



City of Nedlands

Agenda

Council Committee Meeting

11 February 2020

Dear Council Member

The next meeting of the Council Committee will be held on Tuesday 11 February 2020 in the Council Chambers at the City of Nedlands located at 71 Stirling Highway, Nedlands commencing at 7.00pm.

Mark Goodlet
Chief Executive Officer
6 February 2020

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City of Nedlands

Notice of a meeting of the Council Committee to be held in the Council Chambers, Nedlands on Tuesday 11 February 2020 at 7 pm.

Council Committee Agenda

Declaration of Opening

The Presiding Member will declare the meeting open at 7 pm 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 B G Hodsdon Hollywood Ward
(Previously Approved)

Apologies None as at distribution of this agenda.

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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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.

2. Addresses by Members of the Public (only for items listed on the agenda)

Addresses by members of the public who have completed Public Address Session Forms will be invited to be made as each item relating to their address is discussed by the Committee.

3. 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.

4. 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.

5. 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.

6. Confirmation of Minutes

6.1 Committee Meeting 3 December 2019

The Minutes of the Council Committee held 3 December 2019 are to be confirmed.

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.

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 PD01.20 to PD04.20

Planning & Development Report No's PD01.20 to PD04.20 to be dealt with at this point (copy attached yellow cover sheet).

PD01.20 Unit 1/2a Loch Street, Nedlands – Retrospective Industry - Light Use (Fish Processing Plant with Wholesale and Retail Sales of Seafood)

PD02.20 No. 2A Korel Gardens, Swanbourne – Single House

PD03.20 Local Planning Scheme 3 – Local Planning Policy Laneway Requirements

PD04.20 RFP 2019-20.01 Natural Area Maintenance and Services

8.2 Technical Services Report No's TS01.20 to TS02.20

Technical Services Report No's TS01.20 to TS02.20 to be dealt with at this point (copy attached blue cover sheet).

TS01.20 Execution of Transfer of Land Document – Lot 50 on Deposited Plan 9602

TS02.20 Execution of Transfer of Land Document – Lot 353 on Deposited Plan 182579

8.3 Corporate & Strategy Report No's CPS01.20 to CPS02.20

Report No's CPS01.20 to CPS02.20 to be dealt with at this point (copy attached green cover sheet).

CPS01.20 List of Accounts Paid – November 2019

CPS02.20 List of Accounts Paid – December 2019

9. Reports by the Chief Executive Officer

9.1 Amendment to Register of Delegations – Affixing of Common Seal

Committee	11 February 2020
Council	25 February 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Mark Goodlet
Attachments	Nil.

Executive Summary

This purpose of this report is to request an additional delegation to the CEO for the affixing of the Common Seal when executing approved documents.

Recommendation to Committee

Council approves the additional delegation under Division 3 – Documents, Section 9.49A, Execution of Documents as per the below to the Chief Executive Officer, for inclusion in the Register of Delegations.

Legislation to be delegated	Description of delegation	Conditions and duration (indefinite unless otherwise specified)
Division 3 – Documents		
Section 9.49A Execution of documents	(2) The common seal of a local government is not to be affixed to any document except as authorised by the local government.	(4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.

ABSOLUTE MAJORITY REQUIRED

Discussion/Overview

Local Government Act 1995 - Section 9.49A – Execution of Documents

- (1) A document is duly executed by a local government if —
 - (a) the common seal of the local government is affixed to it in accordance with subsections (2) and (3); or
 - (b) it is signed on behalf of the local government by a person or persons authorised under subsection (4) to do so.
- (3) The common seal of the local government is to be affixed to a document in the presence of —
 - (a) the mayor or president; and
 - (b) the chief executive officer or a senior employee authorised by the chief executive officer, each of whom is to sign the document to attest that the common seal was so affixed.
- (4) A local government may, by resolution, authorise the chief executive officer, another employee or an agent of the local government to sign documents on behalf of the local government, either generally or subject to conditions or restrictions specified in the authorisation.
- (5) A document executed by a person under an authority under subsection (4) is not to be regarded as a deed unless the person executes it as a deed and is permitted to do so by the authorisation.
- (6) A document purporting to be executed in accordance with this section is to be presumed to be duly executed unless the contrary is shown.
- (7) When a document is produced bearing a seal purporting to be the common seal of the local government, it is to be presumed that the seal is the common seal of the local government unless the contrary is shown.

This delegation will expedite the execution of documents previously authorised by Council resolution, without separate authorization to affix the seal. The authorization for signing of documents is made by Council under Section 9.49A (4) and is not able to be delegated to the CEO.

The condition to delegate the CEO the ability to affix the seal is subject to section 9.49 (4) being satisfied, that is, the Council having authorised the signing of the document.

Section 9.49A (3) requires that the affixing of the seal be carried out in the presence of both the Mayor and the CEO, providing further accountability.

Key Relevant Previous Council Decisions:

Nil.

Consultation

Nil.

Budget/Financial Implications

Nil.

Conclusion

The Chief Executive Officer has reviewed the need for this additional delegation to the Register of Delegations and is recommending the amendment as shown above be approved by Council.

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

Any urgent business to be considered at this point.

11. 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.