



City of Nedlands

Minutes

Council Committee Meeting

11 February 2020

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 11 February 2020 at 7 pm.

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)

Councillors	Her Worship the Mayor, C M de Lacy	(Presiding Member)
	Councillor F J O Bennett	Dalkeith Ward
	Councillor W R B Hassell	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor G A R Hay	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward

Staff	Mr M A Goodlet	Chief Executive Officer
	Mrs L M Driscoll	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 8 members of the public present.

Press The Post Newspaper representative.

Leave of Absence (Previously Approved) Councillor B G Hodsdon Hollywood Ward

Apologies Nil.

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.

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

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.

Nil.

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

Mrs Sonia Turkington, 99 Clement Street, Swanbourne PD02.20
(spoke in opposition to the recommendation)

Mr Jeff Simpson, 8 Odern Crescent, Swanbourne PD02.20
(spoke in opposition to the recommendation)

Mr, Richard Tucker, 13 Gainford Lane, Mt Claremont PD02.20
(spoke in support of the recommendation)

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*.

There were no disclosures affecting impartiality.

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

Nil.

6. Confirmation of Minutes

6.1 Committee Meeting 3 December 2019

Moved – Councillor Mangano
Seconded – Councillor McManus

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

CARRIED UNANIMOUSLY 11/-

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 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)
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Committee	11 February 2020
Council	25 February 2020
Applicant	Dynamic Planning and Developments
Landowner	Reginald Reberger and Toni Reberger
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Type 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.
Reference	DA19/36985
Previous Item	Item E89.04 – August 2004
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received
Attachments	<ol style="list-style-type: none"> 1. Submission Table 2. City of Nedlands Local Planning Scheme No. 3 - Assessment Table 3. Applicant Justification Letter <ol style="list-style-type: none"> 1. Plans (CONFIDENTIAL) 2. Waste Management Plan (CONFIDENTIAL) 3. Assessment Sheet (CONFIDENTIAL) 4. Submissions (CONFIDENTIAL)

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hassell

Seconded – Councillor McManus

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council approves the development application dated 8 August 2019 to operate an Industry - Light (fish processing plant with wholesale and retail sales of seafood) at Lot 46 (Unit 1/2a) Loch Street, Nedlands, 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. (Planning)**
- 2. This development approval only pertains to an Industry – Light land use of a fish processing plant, with wholesale and retail sales of seafood at the subject property. It does not pertain to advertising signage. (Planning)**
- 3. A maximum of three (3) staff are permitted on the premises at any one time. (refer to advice note 12). (Planning)**
- 4. The proposed use complying with the Industry - Light definition stipulated under the City of Nedlands Local Planning Scheme No. 3 (refer to advice note 1). (Planning)**
- 5. The Industry – Light use is permitted to operate Monday to Friday 10:00am – 5:30pm and Saturday 9:00am – 12:00pm. Operation on Sundays and Western Australian Public Holidays is not permitted. (Planning)**
- 6. No materials or equipment being stored externally on the property which is visible from off site, or obstructs vehicle manoeuvring areas, vehicle access ways, pedestrian access ways, parking bays and/or (un)loading bays. (Planning)**
- 7. Service and/or delivery vehicles are not to service the premises before 7.00am or after 7.00pm Monday to Saturday, and/or before 9.00am or after 7.00pm on Sundays and Public Holidays unless otherwise approved by the City beforehand. (Planning)**
- 8. All car parking bays, manoeuvring areas and vehicular access ways shown on the approved site plan being marked, sealed and drained, and be maintained thereafter by the landowner to the City's satisfaction. (Planning)**
- 9. All footings and structures to retaining walls, fences and parapet walls, shall be constructed wholly inside the site boundaries of the property's Certificate of Title. (Planning)**
- 10. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite. (Planning)**

- 11. The Waste Management Plan dated 26 September 2019 forms part of this development approval and shall be complied with at all times to the satisfaction of the City of Nedlands. (Planning)**

Advice Notes specific to this proposal:

- 1. With regard to Condition 2, the applicant and landowner(s) are advised that the use of Industry - Light is defined as being the following under the City of Nedlands Local Planning Scheme No. 3:**

Industry means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes-

- (a) the storage of goods;**
- (b) the work of administration or accounting;**
- (c) the selling of goods by wholesale or retail;**
- (d) the provision of amenities for employees;**
- (e) incidental purposes.**

Industry – light means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed. (Planning)

- 2. The applicant shall make application to the City's Building Services for a Building Permit, to seek retrospective approval for any unauthorised works. (Building)**
- 3. Prior to commencing a Food Business* the proprietor shall lodge a Food Business Registration / Notification Form with the City of Nedlands Environmental Health Department for approval.**

***A food business is any business or activity that involves the sale of food or the handling of any type of food for sale in Australia. (Environmental Health)**

- 4. Prior to commencing a Food Business, the premises will be inspected by an Environmental Health Officer from the City which cites whether the Food Business may commence. (Environmental Health)**
- 5. The premises is to comply with the requirements of the Health (Miscellaneous Provisions) Act 1911, and City of Nedlands Health Local Laws 2017 in regard to an offensive trade, as specified below. As the facility processes whole fish, shellfish and crustaceans this is defined under the Health (Miscellaneous Provisions) Act 1911, by way of proclamation (Gazette 26 Nov 1993 p. 6321), and the City of**

Nedlands Health Local Laws 2017 as an Offensive Trade. As such, the following is required:

- a) Make an application to the City for Consent to Establish an Offensive Trade.**
- b) Make an application to the City for Registration of a Premises for Offensive Trade with the applicable annual fee of \$298 in accordance with the Offensive Trade (Fees) Regulations 1976 (to be completed annually in July).**
- c) Provide written confirmation that the applicant has advertised notice of their intention to apply for consent to establish an offensive trade in accordance with clause 145 of the City of Nedlands Health Local Law 2017.**
- d) In relation to Condition 11, the applicant is to comply with the Waste Management Plan dated 14 November 2019 prepared by Dynamic Planning and Developments for the disposal of trade refuse and offensive materials produced upon the premises:**
 - i. The storage of external rubbish wheelie bins in the cool room is not permitted due to the risk of contamination. Seafood waste should be stored in clean and sanitary designated impervious receptacles (with airtight covers) within the cool room to minimize odour, before being transferred to the external waste bin immediately prior to collection. Should the external rubbish wheelie bins be stored in the cool room they are required to be cleaned and sanitized daily; and**
 - ii. The Applicant is required to contact the Water Corporation to determine requirements for a Trade Waste Permit and grease trap installation for the disposal of liquid refuse. The discharge of liquid refuse, including the biproduct of bin and floor wash down activities, into the stormwater drain at the premises is not permitted.**
- e) Provide details of the internal fit out for the entire premises on a floor plan. The floor plan shall also include specific information detailing the location of food product processing stages including delivery, processing, packaging, sale and waste disposal. The following details should be included on the plans:**
 - i. Floor, wall and ceiling finishes;**
 - ii. Lighting and electrical installations;**
 - iii. Fixtures and fittings;**
 - iv. Plumbing and drainage layout, including grease trap;**
 - v. Specifications for food preparation benches & any cooking appliances;**

- vi. **Pest control mechanisms;**
 - vii. **Toilets change rooms and bin enclosure.**
- f) **A written Food Recall Plan, as required by Clause 12 of Standard 3.2.2 of the Australia New Zealand Food Standard Code (the Code) for food businesses engaged in the wholesale supply of food is to be submitted and approved by the City of Nedlands.**
- g) **A written Seafood Safety Management Plan, as required under Standard 4.2.1 – Primary Production and Processing Standard for Seafood, detailing the following is to be submitted and approved by the City of Nedlands:**
- i. **Systematic examination of all operations (receipt, storage, processing, packaging, transportation, disposal, tracing) identifying potential seafood safety hazards and implemented controls;**
 - ii. **The skills and knowledge of food handlers in food safety and food hygiene matters and any training completed or provided;**
- h) **As the operations located on the subject premises require the primary production or processing of bivalve molluscs (cockles, clams, mussels, oysters, pipis and scallops), a documented food safety management system is required to be implemented, compliant with Standard 4.2.1 Clause 16, which effectively controls the hazards to the satisfaction of the City of Nedlands. (Environmental Health)**
6. **In relation to Condition 11, all waste and recycling bins must be serviced from within the site and shall not be presented on the verge area as indicated on the Waste Management Plan. (Planning)**
7. **Prior to commencing a Food Business, a documented Food Safety Program which meets the requirements of the Australian New Zealand Food Standards Code Standard 3.2.1 Food Safety Programs, shall be deemed satisfactory by an Environmental Health Officer at the City. (Environmental Health)**
8. **Designated storage areas for cleaning chemicals and equipment and personal belongings shall be available and separate from any food preparation or food storage area. (Environmental Health)**
9. **Location of any bin stores shall be behind the street alignment and so as not to be visible from a street or public place, in accordance with the City's Health Local Law 1997. (Environmental Health)**

- 10. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second. (Environmental Health)**
- 11. Adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia. (Building)**
- 12. In relation to Condition 3, a separate development application is required to be submitted to and approved by the City prior to increasing the number of staff on site at any given time. (Planning)**
 - a. As per the City of Nedlands Local Planning Policy – Parking, the parking requirements for an Industry – Light land use are as follows:**
 - 2.2 per 100m² of net lettable area or**
 - 1 per employee (whichever is greater)**

Based on these requirements, any increase in staff on site will require additional parking to adhere with the provisions of the Local Planning Policy – Parking. Any increase in the number of staff on site will require an additional assessment of the parking availability on site through a Development Application.
- 13. 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 Development approval. (Technical Services)**
- 14. All crossovers to the street(s) shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision onsite, prior to commencement of works. (Technical Services)**
- 15. The existing crossover(s) shall be removed and the nature-strip / verge reinstated with grass or landscaping in accordance with Council's Nature-Strip / Verge Development Policy. (Technical Services)**
- 16. To prevent stormwater flowing into the property, ground levels of crossovers or driveways must have a part that is a minimum 150mm higher than the street / Right-Of-Way or a grated channel strip-drain is constructed across the driveway, aligned with and wholly contained within the property boundary, and the discharge from this drain to be run to a soak-well situated within the property. (Technical Services)**

- 17. Any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing. (Technical Services)**
- 18. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development. (Environmental Health)**
- 19. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency. (Planning)**
- 20. In relation to Condition 2, any signage that is not exempt under the City of Nedlands Local Planning Policy – Signs, shall be the subject of a separate development application. (Planning)**
- 21. This decision does not obviate rights and responsibilities of strata owners under the Strata Titles Act 1985, which may require additional consultation and/or permissions from the stratum, prior to the commencement of works. (Planning)**
- 22. 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. (Planning)**

PD02.20	No. 2A Korel Gardens, Swanbourne – Single House
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Committee	11 February 2020
Council	25 February 2020
Applicant	Distinctive Homes WA
Landowner	ZKN Pty Ltd
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Type 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.
Reference	DA19-41136
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	<ol style="list-style-type: none"> 1. Applicant Justification Letter 2. Applicant Justification (Approved Plans Overlay) 3. Plans (CONFIDENTIAL) 4. Assessment Sheet (CONFIDENTIAL) 5. Submissions (CONFIDENTIAL)

Mrs Sonia Turkington, 99 Clement Street, Swanbourne
(spoke in opposition to the recommendation)

PD02.20

Mr Jeff Simpson, 8 Odern Crescent, Swanbourne
(spoke in opposition to the recommendation)

PD02.20

Moved – Councillor McManus

Seconded – Councillor Hay

That Mr Simpson be given an extension of 2 minutes to conclude his address.

CARRIED UNANIMOUSLY 11/-

Mr, Richard Tucker, 13 Gainford Lane, Mt Claremont
(spoke in support of the recommendation)

PD02.20

Moved – Councillor Horley
Seconded – Councillor Mangano

That Council refuse the development application dated 23 October 2019 for a two-storey single house at 2A Korel Gardens, Swanbourne (Lot 601).

**CARRIED 8/-
(Abstained: Crs. Hassell Wetherall & Coghlan)**

Regulation 11(da) – The Committee of Council determined to refuse the application because of its impact on neighbours due to excessive bulk, reduced setbacks on every side, the small size of the block, the dwelling being placed on the highest parts of the site, the dwelling overlooking and over shadowing neighbours resulting in negative impacts on the neighbours amenity.

Committee Recommendation

That Council refuse the development application dated 23 October 2019 for a two-storey single house at 2A Korel Gardens, Swanbourne (Lot 601).

Recommendation to Committee

Council approves the development application dated 23 October 2019 for a two-storey single house at 2A Korel Gardens, Swanbourne (Lot 601), subject to the following conditions and advice notes:

Conditions:

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 two-storey single house as indicated on the plans attached.
3. Revised drawings shall be submitted with the Building Permit application, incorporating the following modifications as shown in red on the approved plans, to the satisfaction of the City:
 - a) A minimum 0.5m driveway setback is to be provided to all lot boundaries;

- b) Appropriate screening provided to the northern window of 'Bed 2' to prevent overlooking in accordance with condition 4 below; and
 - c) c) The proposed letterbox is not to exceed 0.75m in height above finished ground level, for the purposes of protecting vehicle access sight lines.
4. Prior to occupation of the development the window to 'Bed 2' located on the North elevation shall be screened in accordance with the Residential Design Codes by either:
- a) fixed obscured or translucent glass to a height of 1.60 metres above finished floor level;
 - b) Timber screens, external blinds, window hoods and shutters to a height of 1.6 metres above finished floor level that are at least 75% obscure;
 - c) a minimum sill height of 1.60 metres as determined from the internal floor level, or
 - d) an alternative method of screening approved by the City of Nedlands.

The required screening shall be thereafter maintained to the satisfaction of the City of Nedlands.

5. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development or in:
- a) Face brick;
 - b) Painted render;
 - c) Painted brickwork; or
 - d) Other clean material as specified on the approved plans and maintained thereafter to the satisfaction of the City of Nedlands.
6. This approval is limited to a two-storey single house only and does not relate to any site works, decking or retaining walls 500mm or greater above the approved ground levels.
7. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite (refer advice note 14)

Advice Notes:

1. This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.
2. This planning decision is confined to the authority of the Planning and Development Act 2005, the City of Nedlands Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
3. This planning approval has been issued on the basis of the plans hereby approved. It is the responsibility of the applicant to ensure that the approved plans are accurate and are a true representation of all existing and proposed development on the site, and to ensure that development proceeds in accordance with these plans.
4. There may be matters which impact on proceeding with the approved development which are not shown on the approved plans (e.g. verge infrastructure, retaining walls). Such matters may need to be separately addressed before the approved development can proceed. It is the responsibility of the applicant to ensure that these matters are addressed prior to the commencement of the development hereby approved.
5. 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 approved ground levels.
6. It is recommended that the applicant liaise with the north-western boundary adjoining property owner regarding the possible retention or replacement of the existing dividing fence along the common lot boundary. Please refer to the Dividing Fences Act 1961 for the rights and responsibilities of landowners regarding dividing fences. Information is available at the following website:

<http://www.commerce.wa.gov.au/building-commission/dividing-fences-0>
7. The swimming pool barrier is to comply with Australian Standard 1926.1. A building permit application for the swimming pool barrier must be submitted and the building permit issued prior to filling the swimming pool with water.

8. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, lobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.
9. All swimming pool wastewater shall be disposed of into an adequately sized, dedicated soak-well located on the same lot. Soak-wells shall not be situated closer than 1.8m to any boundary of a lot, building, septic tank or other soak-well.
10. All swimming pools, whether retained, partially constructed or finished, shall be kept dry during the construction period. Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.
11. The contractor/developer shall protect the City's street trees from any damage that may be caused by the scope of works covered by this contract for the duration of the contract. All work carried out under this contract is to comply with the City's policies, guidelines and Australian Standards relating to the protection of trees on or adjacent to development sites (AS 4870-2009).
12. Where building works are proposed to the building/tenancy a building permit shall be applied for prior to works commencing.
13. All car parking dimensions, manoeuvring areas, crossovers and driveways shall comply with Australian Standard AS2890.1 (as amended) to the satisfaction of the City of Nedlands.
14. In relation to condition 7, the applicant is advised that all downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.

PD03.20	Local Planning Scheme 3 – Local Planning Policy Laneway Requirements
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Committee	11 February 2020
Council	25 February 2020
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	Nil
Attachments	1. Draft Laneway Requirements Local Planning Policy (LPP)

Regulation 11(da) – Not Applicable – No Recommendation Made

Moved – Councillor Senathirajah
 Seconded – Councillor Mangano

That the Recommendation to Committee be adopted subject to the removal the words “have been up coded under Local Planning Scheme No. 3 and” in clause 2.

Councillor Hay left the room at 8.14 pm and returned at 8.17 pm.

Lost -/9
 (Against: Mayor de Lacy Crs. Horley McManus Smyth Hassell Wetherall
 Coghlan Hay & Senathirajah)
 (Abstained: Crs. Bennett & Mangano)

Councillor McManus left the room at 8.32 pm.

Recommendation to Committee

Council:

1. prepares, and advertises for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4, the Laneway Requirements Local Planning Policy; and
2. instructs the Chief Executive Officer to create the mechanism for a Specified Area Rate to be applied to properties which have been up coded under Local Planning Scheme No. 3 and are abutting a Laneway; subject to further costings and a rate review being put forward to Council for its approval.

PD04.20	RFP 2019-20.01 Natural Area Maintenance and Services
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Committee	11 February 2020
Council	25 February 2020
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	Nil
Attachments	1. Final Panel Evaluation Score Sheet (Confidential)

Councillor McManus returned to the room at 8.33 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 9/-
(Abstained: Crs. Smyth & Bennett)

Committee Recommendation / Recommendation to Committee

Council:

- 1. agrees to award panel no. 2019-20.01 to Green Skills Inc, the South East Regional Centre for Urban Landcare and Natural Area Holdings PTY LTD for the provision of natural area maintenance and services, as per the schedule of rates submitted subject to any minor negotiations; and**
- 2. authorises the Chief Executive Officer to sign an acceptance of offer.**

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
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Committee	11 February 2020
Council	25 February 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Jim Duff – Director Technical Services
Attachments	1. Copy of Transfer of Land Document

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus
 Seconded – Councillor Senathirajah

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

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

Council:

- 1. approves the application of the Council Common Seal (the seal) by the Chief Executive Officer (CEO) to the Transfer of Land document relating to Lot 50 on Deposited Plan 9602; and**
- 2. directs the Mayor and CEO to execute the Transfer of Land document relating to Lot 50 on Deposited Plan 9602 by way of signing.**

TS02.20	Execution of Transfer of Land Document – Lot 353 on Deposited Plan 182579
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Committee	11 February 2020
Council	25 February 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Jim Duff – Director Technical Services
Attachments	1. Copy of Transfer of Land Document

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus

Seconded – Councillor Smyth

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

**CARRIED 10/-
(Abstained: Cr. Wetherall)**

Committee Recommendation / Recommendation to Committee

Council

1. approves the application of the Council Common Seal (the seal) by the Chief Executive Officer (CEO) to the Transfer of Land document relating to Lot 353 on Deposited Plan 182579; and
2. directs the Mayor and CEO to execute the Transfer of Land document relating to Lot 353 on Deposited Plan 182579 by way of signing.

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

Committee	11 February 2020
Council	25 February 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Creditor Payment Listing November 2019 2. Purchasing Card Payments November 2019 (November 2019 – December 2019)

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Senathirajah
Seconded – Councillor McManus

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

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / Recommendation to Committee

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

CPS02.20	List of Accounts Paid – December 2019
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Committee	11 February 2020
Council	25 February 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	<ol style="list-style-type: none"> 1. Creditor Payment Listing December 2019 2. Purchasing Card Payments December 2019 (28 November 2019 – 29 December 2019) 3. CEO Credit Card Payments (October – December)

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus
 Seconded – Councillor Senathirajah

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

CARRIED 10/-
(Abstained: Cr. Mangano)

Committee Recommendation / Recommendation to Committee

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

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.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus
 Seconded – Councillor Senathirajah

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

CARRIED UNANIMOUSLY 11/-

Committee Recommendation / 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

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.

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

Nil.

11. Confidential Items

Nil.

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 8.45 pm.