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**Agenda**

**Council Committee Meeting**

**9 February 2021**

Dear Council Member

The next meeting of the Council Committee will be held on Tuesday 9 February 2021 online commencing at 7.00pm.

A Livestream link for the public is available on the City’s website.

The public can continue to participate by submitting questions and addresses via the required online submission forms at:

<http://www.nedlands.wa.gov.au/intention-address-council-or-council-committee-form>

<http://www.nedlands.wa.gov.au/public-question-time>



Mark Goodlet

Chief Executive Officer

5 February 2021

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**City of Nedlands**

**Notice of a meeting of the Council Committee to be held online on Tuesday 9 February 2021 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.

# Present and Apologies and Leave of Absence (Previously Approved)

**Leave of Absence** Nil.

**(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.

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.

# 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.

# 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.

# Disclosures of Financial and/or Proximity 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.

# 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). This association is ….. (nature of the interest).

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.

# 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.

# Confirmation of Minutes

## Committee Meeting 1 December 2020

The Minutes of the Council Committee held 1 December 2020 are to be confirmed.

# 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.

# 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.

## Planning & Development Report No’s PD01.21 to PD04.21

Planning & Development Report No’s PD55.20 to PD57.20 to be dealt with at this point (copy attached yellow cover sheet).

PD01.21 Strategic Planning Framework - Gaps Analysis

PD02.21 Establishment of a Design Review Panel, Final Adoption of the Design Review Panel Local Planning Policy and Appointment of Panel Members

PD03.21 Local Planning Policy, Primary Controls and Community Benefits for Apartment Developments

PD04.21 Broadway, Nedlands Town Centre and Waratah Village Context and Character Local Planning Policies

## Technical Services Report No’s TS01.21 to TS02.21

Technical Services Report No’s TS01.21 to TS02.21 to be dealt with at this point (copy attached blue cover sheet).

TS01.21 Integrated Transport Strategy and Precinct Plan Transport Impact Assessments – Budget Request

TS02.21 Railway Road / Aberdare Road Intersection Upgrade

## Community Development No’s CM01.21

Report No’s CM01.21 to be dealt with at this point (copy attached orange cover sheet).

CM01.21 Nedlands Playgroup Requests Fee Waiver or Reduction

## Corporate & Strategy Report No’s CPS01.21 to CPS04.21

Report No’s CPS01.21 to CS04.21 to be dealt with at this point (copy attached green cover sheet).

CPS01.21 List of Accounts Paid – November and December 2020

CPS02.21 Alteration of Permitted Use – Sublease to Sand Volley Australia Pty Ltd

CPS03.21 New Lease to Allen Park Tennis Club

CPS04.21 Review of Point Resolution Child Care Centre Update

# Reports by the Chief Executive Officer

## Council Policy Reviews

|  |  |
| --- | --- |
| **Committee** | 9 February 2021 |
| **Council** | 23 February 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality** | Nil. |
| **CEO** | Mark Goodlet |
| **Attachments** | 1. Elected Member Fees, Expenses, Allowances and Other Provisions 2. Legal Representation for Elected Members and Employees Council Policy 3. Management of Information for Elected Members Council Policy 4. Council Member and Employee training and conference attendance Policy 5. Asset Management Council Policy 6. Use of Council Facilities for Community Purposes Policy 7. Community Notice Boards in Council Operated Facilities Council Policy 8. Application of Grant Funding Council Policy 9. Community Signage Council Policy 10. Bulk Waste Collection and Waste Receptacles on Nature Strips Council Policy 11. Unauthorised Damage of Vegetation Council Policy 12. Trading in Public Places Council Policy 13. Natural Area Path Network Council Policy 14. Nature Strip (Verge) Parking adjacent to Vacant Lots Council Policy (attachment 14); and 15. Operation of Bank Accounts Council Policy 16. Professional Development Council Policy 17. Advisory & Working Groups Policy 18. Natural Areas Management Council Policy |
| **Confidential Attachments** | Nil. |

**Executive Summary**

All Council policies are required to be reviewed regularly and approved by Council. This report contains policies that have been reviewed and require formal Council adoption.

**Recommendation to Council**

**Council:**

1. **adopts the following updated Council Policies:**
2. **Elected Member Fees, Expenses, Allowances and Other Provisions (attachment 1);**
3. **Legal Representation for Elected Members and Employees Council Policy (attachment 2);**
4. **Management of Information for Elected Members Council Policy (attachment 3);**
5. **Council Member and Employee training and conference attendance Policy (attachment 4);**
6. **Asset Management Council Policy (attachment 5);**
7. **Use of Council Facilities for Community Purposes Policy (attachment 6);**
8. **Community Notice Boards in Council Operated Facilities Council Policy (attachment 7);**
9. **Application of Grant Funding Council Policy (attachment 8);**
10. **Community Signage Council Policy (attachment 9);**
11. **Bulk Waste Collection and Waste Receptacles on Nature Strips Council Policy (attachment 10);**
12. **Unauthorised Damage of Vegetation Council Policy (attachment 11);**
13. **Trading in Public Places Council Policy (attachment 12);**
14. **Natural Area Path Network Council Policy (attachment 13);**
15. **Nature Strip (Verge) Parking adjacent to Vacant Lots Council Policy (attachment 14); and**
16. **Operation of Bank Accounts Council Policy (attachment 15); and**
17. **adopts the following new Council Policies:**
18. **Professional Development Council Policy (attachment 16);**
19. **Advisory & Working Groups Policy (attachment 17); and**
20. **Natural Areas Management Council Policy (attachment 18).**

**Discussion/Overview**

Council policies are reviewed periodically to ensure they reflect the strategic direction and responsibilities of Council and are kept up to date.

The procedure for policy reviews is as follows:

* Policies will be reviewed and updated by staff with any amendments due to changes in any Legislation, Local Laws, Regulations etc. and recommendations made to the Executive Management Team;
* Staff recommendations are reviewed by the Executive Management Team or CEO and amended as required and recommendations made to Council;
* Where there are major amendments to existing policies these policies are then presented at a Councillor Briefing for discussion prior to presentation to Council;
* Where a number of policies have common themes, these policies may be combined to establish a new policy. Redundant and old policies will be revoked where they are substantially changed, and a new replacement policy will be presented at a Councillor Briefing for discussion prior to presentation to Council; and
* Administration may at times recommend a policy be revoked with no Council Policy to replace it. This may occur when it has been identified that the policy is operational or covered under legislation and/or the responsibility of the Chief Executive Officer.

Policy statements should provide guidance for decision-making by Council and demonstrate the transparency of the decision-making process.

**Elected Member Expenses and Equipment Council Policy**

This policy has been reviewed by the Chief Executive Officer and it is recommended the policy be renamed - Elected Member Fees, Expenses, Allowances and Other Provisions as per attachment 1.

A significant change is a proposal to pay elected members in arrears, not in advance.  Payment in advance of work performed is not in keeping with modern accepted business practice. Payment in arrears, while possible, creates problems after an election or resignation of an elected member, since the local government is required to seek reimbursement of unused advanced payment.

This policy was reviewed with Councillors at a briefing session and is now presented to Council for adoption.

**Interstate and International Travel Council Policy renamed Council Member and Employee Training and Conference Attendance Policy**

This policy has been reviewed by the Chief Executive Officer and it is recommended the policy to be renamed – “Council Member and Employee Training and Conference Attendance Policy” as per attachment 4.

Under the annual SAT pay determination for Councillors and CEOs, travel and accommodation reimbursements are required to be as per schedule l of the Public Service Award 1992 - The extent to which a Council member can be reimbursed for intrastate or interstate travel and accommodation costs incurred in any of the circumstances referred to in regulation 32(1) of the LG Regulations is at the same rate applicable to the reimbursement of travel and accommodation costs in the same or similar circumstances under the Public Service Award 1992 issued by the Western Australian Industrial Relations Commission as at the date of this determination.

Council reviewed this policy at a Councillor Briefing and is now presented to Council for adoption.

**Council Policies with minor changes**

All of the policies listed below have been reviewed by administration, with only minor changes recommended to bring the policy up to date which are shown in track changes as per the attachments and are now presented to Council for review and adoption.

* Management of Information for Elected Members Council Policy
* Community Notice Boards in Council Operated Facilities Council Policy
* Application of Grant Funding Council Policy
* Community Signage Council Policy
* Bulk Waste Collection and Waste Receptacles on Nature Strips Council Policy
* Unauthorised Damage of Vegetation Council Policy
* Trading in Public Places Council Policy
* Natural Area Path Network Council Policy
* Assessment Management Council Policy
* Legal Representation for Elected Members and Employees Council Policy
* Use of Council Facilities for Community Purposes Council Policy
* Nature Strip (Verge) Parking adjacent to Vacant Lots Council Policy
* Operation of Bank Accounts Council Policy

**New Council Policies**

**Professional Development Council Policy**

This policy is a requirement under the Local Government Act 1995.

**5.128. Policy for continuing professional development**

(1) A local government must prepare and adopt\* a policy in relation to the continuing professional development of council members.

\* Absolute majority required.

(2) A local government may amend\* the policy.

\* Absolute majority required.

(3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.

(4) The CEO must publish an up-to-date version of the policy on the local government’s official website.

(5) A local government —

(a) must review the policy after each ordinary election; and

(b) may review the policy at any other time.

This policy was drafted by the CEO and reviewed and discussed with Councillors at a briefing session and is now presented for adoption.

**Advisory & Working Groups Council Policy**

Council has established two community working groups and therefore this policy is required to provide guidance for the operation of these Working Groups and any advisory groups Council may wish to establish.

This policy was drafted by the CEO and reviewed and discussed with Councillors at a briefing session and is now presented for adoption.

**Natural Areas Management Council Policy**

The City of Nedlands recognises the importance of remnant bushland areas and the value of effectively managing local bushland within a local context, based on a scientific outcome focus. The bushland reserves will be managed for the purposes of:

• biodiversity,

• conservation; and

• recreation outcomes for the community.

This policy was drafted by the CEO and reviewed and discussed with Councillors at a briefing session and is now presented for adoption.

**Key Relevant Previous Council Decisions:**

Council Resolution – 15 December 2020

That this item be deferred to the Council Committee Meeting on 9 February 2021.

**Consultation**

New Policies or those policies with major changes were presented to Councillors and discussed at Councillor Briefings as per the list below prior to presentation to Council for adoption.

1 October 2019

* Elected Member Expenses and Equipment Council Policy renamed Elected Members Expenses, Allowances and Other Provisions
* Interstate and International Travel Council Policy renamed Council Member and Employee Training and Conference Attendance Council Policy

10 December 2019

* Natural Areas Management Council Policy

21 July 2020

* Advisory & Working Groups Policy
* Professional Development Council Policy
* Elected Member Expenses and Equipment Council Policy renamed Elected Members Expenses, Allowances and Other Provisions

Council Policies with only minor changes were reviewed by staff followed by the Executive Management Team and are now presented to Council for review and adoption.

**Budget/Financial Implications**

Nil.

**Conclusion**

The Council Policies listed in this report have been reviewed and are now presented to Council for review in accordance with the Review of Policies Council Policy and recommended for adoption.

# Urgent Business Approved by the Presiding Member or By Decision

Any urgent business to be considered at this point.

# 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.