011 at 11:36 AM****Manager Statutory Planning****Approval Letter (Planning D'A/s)****Milankov Designs (Addressee)****DEL11/554****62 (Lot 421) Stanley Street Nedlands - Outbuilding to Single House***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***6A - TPS No 2 - Approval and Refusal of Planning Applications****21/10/2011 at 11:41 AM****Manager Statutory Planning****Approval Letter (Planning D'A/s)****Vincent & Eileen van Helden (Addre****DEL11/555****114 (Lot 243) Rochdale Road Mt Claremont - Additions to Patio and Outbuilding to Single House***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***6A - TPS No 2 - Approval and Refusal of Planning Applications****21/10/2011 at 11:42 AM****Manager Statutory Planning****Approval Letter (Planning D'A/s)****Judith McDougall (Addressee)****DEL11/556****83 (Lot 33) Birdwood Parade Dalkeith - Additions to Patio to Single House***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***6A - TPS No 2 - Approval and Refusal of Planning Applications****21/10/2011 at 11:45 AM****Manager Statutory Planning****Approval Letter (Planning D'A/s)****R Colin (Addressee)****DEL11/557****54 (Lot 30) Doonan Road Nedlands - Additions to Carport to Single House***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***6A - TPS No 2 - Approval and Refusal of Planning Applications****21/10/2011 at 11:47 AM****Manager Statutory Planning****Approval Letter (Planning D'A/s)****Carport Constructions (Addressee)****DEL11/558****11 (Lot 330) Florence Road Nedlands - Swimming Pool***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***6A - TPS No 2 - Approval and Refusal of Planning Applications****21/10/2011 at 11:49 AM****Manager Statutory Planning****Approval Letter (Planning D'A/s)****Buccaneer Pools (Addressee)****DEL11/559****91 (Lot 645) Thomas Street Nedlands - Tennis Court and Lights***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***6A - TPS No 2 - Approval and Refusal of Planning Applications****21/10/2011 at 11:50 AM****Manager Statutory Planning****Approval Letter (Planning D'A/s)****Pierre & Justine Schinazi (Addressee)****DEL11/560****31 (Lot 2) Cooper Street Nedlands - Additions to Two Storey to Grouped Dwelling***Delegation Type**Date Registered**Position Exercising Delegated Authority**How Delegation Is Recorded**Applicant***6A - TPS No 2 - Approval and Refusal of Planning Applications****21/10/2011 at 11:51 AM****Manager Statutory Planning****Approval Letter (Planning D'A/s)****Juliette Coakes (Addressee)**

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DEL11/561 **13 (Lot 275) Hampden Road Nedlands - Change of Use from Showroom to Consulting Rooms and Proposed Fence**

<i>Delegation Type</i>	6A - TPS No 2 - Approval and Refusal of Planning Applications
<i>Date Registered</i>	21/10/2011 at 12:05 PM
<i>Position Exercising Delegated Authority</i>	Manager Statutory Planning
<i>How Delegation Is Recorded</i>	Approval Letter (Planning D'A/s)
<i>Applicant</i>	Tang Hee Family Trust (Addressee)

DEL11/562 **75 (Lot 642) Waratah Avenue Dalkeith - Outbuilding to Single House**

<i>Delegation Type</i>	6A - TPS No 2 - Approval and Refusal of Planning Applications
<i>Date Registered</i>	21/10/2011 at 12:11 PM
<i>Position Exercising Delegated Authority</i>	Manager Statutory Planning
<i>How Delegation Is Recorded</i>	Approval Letter (Planning D'A/s)
<i>Applicant</i>	Ralf Dresen (Addressee)

DEL11/563 **10 (Lot 4300) Kathryn Crescent Dalkeith - Two Storey Dwelling**

<i>Delegation Type</i>	6A - TPS No 2 - Approval and Refusal of Planning Applications
<i>Date Registered</i>	21/10/2011 at 12:12 PM
<i>Position Exercising Delegated Authority</i>	Manager Statutory Planning
<i>How Delegation Is Recorded</i>	Approval Letter (Planning D'A/s)
<i>Applicant</i>	Webb & Brown-Neaves (Addressee)

DEL11/564 **99 (Lot 541) Broadway Nedlands - Retaining and Portion of South Boundary Fence to Non-Residential Premises**

<i>Delegation Type</i>	6A - TPS No 2 - Approval and Refusal of Planning Applications
<i>Date Registered</i>	21/10/2011 at 12:14 PM
<i>Position Exercising Delegated Authority</i>	Manager Statutory Planning
<i>How Delegation Is Recorded</i>	Approval Letter (Planning D'A/s)
<i>Applicant</i>	MCD Construction (Addressee)

DEL11/565 **83 (Lot 3) Vincent Street Nedlands - Two Storey Dwelling**

<i>Delegation Type</i>	6A - TPS No 2 - Approval and Refusal of Planning Applications
<i>Date Registered</i>	21/10/2011 at 12:15 PM
<i>Position Exercising Delegated Authority</i>	Manager Statutory Planning
<i>How Delegation Is Recorded</i>	Approval Letter (Planning D'A/s)
<i>Applicant</i>	Arcologic Design (Addressee)

DEL11/566 **103 (Lot 43) Clement Street Swanbourne - Two Storey Dwelling and Swimming Pool**

<i>Delegation Type</i>	6A - TPS No 2 - Approval and Refusal of Planning Applications
<i>Date Registered</i>	21/10/2011 at 12:16 PM
<i>Position Exercising Delegated Authority</i>	Manager Statutory Planning
<i>How Delegation Is Recorded</i>	Approval Letter (Planning D'A/s)
<i>Applicant</i>	Lyons Architecture & Interiors (Addressee)

DEL11/567 **Seal Certification - Seal No. 584 - Notification under Section 70A - Lot 259 No. 101 Victoria Avenue Dalkeith - Restrict Use of garage level to garage or storage.**

<i>Delegation Type</i>	1D - Use of Council's Common Seal and Authority to Sign Documents
<i>Date Registered</i>	26/10/2011 at 11:25 AM
<i>Position Exercising Delegated Authority</i>	Chief Executive Officer
<i>How Delegation Is Recorded</i>	Seal Register
<i>Applicant</i>	Jahnn Stati (Addressee)

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DEL11/568**Seal Certification - Seal No. 585 Notification under Section 70A –Lot 753 No. 11 Circe Circle Dalkeith – Restrict use of basement level (ie garage, store or wine cellar)***Delegation Type* 1D - Use of Council's Common Seal and Authority to Sign Documents*Date Registered* 26/10/2011 at 11:34 AM*Position Exercising Delegated Authority* Chief Executive Officer*How Delegation Is Recorded* Seal Register*Applicant* Julian Feng (Addressee)**DEL11/569****Infringement Withdrawal 501812 - Stephen Kriel***Delegation Type* 9C - Withdrawal of Infringement Notices*Date Registered* 27/10/2011 at 12:08 PM*Position Exercising Delegated Authority* Director Corporate Services*How Delegation Is Recorded* Withdrawal Notice*Applicant* Stephen Kriel (Addressee)**DEL11/570****Infringement Withdrawal 101285 - Pei Shan Chow***Delegation Type* 9C - Withdrawal of Infringement Notices*Date Registered* 31/10/2011 at 10:15 AM*Position Exercising Delegated Authority* Director Corporate Services*How Delegation Is Recorded* Withdrawal Notice*Applicant* Pei Shan Chow (Addressee)