



City of Nedlands

Agenda

Council Committee Meeting

10 November 2020

Dear Council Member

The next meeting of the Council Committee will be held on Tuesday 10 November 2020 in the Adam Armstrong Pavilion located at Beatrice Road, Dalkeith commencing at 7.00pm.

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

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

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

Mark Goodlet
Chief Executive Officer
6 November 2020

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City of Nedlands

Notice of a meeting of the Council Committee to be held in the Adam Armstrong Pavilion, Beatrice Road, Dalkeith on Tuesday 10 November 2020 at 7 pm.

Council Committee Agenda

Declaration of Opening

The Presiding Member will declare the meeting open at 7 pm and will draw attention to the disclaimer below.

Present and Apologies and Leave of Absence (Previously Approved)

Leave of Absence None.
(Previously Approved)

Apologies None as at distribution of this agenda.

Disclaimer

Members of the public who attend Council meetings should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. For example, by reference to the confirmed Minutes of Council meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

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

1. Public Question Time

A member of the public wishing to ask a question should register that interest by notification in writing to the CEO in advance, setting out the text or substance of the question.

The order in which the CEO receives registrations of interest shall determine the order of questions unless the Mayor determines otherwise. Questions must relate to a matter affecting the City of Nedlands.

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

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

3. Disclosures of Financial and/or Proximity Interest

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

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

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

4. Disclosures of Interests Affecting Impartiality

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

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

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

"With regard to the matter in item x I disclose that I have an association with the applicant (or person seeking a decision). This association is (nature of the interest).

As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

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

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

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

6. Confirmation of Minutes

6.1 Committee Meeting 14 October 2020

The Minutes of the Council Committee held 14 October 2020 are to be confirmed.

7. Matters for Which the Meeting May Be Closed

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

8. Divisional Reports

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

8.1 Planning & Development Report No's PD53.20 to PD54.20

Planning & Development Report No's PD53.20 to PD54.20 to be dealt with at this point (copy attached yellow cover sheet).

PD53.20 No. 3 Village Mews, Floreat – Residential – Ground Floor Alterations and Upper Floor Addition to Single House

PD54.20 Local Planning Scheme 3 – Draft Interim Local Planning Policy - Hollywood West Transition Zone

8.2 Technical Services Report No's TS18.20 to TS19.20

Technical Services Report No's TS18.20 to TS19.20 to be dealt with at this point (copy attached blue cover sheet).

TS18.20 Acceptance of Management Orders for New Public Open Space at Montario Quarter, Shenton Park

TS19.20 City of Nedlands Waste Plan

8.3 Community Development No's CM09.20 to CM10.20

Report No's CM09.20 to CM10.20 to be dealt with at this point (copy attached orange cover sheet).

CM09.20 Council Contribution to Rotary Centenary Event

CM10.20 Public Artwork Health Workers Tribute Project

8.4 Corporate & Strategy Report No's CPS29.20

Report No's CPS29.20 to be dealt with at this point (copy attached green cover sheet).

CPS29.20 List of Accounts Paid – September 2020

9. Reports by the Chief Executive Officer

Nil.

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

10.1 Community Engagement

Committee	10 November 2020
Council	24 November 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Mark Goodlet
Attachments	1. Email chain between CGM Communications and the City of Nedlands.

Executive Summary

This report responds to a Post newspaper article of 7 November 2020 and address community concerns on engagement activities within the City of Nedlands. It is recommended that the current community engagement process be revisited with Councillor oversight.

Recommendation to Committee

Council:

1. notes that the contract between CGM Communications and the City of Nedlands has been terminated by agreement between the parties; and
2. appoints Councillor Mangano, Councillor (insert name) and Councillor (insert name) to provide scrutineering services for a new engagement services contract to help develop an engagement strategy and community survey.

Discussion

Background

The implementation of Local Planning Scheme 3 (LPS3) has adversely affected a significant number of City of Nedlands residents.

In April 2020 the Mayor and a number of Councillors requested that the City obtain professional assistance to deal with community outrage about the implications Local Planning Scheme 3 (LPS3), understand the community better and build trust between the community, Council and the Administration. Consequently, a simple scope of work was developed with the aim of seeking professional assistance in understanding the matter, providing advice on a way forward and helping to implement any actions required. Three well regarded engagement specialists were approached to provide quotations for this service.

The firm selected to perform the work, CGM Communications, included in their submission on responding to social outrage the work of eminent author Peter Sandman, which has as a fundamental proposition the need to address the legitimate concerns of “outraged” customers. CGM’s submission quoted “... we see ‘social outrage’ as the response to a situation rather than the actual problem itself. The underlying causes of social outrage are the real problem, and once these are identified, analysed and understood, can be resolved ...”

CGM’s approach was to seek and hear from the community to identify the real underlying problems so they could be resolved. They were subsequently engaged.

Their professional assistance helped guide the decision of Council to develop an Engagement Strategy and community survey. CGM Communications professional services have been of a high quality throughout their engagement.

Councillor Mangano raised a notice of motion at the 27 October 2020 meeting of Council to terminate the contract with CGM Communications. Councillor Mangano was concerned that CGM Communications has links to developers and the Labor Government and as a consequence, these connections will be detrimental to the City. Councillors were aware of their high-quality service, their professionalism, the confidentiality clauses built into the contract and the fact that many engagement firms also provide services to a range of clients, including developers and the State Government. This motion was lost.

Upon request Councillors were then provided with a copy of the contract as well as a report on the submissions which evaluated the submissions. This evaluation document was an internal document that was not provided to the respondents at any time. It contained material global gleaned from the internet which described a number of responses to social outrage. It was material obtained by an officer researching global social outrage. That material has been confirmed as being found from the internet and authored by Lesly in 1992.

The contract and evaluation report were provided to the Councillors confidentially and then subsequently these documents were provided to the Post newspaper by sources unknown. These internet quotations were printed in the 7 November 2020 Post newspaper claiming that this was the “admin brief” and that ‘the City of Nedlands has asked public relations firms to “divide and conquer” its own residents’.

This is misleading and completely incorrect. The material in question did not form part of the contract and CGM Communications.

CGM Communication first saw this material in the Post article of 7 November 2020 and had no knowledge of it before last week. CGM Communications has confirmed this in Attachment 1.

CEO Comments

I acknowledge seeing the offending comments originally and asking them to be deleted as they were inappropriate. Since LPS3, the time available to reread every document is not a realistic proposition and I did not check that they had been removed. I apologize to Council and to the community for this.

There is no underlying current within the Administration that seeks to oppose or undermine the legitimate concerns of the community. There is an intention to come to a position of understanding, trust and respect with the community.

This article has provided uncertainty in the minds of the community, creating a public perception that erodes trust in the Administration and in the process. CGM Communications are aware of this difficulty. Given that this conflicts directly with their aim for trust building as an engagement specialist, they have elected to withdraw from the contract, as per Attachment 1. This is supported by the City and the contract has been terminated by agreement.

In order to move forward with meaningful, trust building engagement, it is proposed that there be some Councillors appointed with scrutineering duties for the scope and evaluation process. This is as distinct from an operational role which would involve content production. Councillor Mangano has demonstrated a deep interest in this matter, and it is proposed that he, along with two other Councillors, provide a scrutineering role of the scope and selection process.

Key Relevant Previous Council Decisions:

July 2020

CEO KRA – develop an engagement strategy and community survey.

Consultation

This report deals with engagement processes.

Strategic Implications

How well does it fit with our strategic direction?

Aligns. Community engagement is required under the Local Government Act 1995.

Who benefits?

The community. Resetting and recommencing engagement work will improve understanding of the community and its priorities.

Does it involve a tolerable risk?

Resetting and recommencing the work with Councillor scrutineers will mitigate risk concerns.

Do we have the information we need?

Yes.

Budget/Financial Implications

Can we afford it?

Approximately \$25,000 of a \$60,000 contract has been expended to date. The current contract has now been terminated.

How does the option impact upon rates?

\$60,000 represents approximately 0.25% of rates.

From: Anthony Fisk
Sent: Tuesday, 10 November 2020 10:21 AM
To: Mark Goodlet
Subject: Re: Notice of resignation

Thank you, Mark.

I can also confirm that I have never seen the material referred to in the Post article.

Anthony

Anthony Fisk
Executive Director



From: Mark Goodlet
Date: Tuesday, 10 November 2020 at 6:09 am
To: Anthony Fisk
Subject: RE: Notice of resignation

Anthony,

I acknowledge receipt of your election to withdraw from CGM Communication's and will make arrangements to immediately terminate the contract. I thank you for the work undertaken and your professionalism at all times in undertaking your work for the City of Nedlands.

Could you advise whether you received any of the material that was in this week's Post ("divide and conquer" etc) from the City of Nedlands, either before or during the contract period? There is a need to provide some certainty on this matter.

Regards

Mark Goodlet
Chief Executive Officer
BTh BE PCertBus MPRM MIEAust CPEng NER APEC Engineer IntPE(Aus)



From: Anthony Fisk
Sent: Monday, 9 November 2020 3:39 PM
To: Mark Goodlet
Subject: Notice of resignation

Dear Mark

It is with regret that I write to withdraw CGM's services to the City of Nedlands in relation to community engagement.

As you know, we responded to a Request for Quote to the City, with our understanding being that we were successful in a competitive process.

Over the last two weeks, it has become clear that there is a lack of alignment amongst councillors over the merits of the community engagement work we are undertaking, and that this lack of alignment is creating further divisions.

Consequently, it has become impossible for us to complete our work successfully.

CGM's approach to community engagement involves listening, consulting and trying to build a shared understanding of aspiration between our clients, stakeholders and their communities. Community engagement is about bringing people together for a common journey, not dividing them.

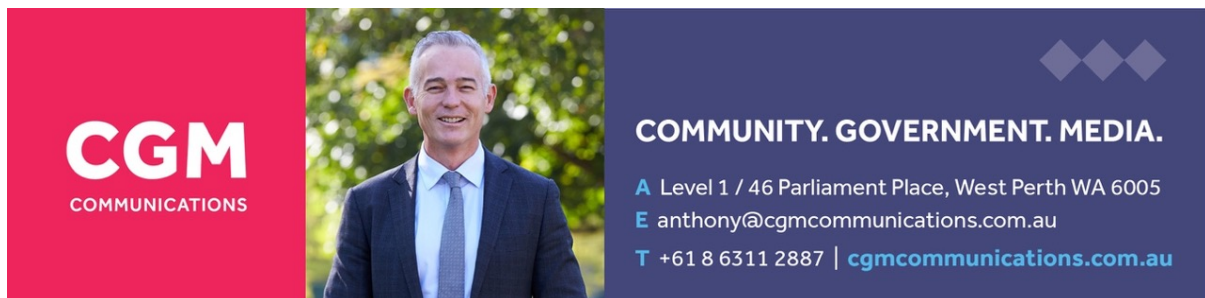
We hope that the work we have undertaken to date will not be lost and that it provides a solid foundation to build upon should councillors achieve alignment on the merits of engaging with the community and how that engagement should occur.

From our perspective, we think it appropriate for our engagement to cease immediately, however there may be a small amount of additional work to undertake to effect a handover. Following this, we will send a final invoice. This will include time incurred by third party suppliers. Should you wish to continue their work, we are comfortable with you contracting separately with them.

I wanted to thank you for the professionalism with which you have engaged with us.

Yours sincerely

Anthony Fisk
Executive Director



The footer contains a red box with the CGM COMMUNICATIONS logo on the left, a central photograph of Anthony Fisk, and a dark blue box on the right with the company name and contact details. The dark blue box also features three diamond-shaped icons at the top right.

CGM
COMMUNICATIONS

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11. Confidential Items

Any confidential items to be considered at this point.

Declaration of Closure

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