



City of Nedlands

# Minutes

## Council Committee Meeting

9 February 2021

### **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 online on Tuesday 9 February 2021 at 7 pm.

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#### Declaration of Opening

The Presiding Member declared the meeting open at 7.08 pm and drew attention to the disclaimer below.

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

<b>Councillors</b>	Her Worship the Mayor, C M de Lacy (Presiding Member)	
	Councillor F J O Bennett	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor N R Youngman	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor P N Poliwka (from 7.15 pm)	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Vacant	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

<b>Staff</b>	Mr M A Goodlet	Chief Executive Officer
	Mr E K Herne	Director Corporate & Strategy
	Mr T G Free	Director Planning & Development
	Mr J Duff	Director Technical Services
	Ms P E Panayotou	Executive Manager Community
	Mrs N M Ceric	Executive Officer

**Public** There were 3 members of the public present online.

**Leave of Absence (Previously Approved)** Nil.

**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)**

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.

Nil.

### **3. Disclosures of Financial and/or Proximity Interest**

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

There were no disclosures of financial interest.

### **4. Disclosures of Interests Affecting Impartiality**

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



**4.1 Councillor Senathirajah – CPS04.21- Review of Point Resolution Child Care Centre Update**

Councillor Senathirajah disclosed an impartiality interest in Item CPS04.21- Review of Point Resolution Child Care Centre Update. Councillor Senathirajah disclosed that his grandson will be attending point resolution childcare from tomorrow (10/2/2021), and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Senathirajah declared that he would consider this matter on its merits and vote accordingly.

**4.2 Councillor Mangano – TS02.21 - Railway Road / Aberdare Road Intersection Upgrade**

Councillor Mangano disclosed an impartiality interest in Item TS02.21 – Railway Road / Aberdare Road In. Councillor Mangano disclosed that is has a commercial relationship as a contractor with Western Power, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Mangano declared that he would consider this matter on its merits and vote accordingly.

Councillor Poliwka joined the meeting at 7.15 pm.

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

Nil.

**6. Confirmation of Minutes**

**6.1 Committee Meeting 1 December 2020**

Moved – Councillor Hodsdon  
Seconded – Councillor Senathirajah

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

**CARRIED UNANIMOUSLY 12/-**

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

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

Nil.

## 8. Divisional Reports

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

### 8.1 Planning & Development Report No's 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).

<b>PD01.21</b>	<b>Strategic Planning Framework - Gaps Analysis</b>
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<b>Committee</b>	9 February 2021
<b>Council</b>	23 February 2021
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 <i>Local Government Act 1995</i> and section 10 of the <i>City of Nedlands Code of Conduct for Impartiality.</i></b>	Nil. "the author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff and the proponents or their consultants. Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia".
<b>Director</b>	Tony Free – Director Planning & Development
<b>CEO</b>	Mark Goodlet
<b>Reference</b>	Nil
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Letter from Western Australian Planning Commission</li> <li>2. Strategic Planning Framework Gaps Analysis</li> <li>3. Community Working Group Minutes – 9 December 2020</li> <li>4. List of Council decisions not in accordance with strategic planning program of works</li> </ol>
<b>Confidential Attachments</b>	Nil

**Regulation 11(da) – Council approved the officer recommendation, though with additional information about the delivery schedule.**

Moved – Councillor Senathirajah

Seconded – Councillor Wetherall

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

(Printed below for ease of reference)

Amendment

Moved - Councillor Smyth

Seconded - Councillor Coghlan

**That indicative dates for delivery of initiatives in attachment 2 are provided for inclusion in the recommendation to Council for the Council Meeting of 23 February 2021.**

**The AMENDMENT was PUT and was**

**CARRIED UNANIMOUSLY 12/-**

**The Substantive Motion was PUT and was**

**CARRIED 9/3**

**(Against: Crs. Bennett Mangano & Coghlan)**

### **Committee Recommendation**

**Council:**

- 1. endorses the strategic planning gaps analysis (Attachment 2 with indicative dates for delivery included) which is consistent with advice from the Chair of the West Australian Planning Commission.**
- 2. instructs the CEO to:**
  - a) continue to undertake the nominated programme of “required investigations” as outlined in Attachment 2;**
  - b) liaise and collaborate with the Department of Planning, Lands and Heritage to review the findings of the investigations, and collectively establish the need for and nature of any new planning tools, where deemed necessary, to address the gaps identified in the local planning framework;**
  - c) ensure that where a strategic planning project is covered by the GAPS Analysis, all previous council decisions relating to timeframe deliverables be superseded with this resolution; and**
  - d) defer the initiation of any further strategic planning proposals including scheme amendments and finalisation of local planning policies where the determination of the WAPC is required, until agreement has been established on the planning tool in accordance with point 2(b).**

## Recommendation to Committee

### Council:

1. endorses the strategic planning gaps analysis (Attachment 2) which is consistent with advice from the Chair of the West Australian Planning Commission.
2. instructs the CEO to:
  - a) continue to undertake the nominated programme of “required investigations” as outlined in Attachment 2;
  - b) liaise and collaborate with the Department of Planning, Lands and Heritage to review the findings of the investigations, and collectively establish the need for and nature of any new planning tools, where deemed necessary, to address the gaps identified in the local planning framework;
  - c) ensure that where a strategic planning project is covered by the GAPS Analysis, all previous council decisions relating to timeframe deliverables be superseded with this resolution; and
  - d) defer the initiation of any further strategic planning proposals including scheme amendments and finalisation of local planning policies where the determination of the WAPC is required, until agreement has been established on the planning tool in accordance with point 2(b).

<b>PD02.21</b>	<b>Establishment of a Design Review Panel, Final Adoption of the Design Review Panel Local Planning Policy and Appointment of Panel Members</b>
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<b>Committee</b>	9 February 2021
<b>Council</b>	23 February 2021
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.</b>	Nil. “the author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff and the proponents or their consultants. Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia”.
<b>Director</b>	Tony Free – Director Planning & Development
<b>CEO</b>	Mark Goodlet
<b>Previous Item</b>	PD14.19 - OCM 23 April 2019 Item: 16.1 – OCM 17 December 2019 Item: 7 – SCM 30 January 2020 Item: 14.4 – OCM 30 March 2020 Item: 14.1 – OCM 28 July 2020 Item: 13.9 – OCM 15 December 2020
<b>Attachments</b>	1. Design Review Panel – Local Planning Policy 2. Summary of comments from Office of the Government Architect
<b>Confidential Attachments</b>	1. Design Review Panel – Candidate Cumulative Scoring Sheet 2. Design Review Panel – Interview Forms (Collated) 3. Overview of Design Review Panel members interviewed 4. Design Review Panel – Recorded Interviews (MP4 video format)

**Regulation 11(da) – Not Applicable – Item proceeded to next item of business.**

Moved – Councillor Youngman  
Seconded – Councillor McManus

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

Closure of Meeting to the Public

Moved – Councillor Youngman

Seconded - Councillor Hodsdon

**That the meeting be closed to the public in accordance with Section 5.23 (2)(b) of the Local Government Act 1995 to allow confidential discussion on this item.**

**CARRIED 7/5**

**(Against: Mayor Crs. McManus Wetherall Coghlan & Senathirajah)**

The meeting was closed to the public at 7.50 pm.

Moved – Councillor Smyth

Seconded – Councillor Senathirajah

**That the meeting proceed to the next item of business.**

**CARRIED 7/5**

**(Against: Mayor Crs. McManus Bennett Mangano Coghlan)**

Moved - Councillor Coghlan

Seconded - Councillor Wetherall

**That the meeting be reopened to members of the public and the press.**

**CARRIED UNANIMOUSLY 12/-**

**The meeting was reopened to members of the public and the press at 8.19 pm.**

In accordance with Standing Orders 12.7(3) the Presiding Member read out the motions passed by the Committee whilst it was proceeding behind closed doors and the vote of the members to be recorded in the minutes under section 5.21 of the Local Government Act 1995.

## Recommendation to Committee

### Council:

1. proceeds to adopt the Design Review Panel - Local Planning Policy, as set out in Attachment 1, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4(3)(b)(i);
2. in accordance with Clause 2 of the Design Review Panel - Terms of Reference, appoints, for a period of two years, the following Design Review Panel members:
  - a) General members:
    - Tony Blackwell
    - Dominic Snellgrove
    - Samuel Klopper
    - Munira Mackay
    - Philip Gresley
    - Hans Oerlemans
  - b) Specialist members:
    - Graham Agar
    - John Taylor
3. instructs the CEO to review the Design Review Panel Local Planning Policy and funding model after six months of the operation of the Panel.

<b>PD03.21</b>	<b>Local Planning Policy, Primary Controls and Community Benefits for Apartment Developments</b>
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<b>Committee</b>	9 February 2021
<b>Council</b>	23 February 2021
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.</b>	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff and the proponents or their consultants. Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia.
<b>Director</b>	Tony Free – Director Planning & Development
<b>CEO</b>	Mark Goodlet
<b>Attachments</b>	1. Draft Local Planning Policy, Primary Controls and Community Benefit for Apartment Developments
<b>Confidential Attachments</b>	1. Legal Advice dated 11 January 2021

**The Mayor granted a recess for the purpose of reading attachment 1.**

The meeting adjourned at 8.25 pm and reconvened at 8:31 pm with the following people in attendance:

<b>Councillors</b>	Her Worship the Mayor, C M de Lacy	(Presiding Member)
	Councillor F J O Bennett	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor N R Youngman	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor P N Poliwka	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Vacant	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

<b>Staff</b>	Mr M A Goodlet	Chief Executive Officer
	Mr E K Herne	Director Corporate & Strategy
	Mr T G Free	Director Planning & Development
	Mr J Duff	Director Technical Services
	Mrs N M Ceric	Executive Officer
	Ms P E Panayotou	Executive Manager Community



**Regulation 11(da) – Council agreed to keep the legal advice confidential.**

Moved – Councillor Wetherall

Seconded – Councillor Senathirajah

**Committee Recommendation**

**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, Local Planning Policy – Primary Controls and Community Benefits for Apartment Developments.

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

2. makes the legal advice attached to this report non-confidential.

LOST 4/8  
(Against: Crs. Horley Smyth Bennett Mangano Youngman Hodsdon Poliwka & Senathirajah)

**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, Local Planning Policy – Primary Controls and Community Benefits for Apartment Developments; and
2. makes the legal advice attached to this report non-confidential.

<b>PD04.21</b>	<b>Broadway, Nedlands Town Centre and Waratah Village Context and Character Local Planning Policies</b>
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<b>Committee</b>	9 February 2021
<b>Council</b>	23 February 2021
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.</b>	<p>Nil</p> <p>The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff and the proponents or their consultants. Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia</p>
<b>Director</b>	Tony Free – Director Planning & Development
<b>CEO</b>	Mark Goodlet
<b>Attachments</b>	<p>Draft Broadway Precinct Context and Character Local Planning Policy</p> <p>Draft Nedlands Town Centre Precinct Context and Character Local Planning Policy</p> <p>Draft Waratah Village Precinct Context and Character Local Planning Policy</p>

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

Moved – Councillor Poliwka

Seconded – Councillor Senathirajah

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

(Printed below for ease of reference)

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

### **Committee Recommendation / 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:**
  - a. Draft Broadway Precinct Context and Character Local Planning Policy;**

- b. Draft Nedlands Town Centre Precinct Context and Character Local Planning Policy; and**
- c. Draft Waratah Village Precinct Context and Character Local Planning Policy.**

**8.2 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).

<b>TS01.21</b>	<b>Integrated Transport Strategy and Precinct Plan Transport Impact Assessments – Budget Request</b>
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<b>Committee</b>	11 February 2021
<b>Council</b>	25 February 2021
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 of the Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.</b>	Nil.
<b>Director</b>	Jim Duff – Director Technical Services
<b>CEO</b>	Mark Goodlet
<b>Attachments</b>	Nil.
<b>Confidential Attachments</b>	Nil.

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

Moved – Councillor Youngman  
Seconded – Councillor Wetherall

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

**CARRIED UNANIMOUSLY 12/-**

**Committee Recommendation / Recommendation to Council****Council:**

- 1. instructs the CEO to commence the development of the Integrated Transport Strategy and Transport Impact Assessments for the Broadway, Waratah Avenue and Town Centre Precinct Plans; and**
- 2. approves budget allocation of \$145,000 in the 2020/21 and \$50,000 in the 2021/22 financial year to engage a consultant to deliver the Integrated Transport Strategy and the Transport Impact Assessments for the Broadway, Waratah Avenue and Town Centre Precinct Plans.**

<b>TS02.21</b>	<b>Railway Road / Aberdare Road Intersection Upgrade</b>
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<b>Committee</b>	11 February 2021
<b>Council</b>	25 February 2021
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 of the Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.</b>	Nil.
<b>Director</b>	Jim Duff – Director of Technical Services
<b>Attachments</b>	1. Western Power Concept Design Report 2. MRRG and City of Subiaco Design Funding Approval 3. Concept Civil Works Design 4. Aberdare Road Land Availability Map 5. Key Stakeholder Endorsements
<b>Confidential Attachments</b>	Nil.

### **Councillor Mangano – Impartiality Interest**

Councillor Mangano disclosed that is has a commercial relationship as a contractor with Western Power, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Mangano declared that he would consider this matter on its merits and vote accordingly.

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

Moved – Councillor Poliwka  
Seconded – Councillor Coghlan

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

Councillor Coghlan left the meeting at 9.56 pm and returned at 9.59 pm.

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

## **Committee Recommendation / Recommendation to Committee**

### **Council:**

- 1. approves an additional \$38,750 in the City's 2020/21 budget to finalise the design for the Railway Road / Aberdare Road intersection upgrade;**
- 2. upon completion of the design, approves the CEO to submit an MRRG Road Improvement or Black Spot Funding Application in 2021/22 for construction in 2022/23 and 2023/24; and**
- 3. upon MRRG funding approval for construction in 2022/23 and 2023/24, agrees to consider including construction of the project in the 2022/23 and 2023/24 budgets for a total project cost of \$4,005,669, comprising two thirds MRRG \$2,503,543, one sixth City of Subiaco \$625,886 and one sixth City of Nedlands (incl. 40% Administration overhead) \$876,240.**

### 8.3 Community Development No's CM01.21

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

<b>CM01.21</b>	<b>Nedlands Playgroup Requests Fee Waiver or Reduction</b>
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<b>Committee</b>	9 February 2021
<b>Council</b>	23 February 2021
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 of the Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.</b>	Nil.
<b>Director</b>	Pat Panayotou – Executive Manager Community Development
<b>Attachments</b>	Nil.
<b>Confidential Attachments</b>	Nil.

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

Moved – Councillor Youngman  
 Seconded – Councillor Hodsdon

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

**CARRIED 7/5**

**(Against: Mayor de Lacy Crs. Mangano Poliwka Wetherall & Coghlan)**

#### **Committee Recommendation / Recommendation to Committee**

**Council:**

- 1. acknowledges the importance of Playgroups to the well-being of families in the City of Nedlands;**
- 2. accepts the Nedlands Playgroup's agreement to pay \$200 per month towards their outstanding debt to the City, for the period January – June 2021 inclusive;**

- 3. agrees to waive \$5,347 of the \$6,547 debt currently owed by the Nedlands Playgroup to the City, conditional on the Playgroup:**
  - a. making the agreed monthly payments for the period January – June 2021 inclusive; and,**
  - b. returning to paying standard fees for the usage of their building from 1 July 2021.**



**8.4 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).

<b>CPS01.21</b>	<b>List of Accounts Paid – November and December 2020</b>
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<b>Committee</b>	9 February 2021
<b>Council</b>	23 February 2021
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Ed Herne - Director Corporate & Strategy
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Creditor Payment Listing – November 2020;</li> <li>2. Credit Card and Purchasing Card Payments – November 2020 (28 October – 29 November 2020);</li> <li>3. Creditor Payment Listing – December 2020; and</li> <li>4. Credit Card and Purchasing Card Payments – December 2020 (30 November - 28 December 2020)</li> </ol>
<b>Confidential Attachments</b>	Nil.

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

Moved – Councillor Wetherall  
 Seconded – Councillor Hodsdon

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

**CARRIED 9/3**  
**(Against: Crs. Bennett Mangano & Coghlan)**

**Committee Recommendation / Recommendation to Committee**

**Council receives the List of Accounts Paid for the months of November and December 2020 as per attachments.**

<b>CPS02.21</b>	<b>Alteration of Permitted Use – Sublease to Sand Volley Australia Pty Ltd</b>
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<b>Committee</b>	9 February 2021
<b>Council</b>	23 February 2021
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Ed Herne – Director Corporate & Strategy
<b>Attachments</b>	1. Letter of Request – Sand Volley Australia Pty Ltd
<b>Confidential Attachments</b>	Nil.

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

Moved – Councillor Wetherall  
 Seconded – Councillor Youngman

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

**CARRIED UNANIMOUSLY 12/-**

**Committee Recommendation / Recommendation to Committee**

**Council:**

1. requests the CEO to arrange preparation of new 2-year Deed of Lease and Sublease agreements based on the same terms and conditions as the current agreements, with the exception being the change of ‘permitted use’ within the sublease as defined within this report;
2. notes that all costs related to the preparation of the new lease and sublease agreements will be borne by Sand Volley Australia Pty Ltd;
3. subject to the Minister for Lands consent, authorises the CEO and Mayor to execute the new 2-year lease agreement with Hollywood-Subiaco Bowling Club Inc and apply the City’s Common Seal; and

- 4. subject to the Minister for Lands' consent, authorises the CEO and Mayor to execute the new 2-year sublease agreement with Hollywood-Subiaco Bowling Club Inc and Sand Volley Australia Pty Ltd and apply the City's Common Seal.**

<b>CPS03.21</b>	<b>New Lease to Allen Park Tennis Club</b>
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<b>Committee</b>	9 February 2021
<b>Council</b>	23 February 2021
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Ed Herne – Director Corporate & Strategy
<b>Attachments</b>	1. Letter of Request – Allen Park Tennis Club; and 2. Draft Lease Agreement
<b>Confidential Attachments</b>	Nil.

**Regulation 11(da) – Council wished to assist the Club with financial relief on the payment of agreement preparation costs.**

Moved – Councillor McManus

Seconded – Councillor Horley

### **Committee Recommendation**

**That the Recommendation to Committee be adopted subject to the agreement preparation costs being shared 50/50 between the City and the Allen Park Tennis Club.**

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

### Recommendation to Committee

Council:

1. approves the draft lease agreement as noted in attachment 2 between the City of Nedlands and Allen Park Tennis Club;
2. subject to the Minister for Lands Consent, authorises the CEO and Mayor to execute the agreement and apply the City's Common Seal and;

does not approve the request from Allen Park Tennis Club for the City to absorb the agreement preparation costs. This decision is consistent with the 'Use of Council Facilities for Community Purposes Council Policy' which states that peppercorn lease agreements are to be delivered at no cost to Council.

<b>CPS04.21</b>	<b>Review of Point Resolution Child Care Centre Update</b>
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<b>Committee</b>	9 February 2021
<b>Council</b>	23 February 2021
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Director</b>	Patricia Panayotou – Executive Manager Community Development
<b>Attachments</b>	Nil.
<b>Confidential Attachments</b>	Nil.

### **Councillor Senathirajah – Impartiality Interest**

Councillor Senathirajah disclosed that his grandson will be attending point resolution childcare from tomorrow (10/2/2021), and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Senathirajah declared that he would consider this matter on its merits and vote accordingly.

**Regulation 11(da) – Not Applicable – Meeting proceeded to next item of business.**

Moved – Councillor Senathirajah  
Seconded – Councillor Wetherall

**That the meeting proceed to the next item of business.**

**CARRIED UNANIMOUSLY 12/-**

### **Recommendation to Committee**

Council:

1. with respect to the current requirement to review the long-term needs for Child Care south of Stirling Highway in reference to the City's land assets and undertake full community consultation with all stakeholders;
  - a. notes that the Administration has been unsuccessful in appointing a consultant with the high level of direct experience and knowledge, deemed necessary to conduct the required review; and

- b. instructs the CEO to provide this report to Council by 30 June 2022;
2. with respect to the continued operation of Point Resolution Child Care until the review is conducted:
  - a. notes that from 4 January 2021, the number of children that can be enrolled at PRCC has increased from 24 to 26, as per Council resolution on 24 November 2020;
  - b. notes that fees for attendance at PRCC increased by \$15.00 per day, per child from 4 January 2021, as per Council resolution on 27 October 2020; and
  - c. instructs the CEO to oversee the continued operation of Point Resolution Child Care with annual fee increases commensurate with local childcare centres until the review is conducted; and
3. with respect to the Sale of 64-66 Melvista Avenue, Dalkeith;
  - a. agrees that the Committee/Council recommendation for report CPS21.20 to be 'deferred to the March 2021 round of meetings in order to review the long-term needs for Child Care South of Stirling Highway in reference to the City's land assets and undertake full community consultation with all stakeholders' be revoked; and
  - b. instructs the CEO to provide a separate report on the future of the City's property at 64-66 Melvista Avenue, Dalkeith at a date to be determined after the report on the review of 'the long-term needs for Child Care South of Stirling Highway' has been provided to Council, in line with the prioritisation of the potential 'Land Investment Strategy' Projects.

## 9. Reports by the Chief Executive Officer

### 9.1 Council Policy Reviews

<b>Committee</b>	9 February 2021
<b>Council</b>	23 February 2021
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality</b>	Nil.
<b>CEO</b>	Mark Goodlet
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Elected Member Fees, Expenses, Allowances and Other Provisions</li> <li>2. Legal Representation for Elected Members and Employees Council Policy</li> <li>3. Management of Information for Elected Members Council Policy</li> <li>4. Council Member and Employee training and conference attendance Policy</li> <li>5. Asset Management Council Policy</li> <li>6. Use of Council Facilities for Community Purposes Policy</li> <li>7. Community Notice Boards in Council Operated Facilities Council Policy</li> <li>8. Application of Grant Funding Council Policy</li> <li>9. Community Signage Council Policy</li> <li>10. Bulk Waste Collection and Waste Receptacles on Nature Strips Council Policy</li> <li>11. Unauthorised Damage of Vegetation Council Policy</li> <li>12. Trading in Public Places Council Policy</li> <li>13. Natural Area Path Network Council Policy</li> <li>14. Nature Strip (Verge) Parking adjacent to Vacant Lots Council Policy (attachment 14); and</li> <li>15. Operation of Bank Accounts Council Policy</li> <li>16. Professional Development Council Policy</li> <li>17. Advisory &amp; Working Groups Policy</li> <li>18. Natural Areas Management Council Policy</li> </ol>
<b>Confidential Attachments</b>	Nil.

**Regulation 11(da) – Council agreed they would like further time to review the policies and seek further clarification.**

Moved – Councillor Horley  
Seconded – Councillor Coghlan

### **Committee Recommendation**

**That these Policies be referred to a Councillor Briefing session.**

**CARRIED 10/2  
(Against: Mayor de Lacy Cr. Poliwka)**

### Recommendation to Council

Council:

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



## **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.

## **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 I 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.

## Elected Member Fees, Expenses, Allowances and Other Provisions

<b>Status</b>	Council
<b>Responsible Division</b>	Office of the Chief Executive Officer
<b>Objective</b>	To determine discretionary elements of fees, expenses, allowances and other provisions provided to Elected Members.

### Context

Elected Members are entitled to receive fees, expenses and allowances in performing their duties. This policy determines the extent of those fees, expenses and allowances that are subject to Council's discretion.

Upon election Elected Members are entitled to receive the necessary other provisions, including allocated seating, a gift at the conclusion of office, training and conference attendance, in performing their role.



### Definitions

**Determination** – means the Western Australia Salaries and Allowances Act 1975 Determination of The Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members, pursuant to Section 7A and 7B of the Local Government Act 1995,

ICT expenses – means:

- (a) rental charges in relation to one telephone and one facsimile machine, as prescribed by regulation 31(1)(a) of the LG Regulations; or
- (b) any other expenses that relate to information and communications technology (for example, telephone call charges and internet service provider fees) and that are a kind of expense prescribed by regulation 32(1) of the LG Regulations;

### Statement

#### 1. Fees.

The Mayor, Deputy Mayor and Councillors shall be paid the 100<sup>th</sup> percentile of the applicable annual fee range of the determination (6.4), to be confirmed in the

annual budget each year (s5.98(1) & 5.99). This annual fee shall be paid monthly, in arrears.

## 2. Expenses and Allowances

The Mayor, Deputy Mayor and Councillors shall be paid expenses as annual allowances, as per the Determination (s5.98(2)(a), 5.98A, 5.99A, reg31 & reg32).

The Mayor shall be paid the annual allowance range maximum under sections 7.1 & 7.2 of the Determination (s.5.98(5)).

The Deputy Mayor shall be paid the annual allowance percentage provided under section 7.3 of the Determination (s.5.98A).

The Mayor, Deputy Mayor and Councillors shall be paid the annual allowance range maximum of the information and communications technology (ICT) allowance (s5.99A(1)).

No IT equipment will be provided by the City. Equipment previously provided by the City to elected members may be kept by the elected member if the equipment is 3 years old or more when the elected member terminates their membership of Council.

The annual allowances are to be confirmed in the annual budget each year.

The annual allowances are to be paid monthly in arrears.

If the allowable expenses of any Council member exceed the allowance, they are entitled to, and may make application to the CEO, for reimbursement (s5.98(2)(a), 5.99A(1) & reg.31).

## 3. Induction

Newly Elected Members will be required to undertake a comprehensive induction process conducted by Administration. This may involve evening and weekend sessions. Existing Elected Members will also have electronic access to induction materials.

## 4. Provision of Information

Relevant materials and reports will be provided electronically to Elected Members. Hard copies for items over 30 pages will be provided upon request by the Elected Member.

Elected members will be provided with a City of Nedlands email address which is to be used in Council related email correspondence.

Elected members will be provided with access to a Councillor [portal](#).

## 5. Seats in Council Chambers.

5.1. Elected Members will occupy the seats in the Council Chambers allocated to them based on the ward represented and alphabetical placement. In exceptional circumstances, by resolution of Council, an Elected Member may be allowed to occupy another seat.

6.



## 7. Salary Sacrifice

Elected members are not able to salary sacrifice.



## 8. Gift at conclusion of term of office.

Council will recognise the service given by Elected Members when they retire or are unsuccessful in seeking re-election, by presenting them with a gift up to the value of \$50 per year of office, up to the maximum prescribed amount. The elected member must have served at least one full 4 year term of office to be eligible for a gift (s5.100A & reg34AC).

## 9. Disability Provisions

The requirements of the Disability Discrimination Act 1992 ensure equal access is provided where disability of an elected member imposes limitations on their ability to perform their duties. The City will provide information and equipment, as needed, in addition to that listed in this policy to support elected members with disabilities.

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### Related documentation

Professional Development & Attendance Policy

### Related Local Law / Legislation

*Local Government Act 1995, sections 5.98, 5.98A, 5.99, 5.99A*

*Local Government (Administration) Regulations 1996*

*Disability Discrimination Act 1992 (Federal)*

### Related delegation

Nil



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## **Review History**

20 December 2016 (Report CPS33.16)  
24 September 2013 (Report CPS26.13)  
25 May 2010 (Report CM10.10)  
27 August 2013 (Report CPS26.13)



## Legal Representation for Elected Members and Employees

<b>Status</b>	Council
<b>Responsible Division</b>	Corporate & Strategy
<b>Objective</b>	To determine when it is appropriate to pay legal representation costs for elected members or employees.

---

### Context

This policy sets the parameters and conditions for payment of legal representation for Elected Members and Employees.

There are four criteria for determining whether the City of Nedlands will pay the legal representation costs of an elected member or employee. These are:

- the legal representation costs must relate to a matter that arises from the performance, by the elected member or employee, of his or her functions;
- the legal representation costs must be in respect of legal proceedings that have been, or may be commenced;
- in performing his or her functions, to which the legal representation relates, the elected member or employee must have acted in good faith, and must not have acted unlawfully or in a way that constitutes improper conduct; and
- the legal representation costs do not relate to a matter that is of a personal or private nature.

### Definition

Approved lawyer is to be:

- a 'certified practitioner' under the *Legal Practice Act 2003*;
- from a law firm on the City of Nedlands panel of legal service providers, if relevant, unless the Council considers that this is not appropriate – for example where there is or may be a conflict of interest or insufficient expertise; and
- approved in writing by the Council or the Chief Executive Officer under delegated authority.

Elected member or employee means an elected member of the Council of the City of Nedlands or an employee of the City of Nedlands.

Legal proceedings may be civil, criminal or investigative.

Legal representation costs are the costs, including fees and disbursements, properly incurred in providing legal representation.

Legal services includes advice, representation or documentation that is provided by an approved lawyer.

Payment by the City of Nedlands of legal representation costs may be either by:

- a direct payment to the approved lawyer (or the relevant firm); or
- a reimbursement to the elected member or employee, if a reimbursement is to be paid, the amount must be agreed in advance of the costs being incurred.

## **Statement**

### **Examples of legal representation costs that may be approved**

The City of Nedlands may approve the payment of legal representation costs for the following reasons:

- where proceedings are brought against an elected member or employee in connection with his or her functions – for example, an action for defamation or negligence arising out of a decision made or action taken by the elected member or employee; or
- to enable proceedings to be commenced and/or maintained by an elected member or employee to permit him or her to carry out his or her functions – for example where an elected member or employee seeks to take action to obtain a restraining order against a person using threatening behaviour to the elected member or employee; or
- in the event of a local government enquiry or complaint lodged against an elected member or employee, to permit him or her to provide a proportionate response – for example when questioned by a member of the legal profession; and
- where exceptional circumstances are involved – for example, where a person or organisation is lessening the confidence of the community in the local government by publicly making adverse personal comments about elected members or employees.



The City of Nedlands will not approve, unless under exceptional circumstances, the payment of legal representation costs for a defamation action, or a negligence action, instituted by an elected member or employee.

### **Application for payment**

An elected member or employee who seeks assistance under this policy is to make an application(s), in writing, to the Chief Executive Officer.

For payment to be made, the written application for payment of legal representation costs is to give details of:

- the matter for which legal representation is sought;
- how that matter relates to the functions of the elected member or employee making the application;
- the lawyer (or law firm) who is to be asked to provide the legal representation;
- the nature of legal representation to be sought (such as advice, representation in court, preparation of a document etc);
- an estimated cost of the legal representation; and
- why it is in the interests of the City of Nedlands.

The application is to contain a declaration by the applicant that he or she has acted in good faith and has not acted unlawfully or in a way that constitutes improper conduct in relation to the matter to which the application relates.

As far as possible the application is to be made before commencement of the legal representation to which the application relates.

The application is to be accompanied by a signed written statement by the applicant that he/she:

- has read, and understands, the terms of the policy;
- acknowledges that any approval of legal representation costs is conditional on the repayment provisions and any other conditions to which the approval is subject; and
- undertakes to repay to the City of Nedlands any legal representation costs.

When a person is to be in receipt of such monies the person should sign a document which requires repayment of that money to the local government as may be required by the local government and the terms of the policy.

An application is also to be accompanied by a report prepared by the Chief Executive Officer or where the Chief Executive Officer is the applicant by an appropriate employee.

### **Legal representation costs – Limit**

The Council in approving an application in accordance with this policy shall set a limit on the costs to be paid based on the estimated costs in the application.

An elected member or employee may make a further application to Council in respect of the same matter.

### **Council's powers**

The Council may:

- refuse;
- grant; or
- grant subject to conditions;

an application for payment for legal representation costs.

Conditions may include, but are not restricted to, a financial limit and/or a requirement to enter into a formal agreement, including a security agreement, relating to the payment, and repayment, of legal representation costs.

In assessing an application, the council may have regard to any insurance benefits that may be available to the applicant under the City of Nedlands' elected members or employee's insurance policy or its equivalent.

The Council may at any time revoke or vary an approval, or any conditions of approval, for the payment of legal representation costs.

The Council may determine that an elected member or employee whose application for legal representation costs has been approved has, in respect of the matter for which legal representation costs were approved:

- not acted in good faith, or has acted unlawfully or in a way that constitutes improper conduct; or
- given false or misleading information in respect of the application.

If a determination is made by the Council it can only be on the basis of, and consistent with, the findings of a court, tribunal or inquiry.

Where the Council makes a determination, the legal representation costs paid by the City of Nedlands are to be repaid by the elected member or employee.

### **Delegation to Chief Executive Officer**

In cases where a delay in the approval of an application will be detrimental to the legal rights of the applicant, the Chief Executive Officer may exercise, on behalf of the Council, approval to a maximum of \$20,000 in respect of each application.

An application approved by the Chief Executive Officer is to be submitted to the next ordinary meeting of the Council. Council may exercise any of its powers under this policy.

### **Repayment of legal representation costs**

An elected member or employee whose legal representation costs have been paid by the City of Nedlands is to repay the City of Nedlands:

- all or part of those costs in accordance with a determination by the Council;
- as much of those costs as are available to be paid by way of set-off – where the elected member or employee receives monies paid for costs, damages, or settlement, in respect of the matter for which the City of Nedlands paid the legal representation costs.

The City of Nedlands may take action in a court of competent jurisdiction to recover any monies due to it under this policy.

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### **Related documentation**

Nil.

### **Related Local Law / Legislation**

Sections 3.1, 6.7(2) and 9.56 of the Local Government Act 1995

### **Related delegation**

Nil.

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### **Review History**



24 September 2013 (Report CPS28.13)  
24 August 2010 (Report CM21.10)

## Management of Information for Elected Members

<b>Status</b>	Council
<b>Responsible Division</b>	Corporate & Strategy
<b>Objective</b>	To provide for the compliance by Elected Members with the <i>State Records Act 2000</i> .

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### Context

As one of the City of Nedlands's major stakeholders, Elected Members' records must be created and kept which properly and adequately record the performance of member functions arising from their participation in the decision-making processes of Council and Committees of Council and arising from their role as Councillors.

This requirement should be met through the creation and retention of records of meetings of local government and other communications and transactions of elected members which constitute evidence affecting the accountability of the Council and the discharge of its business.

Political and personal records of Elected Members are exempt. Any correspondence produced or received by Elected Members as part of their duties should be periodically returned to The City for registration into the approved record keeping system.

### Statement

The City will file and archive any public records that are created or received by Elected Members in the course of their duties that are required by the *State Records Act 2000* to be retained.

Examples of records related to local government projects or business activities to be retained include – communications; lobbying; telephone, meetings and other verbal conversations; social media posts; work diaries; allowance, benefits and gifts records; and addresses/ speeches / presentations.

Examples of records that are NOT required to be retained include – duplicate copies; draft or working documents; publications; invitations; telephone, meetings and other



verbal conversations NOT related to local government projects or business activities; electioneering; and personal records.

All records created by Elected Members must be returned to the City to be captured, retained and, when authorised, legally destroyed.

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### **Related Documentation**

[Record Keeping Plan 2018](#)

### **Related Local Law / Legislation**

[State Records Act 2000](#)

### **Related Delegation**

Nil.

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### **Review History**

14 December 2010 (Report CM29.10)

9 July 2019

05 June 2020



## Council Member and Employee training and conference attendance.

<b>Status</b>	Council
<b>Responsible Division</b>	Office of the Chief Executive Officer
<b>Objective</b>	To determine requirements for training and conference support for Elected Members and City Employees.

### Context

Training and conference attendance are important to Elected Members and Employees in performing the functions of their roles. This policy sets out Council's express authority and terms of approval for attendance at training and conferences, in addition to mandatory training.

Interstate and international travel may be required by Elected Members and Employees for attending training, conferences and professional events. This policy sets out the requirements associated with such travel.

### Statement

#### 1. Professional Development and attendance at events.

Council members are required to completed mandatory training (s.5.126).

In addition to mandatory training, if funds have been specifically provided in the budget for an Elected Member to attend a particular training course or conference, then the Chief Executive Officer (CEO) may approve attendance and make any necessary arrangements.

If an Elected Member requests approval to attend a training course or conference for which **no** interstate or international travel is required, and which no specific budget allocation has been made but there are sufficient unallocated funds available within the budget, the following can be applied:

- Where the total cost is no more than \$1,000, CEO can approve;
- Where the total cost is between \$1,001 and \$2,000 then the CEO in consultation with the Mayor may approve attendance if there are sufficient unallocated funds within the budget; and
- Where training or conferences cost more than \$2,000, they must be referred to Council for approval.

Any Elected Member refused permission by the CEO or Mayor to attend training course or conference may refer the matter to Council.

When considering any application by an Elected Member to attend a training course or conference, the CEO, the Mayor or Council should take into account the training needs of the Elected Member and any issues of equity between Elected Members concerning access to training.

*DO YOU WISH TO HAVE AN ALLOCATION PER ELECTED MEMBER (suggest same proportion split as per elected members, Deputy Mayor and Mayor)?*

## **2. International and interstate travel**

All City funded international travel for Employees and Councillors requires the timely approval of Council when recommended by the CEO. In the case of CEO international travel, the proposal should be presented to Council without recommendation.

All proposals for approval of travel covered by this provision should be in writing and show the reason for the request.

A written report on the travel and event/s attended should be presented to Council by the person who travelled no later than the second meeting after return from the travel.

Interstate travel for Employees for work related purposes is subject to approval by the CEO and a report of the approval and reason for it is to be presented to Council at the meeting following that approval.

Interstate travel by Councillors for Councillor related purposes, including educational, is subject to approval by Council.

## **3. Reimbursement approvals**

The extent to which a Council [Member and Employee](#) 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 Administration 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.

Reimbursement requests must be provided to the CEO and are to include all receipts and a completed reimbursement form.

## **4. Cancellations**

Where cancellations occur the Council member/Employee member should endeavour to find a replacement Council member or appropriate Employee. When no replacement is found the non-refundable portion will accrue to the Council member's or Employee's value of conference attendance.

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### **Related documentation**

Elected Member Fees, Expenses Allowances and Other Provisions Policy

### **Related local law and legislation**

Local Government Act 1995, section 5.98(2)(b), 5.126

Local Government (Administration) Regulations 1996, reg.(32)

### **Related delegation**

Nil

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### **Review History**

20 December 2016 (Report CPS33.16)

TBD

## Asset Management

<b>Status</b>	Council
<b>Responsible Division</b>	Office of the Chief Executive Officer
<b>Objective</b>	This policy establishes the framework for decision making by Council in undertaking asset management in a structured, organised and sustainable manner. .

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### Context

As the custodian of the City's assets this policy will ensure:

- all legal obligations are met;
- Appropriate representation of the community as asset owners; and
- assets are sustainably managed in an equitable manner.

It is the responsibility of Administration to provide accurate, evidence based technical and professional asset management advice to enable elected members to make informed decisions on behalf of the community they represent.

### Statement

Asset Management in the City of Nedlands utilises a combination of contemporary best practice and resources to ensure that the assets under its control are maintained in a safe and functional condition and replaced according to adopted strategies and plans.

Asset Management involves Council, Administration and the Community; from those that plan services, provide services and manage assets and services to those who use the assets. Council will utilise integrated decision-making processes to ensure asset provision and maintenance are properly considered throughout the asset management lifecycle.

The primary goal of asset management is to provide the required level of service in the most cost-effective way through the creation, acquisition, maintenance, operation, rehabilitation and disposal of assets for the present and future generations.

Asset management is a key objective in the City's ten (10) year Strategic Community Plan and Strategic Plan and shall be incorporated into long term financial-management plan. The City's strategic financial plan will ensure that:

- a) Sufficient funds are allocated as a priority each year to operate, maintain and, refurbishment or replacement of existing assets throughout their lifecycle; and



- b) Ensure funds are identified and allocated where appropriate for the investment in new or upgraded assets.

Long term financial models will be prepared that identify the whole of life costs for all City assets. Where appropriate this should include performance modelling of assets based on different funding scenarios.

Investments in new asset creation shall consider whole of life costs of the asset assessing benefit/cost ratios, net present value and the environmental and social benefits of investment.

This policy shall be read in conjunction with the ten (10) year Strategic Community Plan, Four (4) year Corporate Business Plan, Long Term Financial Plan and various strategic documents including but not limited to:

- Asset Management Strategy;
- Asset Management Plans;
- Long Term Financial Plan; and
- Disability Access and Inclusion Plan.

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#### **Related documentation**

Nil

#### **Related Local Law / Legislation**

Local Government Act 1995

#### **Related delegation**

Nil

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#### **Review History**

28 July 2015 (Report CPS18.15)  
27 November 2012 (Report CPS48.12)  
22 June 2010 (Report D34.10)

## Use of Council Facilities for Community Purposes

<b>Status</b>	Council
<b>Department</b>	Community Development
<b>Objective</b>	To provide guidance on the use of Council-owned facilities for community purposes.

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### Scope

- This policy applies to the use of Council-owned facilities for community purposes only.
  - Therefore, it applies to the use of Council facilities by sporting clubs; community groups and organisations; government departments; and individual community members, when using a Council facility for a community purpose.
  - It does not apply to tenancy of Council facilities for residential or commercial purposes. In these instances, commercial considerations will apply.
- 

### Definitions

**Community purpose** means a purpose that is primarily aimed at benefiting the local community. It includes use by an incorporated sporting club or community organisation or community group. It may also include use by a government department, where the City considers that usage to be of particular value to the local community. It excludes use by a privately owned, profit-based business entity.

**Community facilities** include halls, pavilions, change-rooms, clubrooms and other buildings used for community purposes, as well as sporting fields.

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## Statement

- Council recognises the key contribution that sporting clubs and community organisations make to the local community.
- Therefore, the City provides a range of facilities for their use, as well as use by individual community members.
- Council will structure its fees for use of community facilities on the basis of building community sector capacity and in a way that is financially sustainable for Council.
- Council will make its community facilities available to users on the basis of one of the following:
  - Lease
  - Management Licence or
  - Hire.
- Leases are generally for long-term, formal tenancy arrangements. Management licences are generally for medium-term tenancy arrangements. Hire arrangements are generally for short-term or casual usage.
- Council reserves the right to decide whether a particular facility (or part of a facility) is offered for use on the basis of a lease, management licence or hire arrangement.
- Generally, Council aims to maximise use of its facilities. Therefore, use of community facilities by multiple users is the preferred model. However, under some circumstances Council will consider offering exclusive use of a facility to one specific user, formalised by a lease or management licence.

## Leases

- *Purpose:* community-purpose leases aim to provide sporting clubs and other community-based user groups with secure, long-term tenure of Council-owned facilities that are developed and maintained by the tenant.
- *Approval:* all leases of Council-owned property must be approved by Council, unless authority to approve has been formally delegated by Council to the CEO.
- *Eligibility criteria:* Council may consider offering use of a community facility under a lease in the following circumstances:
  - The user group requires exclusive use of a facility. (Example 1: greens used by a bowling clubs cannot be shared by other sport types. Example 2: a bridge club requires such constant use of a facility, and under such



conditions, that the bridge club's use would be incompatible with other uses.)

- The user group has the *capacity* to manage and maintain the facility, including any capital development required.
- The user group is incorporated as a not-for-profit sporting club or community organisation; or a government department.
- However, meeting the eligibility criteria listed above does not confer a right to a lease. Council reserves the right to decide whether a facility is offered on the basis of a lease; and if so, to whom the lease is offered.
- *Rationale:* the overarching rationale for Council's community-purpose leases is to provide the facility to the user-group free of rental charge, and at no cost to Council. While Council does not seek to profit from community-purpose leases, nor should such leases result in a financial impost on Council and therefore rate-payers generally. The principle underlying community use leases is that all costs associated with the facility must be met by the lessee.
- *Key features:* the City's community-purpose leases will be based on a Standard Lease, with the following key features:
  1. No rental fee to be paid by the tenant;
  2. Tenant maintains, develops and operates the facility;
  3. Term of 10 years, plus a 5 year option to renew.
- In exchange for use of a rent-free facility, the tenant is responsible for all maintenance of the facility, including responsibility for the facility's structure, as well as any capital development and replacement of the facility.
- The facility must be maintained to the standard required by Council and fit for the purpose of the use specified in the lease.
- The tenant is also responsible for all utility costs associated with the facility.
- Council may consider CSRFF application: Notwithstanding the tenant's responsibility for capital development of the facility under the terms of their lease, Council may consider formal applications from sporting clubs for capital development grants under the Community Sport and Recreational Fund program, as outlined in Council policy "Capital Grants to Sporting Clubs".

### **Management Licences**



- *Purpose:* community-purpose management licences aim to provide sporting clubs and other community-based user groups with secure, medium-term tenure of a Council facility that is maintained by the City.

*Approval:* all Management Licences authorising the use of Council-owned facilities must be approved by Council, unless authority to approve has been formally delegated by Council to the CEO.

- *Eligibility criteria:* Council may consider offering use of a community facility under a management licence in the following circumstances:
  - Council elects to offer use of that facility through a management licence..
  - The user group's needs can be met by a management licence in the City's view.
  - The user group has the capacity to meet the costs outlined in the management licence.
  - The user group is an incorporated, not-for-profit, sporting club or community organisation.
- However, meeting the eligibility criteria listed above does not confer a right to a management licence. Council reserves the right to decide whether a facility is offered on the basis of a management licence; and if so, to whom the licence is offered.
- *Rationale:* the overarching rationale for Council's management licence agreements is to enable secure medium-term use of community facilities that are maintained by the City..
- *Key features:* the City's community-purpose management licences will be based on a Standard Management Licence, with the following key features:
  1. Licence fee to be paid by the tenant
  2. City maintains and develops the facility
  3. Term of 3 – 5 years.
- The City is responsible for all maintenance of the facility, including responsibility for the facility's structure, as well as any capital development of the facility.
- The City will maintain the facility to the standard it determines as required for a general, shared-use community building. The City will not fit-out or maintain a shared-use building to meet the particular requirements of any specific user.



- If a user group has specific requirements beyond those determined by the City as appropriate for a general, shared-usage community facility, that user group may request City permission to install the additional requirements. The City may or may not support this request. Any costs associated with these additional requirements must be met by the user group.
- The user group will be responsible for payment of all utilities for the time period for which they are licenced to use the facility.
- *Management licence fees:* Management licence fees will be determined by taking into account:
  - the cost of maintaining the City's community facilities portfolio as a whole;
  - the size of the specific facility being offered under management licence; and
  - the amount of time the user group uses the facility.
- User groups will be charged a management licence fee, approved in Council's annual Fees & Charges, to offset the cost of maintaining the City's community facilities.
- From time to time, Council will consider the cost of providing the City's community facilities portfolio as a whole; and decide on an appropriate rate of cost recovery, to be implemented through the City's management licences.

## Hire

- *Purpose:* the primary purpose of providing halls and community centres for hire is to provide community-based users with short-term use of public facilities that are provided and maintained by the City.
- *Approval:* bookings of the City's hire facilities are approved by Administrative staff.
- *Eligibility:* community groups and organisations, sporting clubs, individuals and businesses are all eligible to use the City's hire facilities. However, priority will be given to the following users:
  - Incorporated, not-for-profit, community organisations and sporting clubs
  - Informal community groups.
- However, meeting the priority categories listed above does not confer a right to hire a Council facility. Council reserves the right to decide whether a facility is offered for hire; and to whom the facility is offered.

- *Maximising Use:* In order to maximise use of its hire facilities, Council may allow bookings by individuals and businesses. However, priority for bookings will be given to community groups and organisations.
- *Ineligibility:* private parties with alcohol are not allowed in Council owned facilities.
- However, the ban on private parties with alcohol in City facilities does not prevent sporting clubs or community groups that are regular users of a City facility from holding events with alcohol, providing they meet all necessary requirements.
- Rooms at Mt Claremont Community Centre will not be hired out for events with alcohol, even to sporting clubs or community organisations that are regular users of a Council facility, due to the Centre's proximity to residences.
- *Rationale:* the overarching rationale for Council's hire facilities is to enable orderly, short-term use of Council facilities by multiple community-based users.
- *Key features:* the City's hire arrangements will be based on a hire agreement with the following key features:
  1. Hire fee to be paid by the hirer
  2. City maintains the facility, including all capital expenditure
  3. Short term hire of a minimum period of 1 hour, over a maximum term of 1 year.
- Bookings by hirers can only be made for a maximum of 1 calendar year at a time.
- The City is responsible for all maintenance of the facility, including responsibility for the facility's structure, as well as any capital development of the facility.
- The City is also responsible for all utility costs associated with the facility.
- The City will maintain the facility to the standard it determines as required for a general, shared-use community building. The City will not fit-out or maintain a shared-use building to meet the requirements of any specific hirer.
- The City will not provide signage for hirers.
- *Hire Fees:* Users will be charged a hire fee, listed in Council's annual Fees & Charges, to off-set the cost of maintaining its community facilities..
- From time to time, Council will consider the cost of providing the City's community facilities portfolio as a whole and decide on an appropriate rate of cost recovery, to be implemented through the City's hall hire fees.

### Summary of Usage Types:

The key features of the different ways that Council facilities can be accessed are summarised below.

<b>Lease</b>	<b>Management License</b>	<b>Hire</b>
<ul style="list-style-type: none"> <li>• No rental fee paid by tenant</li> <li>• Tenant maintains facility</li> <li>• Tenant responsible for capital development</li> <li>• Tenant pays utilities</li> <li>• 10-year term + option to renew for 5 years</li> </ul>	<ul style="list-style-type: none"> <li>• Annual licence fee paid by tenant</li> <li>• Council maintains facility</li> <li>• Council responsible for capital development</li> <li>• User group pays utilities</li> <li>• 3 – 5 years terms</li> </ul>	<ul style="list-style-type: none"> <li>• Hire fee paid by user</li> <li>• Council maintains facility</li> <li>• Council responsible for capital development</li> <li>• Council responsible for utilities</li> <li>• Booked period = 1 hour – 1 day, depending on availability of facility;</li> <li>• Repeat bookings taken for a maximum period of 1 year.</li> <li>•</li> </ul>

### Related documentation

Procedure – Use of Council Facilities for Community Purposes (not yet developed)  
 Council Policy – Capital Grants for Sporting Clubs

### Related Local Law/legislation

*Property Law Act 1969 (WA)*  
*Disability Services Act 1993 (WA)*  
*Local Government Act 1995 (WA)*  
*Land Administration Act 1997 (WA)*

### Related delegations

Nil.

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## **Review History**

24 March 2015 (Report CPS07.15)

## Community Notice Boards in Council Operated Facilities

<b>Status</b>	Council
<b>Responsible Division</b>	Office of the Chief Executive Officer
<b>Objective</b>	To define the use of community notice boards provided in council operated facilities.

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### Context

This policy sets the parameters and conditions for the use of community notice boards in Council operated facilities which have dedicated space to display community information.

#### Definitions:

- Community notice boards – dedicated spaces for the display of community generated notices.
- Council operated facilities – for the purpose of this policy, the Council operated facilities include:

The City's Administration building  
 Nedlands Library  
 Mt Claremont Library  
 Mt Claremont Community Centre  
 Tresillian Arts Centre  
 Point Resolution Child Care Centre

### Statement

- Subject matter of items to be displayed on community notice boards must be of general community interest and benefit. Preference will be given to promoting:

Local clubs, service clubs, schools and organisations  
 Community events and festivals  
 Self-help and support groups  
 Cultural events  
 Public education programmes

- The following items will not be displayed:

Items advertising commercial products and services, or personal monetary gain  
Petitions, or references to petitions, will not be displayed in any Council operated  
facility

- The City's Chief Executive Officer will consider requests to display materials on the community notice boards. The City reserves the right to refuse to accept materials considered unsuitable under the guidelines of this policy.

- All materials for display must be handed to a staff member either:

At the specific location the material is intended to be displayed, or  
if it is to be displayed in more than one facility, multiple copies can be given to the  
one centre, to be forwarded to other designated facilities.

- As a general rule, materials will be displayed for one month maximum. Materials will be clearly dated upon receipt to manage the display time frames. City staff will remove items from display according to these time frames and the items will be recycled.
- Due to limited space on community notice boards, priority will be given to local material. Items which are not considered local will be displayed when space allows.
- Items up to A4 size are preferred, A3 size will be considered if space is available.

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#### **Related documentation**

Nil.

#### **Related Local Law/legislation**

Nil.

#### **Related delegation**

Nil.

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#### **Review History**

25 August 2015 (report CPS20.15)  
26 March 2013

## Application of Grant Funding

<b>Status</b>	Council
<b>Responsible Division</b>	Office of the Chief Executive Officer
<b>Objective</b>	To establish guidelines for Council to agree to projects or programs in advance which are subject to planned annual funding rounds, and to allow the Chief Executive Officer to apply for and accept unplanned grant funding amounts up to \$200,000.



### Context

There are occasions when grant opportunities arise which are beneficial to the City, that don't fit within City budget development and approval cycles. This policy sets the parameters for application and acceptance of these grants.

### Statement

#### 1. General

The Chief Executive Officer may apply for and approve the acceptance of all grants that fit with the strategic priorities, in the following circumstances.

- a. Where the amount of any one grant does not exceed \$100,000 provided it complies with 1b, 1c or 3a of this policy.
- b. If an opportunity exists to enhance a project that has been funded in an adopted budget.
- c. If a project to be funded has been identified in the Strategic Community Plan or Corporate Business Plan.

If a grant application is successful and there is no existing budget for either the income or proposed expenditure Council will need to approve the budget amendment which it may do so after considering a report on the proposal either separately or if appropriate as part of a general budget review.

#### 2. Road Infrastructure Grants

Each year, as part of the annual review of the forward works program, Council will be advised of the next relevant financial year's projects which may qualify for external grant funding under the next relevant Black Spot Projects, Metropolitan Regional Road



Group, Roads to Recovery Department of Transport Western Australia Bicycle Network Grants and Grants Commission” grant programs.

Unless there are any amendments made to these projects as part of the adopted budget, these will be the projects that Council seeks grant funding for.

3. Service Agreement Grants  
(This excludes Commonwealth Home Support Programme funding arrangements)
  - a. The City may enter into specific service agreements with other Government Agencies for both re-current and non -recurrent funding.
  - b. In circumstances where the grant exceeds \$100,000 Council is required to formally resolve to enter into such agreements before funding is accepted.
4. Approval of Grant Applications Authorised by Council

Where grants have been approved by Council in accordance with items 2 or 3 the CEO is authorised to approve the submissions and if successful approve the acceptance of the grants.

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#### **Related documentation**

Nil.

#### **Related local law and legislation**

Local Government Act 1995, section 6.8. Expenditure from municipal fund not included in annual budget

#### **Related delegation**

Nil.

#### **Review History**

10 December 2013 (Report CPS40.13)  
9 May 2006 (Report CP25.06)

## Community Signage

<b>Status</b>	Council
<b>Responsible Division</b>	Technical Services

### Objective

This policy aims to stipulate what community signage the City will consider installing when requested by organisations within the City, and how installation costs will be applied.

### Context

Community and commercial organisations request signage) to their facilities from time to time. The types of signs requested include blue steel signs in road reserves, sporting club signage on public reserves or buildings and signs on reserves advertising community events or commercially provided community services. . A proliferation of signs, together with street name signs, park name signs and public facility signs can render all of the signs insignificant. For this reason, the City will only approve community signage in the appropriate e circumstances.

### Definitions

*Major road* means Primary Distributors and District Distributors (A and B). This includes such major roads as Railway Road, Aberdare Road, Hampden Road and Monash Avenue. This does not include Local Distributor roads such as Dalkeith Road or Princess Road.

### Statement

Approval of community signage shall be in accordance with: AS1742.5 section 3; MRWA requirements for Category 3 signs; and the following:

1. The purpose of such signs is to advise road users of the direction of facilities located in side streets
2. Community signage will not be approved for facilities located on a major road;
3. Community signage will not be approved for facilities located on a street directly abutting a major road unless in the opinion of the City there is uncertainty as to which direction the facility is in (Main Roads WA does not permit community signage to be placed on Stirling Highway);



4. Community signage will only be approved for facilities which attract a significant number of visitors from outside of the City;
5. Community signage will not be approved for commercial facilities. Facilities able to apply include:
  - Sporting and Recreational Grounds and Facilities
  - Hospitals
  - Railway Stations and Coach Stations
  - Post Offices
  - Churches and religious institutions
  - Other non-profit institutions
  - Shopping Centres (but not individual shops)
6. Community signage will only be approved for primary and secondary schools which contain within them a specific facility which attracts a significant number of visitors from outside of the City;
7. A written application must be submitted to the City for consideration of a community sign. An application fee will apply;
8. The City is responsible for supply and installation of community signage. All costs for the supply and installation of community signs will be borne by the applicant;
9. A maximum of two community signs shall be erected at any one location;
10. Once approved, community signage will state the shortest name by which the facility is commonly known. Signs should be generic where possible, for example "Hospital" rather than "St Andrew's Hospital". Churches and religious institutions may have the full name displayed; and
11. The City reserves the right to remove community signage at its own discretion. Where this is within six months of the sign being erected, the installation costs (not including the application fee) will be refunded to the applicant.

The AS 1742.5 advises that a better way of directing people to a facility is to ensure that a clear address is provided on stationery and publicity material – this should be a recommendation where applications do not meet the eligibility criteria for a community sign.

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### **Related documentation**

Australian Standard 1742.5

### **Related local law and legislation**

Nil



### **Related delegation**

Nil

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### **Review History**

28 July 2015 (report CPS18.15)

## Bulk Waste Collection and Waste Receptacles on Nature Strips

**Status** Council

**Responsible division** Technical Services

### Objective

The objectives of this policy are to:

- a) Communicate Council's position that unauthorised placement of material or placement of waste receptacles on nature strips contrary to the City's advice or approval is not acceptable.
- b) To ensure that community members are not inconvenienced by the depositing of unauthorised material or placement of waste receptacles on nature strips.
- c) To practically minimise the amount of time that material or waste receptacles is located on a nature strip prior to collection.
- d) Ensure that the City collects bulk collection material within advertised timeframes.

### Context

The City is committed to providing excellent waste management services to the community. ~~An orderly waste collection and recycling system will ensure that any adverse impact on amenity from waste services is minimised.~~ Material that is deposited, separated and collected will be removed by the City or its bulk collection service contractors in an efficient and timely manner, reducing vandalism, arson and nuisance.

### Statement

- a) This policy will not apply to reserves or land vested in other agencies.
- b) Wherever appropriate, a notice will be issued to the property owner or occupier for unauthorised placement of waste material or waste receptacles on the nature strip.
- c) Residents are to ensure that all municipal refuse, recycling and greenwaste bins are not put on the nature strip for collection earlier than 24 hours before collection and must be removed within 24 hours of collection.
- d) Residents are to ensure that all municipal refuse, recycling and greenwaste bins are stored out of sight from the street. Residents can apply to Council where they



wish to store bins in a manner where they can be viewed from the street outside of their normal collection day.

- e) During bulk waste collection times, bulk waste, green waste, metals, mattresses and e-waste are to be stacked separately.
- f) No rubbish is to be placed on the nature strip more than one week prior to collection date.
- g) Skip style or bulk waste bins should not be placed on the nature strip where practicable. These bins may be placed on the nature strip immediately adjacent to the property with the express written permission of the City. Repair for any damage caused to the nature strip or its infrastructure due to the placement or transportation of the bin will be the responsibility of the landowner of the adjacent land.
- h) Recognising that illegal dumping on nature strips and other public land occurs from time to time, the City will investigate reported instances prior to the material being removed.
- i) All offenders of illegal dumping will be infringed or prosecuted in accordance with relevant acts or laws.
- j) The City will continue to advise residents annually, via a booklet or similar, detailing the timelines and methods in which material should be placed on the nature strip for those residents wishing to participate in the bulk collection service.
- k) Material containing asbestos or material suspected of containing asbestos must not be placed in a City waste receptacle, nor placed on the nature strip for bulk waste collection.

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### **Related documentation**

Nil.

### **Related Local Law/legislation**

City of Nedlands Health Local Law  
City of Nedlands Waste Local Law 2016  
Litter Act 1979  
Litter Regulations 1981  
Health (Asbestos) Regulations 1992  
Waste Avoidance and Resource Recovery Act 2007

### **Related delegation**

Nil.

### **Review History**

28 April 2015 (CPS10.15)  
13 December 2005 (Report CP36.05)  
26 October 2004 (Report E111.04)  
25 November 2003 (Report E108.03)  
12 November 2002 (Report E154.02)  
12 March 1996 (Item 12 TS)



## Unauthorised Damage of Vegetation

<b>Status</b>	Council
<b>Responsible Division</b>	Planning & Development Services
<b>Objective</b>	To provide a clear direction as to the appropriate response by the City in the event of unauthorised vegetation damage on Council Reserves..

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### Context

The City is committed to the effective management and protection of vegetation. Unauthorised damage to vegetation on public land occurs from time to time particularly along foreshore and coastal areas. Vegetation is damaged for a number of reasons, ranging from random vandalism to deliberately planned acts, which may be occurring for private benefit such as the enhancement of views. This policy aims to discourage unauthorised damage of vegetation through the use of signage.

Vegetation within the City is of high importance and is significant in terms of:

- Habitat and biodiversity values;
- Erosion prevention;
- Visual amenity;
- Landscape protection;
- Shade provision;
- Wind buffer for residents and users of foreshore and coastal reserves;
- Cultural and historical significance;
- Contribution to developing and maintaining the urban forest; and
- Streetscape value.

### Statement

#### *General*

- The City may prosecute where an offender is identified who has caused unauthorised damage to vegetation on public land;The City will provide a mechanism to encourage community members to report unauthorised damage to vegetation on public land;
- The City will provide a significant deterrent against future unauthorised damage to vegetation on public land; and





- The City will pursue, in conjunction with a prosecution, any replacement costs for the vegetation and in the case of trees, their value in accordance with the City's Tree Register.
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### **Related documentation**

City of Nedlands Urban Forest Strategy 2018 – 2023  
Natural Area Management Plans 2019-2024  
Western Suburbs Greening Plan 2002

### **Related Local Law/legislation**

*Local Government Act 1995*  
*Local Government Property Local Law 2010*  
*Regulation No.5 of Local Government (Uniform Local Provisions)*  
*Regulations (1996)*  
*Environmental Protection Act (1986)*

### **Related delegation**

Nil

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### **Review History**

26 June 2012 (CP27.12)  
23 June 2015 (CPS14.15)

## Trading in Public Places

<b>Status</b>	Council
<b>Responsible division</b>	Planning & Development Services
<b>Objective</b>	To allow for the operation of trading activities in public places in such a manner that they do not conflict with or prejudice the City's permanent retail and service base, or other normal functions of the City.

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### Context

The City encourages vibrant local centres which deliver local services to community. Outdoor dining and the display of goods associated with a shop may be allowed in accordance with this policy.

### Statement

#### General

- Council will consider applications to trade in public places, including outdoor dining and the display of goods upon the footpath.
- Applications will be assessed in a way similar to applications for the use of private land made under the Town Planning Scheme.
- The ways in which any proposal will impact upon the following will be given particular attention.
- The appropriateness of any activity to the character and function of the area.
- The movement of pedestrians and vehicular traffic.
- The safety and accessibility of proposed trading locations.

#### Outdoor Dining

- Approval will only be given to proposals for outdoor dining that is part of an eating establishment in an adjacent building.

- The use of any item of equipment including, tables and chairs, planters, umbrellas and railings will be subject to conditions that will facilitate the safe movement of pedestrians and protect access to facilities such as parking and bus stops.
- Any approval for outdoor dining on footpaths will require a minimum clear footpath width of 1.5 metres.

### **Goods on Footpaths**

- Approval will only be given to display goods on footpaths directly in front of the premises from which the goods are being offered for sale and where no obstruction is caused to adjacent premises.
- Any approval for the display of goods on footpaths will require a minimum clear footpath width of 1.8 metres.

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### **Related documentation**

Nil

### **Related Local Law/legislation**

Health Local Law  
Trading in Public Places Local Law

### **Related delegation**

Nil

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### **Review History**

28 July 2015 (Report CPS18.15)  
28 February 2012 (Report CM12.12)

## Natural Area Path Network

<b>Status</b>	Council
<b>Responsible division</b>	Planning & Development Services
<b>Objective</b>	To outline a strategy for improving and rehabilitating the natural area path network throughout the City.

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### Context

To minimise the cost of rehabilitating and maintaining natural area paths as described in the City's Bushland Management Plans to an acceptable standard in accordance with Australian Standards (where possible).

### Statement

Council will develop a strategy for the improvement and rehabilitation of the natural area path network in accordance with fire protection strategies (where appropriate) and for the integration of a hierarchy of paths for pedestrians and cyclists.

A schedule of natural area path improvements and rehabilitation shall be submitted to Council as a ten-Year Capital Works Program. Priority shall be for paths that are degraded and as such pose safety risks. Priority will also be for paths that require upgrading for fire fighting vehicle access (where appropriate).

The procedures associated with this policy detail the ways in which the strategy will be developed and the standards and specifications for natural area paths.

The City shall aim to upgrade natural area paths to meet its obligations under the Disability Access and Inclusion Plan in consultation with Bushland Friends Groups (where possible).

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### Related documentation

Natural Area Paths – Construction and Maintenance Procedures  
Natural Area Management Plans – 2019-2024

### Related Local Law/legislation

*Local Government Act 1995*  
Disability Access and Inclusion Plan



### **Related delegation**

Nil

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### **Review History**

28 April 2015 (CPS10.15)

26 June 2012 (CP27.12)

## Nature Strip (Verge) Parking adjacent to Vacant Lots

<b>KFA</b>	Managing Parking
<b>Status</b>	Council
<b>Responsible Division</b>	Technical Services
<b>Objective</b>	To manage parking on nature strip (verge) adjacent to vacant lots.

### Context

Part 5, cl. 5.14 of the City's Parking and Parking Facilities Local Law 2013 (Local Law) does not permit parking on a nature strip (verge) without the authorisation of the adjacent property owner. Compliance with the Local Law is initiated where a property owner advises the City of any unauthorised vehicle being parked on the nature strip adjacent to their property.

Nature strips adjacent to vacant lots with no prohibitions for verge parking have a tendency to be used for informal parking without the knowledge of the adjacent property owner. Uninvited nature strip (verge) parking should be minimised and ~~wherever possible such that there is a requirement allowing for it to be~~ effectively managed in conjunction with a vacant lot.

### Statement

Where community concerns are raised, the City may erect 'No Parking on Verge' signage adjacent to vacant lots to allow enforcement of the local law parking laws. Signs will be removed following the issue of a building permit.

The City will provide 10 working days written notice to the adjacent vacant lot owner prior to installing any signage under this policy. The City will provide the reasoning for the signage, and the opportunity for the lot owner to provide any feedback or objection to the signage for the City's consideration if applicable.

### Related documentation

Nature Strip Development Policy

### Related local law and legislation

- *Local Government Act 1995*
- *City of Nedlands Parking and Parking Facilities Local Law 2013*



### **Related delegation**

Nil.

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### **Review History**

27 October 2015 (Report CPS24.15)

## Operation of Council Bank Accounts

<b>Status</b>	Council
<b>Responsible Division</b>	Corporate & Strategy
<b>Objective</b>	To define the bank accounts that are authorised for operation, the purposes to which each can be applied, and the signatories to those respective bank accounts.

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### Context

The Local Government Act 1995 requires the operation of separate bank accounts for money held in the Municipal Fund, Trust Fund and in reserve accounts.

### Statement

- 1 In order to meet its statutory obligations under Division 4 of Part 6 of the *Local Government Act 1995*, and to facilitate the day to day financial operations of Council, the following bank accounts are authorised to be operated:
  - Municipal Fund;
  - Trust Fund; and
  - Reserve Accounts for each of Council's Reserves.
  
- 2 The signatories to the above accounts shall be any two of:
  - Chief Executive Officer
  - Director Corporate & Strategy
  - Director Planning & Development
  - Director Technical Services
  - Manager Financial Services
  - Manager Corporate Strategy & Systems

With any two to authorise withdrawal/payment from any of the City's accounts.

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### Related Documentation

Nil.

### Related Local Law / Legislation



Section 5.42 and Sections 6.6 – 6.11 *Local Government Act 1995*

**Related delegation**

3D Operation of Council Bank Accounts

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**Review History**

10 December 2013 (Report CPS40.13)

26 October 2010 (Report CM26.10)

## Professional Development & Attendance at Events

<b>Status</b>	Administration
<b>Responsible Division</b>	Office of the Chief Executive Officer
<b>Objective</b>	To determine requirements for professional development and attendance at events.

### Context

Professional Development and attendance at events are important to Elected Members and the Chief Executive Officer (CEO) for capacity building of the individual and the organisation. This policy sets out Council's position and terms of approval for professional development and attendance at events.

The attendance at events component of this policy is to enable Council members to attend events as a representative of Council without restricting their ability to participate in Council meetings. It is not intended to be used as a mechanism to avoid conflict of interest provisions where significant matters are likely to come before Council from the provider of the invitation.

### Definitions

**Event** Includes concert, conference, function, seminar, webinar and sporting event.

### Statement

#### 1. General Purpose and Principle

- a. The City of Nedlands (City) is committed to the development, education and improvement, of its Councillor with a view to enhancing Council performance and effectiveness for the benefit of the LG and its constituents.
- b. The aspiration of this policy is to equip Council Members and the CEO with the knowledge, skills and understanding they need to discharge their responsibilities effectively having regard to sound local authority governance standards and regulatory requirements.
- c. This policy addresses attendance at any events, including concerts, conferences, functions or sporting events, whether free of charge, part of a sponsorship agreement, or paid by the local government. The purpose of the policy is to provide transparency about the attendance at events by Council Members and the (CEO).

- d. Attendance at an event in accordance with this policy will exclude the gift holder from the requirement to disclose an interest if the ticket is above \$300 and the donor has a matter before Council. Any gift received that is less than \$300 (either one gift or cumulative over 12 months from the same donor) also does not need to be disclosed as an interest. Receipt of the gift will still be required under the gift register provisions.
- e. In particular this Policy, and its adoption is intended to respond to the requirements of s 5.90A in regard to attendance at event, and s.5.128 in regard to professional development, of the Local Government Act 1995 as amended ("Act").

## 2. Induction and Regulatory Prescribed Training

- a. The City will implement induction procedures designed to allow new Council appointees to gain knowledge about the City and the principles of local government so they may participate fully and actively in Council meetings and decision making at the earliest opportunity following their appointment.
- b. Such induction procedures may relate to and assist Councillors to gain a better understanding of:
  - the City's financial, strategic, operational and risk management position;
  - their rights, duties and responsibilities as Councillors;
  - the role of Council committees and Council advisory / working groups and their Terms of Reference;
  - the City's culture and values;
  - Standing Orders Local Law meeting procedures;
  - good practice protocols and constraints concerning interactions with other Councillors, the CEO, officers, staff, constituents and stakeholders as per the Code of Conduct and Regulations, Rules of Conduct.
- c. Without limiting the generality of 2(a) and (b) of this Policy, each Council member must also complete training in accordance with regulations prescribed under s.5.126 of the Act.

## 3. Professional Development

- a. Councillors should commit to undertaking continuing professional development to update and enhance their knowledge, skills and understandings to assist them in more effectively discharging their responsibilities as Councillors for the benefit of the City and its constituents as a whole.

- b. The professional development to be undertaken by Councillors should be such that is most relevant to each Councillor individually having regard to their own existing level of knowledge, skills, experience, understanding and qualifications.
- c. The following subject matter should as a minimum be considered by Councillors in their professional development:
  - Integrated Strategic Planning
  - Finance
  - Governance & Board Operations
  - Local Government Act & Regulations
  - Planning
  - Asset Management
  - Community Health & Wellbeing
- d. Professional Development opportunities or other fields related to local government may also be considered, including but not limited to environmental, social, technical, IT strategy and planning.
- e. Nothing in paragraph (d) implies that Councillors should not undertake relevant professional development at their own expense, or by way of co-contribution with the LG, as appropriate.

#### **4. Attendance Approval**

##### **a. Approval Criteria**

In making an application to attend professional development or an event the applicant must provide the following in writing to the CEO, or Mayor where the applicant is the CEO:

- i. who is providing the invitation or ticket;
- ii. the location;
- iii. the role of the council member or CEO when attending (participant, observer, presenter) and the value of their contribution;
- iv. whether it is sponsored by the local government;
- v. the benefit of local government representation;
- vi. the number of invitations / tickets received; and
- vii. the cost to attend / participate, including the cost of the ticket (or estimated value of the event per invitation) and any other expenses such as travel and accommodation.

Decisions to attend events will be made by the CEO, Mayor or Council, in accordance with this policy.

Any Elected Member not financially supported by the CEO or Mayor to attend professional development or an event may refer the matter to Council.

When considering any application by an Elected Member to attend professional development or an event, the CEO, the Mayor or Council should take into account the professional development needs of the Elected Member and any issues of equity between Elected Members concerning access to professional development.

**b. Mandatory training & specific budget provision**

In addition to mandatory training, if funds have been specifically provided in the budget for a Council Member to attend specific professional development or an event, then the Chief Executive Officer (CEO) will make any necessary arrangements.

**c. No specific budget provision and attendance within 300 kms radius from Nedlands**

If a Council Member requests approval to attend professional development or an event within 300 kms radius from Nedlands, for which no specific budget allocation has been made, but there are sufficient unallocated funds available within the budget, the following will be applied:

- Where the total cost is no more than \$1,000, CEO can approve;
- Where the total cost is between \$1,001 and \$2,000 then the CEO in consultation with the Mayor may approve attendance if there are sufficient unallocated funds within the budget; and
- Where the total cost is more than \$2,000, the request must be referred to Council for approval.

**d. International and interstate travel**

All City funded international travel for Employees and Councillors requires the timely approval of Council when recommended by the CEO. In the case of CEO international travel, the proposal should be presented to Council without recommendation.

All proposals for approval of travel covered by this provision should be in writing and show the reason for the request.

Interstate travel by Councillors for Councillor related purposes, including educational, is subject to approval by Council.

A written report on the event/s attended is to be presented to Council by the attendee no later than the second Council meeting after the event.

## 5. Provision of tickets to events

All invitations or offers of tickets for a council member to attend an event should be in writing and forwarded to the CEO, or to the Mayor where the CEO receives the invitation.

Any invitation or offer of tickets not forwarded to the CEO, or Mayor in case of the CEO, is not captured by this policy and must be disclosed in accordance with the gift and interest provisions in the Act.

A list of events and attendees authorised by the local government in advance of the event as per below:

Events	Approved Attendee/s
<ul style="list-style-type: none"> <li>• State &amp; Federal Department</li> <li>• Local Governments</li> <li>• WALGA</li> <li>• LG Professionals</li> <li>• Local Sporting Clubs</li> <li>• Local Not for Profit Groups</li> <li>• Private Schools</li> <li>• Local RSL Branch</li> <li>• Local Charities</li> </ul>	<ul style="list-style-type: none"> <li>• Mayor</li> <li>• Councillors</li> <li>• CEO</li> </ul>

## 6. Payments / Reimbursements in respect of attendance

Where an invitation or ticket to an event is provided free of charge, the local government may contribute to appropriate expenses for attendance, such as travel and accommodation, for events outside the district if the Council determines attendance to be of public value.

For any events where a member of the public is required to pay, unless previously approved and listed as per 6 above, the council will determine whether it is in the best interests of the local government for a council member or the CEO or another officer to attend on behalf of the Council.

If the Council determines that a Council Member or CEO should attend a paid event, the local government will pay the cost of attendance and reasonable expenses, such as travel and accommodation.

Where partners of an authorised local government representative attend an event, any tickets or expenses specifically incurred for that person, if paid for by the local government, must be reimbursed by the representative unless expressly authorised by the Council.

Reimbursements are as determined by The Salaries and Allowances Tribunal each year. The extent to which a Council Member and Employee 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 Administration 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.

Reimbursement requests must be provided to the CEO and are to include all receipts and a completed reimbursement form.

## **7. Cancellations**

Where cancellations occur the Council member/CEO should endeavour to find a replacement Council member or appropriate Employee. When no replacement is found the non-refundable portion will accrue to the Council member's or CEO's value of conference attendance.

## **8. Councillor Disclosure of Professional Development undertaken**

- a. The City will keep a progressive record of all professional development, education and training undertaken by Councillors as may be reported to the CEO by Councillors.
- b. Councillors should promptly report in writing to the CEO any relevant professional development education and training in the terms of this Policy undertaken by them including:
  - the substance, nature and learning outcomes from the same;
  - when, or the period over which, the same was undertaken;
  - in the case of any such professional development, education and training not fully funded by the City, a statement to that effect, and should ensure that all such reports for professional development, education and training undertaken by a Councillor during a financial year are provided to the CEO by the end of the relevant financial year.

## **9. Reporting by LG**

Section 5.127 – Report on Training

- (1) A local government must prepare a report for each financial year on the training completed by Council Members in the financial year.
- (2) The CEO must publish the report on the local government's official website within 1 month after the end of the financial year to which the report relates.

## 10. Policy Review / Amendment

This Policy is to be reviewed after each ordinary election so as to comply with section 5.128(5) of the Local Government Act 1995.

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### Related documentation

Nil.

### Related local Law and Legislation

Local Government Act 1995 – Section 5.128. Policy for continuing professional development

### Related delegation

Nil.

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### Review History

Adopted by Council xxxx



## Advisory & Working Groups Policy

<b>Status</b>	Administration
<b>Responsible Division</b>	Office of the Chief Executive Officer
<b>Objective</b>	To provide guidance for the establishment and operation of the City's Advisory or Working Groups.

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### Definitions

**Establishment Date:** is the date on which Council resolved to form an Advisory or Working Group.

**Financial Interest:** has the same meaning as given by Section 5.60A of the Local Government Act 1995.

**Impartiality Interest:** has the same meaning as "Interest", given by Regulation 11(1) of the Local Government (Rules of Conduct) Regulations 2007.

**Proximity Interest:** has the same meaning as given by Section 5.60B of the Local Government Act 1995.

**Termination Date:** means the date the Advisory or Working Group ceases and is the earlier of:

- a. 2 years from the establishment date;
- b. The date resolved by Council; or
- c. Close of business on the day before ordinary elections.

**Advisory or Working Group:** means and includes Advisory or Working Group as referred to in this Policy and established by a resolution of the Council.

**Terms of Reference:** for an Advisory or Working Group includes the following:

- a. Purpose / Objectives
- b. Membership and Chair
- c. Statement of adherence to the Code of Conduct
- d. Tasks
- e. Key performance indicators (outcomes)
- f. Meeting frequency
- g. Termination date
- h. Agenda

### Statement

Council may establish and operate Advisory and Working Groups.

## 1. Policy Principles

## 1.1 Establishment

The Council may, by resolution, establish an Advisory or Working Group to:

- a. facilitate Council member, stakeholder and/or community input and involvement opportunities; and
- b. provide advice and support to the City, in regard to strategic, special interest, project and/or operational activities.

Advisory or Working Groups established pursuant to this Policy are not, and are not intended to be Committees established under Section 5.8 of the Local Government Act 1995. Advisory or Working Groups cannot be given delegated powers and duties by Council.

## 1.2 Operation

Where not already determined by Council, the first business of each Advisory or Working Group will be to recommend draft Terms of Reference. These will include, but are not limited to:

- a. Purpose / Objectives
- b. Membership and Chair
- c. Statement of adherence to the Code of Conduct
- d. Tasks
- e. Key performance indicators
- f. Meeting frequency
- g. Termination date
- h. Agenda

Once the draft Terms of Reference have been produced they shall be submitted to the Council, via the CEO through a report, for approval.

Advisory or Working Groups will operate in accordance with the Council approved Terms of Reference.

## 2. Policy Guidance

### 2.1 Terms of Advisory and Role

Advisory or Working Groups are to operate within the Terms of Reference approved by the Council and the following general framework:

- a. The role of an Advisory or Working Group is to act in an advisory and consultative capacity, providing the City's Administration and the Council with its views and/or proposals relevant to the Objectives for which the group was established.

- b. The Advisory or Working Group will only consider matters referred to it by the Council.
- c. An Advisory or Working Group has no decision-making powers and does not have any authority to act on behalf of the City. In operation, the group cannot direct employees, call tenders, award contracts, expend monies, direct volunteers or do anything which is the responsibility of the City.
- d. Should an Advisory or Working Group wish to inform Council of its position on any matter, or to action any matter not already within the approved budget or being carried out administratively, then a formal recommendation to Council must be provided, via a majority vote of the members.
- e. Advisory or Working Group meetings will be conducted in an informal manner, providing opportunities for ideas to be raised and general discussion.
- f. Advisory or Working Group members (Mayor excepted) either collectively or individually are not authorised to speak on behalf of the City or provide comment to the media or other persons, in respect of any item under consideration, unless authorised by the Mayor and Chief Executive Officer.
- g. Matters determined by the CEO or Chairperson to be confidential are to be dealt with by the members as such. Members are not permitted to reveal the nature or content of confidential material provided to the Advisory or Working Group outside of that Group.

## **2.2 Role of the Chairperson**

- a. The Advisory or Working Group Chairperson is to be appointed by the Council.
- b. The Council appointed Chairperson will preside at all meetings. In the absence of the Chairperson, a person elected by the quorum will assume the Chair for that meeting. Preferably, the Advisory or Working Group should be chaired by a Council member (if possible), or then by a Senior City Officer.
- c. The Chairperson (in liaison with the most Senior City Officer appointed to the Advisory or Working Group) shall ensure that the Advisory or Working Group operates in accordance with this Policy at all times.

## **3. Meeting Procedures**

### **3.1 Meetings**

- a. Unless approved by the Council or there is a need to address an urgent issue (the latter to be agreed by the Chairperson and the Chief Executive Officer), the Advisory or Working Group shall meet as required. Additional meetings may be convened at the discretion of the Chief Executive Officer.
- b. At the first meeting, the Advisory or Working Group shall determine a Schedule of Meeting dates for the remainder of the year.

### 3.2 Quorum

A quorum will be by simple majority plus one.

### 3.3 Agendas

- a. The Chairperson will determine the Agenda for each meeting. Members may submit items for consideration and listing on the Agenda.
- b. All meetings shall be confined to items listed on the Agenda, unless the Chairperson wishes to bring up an urgent item.

### 3.4 Minutes/Meeting Notes

- a. The relevant Senior City officer having responsibility for the Advisory or Working Group, in liaison with the Advisory or Working Group Chairperson, shall be responsible to ensure the preparation and accuracy of the Minutes/meeting notes.
- b. Items considered at the meeting do not need to be voted upon. However, the minutes/meeting notes of the Group will record a vote on all actions and advice positions. They will not reflect verbatim discussion on issues or matters discussed during debate prior to agreement being reached. At the end of each meeting, the City's Officer in attendance will read out the agreed actions and any points of agreement to the meeting to ensure they are accurately reflected to the consensus view, prior to the meeting voting on the actions or advice positions.
- c. Matters that the Advisory or Working Group wish to bring to Council formally are to be voted on as formal recommendations.
- d. The view and proposals of an Advisory or Working Group are to be recorded in Minutes/meeting notes and retained in the City's record keeping systems.
- e. Minutes/meeting notes of the meeting will be prepared by the Responsible Officer and distributed to members within ten (10) working days after the date of the meeting.
- f. The Minutes/meeting notes shall accurately record the details of any disclosure of interest and the extent of such interest.
- g. The Minutes/meeting notes shall record the times any person who has made a disclosure, has departed and/or re-enters the meeting.
- h. Minutes/meeting notes not requiring a Council decision will be circulated to the elected members and each member of the Advisory or Working Group and shall be records managed.
- i. Unconfirmed Minutes/meeting notes requiring a decision of Council are to be reported through relevant Directorate reports, with any recommendations regarding the views and proposals of the Advisory or Working Group, to the next available Ordinary Council Meeting, where practicable.
- j. Reports will consider each proposal to ensure it is:

- i. Consistent with the City's established strategic and operational planning and the objectives for which the Advisory or Working Group was established;
- ii. Within the City's capacity relevant to staffing, resources and adopted budget and also operational effectiveness and efficiencies; and
- iii. Endorsed by Council resolution, where funding from external sources is proposed.

#### **4. Administrative Action and Support**

- a. A City employee will be assigned to provide administrative support to the Advisory or Working Group. This person will be responsible for the following:
  - i. Issuing of the Agenda;
  - ii. Recording of Apologies prior to the meeting;
  - iii. Preparation of the Minutes/meeting notes;
  - iv. Room booking; and
  - v. Bringing formal recommendations to Council through reports.
- b. Advisory or Working Group meetings will not be catered aside from tea, coffee, water and biscuits.
- c. Any items which have been dealt with by the Advisory or Working Group will only be implemented by the City's Administration once approved by Council, except where an action is carried out in the normal course of the City's budgetted activities.

#### **5. Code of Conduct**

- a. The City's Code of Conduct shall apply to members of the Advisory or Working Groups.
- b. Members will be advised of the relevant provisions of the City's Code of Conduct and must comply with the relevant requirements. A copy of the Code of Conduct will be provided to each member upon their appointment.
- c. All members shall be required to declare any conflicts of interest in matters being considered by the Group.
- d. The City's Chief Executive Officer is available to provide any assistance or guidance concerning the Code of Conduct or any matters of Interest.

#### **6. Conflict of Interest**

- a. Although the financial, proximity and impartiality interest provisions of the Local Government Act 1995 do not apply to an Advisory or Working Groups (as it is not a Council appointed committee approved under section 5.8 of the Local Government Act 1995), all conflict of interest need to be recognised, to ensure that probity is maintained at all times.
- b. If a matter is being discussed by the Advisory or Working Group and a member has a financial or proximity interest in the matter, then the member

- is required to declare the interest and remove themselves from the meeting whilst discussion on that issue is taking place.
- c. If a member discloses a financial or proximity interest in a matter under consideration by the Group and wishes to remain and participate in the meeting, the member may consider whether the interest is:
    - i. trivial or insignificant; or
    - ii. an interest in common to a significant number of electors or ratepayers.

The member shall make the request to the Chairperson to remain and participate at the meeting and not only disclose the nature of their interest, but also the extent of that interest. If the Disclosing member is the Chairperson, such disclosure shall be made to the meeting.
  - d. The member shall then depart the meeting, whilst the meeting considers the request. The meeting shall then determine that the member should:
    - i. not participate in that part of the meeting;
    - ii. remain in the meeting and participate in discussion; or
    - iii. remain in the meeting only, but not participate in discussion on the matter.
  - e. Once the meeting has made a decision concerning a request, the Chairperson shall inform the member of the decision and the member shall comply with the Meeting's decision.
  - f. The Minutes/meeting notes shall record the member's disclosure of interest and the extent of the interest. They shall also record the times a disclosing member has departed and/or re-entered the meeting and/or is absent from the meeting during the item of interest.
  - g. If a member is unsure whether they have an interest in a matter, they are encouraged to raise the issue with the Senior City Officer in attendance at the meeting to assist (though not direct) them in their decision.

## 7. Insurances

Where available through its insurance provisions the City will arrange all insurance to cover Advisory or Working Group members whilst discharging their normal course of duty.

## 8. Membership

- a. Membership of an Advisory or Working Group is to be determined by the Council on a basis of relevancy to the purpose for which the group has been established.
- b. Membership may include; Council delegate/s (Council members), employees and representatives of stakeholder organisations and members of the community.
- c. Where Advisory or Working Group membership includes representatives of stakeholder organisations, the City shall seek written nomination/s from the organisation/s.



- d. Where Advisory or Working Group membership includes representatives to be drawn from members of the community; the City shall publicly advertise and call for nominations to be received within a defined period. Members are to be appointed by the Council based on demonstrated knowledge, skills and/or understanding relevant to the purpose for which the Advisory or Working Group has been established, or based on any other criteria determined by Council.
- e. In order to facilitate specific aspects of the operations of an Advisory or Working Group, membership with required skills or knowledge may also be co-opted on an 'as required' basis, by either the Chief Executive Officer or Advisory or Working Group Chairperson.

## 9. Tenure of Appointment

- a. The Council will appoint a member to the Advisory or Working Group including the prescribed Term and any conditions.
- b. Unless determined otherwise by Council the Advisory or Working Group membership tenure is from the date of approval by Council until the termination date.
- c. If a member fails to attend three (3) consecutive meetings of the Advisory or Working Group, his/her appointment shall be automatically terminated, unless Leave of Absence has been granted and approved by the Advisory or Working Group. The Chief Executive Officer shall advise any member, in writing, when their membership of a Group is terminated.
- d. The Council may terminate the appointment of any member prior to the expiry of his/her term, if:
  - i. the Chairperson and Chief Executive Officer are of the opinion that the member is not making a positive contribution to deliberations of the group; or
  - ii. the member is found to be in breach of the Code of Conduct or a breach or contravention of the Local Government Act 1995, or its subsidiary legislation; or
  - iii. a member's conduct, action or comments brings the City of Nedlands into disrepute.
- e. The Council may by resolution terminate the Advisory or Working Group at any time and for any reason.

## 10. Vacancies

Vacancies shall be filled by calling for nominations of either the Council or community representatives. Members filling a vacated position will hold that position until the termination date.

## **11. Council Decision**

The City's decision-making obligations are guided by relevant legislative, strategic and operational requirements and therefore the views or proposals of an Advisory or Working Group may not always prevail.

## **12. Review**

The operations and Terms of Reference of an Advisory or Working Group shall be reviewed when it is reconvened by Council, or at any other time as required by Council.

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### **Related documentation**

City of Nedlands Code of Conduct

### **Related local Law and Legislation**

Local Government Act 1995

### **Related delegation**

Nil.

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### **Review History**

Adopted by Council xxxx



## Natural Areas Management

<b>Status</b>	Council
<b>Responsible Division</b>	Planning and Development
<b>Objective</b>	<p>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 outcomes focus. The bushland reserves will be managed for the purposes of:</p> <ul style="list-style-type: none"> <li>• biodiversity,</li> <li>• conservation; and</li> <li>• recreation outcomes for the community.</li> </ul>

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### Context

The natural areas within the City are situated on the Swan Coastal Plain contained within one of the world's 35 global biodiversity hotspots. These areas contain unique flora and high species diversity. Key threats include environmental weeds, plant pathogens, feral animals, fire management, illegal dumping, un-managed access and climate change.

This Policy provides direction for which the City will ensure bushland under its responsibility is managed in a way that complies with federal and state environmental legislation, applicable policy and management frameworks, to enhance conservation and biodiversity outcomes.

This policy will assist the City to:

- Improve public amenity through the improvement of bushland condition and access;
- Conserve biodiversity through the protection and enhancement of natural areas;
- Maintain and enhance genetic diversity through the improvement of ecological corridors and habitat;
- Improve the resilience of natural areas in the face of a changing climate;
- Effectively manage the scope and assist the activities of bushland "Friends Groups";
- Reduce bushfire risk through environmental weed control; and
- Receive grant funding assistance through the implementation of Natural Areas Management Plans.

## Statement

The City has six natural areas which are all actively managed. They include coastal, riverine and inland natural areas which cover approximately 60Ha across the district.

The effective management of natural areas requires scientific assessment and measured outcomes via the implementation of identified actions. These are identified via the ongoing development, implementation and review of the Natural Areas Management Plans by the City. The Plans provide guiding information, strategies and management actions necessary to protect, enhance and restore natural areas and biodiversity within the City.

The plans provide for the measurement of the program's success through the science-based monitoring of bushland condition, environmental weed and flora and fauna surveys. Where it is identified that progress is not meeting expectations, management actions and focus areas will be reviewed and modified, in order to increase the effectiveness of the Reserve's ongoing management. The monitoring and review process will occur during the 5-year review of the management plans.

Management plans have been developed with actions provided for natural area management, in the following natural areas located throughout the City:

- Shenton Bushland, 24.57Ha located in Shenton Park (of which 3.46Ha is vested in the Department of Health and 0.11Ha Department of Education),
- Allen Park Bushland, 18.9Ha located in Swanbourne (of which 2.9Ha is vested in the Department of Defence),
- Point Resolution Reserve, 4Ha located in Dalkeith,
- Birdwood Parade, 5.7Ha located in Dalkeith,
- Hollywood Reserve, 6.41Ha located in Nedlands; and
- Mt Claremont Oval Bushland, 2.21Ha located in Mt Claremont.

The management plans provide a strategic and operational framework to stakeholders involved in the management of the City's natural areas. These include the City of Nedlands, Department of Defence (for Allen Park), Department of Health (for Shenton Bushland), volunteers and bushland "Friends" groups.

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## Related Documentation

- City of Nedlands Community Friends Group Policy
- City of Nedlands Greenways Policy
- City of Nedlands Illegal Clearing of Vegetation Policy
- City of Nedlands Natural Area Management Plans
- City of Nedlands Natural Area Path Network Policy
- City of Nedlands Urban Forest Strategy 2018-2023

- Perth and Peel @3.5 Million and Central Metropolitan Perth sub-regional Strategy
- State Planning Policy 2.8
- Western Australian Planning Commission Bush Forever Policy 2000
- Western Suburbs Greening Plan (WESROC)

#### **Related Local Law / Legislation**

- Aboriginal Heritage Act 1972
- Biosecurity and Agriculture Management Act 2007
- Cat Act 2011
- Bushfires Act 1954
- City of Nedlands Local Law Relating to Reserves, Foreshores and Beaches
- Environmental Protection and Biodiversity Conservation Act 1999 (Commonwealth)
- Biodiversity Conservation Act 2016
- Swan and Canning Rivers Management Act 2006

#### **Related Delegation**

Register of Delegations under the City of Nedlands Local Law Relating to Reserves, Foreshores and Beaches, Section 17, 18

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#### **Review History**

Adopted by Council xxxx

**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 11.13 pm.