



City of Nedlands

Minutes

Council Meeting

26 May 2020

Attention

These Minutes are subject to confirmation.

Prior to acting on any resolution of the Council contained in these minutes, a check should be made of the Ordinary Meeting of Council following this meeting to ensure that there has not been a correction made to any resolution.

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City of Nedlands

Minutes of an Ordinary Meeting of Council held online via Teams on Tuesday 26 May 2020 at 6 pm.

Declaration of Opening

The Presiding Member declared the meeting open at 6.04 pm and drew attention to the disclaimer below.

Present and Apologies and Leave of Absence (Previously Approved)

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

Staff	Mr M A Goodlet	Chief Executive Officer
	Mrs L M Driscoll	Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Mr J Duff	Director Technical Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

Public	A maximum of 21 members of the public logged into the live stream of the proceedings and 3 members of the public attended for the public address session only.	
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Leave of Absence (Previously Approved)	Councillor W R B Hassell	Dalkeith Ward
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Apologies	Nil.
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Disclaimer

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

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1. Public Question Time

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

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

1.1 Ms Emma Rose, 21 Mountjoy Road, Nedlands

Question 1

I refer to the declared outbreak of Queensland fruit fly by the Department of Primary Industries and Regional Development (DPIRD) and the restrictions to not remove any host fruit from the area. I know that DPIRD have letter dropped the area informing people they must strip any host fruit from their green waste. I also know, from walking the streets, that many people have failed to do this.

Given that the council is facilitating the green waste collection what measures is the Council taking to ensure the Waste Contractor does not remove any fruit? (e.g. will a ranger accompany the contractor to ensure any green waste with fruit is NOT collected?)

Answer 1

City staff have met with Department of Primary Industries and Regional Development (DPIRD) staff and reviewed information and processes with regards to the City's Bulk Collection Service. As a result of these discussions the Department advised the following recommendations:

- The Quarantine Area Notice prohibits removal of fruit from the area. If fruit is observed within green waste left for the bulk collection service, the material is left for correct disposal by either DPIRD personnel or by the resident.
- The risk pathway through the green waste collection and disposal process outlined by the City's contractor has been deemed low risk by DPIRD, and no changes to the current processes are required unless DPIRD surveillance detects the presence of Qfly.

- DPIRD has placed additional surveillance traps around the green waste transfer and disposal sites and is monitoring them for the presence of Qfly.
- If the surveillance traps detect the pest or the Quarantine Area expands, additional traps or treatment may be recommended by DPIRD.

Therefore, in summary, at this stage the only recommendation for City contractors is to reject collections of green waste if fruit can be seen by the drivers. Otherwise they can continue as usual. This recommendation has been implemented by the City.

To help City of Nedlands residents to do the right thing, the Department of Primary Industries and Regional Development are communicating to residents regarding the correct disposal of fruit.

1.2 Mr Andrew Jackson, Unit 3 / 114 Stirling Highway, Nedlands

Question 1

Re 97-105 Stirling Highway Proposal

Given that the overshadowing by this proposal would affect the Peace Memorial Rose Garden, which is on the State Register of heritage places, has the City referred this development application to the Heritage Council of WA as required by the Heritage Act; knowing that the Heritage Council has advised that such overshadowing would be detrimental to the cultural heritage values and significance of the place and should not be supported?

If not, why not; and will the City now make that referral as a priority, drawing the attention of the Heritage Council to the fact and details of the overshadowing impact, as a key reason why the scale and mass of the proposal should not be supported?

Answer

Yes. When required the City refers applications to the relevant statutory body.

1.3 Mr Ian Love, 70 Kingsway, Nedlands

Question 1

Please advise the amount of legal cost incurred by the City relative to advice on the Interim Built Form Design Guidelines – Broadway Mixed Use Zone.

Answer 1

\$4,800.

Question 2

Please advise the amount and nature of any other external costs relative to the Interim Built Form Design Guidelines - Broadway Mixed Use Zones.

Answer 2
Nil.

Question 3

Please advise the estimated number of person hours the Staff of the City have spent in working on the Interim Built Form Design Guidelines - Broadway Mixed Use Zone.

Answer 3
Unable to quantify as details not recorded.

2. Addresses by Members of the Public

Addresses by members of the public who have completed Public Address Session Forms to be made at this point.

Mrs Dianne Allan, 4B Alexander Road, Dalkeith PD19.20 & PD20.20
(spoke in support of the recommendations)

Mr David Lord, 21 Alexander Road, Dalkeith PD20.20
(spoke in support of the recommendation)

Mrs Bronwyn Stuckey, 26 Kingsway, Nedlands Items PD24.20 & 14.2
(spoke in support of the motion & recommendation)

Mr Charles Hohnen, 2 / 317 Churchill Avenue, Subiaco TS09.20
(spoke in opposition to the recommendation)

Mrs Carmen Tutor, 8A Alexander Road, Dalkeith PD19.20 & PD20.20
(spoke in support of the recommendations)

Moved – Councillor Coghlan
Seconded – Councillor Mangano

That the public address session be extended to allow for the following addresses.

CARRIED UNANIMOUSLY 12/-

Mr Ian Long, 28 Quintilian Road, Mt Claremont Item 14.1
(spoke in support of the motion)

Mr Brendan O'Toole, 66 Minora Road, Dalkeith
(spoke in support of the motion)

Item 14.2

Moved – Councillor Mangano
Seconded – Councillor Coghlan

That Standing Order Local Law 3.4 (4) be suspended to allow the following public addresses.

CARRIED UNANIMOUSLY 12/-

Mr William Foster, 33 Philip Road, Dalkeith
(spoke in support of the motion)

Item 14.2

Mrs Emma Rose, 21 Mountjoy, Nedlands
(spoke in support of the motion)

Item 14.2

3. Requests for Leave of Absence

Nil.

4. Petitions

Nil.

5. Disclosures of Financial Interest

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

5.1 Councillor Bennett – PD18.20 – Local Planning Scheme 3 - Local Planning Policy: Interim Built Form Design Guidelines – Broadway Mixed Use Zone

Councillor Bennett disclosed a financial interest in Item PD18.20 – Local Planning Scheme 3 - Local Planning Policy: Interim Built Form Design Guidelines – Broadway Mixed Use Zone, his interest being that his family home is within the Local Planning Policy area relating to this item. Councillor Bennett declared that he has obtained approval from the Minister for Local Government, allowing him to remain in the room, participate in the debate and vote subject to the following conditions:

1. The approval is only valid for the 26 May 2020 Council Meeting when agenda item PD18.20 is considered;

2. The abovementioned Councillor must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;
3. The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillor;
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;
5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and
6. The approval granted is based solely on the interests disclosed by the abovementioned Councillor, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.

6. Disclosures of Interests Affecting Impartiality

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

There were no disclosures affecting impartiality.

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

Nil.

8. Confirmation of Minutes

8.1 Ordinary Council Meeting 28 April 2020 & Special Council Meeting Minutes 5 & 19 May 2020

Moved – Councillor Wetherall
Seconded – Councillor McManus

The Minutes of the Ordinary Council Meeting held 28 April 2020 and Special Council Meeting Minutes 5 & 19 May 2020 be confirmed.

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

9. Announcements of the Presiding Member without discussion

May has been a very busy month with a heavy JDAP and Council workload as we strive to deliver on an unprecedented body of work in planning. This month saw a number of applications go through JDAP; these being Vincent St, Waratah Avenue, Louise Street and Hillway. Waratah Avenue and Vincent St were approved, Louise St was deferred for 60 days to work through overshadowing and deep soil planting issues, and Hillway was refused as the development did not fit the local context and character.

In the middle of all of this the Planning Minister surprised everyone announcing very significant changes to the State's planning laws. Most importantly for Nedlands, a temporary response to COVID has been enacted where the WAPC will be the decision-making authority for state significant developments for the next 18 months. These sorts of developments include the proposal for the Chellingworth Motors site. The WAPC will also have the power to consider non-planning matters in making their decision. The Planning Bill has been tabled in Parliament and today our Local Member, the Hon Bill Marmion aired our issues with this Planning Bill in Parliament. I will be attending the first WESROC Forum for the year on the 10 June and hope to persuade my fellow western suburb Mayors that we need a joint position on this Planning Bill.

I did meet with the Planning Minister this month to discuss Chellingworth and the issues surrounding the very short period for community consultation and the challenges with this in the COVID environment. The Minister seemed happy to just let this one run its course. This course includes 3 reviews by the State Design Review Panel that have been so scathing of the design that they have concluded their analysis by saying the only place for the Chellingworth development is Perth's CBD! We agree! We also discussed the Woolworths development and traffic impacts on Stirling Highway, to which in principle agreement was reached for traffic lights at Smyth Rd and Stirling Highway, not Stanley Rd and the Highway. And we spoke about the Scheme Amendment for Broadway to which the Minister replied she would consider it on its merits.

Following this I had a very productive meeting with the City of Perth Commissioner where we agreed in principle to investigate the merits of higher densities being accommodated on Perth's side of Broadway to help ease density pressure on Nedlands side. We hope to progress this work through our respective Planning Departments and present a joint solution to the Minister.

Just last week the CEO and I also spoke with DevelopmentWA who are doing the Montario Quarter development in our City. The playground has been so popular there they are hoping to put in place a pop-up community hub to support the playground, before the permanent community facilities are built there. I am keen to watch and see how this goes as pop up community infrastructure is something, I am interested in providing in our rezoned areas where density is proposed, and we don't have the infrastructure. It is a way of trialling something new.

Councillor Coghlan left the meeting at 6.43 pm.

Lastly, it's good to see some of our facilities opening up again as restrictions are slowly eased. I appreciate the work everyone has done to respond and adapt to the COVID 19 lockdown. It has not been easy, and we still have a way to go. It has however, shown us just what community spirit looks like. So, keep it up Nedlands!

10. Members announcements without discussion

10.1 Councillor Smyth

Councillor Smyth advised she had attending the following events and meetings during May 2020.

Metro Inner North JDAP meeting #2 – 7 May 2020 at 9:30am at the Department of Planning, Lands and Heritage, 140 William Street, Perth to determine the following applications:

Lot 388 (95A) Waratah Avenue, Dalkeith, Residential, Restaurant/Café, Office
Attended online.

The RAR recommendation for REFUSAL was moved and LOST 2/3.

An alternate motion for APPROVAL was moved with amended conditions and CARRIED 3/2

Councillor Coghlan returned to the meeting at 6.46 pm.

Metro Inner North JDAP meeting #4 – 11 May 2020 at 9am at the Department of Planning, Lands and Heritage, 140 William Street, Perth to determine the following applications:

Lot 71 (13) Vincent Street, Nedlands - 15 Multiple Dwellings
Attended online. The RAR recommendation for REFUSAL was moved and LOST 2/3. An alternate motion for APPROVAL was moved with conditions and CARRIED 3/2

Metro Inner North JDAP meeting #6 – 12 May 2020 at 2pm at the Department of Planning, Lands and Heritage, 140 William Street, Perth to determine the following applications:

Lots 143 & 144 (17-19) Louise Street, Dalkeith - 44 Multiple Dwellings
Attended online. The RAR recommendation for REFUSAL was moved with amended reasons and LOST 2/3. A motion to defer for 60 days was moved and CARRIED 5/- An alternate motion for APPROVAL was not moved.

Metro Inner North JDAP meeting #10 – 22 May 2020 at 9am at the Department of Planning, Lands and Heritage, 140 William Street, Perth to determine the following applications:

Lot 689 (5) Hillway, Nedlands - 6 storey multiple dwelling
Attended online. The RAR recommendation for REFUSAL was moved and CARRIED 4/1. The alternate motion for APPROVAL was not considered.

Lake Claremont Advisory Committee meeting – 7 May 2020 at 8:00am at the Town of Claremont

Agenda & Minutes available on Town of Claremont website:
<https://www.claremont.wa.gov.au/Council/Committee-and-Council-Meetings>
Attended online.

West Metro Recycling Centre – 23 May 2020 at 10:30am, Brockway Road, Shenton Park:

Site visit with WMRC CEO and other LG Councillors. Attended with social distancing

11. Matters for Which the Meeting May Be Closed

Council, in accordance with Standing Orders and for the convenience of the public, 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.

12. Divisional reports and minutes of Council committees and administrative liaison working groups

12.1 Minutes of Council Committees

This is an information item only to receive the minutes of the various meetings held by the Council appointed Committees (N.B. This should not be confused with Council resolving to accept the recommendations of a particular Committee. Committee recommendations that require Council's approval should be presented to Council for resolution via the relevant departmental reports).

Moved – Councillor McManus
Seconded – Councillor Smyth

The Minutes of the following Committee Meetings (in date order) be received:

Council Committee

12 May 2020

Unconfirmed, Circulated to Councillors on 19 May 2020

CARRIED UNANIMOUSLY 12/-

Note: As far as possible all the following reports under items 12.2, 12.3 and 12.4 will be moved en-bloc and only the exceptions (items which Councillors wish to amend) will be discussed.

En Bloc

Moved - Councillor McManus

Seconded – Councillor Wetherall

That all Committee Recommendations relating to Reports under items 12.2, 12.3 and 12.4 with the exception of Report Nos. PD18.20, PD19.20, PD20.20, PD21.20, PD24.20 & TS10.20 are adopted en bloc.

CARRIED UNANIMOUSLY 12/-

Please note: There was no recommendation from Committee for TS09.20 therefore no resolution was passed on this item.

12.2 Planning & Development Report No's PD18.20 to PD24.20 (copy attached)

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.

PD18.20	Local Planning Scheme 3 - Local Planning Policy: Interim Built Form Design Guidelines – Broadway Mixed Use Zone
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Committee	12 May 2020
Council	26 May 2020
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Previous Item	Item 6 SCM 30 January 2020
Attachments	<ol style="list-style-type: none"> 1. Draft Local Planning Policy – Interim Built Form Design Guidelines – Broadway Mixed Use Zone, with modifications following advertising 2. Administration's alternate recommendation to Council 3. Plan of precinct areas within the City 4. Summary of submissions
Confidential Attachments	<ol style="list-style-type: none"> 1. Legal advice 2. Original submissions

Councillor Bennett – Financial Interest

Councillor Bennett declared a financial interest, his interest being that his family home is within the Local Planning Policy area relating to this item. Councillor Bennett declared that he has obtained approval from the Minister for Local Government, allowing him to remain in the room, participate in the debate and vote subject to the following conditions:

1. The approval is only valid for the 26 May 2020 Council Meeting when agenda item PD18.20 is considered;
2. The abovementioned Councillor must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;
3. The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillor;
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;

5. The CEO is to provide a copy of the confirmed minutes of the abovementioned meeting to the Department, to allow the Department to verify compliance with the conditions of this approval; and
6. The approval granted is based solely on the interests disclosed by the abovementioned Councillor, made in accordance with the application. Should other interests be identified, these interests will not be included in this approval and the financial interest provisions of the Act will apply.

Regulation 11(da) – item 3 was added to instruct the CEO to continue work in regard to preparation of local planning policies and built form work.

Moved – Councillor Mangano

Seconded – Councillor Bennett

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

Amendment

Moved - Councillor Smyth

Seconded - Councillor Wetherall

That an additional clause 3 be added as follows:

3. **instructs the Chief Executive Officer to:**
 - a. **continue with the planned schedule of works relating to developing local planning policies for the identified activity and transition precincts within the City (as shown in Attachment 2), using the methodology set out in draft State Planning Policy 7.2 – Precinct Design; and**
 - b. **present to Council for adoption at the July Council Meeting, a report on Deliverables 1 and 2, as part of the work Hassell Consultants are undertaking for the Broadway Precinct, to assist decision-makers in assessing Development Applications in the Precinct.**

The AMENDMENT was PUT and was

**CARRIED 10/2
(Against: Crs. McManus & Mangano)**

The Substantive Motion was PUT and was

**CARRIED 8/4
(Against: Mayor de Lacy Crs. McManus Wetherall & Senathirajah)**

Council Resolution

Council:

- 1. proceeds to adopt the Local Planning Policy – Interim Built Form Design Guidelines - Broadway Mixed Use Zone, with modification 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)(ii);**
- 2. refers the Local Planning Policy – Interim Built Form Design Guidelines - Broadway Mixed Use Zone to the Western Australian Planning Commission for final approval in accordance with *State Planning Policy SPP7.3, Residential Design Codes Volume 2 – Apartments 2019* Clause 1.2.3 and the City’s Local Planning Scheme No 3 Clause 32.4(5); and**
- 3. instructs the Chief Executive Officer to:**
 - a. continue with the planned schedule of works relating to developing local planning policies for the identified activity and transition precincts within the City (as shown in Attachment 2), using the methodology set out in draft State Planning Policy 7.2 – Precinct Design; and**
 - b. present to Council for adoption at the July Council Meeting, a report on Deliverables 1 and 2, as part of the work Hassell Consultants are undertaking for the Broadway Precinct, to assist decision-makers in assessing Development Applications in the Precinct.**

Committee Recommendation / Recommendation to Committee

Council:

- 1. proceeds to adopt the Local Planning Policy – Interim Built Form Design Guidelines - Broadway Mixed Use Zone, with modification 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)(ii); and**
- 2. refers the Local Planning Policy – Interim Built Form Design Guidelines - Broadway Mixed Use Zone to the Western Australian Planning Commission for final approval in accordance with *State Planning Policy SPP7.3, Residential Design Codes Volume 2 – Apartments 2019* Clause 1.2.3 and the City’s Local Planning Scheme No 3 Clause 32.4(5).**

PD19.20	Scheme Amendment No. 8 – Amendment to Density Coding on Alexander Road, Philip Road, Waratah Avenue and Alexander Place, Dalkeith
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Committee	12 May 2020
Council	26 May 2020
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Previous Item	Nil
Attachments	1. Scheme Amendment No. 8 Amendment Document

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Mangano

Seconded – Councillor Bennett

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

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

Council Resolution / Committee Recommendation / Recommendation to Committee

Council:

1. pursuant to Section 75 of the *Planning and Development Act 2005*, adopt Amendment No. 8 to Local Planning Scheme No. 3 by:
 - a) modifying the residential density code from R60 to R35 for the following properties:
 - i. 1, 3, 3A, 5A, 5B, 7A, 7B, 9, 15, 17, 19 and 21 Alexander Road, Dalkeith;
 - ii. 107 and 108 Waratah Avenue, Dalkeith;
 - iii. 29, 31, 33 and 35 Philip Road, Dalkeith; and
 - iv. 7 Alexander Place, Dalkeith.
 - b) modifying the residential density code from R80 to R35 for the following properties:

- i. 4A, 4B, 6, 8A, 8B and 10 Alexander Road, Dalkeith; and
 - ii. 26 and 28 Philip Road, Dalkeith.
- 2. in accordance with regulation 35(2) *Planning and Development (Local Planning Schemes) Regulations 2015*, the City believes that Amendment No. 8 to Local Planning Scheme No. 3 is a Standard Amendment, as it is an amendment:
 - a) that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
 - b) that would have minimal impact on land in the scheme area that is not the subject of the amendment;
 - c) that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
 - d) that is not a complex or basic amendment.
- 3. pursuant to section 81 of the *Planning and Development Act 2005*, refers Amendment No. 8 to Local Planning Scheme No. 3 to the Environmental Protection Authority.
- 4. subject to section 84 of the *Planning and Development Act 2005* advertises Amendment No. 8 to Local Planning Scheme No. 3 in accordance with regulation 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Council Policy – Community Engagement.

PD20.20	Local Planning Scheme 3 - Local Planning Policy: Alexander and Philip Roads, Dalkeith - Building Height
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Committee	12 May 2020
Council	26 May 2020
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Previous Item	Item 14.5 OCM 31 March 2020
Attachments	1. Draft Local Planning Policy – Alexander and Philip Roads, Dalkeith Building Height

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Mangano
 Seconded – Councillor Bennett

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

CARRIED 11/1
(Against: Mayor de Lacy)

Council Resolution / Committee Recommendation / Recommendation to Committee

Council prepares and advertises for a period of 21 days, in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* Schedule 2, Part 2, Clause 4, the Local Planning Policy – Alexander and Philip Roads, Dalkeith, Building Height (Attachment 1).

PD21.20	Scheme Amendment No. 6 – Amendment to clause 32.3(1), addition of Clause 32.3(3) and additions to Clause 26 of Local Planning Scheme No. 3, Laneways and Vehicular Access
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Committee	12 May 2020
Council	26 May 2020
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Previous Item	Nil
Attachments	1. Scheme Amendment No. 6 Report

Regulation 11(da) – Not Applicable - Recommendation

Moved – Councillor Mangano

Seconded – Councillor Hay

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED 8/4

(Against: Crs. McManus Smyth Poliwka & Wetherall)

Council Resolution / Committee Recommendation / Recommendation to Committee

Council:

1. pursuant to Section 75 of the *Planning and Development Act 2005*, initiates an Amendment to City of Nedlands Local Planning Scheme 3 by:

- a) amending the wording of clause 32.3(1) to state:

“Where land is affected by and gains benefit from the provision of a right-of-way or laneway identified by the scheme, a structure plan, a local development plan, an activity centre plan or a local planning policy, the owner is to, at the time of developing or subdividing the land: a) cede to the local government free of cost that part of the land affected by the right-of-way or laneway; and b) construct the relevant section of the right-of-way or laneway to the satisfaction of the local government.”

b) adding clause 32.3 (3) to state:

“Where part of a lot has been transferred free of cost to the Crown for the purpose of widening a road or right-of-way or for the purpose of ceding the land for a new right-of-way or laneway, the area ceded shall be included for the purpose of calculating the minimum and average site area and plot ratio in determining development potential.”

c) adding clause 26 (4) to state:

“In relation to land coded R20 or greater:

(a) Clause 5.3.5 (Vehicular Access) of the R-Codes is modified by including the following modifications to C5.1 and additional deemed-to-comply requirements of C5.8, C5.9 and C5.10:

C5.1 Access to on-site car parking spaces to be provided:

- Where available, from a right-of-way available for lawful use to access the relevant lot and which is adequately paved and drained from the property boundary to a constructed street;**
- From a secondary street where no right-of-way exists;**
- From a primary street frontage where no secondary street, communal street or right-of-way exists; or**
- Where a laneway (secondary street) is identified in accordance with Clause 32.3 (1) of the Scheme, access to on site car parking spaces is to be provided from the ceded and constructed section of the laneway where it is connected to the local road network.**

C5.8 Vehicle access points to be designed and located to provide safe access and egress for vehicles and to avoid conflict with pedestrians, cyclists and other vehicles.

C5.9 Vehicle circulation areas designed to avoid headlights shining into habitable rooms within the development and adjoining properties.

C5.10 Vehicle access points are to be designed and located to reduce visual impact on the streetscape.”

2. in accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* Section 35(2), the City contends that the amendment is a Standard Amendment for the following reasons:

It satisfies the following criteria of Regulation 34 of the *Planning and Development (Local Planning Schemes) Regulations 2015*:

- (e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
 - (f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
 - (g) any other amendment that is not a complex or basic amendment.
3. pursuant to Section 81 of the *Planning and Development Act 2005*, refers Scheme Amendment No. 6 to the Environmental Protection Authority.
4. subject to Section 84 of the *Planning and Development Act 2005*, advertises Scheme Amendment No. 6 - Amendment to clause 32.3(1), addition of Clause 32.3(3) and amendment to Clause 26 of Local Planning Scheme No. 3 in accordance with Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and City of Nedlands Local Planning Policy – Consultation of Planning Proposals.

PD22.20	Local Planning Scheme 3 – Revoking of Redundant Policies
----------------	---

Committee	12 May 2020
Council	26 May 2020
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Previous Item	Nil
Attachments	1. Subdivision Local Planning Policy 2. Ancillary Accommodation Local Planning Policy 3. Tennis Court Fencing and Lighting Council Policy

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus

Seconded – Councillor Wetherall

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY EN BLOC 12/-

Council Resolution / Committee Recommendation / Recommendation to Committee

Council:

1. **revokes the following Local Planning Policies in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 6:**
 - a) **Subdivision Policy; and**
 - b) **Ancillary Accommodation Local Planning Policy.**
2. **revokes the following Planning Council Policies:**
 - a) **Tennis Court Fencing & Lighting.**

PD23.20	No. 2 Nandina Avenue, Mt Claremont – Primary & Secondary Street Fence
----------------	--

Committee	12 May 2020
Council	26 May 2020
Applicant	Phil Jones
Landowner	Frances Todd & Ian Todd
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.
Reference	DA19-42264
Previous Item	Nil
Delegation	Refusal of applications where discretion exists for Council to approve the variations under the City's Local Planning Scheme No. 3, policies and/or the Residential Design Codes.
Attachments	1. Applicant justification letter 2. Site photographs 3. Consultation Map
Confidential Attachments	1. Plans 2. Submission

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus

Seconded – Councillor Wetherall

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY EN BLOC 12/-

Council Resolution / Committee Recommendation / Recommendation to Committee

Council:

- 1. refuses the retrospective development application dated 22 November 2019 for primary and secondary street fencing at 2 Nandina Avenue, Mt Claremont, for the following reasons:**
 - a) the fence is not visually permeable, as such it does not meet the Design Principle objectives of Clause 5.2.4 P4 of the R-Codes requiring visual permeability to facilitate street surveillance;**
 - b) the placement of the fence truncation within a vehicle access way is unsuitable and as such does not meet the objectives of Clause 5.2.5 P5 of the R-Codes requiring unobstructed sight lines provided at vehicle access points to ensure safety and visibility; and**
 - c) in accordance with factors to be considered in Schedule 2, Part 9, clause 67 (m) and (n) (ii) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the fence is not considered to be sympathetic to the character of the locality and does not positively contribute to the streetscape.**
- 2. directs the Chief Executive Officer to issue a Direction under section 214 of the Planning and Development Act 2005 (as amended) to remove the development and to restore the land as nearly as practicable to its condition immediately before the development started, to the satisfaction of Council and within 60 days of the date of issue of the Direction.**

PD24.20	Scheme Amendment No. 4 – Amendment to Table 3 – Zoning Table - Fast Food Outlet Prohibition
----------------	--

Committee	12 May 2020
Council	26 May 2020
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Previous Item	PD14.20 Scheme Amendment No. 4 – Amendment to Table 3 – Zoning Table- Fast Food Outlet Prohibition – 28 April 2020
Attachments	1. Scheme Amendment No. 4 Report

Regulation 11(da) – Council wished to constrain the permissible size of a fast food outlet and to ensure they were not permitted on Hampden Road, Broadway or Waratah Avenue.

Moved – Mayor de Lacy

Seconded – Councillor Wetherall

Council Resolution

Council:

- Pursuant to Section 75 of the Planning and Development Act 2005, adopt an Amendment to Local Planning Scheme 3 by:**

An addition of text to Clause 32.4 Mixed use, Local Centre and Neighbourhood zones

(6) to be added

Fast Food Outlets where applied for in the Mixed-Use or Neighbourhood Centre Zone shall be limited to a maximum NLA of 200sqm.

(7) Fast Food Outlets where applied for in the Mixed-Use or Neighbourhood Centre Zone and located on Broadway, Hampden Road or Waratah Avenue will not be permitted.

- in accordance with Planning and Development (Local Planning Schemes) Regulations 2015 section 35(2), the City contends that the amendment is a Standard Amendment for the following reasons:**

It satisfies the following criteria of Regulation 34 of the Planning and Development (Local Planning Scheme) Regulations 2015:

- a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;**
 - b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;**
 - c) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;**
 - d) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;**
 - e) any other amendment that is not a complex or basic amendment.**
- 3. pursuant to Section 81 of the Planning and Development Act 2005, refers Scheme Amendment 4 to the Environmental Protection Authority.**
- 4. subject to Section 84 of the Planning and Development Act 2005 advertises Scheme Amendment 4 – Fast Food Outlets in accordance with Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Council Policy – Community Engagement.**

CARRIED 7/5

(Against: Crs. Smyth Bennett Mangano Hodsdon & Coghlan)

PLEASE NOTE: NO RECOMMENDATION FROM COMMITTEE

Recommendation to Committee

Council:

1. pursuant to Section 75 of the Planning and Development Act 2005, adopt an Amendment to Local Planning Scheme 3 by:

Amending Table 3 – Zoning Table so that Fast Food Outlet is an 'X' use (Not Permitted) in all zones within the City except for the Urban Development Zone. This will require modification of the permissibility of the use class for the Mixed Use and Neighbourhood Centre Zones.

2. in accordance with Planning and Development (Local Planning Schemes) Regulations 2015 section 35(2), the City contends that the amendment is a Standard Amendment for the following reasons:

It satisfies the following criteria of Regulation 34 of the Planning and Development (Local Planning Scheme) Regulations 2015:

- f) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
 - g) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
 - h) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
 - i) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
 - j) any other amendment that is not a complex or basic amendment.
3. pursuant to Section 81 of the Planning and Development Act 2005, refers Scheme Amendment 4 to the Environmental Protection Authority.
4. subject to Section 84 of the Planning and Development Act 2005 advertises Scheme Amendment 4 – Fast Food Outlets in accordance with Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Council Policy – Community Engagement.

12.3 Technical Services Report No's TS09.20 to TS12.20 (copy attached)

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.

TS09.20	Western Metropolitan Regional Council (WMRC) Funding Request
----------------	---

Committee	12 May 2020
Council	26 May 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Jim Duff – Director Technical Services
Attachments	1. Letter from WMRC dated 28 November 2019 2. Comparative Schedule of Gate Fees
Confidential Attachments	Nil

Please note: There was no recommendation from Committee for TS09.20 therefore no resolution was passed on this item.

Please note: No recommendation from Committee.

Recommendation to Committee

Council accept the user pays principle proposed by Western Metropolitan Regional Council, in preference to applying a Waste Services Charge for City of Nedlands residents as shown in Attachment 2.

TS10.20	Bishop Road Reserve Enviro-scape Master Plan
----------------	---

Committee	12 May 2020
Council	26 May 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Jim Duff – Director Technical Services
Attachments	1. Bishop Road Reserve Enviro-scape Master Plan
Confidential Attachments	Nil.

Councillor Coghlan left the meeting at 8.54 pm.

Regulation 11(da) – Council wished to undertake only essential works in order to keep costs down.

Moved – Councillor Mangano

Seconded – Councillor Bennett

Council Resolution

Council endorses the Bishop Road Reserve Enviro-scape Master Plan concept plan with the following changes:

- 1. removal of degraded concrete viewing structure, no replacement at this stage;**
- 2. replacement of railing along the limestone retaining wall;**
- 3. extension of bitumen path from where it currently ends to the beach (no steps);**
- 4. extension of bitumen path at the top of the path to the gate at Bishop Road; and**
- 5. hydrozoning and mulch only on the east side of the bitumen path and south of the transformer.**

Councillor Coghlan returned to the meeting at 8.55 pm.

Councillor Smyth left the meeting at 9.01 pm and returned at 9.04 pm.

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

PLEASE NOTE: NO RECOMMENDATION FROM COMMITTEE

Recommendation to Committee

Council endorses the Bishop Road Reserve Enviro-scape Master Plan concept plan.

TS11.20	Hollywood Subdivision Parking Embayments
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Committee	12 May 2020
Council	26 May 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Jim Duff – Director Technical Services
Attachments	1. Hollywood Subdivision Parking R19-55-01-00
Confidential Attachments	Nil.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus
Seconded – Councillor Wetherall

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

CARRIED UNANIMOUSLY EN BLOC 12/-

Council Resolution / Committee Recommendation

Council approves the installation of painted holding lines in the parallel parking embayment's within the Hollywood subdivision with the addition of street names Quadrangle Place, Lupin Hill Grove, Loneragan Street & Verdun Street be included in attachment 1.

Recommendation to Committee

Council approves the installation of painted holding lines in the parallel parking embayment's within the Hollywood subdivision.

TS12.20	North Street – Removal of Verge Parking
----------------	--

Committee	12 May 2020
Council	26 May 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Jim Duff – Director Technical Services
Attachments	1. North Street Parking Plan 2. North Street Sight Visibility Splay

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus

Seconded – Councillor Wetherall

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY EN BLOC 12/-

Council Resolution / Committee Recommendation / Recommendation to Committee
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Council:

1. implements verge parking prohibitions outside the frontage of property 3 North Street Swanbourne in accordance with Attachment 1;
2. supports no change to the existing 'No Stopping' prohibition in the road carriageway.

12.4 Corporate & Strategy Report No's CPS09.20 to CPS10.20 (copy attached)

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.

CPS09.20 List of Accounts Paid – March 2020	
Committee	12 May 2020
Council	26 May 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	<ol style="list-style-type: none"> 1. Creditor Payment Listing March 2020; 2. Credit Card and Purchasing Card Payments – March 2020 (28th February – 29th March 2020); and 3. CEO Credit Card Payments – January 2020 to March 2020 (Statement Period 30 December – 29 March 2020).

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus

Seconded – Councillor Wetherall

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY EN BLOC 12/-

Council Resolution / Committee Recommendation / Recommendation to Committee
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Council receives the List of Accounts Paid for the month of March 2020 (refer to attachments).

CPS10.20	National Redress Scheme (Participation of WA Local Governments)
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Committee	12 May 2020
Council	26 May 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. National Redress Scheme for Institutional Child Sexual Abuse – Information Paper (3 February 2020).

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus

Seconded – Councillor Wetherall

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY EN BLOC 12/-

Council Resolution / Committee Recommendation / Recommendation to Committee

That Council:

1. notes the consultation undertaken and information provided by the Department of Local Government, Sport and Cultural Industries in regarding the National Redress Scheme and the participation of WA local governments;
2. endorses the participation of the City of Nedlands in the National Redress Scheme as a State Government institution and included as part of the State Government's declaration;
3. grants authority to the Chief Executive Officer to execute a service agreement with the State, if a Redress application is received; and
4. notes that a confidential report will be provided if a Redress application is received by the City of Nedlands.

SIMPLE MAJORITY

13. Reports by the Chief Executive Officer

13.1 List of Delegated Authorities – April 2020

Moved – Councillor McManus
Seconded – Councillor Mangano

The attached List of Delegated Authorities for the month of April 2020 be received.

CARRIED UNANIMOUSLY 12/-

Councillor Bennett left the meeting at 9.14 pm.

Date of use of delegation of authority	Title	Position exercising delegated authority	Act	Section of Act	Applicant / CoN / Property Owner / Other
Month Year					
1/04/2020	Approval to Rates write off minor debts Mar 2020 - \$88.44	Chief Executive Officer	Local Government Act 1995	Section 6.12	City of Nedlands
1/04/2020	BA60255 Certified building permit - pergola	Manager Building Services	Building Act 2011	s20.1	Louvre Shade
1/04/2020	BA58568 Uncertified building permit - Fence	Manager Building Services	Building Act 2011	s20.1	Mr D Harrison
1/04/2020	BA60277 Certified building permit - Pergola	Manager Building Services	Building Act 2011	s20.1	Louvre Shade

1/04/2020	BA58477 Certified building permit - Office Fitout	Manager Building Services	Building Act 2011	s20.1	Medifit Pty Ltd
1/04/2020	BA60299 Occupancy Permit - Medical Centre and Carpark	Manager Building Services	Building Act 2011	s58.1	JMG Building Surveyors
1/04/2020	BA60236 Certified building permit - Pergola	Manager Building Services	Building Act 2011	s20.1	Louvre Shade
1/04/2020	BA52241 Certified building permit - Pool	Manager Building Services	Building Act 2011	s20.1	Select Pools
2/04/2020	BA51442 Building Approval Certificate - Alterations	Manager Building Services	Building Act 2011	s58.1	Resolve Group Pty Ltd
2/04/2020	BA59515	Manager Building Services	Building Act 2011	s20.1	Quality Dolphin Pools
2/04/2020	BA60431 Certified building permit - Dwelling	Manager Building Services	Building Act 2011	s20.1	Mrs S M Webb
3/04/2020	3045427 -Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	9.20/6.12(1)	Farzane Parjoomand
6/04/2020	BA58454 Certified building permit - Amendments	Manager Building Services	Building Act 2011	s20.1	Mr T Hoskin
6/04/2020	BA60520 Certified building permit - Retaining walls	Manager Building Services	Building Act 2011	s20.1	Atrium Homes (WA) Pty Ltd
6/04/2020	BA60097 Demolition permit - Full Site	Manager Building Services	Building Act 2011	s21.1	Brajkovich Demolition and Salvage Pty Ltd
6/04/2020	BA59283 Certified building permit - Patio	Manager Building Services	Building Act 2011	s20.1	Abel Patio's and Roofing

7/04/2020	(APP) - DA20-46409 - 100 Stephensn Ave, Mt Claremont - Change of Use (Conversion of existing cafe-restaurant to provide takeaway and wholesale food)	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Venues West
7/04/2020	BA60906 Certified building permit - Fitout	Manager Building Services	Building Act 2011	s20.1	Donfam Investments Pty Ltd
7/04/2020	BA59237 Certified building permit - Dwelling	Manager Building Services	Building Act 2011	s20.1	Aintree Holdings Pty Ltd
8/04/2020	APP - DA19-43486 - 262 Marine Parade, Swanbourne - Two Storey Dwelling and Swimming Pool	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Haytree and Associates Architecture
8/04/2020	(APP) - DA19-42453 - 14 Cross St, Swanbourne - 3 x Grouped Dwellings	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Ocean Corp
8/04/2020	BA60014 Certified building permit - Dwelling	Manager Building Services	Building Act 2011	s20.1	Calautti Homes Pty Ltd
9/04/2020	BA60746 Certified building permit - Dwelling	Manager Building Services	Building Act 2011	s20.1	Coastview Australia Pty Ltd
9/04/2020	BA60542 Certified building permit - Pool	Manager Building Services	Building Act 2011	s20.1	Factory Pools Perth
9/04/2020	BA60642 Certified building permit - Amendment	Manager Building Services	Building Act 2011	s20.1	Residential Building WA

14/04/2020	BA59105 Demolition Permit - Full site	Manager Building Services	Building Act 2011	s21.1	Brajkovich Demolition and Salvage Pty Ltd
14/04/2020	BA60885 Certified building permit - Amendments	Manager Building Services	Building Act 2011	s20.1	Aintree Holdings Pty Ltd
15/04/2020	BA61103 Certified building permit - Amendments	Manager Building Services	Building Act 2011	s20.1	Aintree Holdings Pty Ltd
15/04/2020	BA61397 Demolition permit - Full Site	Manager Building Services	Building Act 2011	s21.1	Vinsan Contracting
15/04/2020	BA59595 Demolition permit - Full Site	Manager Building Services	Building Act 2011	s21.1	AAA Demolition and Tree Service
15/04/2020	BA53025 Uncertified building permit - Patio	Manager Building Services	Building Act 2011	s20.1	T V Phu
16/04/2020	BA60581 Certified building permit - Pool	Manager Building Services	Building Act 2011	s20.1	Mr S Smilkovic
17/04/2020	BA61699 Certified building permit - Patio	Manager Building Services	Building Act 2011	s20.1	One Stop Patio Shop
17/04/2020	BA60812 Uncertified building permit - Alfresco	Manager Building Services	Building Act 2011	s20.1	Ian Collins Homes Pty Ltd
20/04/2020	APP - DA20-45953 - 19 Adderley Street, Mt Claremont - 2 x Grouped Dwellings	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	CKB Developments Pty Ltd

20/04/2020	BA61507 Uncertified building permit - Vergola	Manager Building Services	Building Act 2011	s20.1	Gemini Building and Construction Pty Ltd
20/04/2020	BA59443 Certified building permit - Amendments	Manager Building Services	Building Act 2011	s20.1	Macri Builders Pty Ltd
20/04/2020	BA57564 Certified building permit - Front Wall	Manager Building Services	Building Act 2011	s20.1	DBI Brickwork
21/04/2020	BA61520 Certified building permit - Pergola	Manager Building Services	Building Act 2011	s20.1	Louvre Shade
22/04/2020	3045531 - Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	9.20\6.12(1)	Emma Sutton
23/04/2020	BA61172 Certified building permit - Oncology Fitout	Manager Building Services	Building Act 2011	s20.1	Balance Commercial Fit Outs Pty Ltd
28/04/2020	BA61763 Certified building permit - Additions	Manager Building Services	Building Act 2011	s20.1	Petit Homes Pty Ltd
29/04/2020	APP - DA20-44436 70 Thomas Street, Nedlands - Additions (fill and retaining)	Principal Planner	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Mr D J Edwards & Mrs S Edwards
29/04/2020	BA61796 Certified building permit - 3 x Dwellings	Manager Building Services	Building Act 2011	s20.1	Webb and Brown Neaves
29/04/2020	BA60773 Certified building permit - Front Fence	Manager Building Services	Building Act 2011	s20.1	D & L Landscape Constructions

30/04/2020	BA62086 Certified building permit - Dwelling	Manager Building Services	Building Act 2011	s20.1	Highbury Homes (WA) Pty Ltd
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13.2 Monthly Financial Report – April 2020

Council	26 May 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act	Nil
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	<ol style="list-style-type: none"> 1. Financial Summary (Operating) by Business Units – 30 April 2020 2. Capital Works & Acquisitions – 30 April 2020 3. Statement of Net Current Assets – 30 April 2020 4. Statement of Financial Activity – 30 April 2020 5. Borrowings – 30 April 2020 6. Statement of Financial Position – 30 April 2020 7. Operating Income & Expenditure by Reporting Activity – 30 April 2020 8. Operating Income by Reporting Nature & Type – 30 April 2020

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Senathirajah
 Seconded – Councillor Wetherall

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

Councillor Bennett returned to the meeting at 9.16 pm.

CARRIED UNANIMOUSLY 12/-

Council Resolution / Recommendation to Council

Council receives the Monthly Financial Report for period ended 30 April 2020.

Executive Summary

Administration is required to provide Council with a monthly financial report in accordance with *Regulation 34(1) of the Local Government (Financial Management) Regulations 1996*. The monthly financial variance from the budget of each business unit is reviewed with the respective manager and the Executive to identify the need for any remedial action. Significant variances are highlighted to Council in the attached Monthly Financial Report.

Discussion/Overview

The financial impact of COVID 19 is reflected in the April figures, the Hardship policy endorsed at the Special Council Meeting of 14 April 2020 introduced measures to support the City's many stakeholders and these are also reflected in the April figures.

The monthly financial management report meets the requirements of *Regulation 34(1) and 34(5) of the Local Government (Financial Management) Regulations 1996*.

The monthly financial variance from the budget of each business unit is reviewed with the respective Manager and the Executive to identify the need for any remedial action. Significant variances are highlighted to Council in the Monthly Financial Report.

This report gives an overview of the revenue and expenses of the City for the year to date April 2020 together with a Statement of Net Current Assets as at 30 April 2020.

The operating revenue at the end of April 2020 was \$33.2 M which represents \$4m favourable variance compared to the year-to-date budget.

The operating expense at the end of April 2020 was \$24.7 M, which represents \$1.3m favourable variance compared to the year-to-date budget.

The attached Operating Statement compares "Actual" with "Budget" by Business Units. The budget figures for April onwards are the mid-year budget revision figures as approved by the Council in March. Variations from the budget of revenue and expenses by Directorates are highlighted in the following paragraphs.

Governance

Expenditure:	Favourable variance of	\$260,129
Revenue:	Unfavourable variance of	\$(37,792)

The favourable expenditure variance is mainly due to yet unspent:

- professional fees of \$167k in Governance,
- office expenses of \$31k in Communications,
- other employee cost of \$66k in HR

The unfavourable revenue variance is due to timing difference of WESROC Invoice to other Western Suburbs and reduced scope of work.

Corporate and Strategy

Expenditure:	Favourable variance of	\$330,389
Revenue:	Favourable variance of	\$66,813

The favourable expenditure variance is mainly due to:

- timing differences in the use of ICT expenses and professional fees of \$223k.
- salaries of customer service expenses are lower by \$89k due to delay in filling vacant positions off-set by use of agency staff.

Favourable revenue variance is due to:

- timing difference of rates income of \$83k mainly arising from higher instalment interest income and late payment interest income of \$44k, and interim rates of \$35k.
- off-set by lower grant income of \$24k.

Community Development and Services

Expenditure:	Favourable variance of	\$244,102
Revenue:	Favourable variance of	\$15,660

The favourable expenditure variance is mainly due to:

- expenses not expended yet for community donations and special projects and operational activities of \$34k.
- lower Tresillian tutor fees of \$55k and small savings on Tresillian and Nedlands library office expenses of \$28k.
- expense not expended yet for Positive Ageing and Nedlands library other expenses of \$34k
- salaries of Tresillian and Library services are lower by \$41k due to timing differences which will even out by end of year.
- ICT expenses not expended of \$16k.

Small favourable revenue variance is due to small increase of NCC fees & charges.

Planning and Development

Expenditure:	Favourable variance of	\$426,745
Revenue:	Unfavourable variance of	\$(68,426)

The favourable expenditure variance is mainly due to:

- expenses not expended yet for operational activities and strategic projects of \$248k,
- expenses not expended yet for in other expenses of \$79k.
- salaries of building services are lower by \$97k due to delay in filling vacant positions

Unfavourable revenue variance is mainly due to less income from planning fees & charges of \$40k and Environmental Health Fines of \$17k.

Technical Services

Expenditure:	Favourable variance of	\$	3,332
Revenue:	Favourable variance of	\$	13,217

The favourable expenditure variance is mainly due to:

- expenses not expended yet for maintenance, plant operating and waste management of \$775k,
- expenses not expended yet for Underground Power Project of \$127k,
- lower salaries of Infrastructure services by \$110k due to delay in filling vacant positions.

The above under-spend of a total of \$1,012k is off-set by the oncost under-charged out of \$994k due to lower maintenance and capital expenditure. The net effect of the above is a favourable variance of \$18k.

Small favourable revenue variance mainly due to profiling issues.

Borrowings

At 30 April 2020, we have a balance of borrowings of \$6.2 M. There were no additional borrowings for the year in 2019/20 budget and the estimated loan balance as at 30 June 2020 is \$5.9 M.

Net Current Assets Statement

At 30 April 2020, net current assets was \$8.5 M compared to \$8.5 M as at 30 April 2019. Current assets are higher by \$3.85M, offset by higher liabilities \$3.87 M.

Rates outstanding as at 30 April 2020 is \$1,406,357, being 6% of rates revenue compared to 30 April 2019 of \$1,119,717 being 5% of rates revenue. The increase of 1% is due to a slight delay in commencing debt recovery action due to vacancy in the Rates Officer position and further delay during the initial period of the COVID-19 pandemic. Debt recovery have recommenced since the first week of May. A further \$119k was collected within the first 2 weeks of May.

Sundry debtors outstanding as at 30 April 2020 is \$681,512 compared to \$449,767 as at 30 April 2019. The increase is due to billings in late March for Building application fee of \$138k and a balance relating to the All Abilities Play Space which will be addressed in the final project reconciliation prior to yearend.

Capital Works Programme

As at 30 April, the expenditure on capital works were \$5.93M with further commitments of \$ 2.08M which is 77% of a total budget of \$10.40 M.

Employee Data

Description	Number
Number of employees (total of full-time, part-time and casual employees) as of the last day of the previous month	167
Number of contract staff (temporary/agency staff) as of the last day of the previous month	3
*FTE (Full Time Equivalent) count as of the last day of the previous month	151.6
Number of unfilled staff positions at the end of each month	19

The impact of COVID-19 and the decline in some City services has been reflected in April staff numbers compared to March staff numbers. There has been a 9.1% decrease in total number of active employees; there has been a 4.2% decrease in occupied full-time equivalent positions with a corresponding 18.8% increase in vacant positions.

Conclusion

The statement of financial activity for the period ended 30 April 2020 indicates that operating expenses are under the year-to-date budget by 4.9% or \$1.3m, while revenue is below the Budget by 0.03% or \$10k.

Key Relevant Previous Council Decisions:

Nil.

Consultation

N/A

Strategic Implications

The 2019/20 approved budget is in line with the City's strategic direction. Our operations and capital spend and income is undertaken in line with and measured against the budget.

The 2019/20 approved budget ensured that there is an equitable distribution of benefits in the community

The 2019/20 budget was prepared in line with the City's level of tolerance of risk and it is managed through budgetary review and control.

The approved budget was based on zero based budgeting concept which requires all income and expenses to be thoroughly reviewed against data and information available to perform the City's services at a sustainable level.

Budget/Financial Implications

As outlined in the Monthly Financial Report.

The approved budget is prepared taking into consideration the Long-Term Financial Plan and current economic situation. The approved budget was in a small deficit position of \$12k and the City is able to manage the cost.

The approved budget had a 2.95% increase on the rates.



CITY OF NEDLANDS
FINANCIAL SUMMARY - OPERATING - BY BUSINESS UNIT
AS AT 30 APRIL 2020

Row Labels	Master Account (desc)	Apr Actual YTD	Apr Budget YTD	Variance	Committed Balance	Annual Budget
Governance						
CEO's Office						
Governance						
Expense						
20420	Salaries - Governance	720,512	648,273	(72,239)	0	777,930
20421	Other Employee Costs - Governance	11,582	9,425	(2,157)	0	11,310
20423	Office - Governance	14,119	9,745	(4,374)	5,274	11,700
20425	Depreciation - Governance	80,877	81,250	373	0	97,500
20427	Finance - Governance	221,970	221,970	0	0	266,360
20428	Insurance - Governance	14,442	26,080	11,638	0	31,300
20430	Other Expense - Governance	10,882	25,897	15,015	1,586	30,707
20434	Professional Fees - Governance	141,651	308,950	167,299	19,056	385,300
20450	Special Projects - Governance / PC93	140,828	95,840	(44,988)	28,858	165,000
Expense Total		1,356,863	1,427,430	70,567	54,774	1,777,107
Income						
50410	Sundry Income - Governance	(74,298)	(95,420)	(21,122)	0	(114,500)
Income Total		(74,298)	(95,420)	(21,122)	0	(114,500)
Governance Total		1,282,565	1,332,010	49,445	54,774	1,662,607
Communications						
Expense						
28320	Salaries - Communications	259,180	272,790	13,610	0	323,338
28321	Other Employee Costs - Communications	1,327	2,840	1,513	220	3,360
28322	Staff Recruitment - Communications	0	500	500	0	500
28323	Office - Communications	38,683	69,068	30,385	7,994	73,800
28327	Finance - Communications	69,340	69,340	0	0	83,210
28330	Other Expense - Communications	920	1,500	580	0	1,500
28335	ICT Expenses - Communications	28,320	29,420	1,100	2,190	31,020
28350	Special Projects - Communications / PC 90	3,590	15,330	11,740	0	17,000
Expense Total		401,360	460,788	59,428	10,404	533,728
Communications Total		401,360	460,788	59,428	10,404	533,728
Human Resources						
Expense						
20520	Salaries - HR	351,189	356,993	5,804	0	428,397
20521	Other Employee Costs - HR	176,225	240,930	64,705	11,066	274,280
20522	Staff Recruitment - HR	8,819	17,670	8,851	101	22,000
20523	Office - HR	1,754	5,190	3,436	0	5,500
20525	Depreciation - HR	0	420	420	0	500
20527	Finance - HR	(712,580)	(712,583)	(3)	0	(855,097)
20528	Insurance - HR	112,947	116,000	3,053	0	116,000
20530	Other Expense - HR	0	1,000	1,000	0	1,000
20534	Professional Fees - HR	6,200	15,000	8,800	1,617	15,000
20535	ICT Expenses - HR	13,068	35,000	21,932	0	35,000
Expense Total		(42,378)	75,620	117,998	12,784	42,580
Income						
50510	Contributions & Reimbursements - HR	0	(16,670)	(16,670)	0	(20,000)
Income Total		0	(16,670)	(16,670)	0	(20,000)
Human Resources Total		(42,378)	58,950	101,328	12,784	22,580
Members Of Council						
Expense						
20323	Office - MOC	28,295	29,165	870	6,671	35,000
20325	Depreciation - MOC	684	750	66	0	900
20329	Members of Council - MOC	462,459	459,826	(2,633)	19,084	536,192
20330	Other Expense - MOC	6,167	20,000	13,833	110	30,000
Expense Total		497,605	509,741	12,136	25,866	602,092
Members Of Council Total		497,605	509,741	12,136	25,866	602,092
CEO's Office Total		2,139,152	2,361,489	222,337	103,828	2,821,007



CITY OF NEDLANDS
FINANCIAL SUMMARY - OPERATING - BY BUSINESS UNIT
AS AT 30 APRIL 2020

Row Labels	Master Account (desc)	Apr Actual YTD	Apr Budget YTD	Variance	Committed Balance	Annual Budget
Governance Total		2,139,152	2,361,489	222,337	103,828	2,821,007
Corporate & Strategy						
Corporate Strategy & Systems						
Customer Services						
Expense						
21320	Salaries - Customer Service	317,733	407,360	89,627	0	488,817
21321	Other Employee Costs - Customer Service	5,025	5,675	650	0	6,570
21323	Office - Customer Service	4,807	5,420	613	35,143	6,500
21327	Finance - Customer Service	(458,870)	(458,873)	(3)	0	(550,648)
21330	Other Expense - Customer Service	9,199	10,000	801	1,591	12,000
21350	Special Projects - Customer Service	6,500	0	(6,500)	7,773	0
Expense Total		(115,606)	(30,418)	85,188	44,507	(36,761)
Income						
51301	Fees & Charges - Customer Services	(958)	(600)	358	0	(600)
Income Total		(958)	(600)	358	0	(600)
Customer Services Total		(116,564)	(31,018)	85,546	44,507	(37,361)
ICT						
Expense						
21720	Salaries - ICT	310,734	301,630	(9,104)	0	361,598
21721	Other Employee Costs - ICT	8,281	10,625	2,344	0	11,550
21723	Office - ICT	78,367	30,830	(47,537)	13,582	37,000
21724	Motor Vehicles - ICT	6,194	7,000	806	0	7,000
21725	Depreciation - ICT	53,084	59,000	5,916	0	70,800
21727	Finance - ICT	(1,296,760)	(1,296,756)	4	0	(1,556,108)
21730	Other Expense - ICT	4,135	5,830	1,695	2,766	7,000
21734	Professional Fees - ICT	19,070	24,000	4,930	5,964	36,000
21735	ICT Expenses - ICT	556,352	738,330	181,978	63,766	844,000
Expense Total		(260,544)	(119,511)	141,033	86,078	(181,160)
ICT Total		(260,544)	(119,511)	141,033	86,078	(181,160)
Corporate Strategy & Systems Total		(377,108)	(150,529)	226,579	130,585	(218,521)
Finance						
Rates						
Expense						
21920	Salaries - Rates	78,331	90,493	12,162	0	108,584
21921	Other Employee Costs - Rates	(797)	810	1,607	0	970
21923	Office - Rates	15,059	12,575	(2,484)	0	15,100
21927	Finance - Rates	170,595	135,530	(35,065)	2,236	169,044
21930	Other Expense - Rates	13,705	15,000	1,295	200	20,000
21934	Professional Fees - Rates	8,374	50,000	41,626	25,748	60,000
Expense Total		285,267	304,408	19,141	28,184	373,698
Income						
51908	Rates - Rates	(24,541,301)	(24,457,500)	83,801	0	(24,523,000)
Income Total		(24,541,301)	(24,457,500)	83,801	0	(24,523,000)
Rates Total		(24,256,035)	(24,153,092)	102,943	28,184	(24,149,302)
General Finance						
Expense						
21420	Salaries - Finance	835,698	786,233	(49,465)	35,171	943,475
21421	Other Employee Costs - Finance	16,344	17,202	858	0	20,904
21423	Office - Finance	45,097	51,050	5,953	0	51,150
21424	Motor Vehicles - Finance	10,139	9,000	(1,139)	0	10,800
21425	Depreciation - Finance	709	420	(289)	0	500
21427	Finance - Finance	(789,413)	(792,383)	(2,970)	1,267	(954,962)
21430	Other Expense - Finance	1,293	1,000	(293)	0	1,000
21434	Professional Fees - Finance	41,880	88,330	46,450	17,365	102,000
21449	Loss Sale of Assets - Finance	653	0	(653)	0	0
21450	Special Projects - Finance	0	10,830	10,830	0	12,500



CITY OF NEDLANDS
FINANCIAL SUMMARY - OPERATING - BY BUSINESS UNIT
AS AT 30 APRIL 2020

Row Labels	Master Account (desc)	Apr Actual YTD	Apr Budget YTD	Variance	Committed Balance	Annual Budget
Expense Total		162,401	171,682	9,281	53,804	187,367
Income						
51401	Fees & Charges - Finance	(54,803)	(46,000)	8,803	0	(55,200)
51410	Sundry Income - Finance	(27,474)	(24,160)	3,314	0	(29,000)
Income Total		(82,277)	(70,160)	12,117	0	(84,200)
General Finance Total		80,123	101,522	21,399	53,804	103,167
General Purpose						
Expense						
21627	Finance - General Purpose	25,891	36,580	10,689	0	43,892
21631	Interest - General Purpose	200,178	198,850	(1,328)	0	238,615
Expense Total		226,069	235,430	9,361	0	282,507
Income						
51604	Grants Operating - General Purpose	(278,462)	(302,500)	(24,039)	0	(363,000)
51607	Interest - General Purpose	(244,575)	(250,000)	(5,425)	0	(300,000)
Income Total		(523,037)	(552,500)	(29,463)	0	(663,000)
General Purpose Total		(296,968)	(317,070)	(20,102)	0	(380,493)
Shared Services						
Expense						
21523	Office - Shared Services	58,004	44,585	(13,419)	27,713	53,500
21527	Finance - Shared Services	(162,500)	(108,750)	53,750	0	(130,500)
21534	Professional Fees - Shared Services	38,117	64,170	26,053	2,466	77,000
Expense Total		(66,379)	5	66,384	30,179	0
Shared Services Total		(66,379)	5	66,384	30,179	0
Finance Total		(24,539,258)	(24,368,635)	4,192,298	112,167	(24,426,628)
Corporate & Strategy Total		(24,916,366)	(24,519,164)	4,418,877	242,751	(24,645,149)
Community Development						
Community Development						
Community Development						
Expense						
28120	Salaries - Community Development	401,128	400,583	(545)	0	482,797
28121	Other Employee Costs - Community Development	5,925	6,705	780	0	8,390
28123	Office - Community Development	1,134	910	(224)	0	1,100
28124	Motor Vehicles - Community Development	6,863	6,670	(193)	0	8,000
28125	Depreciation - Community Development	1,118	1,500	382	0	1,800
28127	Finance - Community Development	155,660	155,660	0	0	186,793
28128	Insurance - Community Development	6,181	5,230	(951)	0	6,275
28130	Other Expense - Community Development	3,232	6,260	3,028	1,080	7,500
28134	Professional Fees - Community Development	0	1,250	1,250	0	1,500
28137	Donations - Community Development	109,961	114,032	4,071	0	117,900
28150	Special Projects - Community Development	29,737	41,300	11,563	25,452	57,000
28151	OPRL Activities - Community Development / PC82-87	113,900	132,680	18,780	2,469	148,200
Expense Total		834,840	872,780	37,940	29,001	1,027,255
Income						
58101	Fees & Charges - Community Development	(8,571)	(11,660)	(3,089)	0	(14,000)
58104	Grants Operating - Community Development	(21,000)	(23,332)	(2,332)	0	(24,000)
58106	Contributions & Reimburse - Community Development	(3,313)	(4,170)	(857)	0	(5,000)
Income Total		(32,884)	(39,162)	(6,278)	0	(43,000)
Community Development Total		801,956	833,618	31,662	29,001	984,255
Community Facilities						
Income						
58201	Fees & Charges - Community Facilities	(545)	(830)	(285)	0	(1,000)
58209	Council Property - Community Facilities	(135,357)	(149,460)	(14,103)	0	(179,350)
Income Total		(135,903)	(150,290)	(14,387)	0	(180,350)
Community Facilities Total		(135,903)	(150,290)	(14,387)	0	(180,350)
Volunteer Services VRC						
Expense						



CITY OF NEDLANDS
FINANCIAL SUMMARY - OPERATING - BY BUSINESS UNIT
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Row Labels	Master Account (desc)	Apr Actual YTD	Apr Budget YTD	Variance	Committed Balance	Annual Budget
29320	Salaries - Volunteer Services VRC	78,732	76,930	(1,802)	0	92,309
29321	Other Employee Cost - Volunteer Services VRC	(789)	815	1,604	0	980
29323	Office - Volunteer Services VRC	630	1,775	1,145	0	2,150
29327	Finance - Volunteer Services VRC	15,850	15,850	0	0	19,025
29328	Insurance - Volunteer Services VRC	642	0	(642)	0	0
29330	Other Expense - Volunteer Services VRC	667	3,464	2,797	0	4,650
Expense Total		95,731	98,834	3,103	0	119,114
Income						
59304	Grants Operating - Volunteer Services VRC	(30,756)	(30,310)	446	0	(30,310)
Income Total		(30,756)	(30,310)	446	0	(30,310)
Volunteer Services VRC Total		64,974	68,524	3,550	0	88,804
Volunteer Services NVS						
Expense						
29220	Salaries - Volunteer Services NVS	26,031	24,830	(1,201)	0	29,794
29221	Other Employee Costs - Volunteer Services NVS	(1,328)	265	1,593	0	320
29223	Office - Volunteer Services NVS	0	50	50	0	100
29227	Finance - Volunteer Services NVS	13,610	13,610	0	0	16,334
29230	Other Expense - Volunteer Services NVS	384	2,600	2,216	328	2,600
29250	Special Projects - Volunteer Services NVS	2,709	3,000	291	0	3,000
Expense Total		41,406	44,355	2,949	328	52,148
Volunteer Services NVS Total		41,406	44,355	2,949	328	52,148
Tresillian Community Centre						
Expense						
29120	Salaries - Tresillian CC	209,135	218,430	9,295	0	262,118
29121	Other Employee Costs - Tresillian CC	1,593	2,885	1,292	0	3,460
29123	Office - Tresillian CC	14,089	25,000	10,911	156	25,000
29125	Depreciation - Tresillian CC	1,819	580	(1,239)	0	700
29127	Finance - Tresillian CC	67,636	67,630	(6)	0	81,152
29130	Other Expense - Tresillian CC	3,614	7,335	3,721	222	7,500
29136	Courses - Tresillian CC	185,071	240,800	55,729	1,088	240,800
29150	Exhibition - Tresillian CC	18,286	18,700	414	0	21,200
Expense Total		501,244	581,360	80,116	1,466	641,930
Income						
59101	Fees & Charges - Tresillian CC	(316,537)	(382,970)	(66,433)	0	(388,300)
59109	Council Property - Tresillian CC	(30,844)	(30,000)	844	0	(36,000)
51906	Contributions & Reimbursement - Tresillian CC	(3)	(500)	(497)	0	(500)
Income Total		(347,384)	(413,470)	(66,086)	0	(424,800)
Tresillian Community Centre Total		153,859	167,890	14,031	1,466	217,130
Community Development Total		926,293	964,097	37,804	30,795	1,161,987
Community Services Centres						
Nedlands Community Care						
Expense						
28620	Salaries - NCC	727,036	716,623	(10,413)	0	859,939
28621	Other Employee Costs - NCC	12,764	12,515	(249)	0	15,020
28623	Office - NCC	3,568	6,830	3,262	1,327	8,000
28624	Motor Vehicles - NCC	70,675	89,170	18,495	0	107,000
28625	Depreciation - NCC	15,816	22,250	6,434	0	26,700
28626	Utility - NCC	9,603	15,420	5,817	0	18,500
28627	Finance - NCC	208,160	208,160	0	0	249,793
28628	Insurance - NCC	2,718	0	(2,718)	0	0
28630	Other Expense - NCC	36,822	35,090	(1,732)	7,210	42,100
28635	ICT Expenses - NCC	0	0	0	4,136	5,000
28664	Hacc Unit Cost - NCC / PC66	18,395	0	(18,395)	0	0
Expense Total		1,105,556	1,106,058	502	12,672	1,332,052
Income						
58601	Fees & Charges - NCC	(104,905)	(79,980)	24,925	0	(96,000)



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Row Labels	Master Account (desc)	Apr Actual YTD	Apr Budget YTD	Variance	Committed Balance	Annual Budget
58604	Grants Operating - NCC	(1,068,556)	(1,032,900)	35,656	0	(1,032,900)
58610	Sundry Income - NCC	0	0	0	0	(2,000)
Income Total		(1,173,461)	(1,112,880)	60,581	0	(1,130,900)
Nedlands Community Care Total		(67,905)	(6,822)	61,083	12,672	201,152
Positive Ageing						
Expense						
27420	Salaries - Positive Ageing	64,363	63,600	(763)	0	76,312
27421	Other Employee Costs - Positive Ageing	(936)	665	1,601	0	800
27427	Finance - Positive Ageing	24,550	24,550	0	0	29,460
28437	Donations - Positive Ageing	2,607	4,170	1,563	1,899	5,000
28450	Other Expense - Positive Ageing	32,716	53,330	20,614	1,410	64,000
Expense Total		123,300	146,315	23,015	3,309	175,572
Income						
58420	Fees & Charges - Positive Ageing	(51,403)	(73,330)	(21,927)	0	(88,000)
Income Total		(51,403)	(73,330)	(21,927)	0	(88,000)
Positive Ageing Total		71,898	72,985	1,087	3,309	87,572
Point Resolution Child Care						
Expense						
28820	Salaries - PRCC	428,801	433,083	4,282	0	519,690
28821	Other Employee Costs - PRCC	6,478	6,135	(343)	0	7,450
28823	Office - PRCC	3,290	6,930	3,640	0	9,200
28824	Motor Vehicles - PRCC	6,863	5,830	(1,033)	0	7,000
28825	Depreciation - PRCC	727	750	23	0	900
28826	Utility - PRCC	4,975	7,750	2,775	0	9,300
28827	Finance - PRCC	84,626	84,530	(96)	0	101,433
28828	Insurance - PRCC	415	0	(415)	0	0
28830	Other Expense - PRCC	27,602	23,835	(3,767)	813	29,000
28835	ICT Expenses - PRCC	0	2,880	2,880	0	4,100
Expense Total		563,776	571,723	7,947	813	688,073
Income						
58801	Fees & Charges - PRCC	(603,155)	(541,663)	61,492	0	(650,000)
Income Total		(603,155)	(541,663)	61,492	0	(650,000)
Point Resolution Child Care Total		(39,379)	30,060	69,439	813	38,073
Mt Claremont Library						
Expense						
28523	Office - Mt Claremont Library	4,549	8,950	4,401	284	10,500
28527	Finance - Mt Claremont Library	84,190	84,190	0	0	101,029
28530	Other Expense - Mt Claremont Library	21,878	30,020	8,142	6,465	37,200
28535	ICT Expenses - Mt Claremont Library	8,652	12,080	3,428	0	13,000
Expense Total		119,269	135,240	15,971	6,750	161,729
Income						
58501	Fees & Charges - Mt Claremont Library	(1,035)	(500)	535	0	(600)
58510	Sundry Income - Mt Claremont Library	(546)	(330)	216	0	(400)
58511	Fines & Penalties - Mt Claremont Library	(562)	(420)	142	0	(500)
Income Total		(2,143)	(1,250)	893	0	(1,500)
Mt Claremont Library Total		117,126	133,990	16,864	6,750	160,229
Nedlands Library						
Expense						
28720	Salaries - Library Services	823,850	856,153	32,303	0	1,027,372
28721	Other Employee Costs - Library Services	21,083	18,759	(2,324)	0	23,870
28723	Office - Nedlands Library	21,398	38,800	17,402	2,213	45,500
28724	Motor Vehicles - Nedlands Library	15,098	15,250	153	0	18,300
28725	Depreciation - Nedlands Library	11,243	11,000	(243)	0	13,200
28727	Finance - Nedlands Library	451,170	451,163	(7)	0	541,399
28730	Other Expense - Nedlands Library	71,717	85,860	14,143	13,988	103,700
28731	Grants Expenditure - Nedlands Library	1,000	1,300	300	0	1,300



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Row Labels	Master Account (desc)	Apr Actual YTD	Apr Budget YTD	Variance	Committed Balance	Annual Budget
28734	Professional Fees - Nedlands Library	0	1,000	1,000	0	1,000
28735	ICT Expenses - Nedlands Library	23,948	30,680	6,733	0	35,100
28750	Special Projects - Nedlands Library	0	3,100	3,100	0	3,100
Expense Total		1,440,505	1,513,065	72,560	16,202	1,813,841
Income						
58701	Fees & Charges - Nedland Library	(5,793)	(4,580)	1,213	0	(5,500)
58704	Grants Operating - Nedlands Library	(1,000)	(1,300)	(300)	0	(1,300)
58710	Sundry Income - Nedlands Library	(3,834)	(4,580)	(746)	0	(5,500)
58711	Fines & Penalties - Nedlands Library	(2,839)	(2,080)	759	0	(2,500)
Income Total		(13,466)	(12,540)	926	0	(14,800)
Nedlands Library Total		1,427,040	1,500,525	73,485	16,202	1,799,041
Community Services Centres Total		1,508,780	1,730,738	221,958	39,745	2,286,067
Community Development Total		2,435,073	2,694,835	259,762	70,541	3,448,054
Planning & Development Services						
Planning Services						
Town Planning - Administration						
Expense						
24820	Salaries - Town Planning Admin	95,853	95,330	(523)	0	114,398
24821	Other Employee Costs - Town Planning Admin	24,187	30,560	6,373	0	38,880
24823	Office - Town Planning Admin	15,328	10,394	(4,934)	1,832	13,250
24824	Motor Vehicles - Town Planning Admin	30,092	34,170	4,078	0	41,000
24825	Depreciation - Town Planning Admin	153	170	17	0	200
24827	Finance - Town Planning Admin	289,330	289,333	3	0	347,200
24830	Other Expense - Town Planning Admin	0	3,000	3,000	0	5,000
Expense Total		454,943	462,957	8,014	1,832	559,928
Income						
54801	Fees & Charges - Town Planning Admin	(590,454)	(630,830)	(40,376)	0	(757,000)
54811	Fines & Penalties - Town Planning	0	(750)	(750)	0	(1,500)
Income Total		(590,454)	(631,580)	(41,126)	0	(758,500)
Town Planning - Administration Total		(135,511)	(168,623)	(33,112)	1,832	(198,572)
Statutory Planning						
Expense						
24320	Salaries - Statutory Planning	531,817	467,053	(64,764)	0	560,466
24321	Other Employee Costs - Statutory Planning	755	0	(755)	0	0
24334	Professional Fees - Statutory Planning	45,215	58,330	13,115	4,401	70,000
Expense Total		577,787	525,383	(52,404)	4,401	630,466
Statutory Planning Total		577,787	525,383	(52,404)	4,401	630,466
Strategic Planning						
Expense						
24857	Strategic Projects - Strategic Planning	56,214	182,683	126,469	0	243,312
24920	Salaries - Strategic Planning	368,751	435,453	66,702	0	522,544
24921	Other Employee Costs - Strategic Planning	755	0	(755)	0	0
24934	Professional Fees - Strategic Planning	0	16,670	16,670	0	20,000
Expense Total		425,720	634,806	209,086	0	785,856
Strategic Planning Total		425,720	634,806	209,086	0	785,856
Planning Services Total		867,996	991,566	123,570	6,233	1,217,750
Health & Compliance						
Sustainability						
Expense						
24620	Salaries - Sustainability	28,287	26,750	(1,537)	0	32,101
24621	Other Employee Costs - Sustainability	(1,271)	285	1,556	0	340
24624	Motor Vehicles - Sustainability	16,007	19,000	2,993	0	19,000
24625	Depreciation - Sustainability	1,253	1,330	77	0	1,600
24627	Finance - Sustainability	20,020	20,020	0	0	24,025
24634	Professional Fees - Sustainability	1,265	0	(1,265)	0	0
24638	Operational Activities - Sustainability / PC79	12,418	40,820	28,402	6,137	49,000



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Row Labels	Master Account (desc)	Apr Actual YTD	Apr Budget YTD	Variance	Committed Balance	Annual Budget
Expense Total		77,979	108,205	30,226	6,137	126,066
Sustainability Total		77,979	108,205	30,226	6,137	126,066
Environmental Health						
Expense						
24720	Salaries - Environmental Health	404,229	370,710	(33,519)	0	444,857
24721	Other Employee Costs - Environmental Health	10,266	15,940	5,674	0	20,410
24723	Office - Environmental Health	1,697	4,170	2,473	0	5,000
24725	Depreciation - Environmental Health	5,388	5,420	32	0	6,500
24727	Finance - Environmental Health	97,420	97,420	0	0	116,899
24730	Other Expense - Environmental Health	1,352	27,670	26,318	182	33,200
24751	OPRL Activities - Environmental Health PC76,77,78	13,186	56,250	43,064	0	67,500
Expense Total		533,537	577,580	44,043	182	694,366
Income						
54701	Fees & Charges - Environmental Health	(73,485)	(62,500)	10,985	0	(75,000)
54710	Sundry Income - Environmental Health	(2,221)	(830)	1,391	0	(1,000)
54711	Fines & Penalties - Environmental Health	(18,029)	(35,840)	(17,811)	0	(43,000)
Income Total		(93,735)	(99,170)	(5,435)	0	(119,000)
Environmental Health Total		439,802	478,410	38,608	182	575,366
Environmental Conservation						
Expense						
24220	Salaries - Environmental Conservation	17,050	0	(17,050)	0	0
24221	Other Employee Costs - Environmental Conservation	2,238	1,700	(538)	0	2,800
24223	Office - Environmental Conservation	797	750	(47)	0	1,000
24227	Finance - Environmental Conservation	52,880	52,873	(7)	0	63,450
24230	Other Expense - Environmental Conservation	0	1,125	1,125	0	1,500
24237	Donations - Environmental Conservation	0	0	0	0	2,250
24251	OPRL Activities - Environ Conservation / PC80	602,850	653,172	50,323	138,642	805,740
Expense Total		675,814	709,620	33,806	138,642	876,740
Income						
54204	Grants Operating - Environmental Conservation	(24,643)	(31,011)	(6,368)	0	(41,350)
54210	Sundry Income - Environmental Conservation	(15,144)	(15,144)	0	0	(15,144)
Income Total		(39,787)	(46,155)	(6,368)	0	(56,494)
Environmental Conservation Total		636,027	663,465	27,438	138,642	820,246
Ranger Services						
Expense						
21120	Salaries - Ranger Services	533,417	522,463	(10,954)	0	626,952
21121	Other Employee Costs - Ranger Services	12,891	10,330	(2,561)	497	12,750
21123	Office - Ranger Services	8,473	8,300	(173)	1,512	9,300
21124	Motor Vehicles - Ranger Services	49,918	52,500	2,582	0	63,000
21125	Depreciation - Ranger Services	4,983	5,170	187	0	6,200
21127	Finance - Ranger Services	136,332	142,814	6,482	0	170,102
21130	Other Expense - Ranger Services	16,388	68,785	52,397	4,415	81,450
21135	ICT Expenses - Ranger Services	0	0	0	0	10,000
21137	Donations - Ranger Services	1,000	1,000	0	0	1,000
Expense Total		763,403	811,362	47,959	6,425	980,754
Income						
51101	Fees & Charges - Ranger Services	(52,633)	(56,000)	(3,367)	0	(67,000)
51106	Contributions & Reimbursements- Rangers Services	(31,116)	(25,000)	6,116	0	(30,000)
51111	Fines & Penalties - Rangers Services	(254,284)	(326,835)	(72,551)	0	(412,500)
Income Total		(338,034)	(407,835)	(69,801)	0	(509,500)
Ranger Services Total		425,369	403,527	(21,842)	6,425	471,254
Health & Compliance Total		1,579,177	1,653,607	74,430	151,386	1,992,932
Building Services						
Building Services						
Expense						
24420	Salaries - Building Services	611,670	709,603	97,933	0	851,516



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City of Nedlands

Row Labels	Master Account (desc)	Apr Actual YTD	Apr Budget YTD	Variance	Committed Balance	Annual Budget
24421	Other Employee Costs - Building Services	27,999	37,300	9,301	0	38,770
24423	Office - Building Services	4,261	3,320	(941)	0	3,400
24424	Motor Vehicles - Building Services	24,490	22,330	(2,160)	0	26,800
24425	Depreciation - Building Services	202	250	48	0	300
24427	Finance - Building Services	213,760	213,763	3	0	256,516
24430	Other Expense - Building Services	2,388	3,500	1,112	200	3,700
24434	Professional Fees - Building Services	3,450	4,170	720	0	5,000
Expense Total		888,221	994,236	106,015	200	1,186,002
Income						
54401	Fees & Charges - Building Services	(491,381)	(447,320)	44,061	0	(504,800)
54410	Sundry Income - Building Services	(24,193)	(16,670)	7,523	0	(20,000)
54411	Fines & Penalties - Building Services	(13,550)	(10,830)	2,720	0	(13,000)
Income Total		(529,124)	(474,820)	54,304	0	(537,800)
Building Services Total		359,097	519,416	160,319	200	648,202
Building Services Total		359,097	519,416	160,319	200	648,202
Planning & Development Services Total		2,806,269	3,164,589	358,320	157,819	3,858,884
Technical Services						
Engineering						
Infrastructure Services						
Expense						
26220	Salaries - Infrastructure Svs	1,924,363	2,037,566	113,203	0	2,445,074
26221	Other Employee Costs - Infrastructure Svs	101,195	94,860	(6,335)	2,203	117,440
26223	Office - Infrastructure Svs	17,465	29,585	12,120	1,935	32,500
26224	Motor Vehicles - Infrastructure Svs	28,955	44,170	15,215	0	53,000
26225	Depreciation - Infrastructure Svs	10,188	13,080	2,892	0	15,700
26227	Finance - Infrastructure Svs	(1,416,771)	(2,411,589)	(994,818)	0	(2,893,913)
26228	Insurance - Infrastructure Svs	134,130	112,500	(21,630)	0	135,000
26230	Other Expense - Infrastructure Svs	48,384	58,340	9,956	2,182	63,000
26234	Professional Fees - Infrastructure Svs	61,268	53,420	(7,848)	51,084	71,100
26235	ICT Expenses - Infrastructure Svs	1,530	14,150	12,620	0	15,900
36101	Project Contribution - Infrastructure	55,500	183,330	127,830	0	220,000
Expense Total		966,206	229,412	(736,794)	57,404	274,801
Income						
56206	Contributions & Reimbursement - Infrastructure Svs	0	(91,665)	(91,665)	0	(110,000)
50202	Service Charges - Infrastructure Svs	(23,727)	(19,830)	3,897	0	(23,800)
56201	Fees & Charges - Infrastructure Svs	(3,658)	(8,335)	(4,677)	0	(10,000)
Income Total		(27,386)	(119,830)	(92,444)	0	(143,800)
Infrastructure Services Total		938,820	109,582	(829,238)	57,404	131,001
Plant Operating						
Expense						
26521	Other Employee Costs - Plant Operating	1,628	1,085	(543)	0	1,300
26525	Depreciation - Plant Operating	247,525	255,833	8,308	0	307,000
26527	Finance - Plant Operating	(946,330)	(995,998)	(49,668)	0	(1,196,000)
26532	Plant - Plant Operating	441,691	573,665	131,974	37,791	674,500
26533	Minor Parts & Workshop Tools - Plant Operating	21,534	76,920	55,386	1,611	92,300
26549	Loss Sale of Assets - Plant Operating	23,565	90,420	66,855	0	108,507
Expense Total		(210,388)	1,925	212,313	39,402	(12,393)
Income						
56501	Fees & Charges - Plant Operating	(42,541)	(60,000)	(17,459)	0	(60,000)
56510	Sundry Income - Plant operating	(3,191)	(3,000)	191	0	(3,000)
56515	Profit Sale of Assets - Plant Operating	(77,691)	(70,830)	6,861	0	(85,000)
Income Total		(123,423)	(133,830)	(10,407)	0	(148,000)
Plant Operating Total		(333,811)	(131,905)	201,906	39,402	(160,393)
Streets Roads and Depots						
Expense						
26625	Depreciation - Streets Roads & Depots	1,772,150	1,772,496	346	0	2,127,000



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Row Labels	Master Account (desc)	Apr Actual YTD	Apr Budget YTD	Variance	Committed Balance	Annual Budget
26626	Utility - Streets Roads & Depots	399,437	485,833	86,396	1,595	583,000
26630	Other Expense - Streets Roads & Depots	48,722	49,170	448	1,020	60,000
26640	Reinstatement - Streets Roads & Depot	1,502	5,830	4,328	0	7,000
26667	Maintenance - Road Maintenance / PC51	611,163	567,083	(44,080)	61,602	680,500
26668	Maintenance - Drainage Maintenance / PC52	410,379	429,418	19,039	60,609	515,300
26669	Maintenance - Footpath Maintenance / PC53	193,185	137,665	(55,520)	3,761	165,200
26670	Maintenance - Parking Signs / PC54	105,568	72,915	(32,653)	3,402	87,500
26671	Maintenance - Right of Way Maintenance / PC55	84,133	72,915	(11,218)	2,010	87,500
26672	Maintenance - Bus Shelter Maintenance / PC56	9,731	9,665	(66)	126	11,600
26673	Maintenance - Graffiti Control / PC57	6,353	16,250	9,897	1,669	19,500
26674	Maintenance - Streets Roads & Depot / PC89	107,719	126,250	18,531	2,815	151,500
Expense Total		3,750,043	3,745,490	(4,553)	138,608	4,495,600
Income						
56601	Fees & Charges - Streets Roads & Depots	(49,228)	(66,670)	(17,442)	0	(80,000)
56604	Grants Operating - Streets Roads & Depots	(70,251)	(58,500)	11,751	0	(70,200)
56606	Contributions & Reimburse - Streets Roads & Depots	(140)	(8,335)	(8,196)	0	(10,000)
56610	Sundry Income - Streets Roads & Depots	(95)	0	95	0	0
Income Total		(119,713)	(133,505)	(13,792)	0	(160,200)
Streets Roads and Depots Total		3,630,330	3,611,985	(18,345)	138,608	4,335,400
Waste Minimisation						
Expense						
24520	Salaries - Waste Minimisation	203,171	206,320	3,149	0	247,589
24521	Other Employee Costs - Waste Minimisation	3,472	5,224	1,752	0	6,670
24524	Motor Vehicles - Waste Minimisation	9,828	9,200	(628)	0	9,200
24527	Finance - Waste Minimisation	149,268	149,253	(15)	0	179,106
24538	Purchase of Product - Waste Minimisation	1,796	3,000	1,204	449	3,000
24552	Residential Kerbside - Waste Minimisation / PC71	1,439,741	1,568,503	128,762	416,490	1,882,200
24553	Residential Bulk - Waste Minimisation / PC72	109,714	236,000	126,286	252,954	472,000
24554	Commercial - Waste Minimisation / PC73	80,753	85,670	4,917	80,224	102,800
24555	Public Waste - Waste Minimisation / PC74	68,817	86,910	18,093	24,088	104,300
24556	Waste Strategy - Waste Minimisation / PC75	6,346	84,300	77,954	0	84,300
Expense Total		2,072,905	2,434,380	361,475	774,206	3,091,165
Income						
54501	Fees & Charges - Waste Minimisation	(3,294,583)	(3,131,546)	163,037	0	(3,307,078)
Income Total		(3,294,583)	(3,131,546)	163,037	0	(3,307,078)
Waste Minimisation Total		(1,221,678)	(697,166)	524,512	774,206	(215,913)
Building Maintenance						
Expense						
24120	Salaries - Building Maintenance	328,873	358,620	29,747	0	425,345
24121	Other Employee Costs - Building Maintenance	4,527	6,710	2,184	0	7,410
24123	Office - Building Maintenance	431	0	(431)	0	0
24124	Motor Vehicles - Building Maintenance	29,600	30,420	820	0	36,500
24125	Depreciation - Building Maintenance	610,030	610,333	303	0	732,400
24126	Utility - Building Maintenance PC41,42,43	181,928	240,708	58,780	0	288,850
24127	Finance - Building Maintenance	(173,170)	(123,170)	50,000	0	(147,804)
24128	Insurance - Building Maintenance PC40	74,006	61,669	(12,337)	0	74,000
24130	Other Expense - Building Maintenance	22,271	25,000	2,729	4,064	30,000
24133	Building - Building Maintenance PC58	1,074,843	1,141,415	66,572	238,781	1,408,500
24135	ICT Expenses - Building Maintenance	0	2,500	2,500	0	2,500
Expense Total		2,153,338	2,354,205	200,867	242,845	2,857,701
Income						
54106	Contributions & Reimbursement - Building Maintenance	(94,941)	(95,840)	(899)	0	(115,000)
54109	Council Property - Building Maintenance	(217,483)	(229,873)	(12,390)	0	(274,250)
54110	Sundry Income - Building Maintenance	(480)	0	480	0	0
Income Total		(312,903)	(325,713)	(12,810)	0	(389,250)
Building Maintenance Total		1,840,434	2,028,492	188,058	242,845	2,468,451



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Row Labels	Master Account (desc)	Apr Actual YTD	Apr Budget YTD	Variance	Committed Balance	Annual Budget
Engineering Total		4,854,095	4,920,988	66,893	1,252,465	6,558,546
Parks Services						
Parks Services						
Expense						
26360	Depreciation - Parks Services	579,109	579,163	54	0	695,000
26365	Maintenance - Parks Services / PC59	3,767,120	3,737,090	(30,030)	209,980	4,416,350
Expense Total		4,346,229	4,316,253	(29,976)	209,980	5,111,350
Income						
56301	Fees & Charges - Parks & Ovals	(669)	(1,500)	(831)	0	(1,500)
56306	Contributions & Reimbursements - Parks Services	(64,107)	(65,318)	(1,211)	0	(67,400)
56309	Council Property - Parks Services	(53,498)	(68,000)	(14,502)	0	(68,000)
56310	Sundry Income - Parks Services	(16,961)	(21,000)	(4,039)	0	(21,000)
56312	Fines & Penalties - Parks & Ovals	(1,215)	(1,000)	215	0	(1,000)
Income Total		(136,450)	(156,818)	(20,368)	0	(158,900)
Parks Services Total		4,209,779	4,159,435	(50,344)	209,980	4,952,450
Parks Services Total		4,209,779	4,159,435	(50,344)	209,980	4,952,450
Technical Services Total		9,063,874	9,080,423	16,549	1,462,445	11,510,996
City of Nedlands Total		(8,471,997)	(7,217,828)	5,275,844	2,037,384	(3,006,208)

CITY OF NEDLANDS
CAPITAL WORKS & ACQUISITIONS
AS AT 30 APRIL 2020

L1	L1 Desc / Ni L2 - Desc	April Actual YTD	Committed Balance	Annual Budget	Budget Available
2	Footpath Rehabilitation				
	2452 School Sports Facility	0	0	30,000	30,000
	200 Monash Avn-Paving of Verge(infrn of Sch)	0	0	112,875	112,875
	609 Stirling Highway-Kinninmont to smyth	12,749	82,689	104,336	8,898
	610 Stirling Highway-Portland to Williams	116,025	0	96,097	-19,928
	611 Stirling Highway-Robinson to Weld	141,347	0	134,547	-6,800
	Footpath Rehabilitation Total	270,121	82,689	477,855	125,044
3	Road Rehabilitation				
	2004 Rochdale Road	11,718	0	11,718	0
	2143 Brockway Road	3,923	0	0	-3,923
	2070 Waroonga Road	173,214	0	147,396	-25,818
	2071 Rockton Road	145,382	0	127,453	-17,929
	2318 Gerygone Lane	0	0	208,819	208,819
	612 Campsie St-Verdun Street to cul-de-sac	192,901	8,315	228,480	27,264
	613 Leopold St-Melvista Ave to Princess Rd	173,030	0	173,030	0
	614 Riley Road-Stone Road to Hackett Road	193,399	0	193,399	0
	615 Micrantha Lane-Williams Rd to Clifton St	27,436	-389	21,000	-6,048
	616 Ringneck Ln drainage-Brick Paving and in	125,933	25	113,600	-12,358
	Road Rehabilitation Total	1,046,937	7,951	1,224,895	170,007
4	Drainage Rehabilitation				
	2001 Railway Road	32,189	0	80,189	48,000
	Drainage Rehabilitation Total	32,189	0	80,189	48,000
5	Street Furniture / Bus Shelter				
	501 City Wide Street Lights - INSTL LED	54,447	55	45,000	-9,502
	502 West Hollywood - LED smart control	2,982	0	0	-2,982
	Street Furniture / Bus Shelter Total	57,429	55	45,000	-12,484
6	Grant Funded Projects				
	2001 Railway Road	0	6,200	64,000	57,800
	2003 Alfred Road	0	207,991	194,700	-13,291
	2010 Broadway	45	0	0	-45
	2012 Waratah Avenue	235,327	6,730	227,415	-14,642
	2015 Birdwood Parade	996	0	50,996	50,000
	2017 Loch Street	0	14,545	0	-14,545
	2037 Elizabeth Street	1,149,708	829,523	1,916,025	-63,206
	2198 Hampden Road	0	475,914	235,700	-240,214
	2225 Stephenson Avenue	0	0	30,000	30,000
	2143 Brockway Road	0	11,338	346,599	335,261
	2070 Waroonga Road	0	1,000	0	-1,000
	2071 Rockton Road	0	1,221	0	-1,221
	2410 INTXN - Smyth RD/Monash Av	0	2,273	0	-2,273
	617 Narla Rd-Swanway Cres to Servetus St	123,262	3,826	120,300	-6,788
	618 Rosedale St-Gunn St to Alderbury St	117,776	0	119,734	1,958
	635 Alfred Road-Brockway to Mimosa	0	0	57,150	57,150
	2041 Elizabeth St-Broadwy to Bay Rd(Drainage)	66,792	178,808	400,000	154,401
	Grant Funded Projects Total	1,693,906	1,739,369	3,762,619	329,344
11	Building Construction				
	4003 Broome St - Council Depot	51,155	24,303	142,500	67,042
	4004 Webster St - Drabble House	265,589	10,906	225,348	-51,147
	4005 Drabble House Flat - 8A Webster St	593	0	0	-593
	4007 140 Melvista Ave - JC Smith Pavilion	20,557	659	28,400	7,184
	4008 60 Stirling Hwy - Nedlands Library	0	1,620	0	-1,620
	4009 53 Jutland Pde - PRCC	890	4,473	0	-5,363
	4011 105 Montgomery Ave - MTC Library	18,091	91	0	-18,182
	4012 19 Haldane St - MTC Community Centre	0	97	0	-97
	4015 118 Wood St - Friends of Allen Park	1,650	0	0	-1,650
	4016 67 Stirling Highway - Maisonettes	74,690	0	78,747	4,057
	4021 110 Smyth Road - Cottage Bldg	25,658	643	50,000	23,700
	4052 Allen Park (Master Plan)	15,620	0	55,400	39,780
	4159 8 Draper St - Hackett Hall	5,680	0	201,600	195,920



CITY OF NEDLANDS
CAPITAL WORKS & ACQUISITIONS
AS AT 30 APRIL 2020

L1	L1 Desc / Ni L2 - Desc		April Actual YTD	Committed		Budget Available
				Balance	Annual Budget	
	4164	100A Princess Rd - College Park Family Centre	587	1,901	0	-2,488
	4201	John XXIII Ave - Council Depot	1,095	0	0	-1,095
	619	Charles Court Reserve Toilets-Renovation	31,888	9,061	42,069	1,120
	620	Mt Claremont Library-Re roof	0	0	383,400	383,400
	Building Construction Total		513,742	53,753	1,207,464	639,969
12	Off Street Parking					
	406	Maisonettes Carpark - Resurface	50,776	0	51,266	491
	Off Street Parking Total		50,776	0	51,266	491
14	Parks & Reserves Construction					
	4052	Allen Park	0	0	44,872	44,872
	4059	Beatrice Road Reserve	6,198	0	6,390	192
	4062	Blain Park	0	0	23,572	23,572
	4069	Carrington Park	15,321	3,275	26,128	7,532
	4072	College Park	44,943	0	44,943	0
	4089	Hamilton Park	1,268	0	30,814	29,546
	4092	Hollywood Tennis Court Reserve	3,791	0	5,680	1,889
	4094	Jones Park	24,629	0	31,240	6,611
	4098	Leura Park	5,357	0	6,674	1,317
	4115	New Court Gardens	0	0	71,000	71,000
	4118	Peace Memorial Rose Garden	6,082	300	9,088	2,706
	4122	Point Resolution Reserve	99,153	0	99,153	0
	4141	WA Bridge Club Surrounds	0	17,720	27,020	9,300
	4173	Cottesloe Golf Club	0	0	50,000	50,000
	724	Pt Res Rsv - DVPT Greenway buffer S1	30,635	0	30,635	0
	732	Allen Park (LO) - INST floodlight	196,768	22,566	271,147	51,813
	734	Asquith Reserve - Redevelopment	77,762	7,061	90,500	5,677
	735	Birdwood Pde Rsv-R carpark lightpole x2	14,019	0	14,019	0
	737	Bishop Rd Rsv - Enviro-scape manster pln	3,324	2,925	66,097	59,848
	739	Brockman Rsv - UG playground	73,114	0	73,114	1
	745	Charles Crt Rsv - R fitness equipment	43,310	0	43,310	0
	752	Hamilton Park - UG irrigation system	0	0	24,224	24,224
	754	Hollywood Rsv - UG pathway	23,816	0	37,404	13,588
	767	Pt Res Rsv - UG irrigation system	139,745	0	152,242	12,497
	768	Railway Rd - Complete greenway	54,299	0	54,299	0
	769	St Johns Wood Blv POS - INST playground	138,068	0	136,196	-1,872
	770	Jones Park - Install Drinking Fountain	6,192	0	6,192	0
	771	Jones Park - Bushfence Bollards Gate&Eco	17,207	16,970	49,624	15,447
	621	Blain Park-Replace Drinking Fountain	5,805	0	82,770	76,965
	622	College Park-Replace Gates toTennis Cour	2,457	0	5,680	3,223
	624	Hollywood Tennis Crt Rsv-Replace floodli	7,745	35,350	62,200	19,105
	625	Iris Ave Gardens-Install 90m recycled pl	0	5,808	9,230	3,422
	626	Melvista Oval-Replace Park Benches(2)	6,088	0	6,816	728
	627	Melvista Oval-Replace Fitness Equipment	12,070	0	12,354	284
	628	Melvista Oval-Replace Basketball Backwar	3,514	0	9,372	5,858
	629	Mt Claremont-R existing Floodlights wth	14,725	0	14,725	0
	630	Mt Claremont R-Replace Security Light	13,617	0	13,617	0
	631	Peace Memo Gardens-Renew Bore(38m)	0	0	41,607	41,607
	632	Point Resolution Reserve-Upgrade of fina	0	0	28,400	28,400
	633	Swanbourne Greenway Project	-3,056	33,917	48,280	17,419
	634	Tresillian Gardens-Upgrade old Playgroun	38,401	0	38,454	53
	5108	Mt Claremont Oval	12,368	0	29,820	17,452
	Parks & Reserves Construction Total		1,138,736	145,892	1,928,902	644,275
15	Plant & Equipment					
	7500	Technical Svs - Engineering	355,937	-58	283,000	-72,879
	7501	Development Svs - Town Planning	42,322	0	0	-42,322
	7502	Development Svs - Building Svs	19,303	0	23,000	3,697
	7505	Planning & Development Svs - Ranger Svs	129,419	0	132,000	2,581
	7507	Development Svs - Environmental Health	67,554	0	66,000	-1,554
	7508	Corporate & Strategy - Finance	0	14	45,000	44,986



CITY OF NEDLANDS
CAPITAL WORKS & ACQUISITIONS
AS AT 30 APRIL 2020

L1	L1 Desc / Ni L2 - Desc		April Actual YTD	Committed Balance	Annual Budget	Budget Available
	7509	Technical Svs - Parks Svs	76,977	0	389,000	312,023
	7515	Corporate & Strategy - ICT	61,068	0	33,000	-28,068
	Plant & Equipment Total		752,580	-44	971,000	218,464
16	ICT Capital Projects					
	6054	Software	15,794	0	0	-15,794
	6060	Software - IP Phone	-577	0	0	577
	6062	Firewall at Administration	40,607	0	40,000	-607
	6063	Replace SSD on VDI nodes	0	0	20,000	20,000
	6064	Ipads for councillors	9,607	0	15,000	5,393
	6066	Administration Comms Rack Cleanup Aups R	733	0	30,000	29,267
	6067	Printers & Copiers	0	0	109,514	109,514
	ICT Capital Projects Total		66,164	0	214,514	148,350
18	Furniture & Fixture					
	4008	60 Stirling Hwy - Nedlands Library	119	0	0	-119
	Furniture & Fixture Total		119	0	0	-119
19	Public Art					
	9000	City Wide	61,108	0	0	-61,108
	9001	Public Arts Work	0	0	61,000	61,000
	Public Art Total		61,108	0	61,000	-108
20	Major Projects - Parks					
	4071	Charles Ct Reserve	13,524	0	43,524	30,000
	901	Beaton Park - AAPS Stage 2	159	0	0	-159
	903	Charles Crt Rsv - CNST riverwall S4-1	36,634	0	66,066	29,433
	904	Swanbourne Beach Oval - rehabilitation	195,361	52,255	270,000	22,384
	Major Projects - Parks Total		245,677	52,255	379,590	81,658
City of Nedlands Total			5,929,483	2,081,920	10,404,294	2,392,892



CITY OF NEDLANDS
STATEMENT OF NET CURRENT ASSETS
CLOSING FUNDS
AS AT 30 APRIL 2020

	2019/20 YTD 30 APRIL 2020	2018/19 YTD 30 APRIL 2019	2018/19 YEAR END 30 June 2019
Current Assets			
Cash & Cash Equivalents	19,028,726	15,741,323	13,030,919
Receivable - Rates Outstanding (inc Rebates)	1,406,357	1,119,717	440,333
Receivable - Sundry Debtors	681,512	449,767	1,319,548
Receivable - Self Supporting Loan	3,447	3,343	13,630
Receivable - UGP	18,048	104,885	138,453
GST Receivable	308,447	215,000	539,456
Prepayments	197,094	141,307	170,828
Less: Provision for Doubtful Debts	(9,282)	(5,186)	(9,282)
Inventories	10,923	16,461	15,724
	<u>21,645,273</u>	<u>17,786,614</u>	<u>15,659,609</u>
Current Liabilities			
Payable - Sundry Creditors	(4,350,474)	(426,187)	(4,405,159)
Payable - ESL	(383,148)	(455,808)	(35,256)
Accrued Salaries and Wages	(25,603)	(148,595)	(341,845)
Employee Provisions	(2,241,311)	(2,120,145)	(2,274,759)
Borrowings	(367,238)	(345,634)	(1,693,964)
	<u>(7,367,774)</u>	<u>(3,496,369)</u>	<u>(8,750,984)</u>
Unadjusted Net Current Assets	<u>14,277,499</u>	<u>14,290,246</u>	<u>6,908,625</u>
Less: Restricted Reserves	(6,177,511)	(6,128,971)	(6,095,372)
Less: Current Self Supporting Loan Liability	(3,447)	(3,343)	(13,630)
Add Back: Borrowings	367,238	345,634	1,693,964
Net Current Assets	<u>8,463,779</u>	<u>8,503,566</u>	<u>2,493,587</u>



CITY OF NEDLANDS
STATEMENT OF FINANCIAL ACTIVITY
BY DIRECTORATES
FOR THE PERIOD ENDED 30 APRIL 2020

Note	2019-20 Annual Budget \$	Apr 20 YTD Budget \$	Apr 20 YTD Actual \$	Apr 20 YTD Variance \$	Variance %
Operating Income					
Governance	134,500	112,090	74,298	(37,792)	-33.72%
Corporate & Strategy	25,270,800	25,080,760	25,147,573	66,813	0.27%
Community Development & Services	2,563,660	2,374,895	2,390,555	15,660	0.66%
Planning & Development Services	1,981,294	1,659,560	1,591,134	(68,426)	-4.12%
Technical Services	4,307,228	4,001,242	4,014,459	13,217	0.33%
	34,257,482	33,228,547	33,218,019	(10,528)	-0.03%
Operating Expense					
Governance	(2,955,507)	(2,473,579)	(2,213,450)	260,129	10.52%
Corporate & Strategy	(625,651)	(561,596)	(231,207)	330,389	58.83%
Community Development & Services	(6,011,714)	(5,069,730)	(4,825,628)	244,102	4.81%
Planning & Development Services	(5,840,178)	(4,824,149)	(4,397,404)	426,745	8.85%
Technical Services	(15,818,224)	(13,081,665)	(13,078,333)	3,332	0.03%
	(31,251,274)	(26,010,719)	(24,746,022)	1,264,697	4.86%
Capital Income					
Grants Capital	2,809,770		1,620,790		
Capital Contribution	0		305,671		
Proceeds from Disposal of Assets	491,636		513,626		
New Borrowings	0		0		
Self Supporting Loan Principal Repayments	13,630		10,183		
Transfer from Reserve	2,457,862		0		
	5,772,898		2,450,270		
Capital Expenditure					
Land & Buildings	(1,207,463)		(513,742)		
Infrastructure - Road	(5,596,822)		(3,093,929)		
Infrastructure - Parks	(2,353,492)		(1,441,265)		
Plant & Equipment	(971,000)		(752,580)		
Furniture & Equipment	(275,514)		(127,968)		
Repayment of Debentures	(1,691,065)		(1,326,726)		
Transfer to Reserves	(2,168,566)		(82,138)		
	(14,263,922)		(7,338,347)		
Total Operating and Non-Operating	(5,484,816)		3,583,921		
Adjustment - Non Cash Items					
Depreciation	4,105,400		3,397,057		
Receivables/Provisions/Other Accruals	(58)		1,490		
Change in accounting policy	(1,150,000)		(958,802)		
(Profit) on Sale of Assets	(85,000)		(77,691)		
Loss on Sale of Assets	108,507		24,217		
ADD - Surplus/(Deficit) 1 July b/f	2,493,592		2,493,587		
LESS - Surplus/(Deficit) 30 June c/f	(12,375)		8,463,779		
	5,484,816		(3,583,921)		



**SUMMARY STATEMENT OF BORROWING ACTIVITY
FOR THE PERIOD ENDING 30 APRIL 2020**

Purpose

Loan 179 - Road Infrastructures
 Loan 181 - Building and Road Infrastructures
 Loan 182 - Building
 Loan 183 - Building
 Loan 184 - Building
 Loan 185 - Building
 Loan 187 - Underground Power (CON)
 Loan 188 - Underground Power (W.Hollywood Res)
 Loan 189 - Underground Power (Alfred & MTC Res)
 Loan 190 - Underground Power (Alderbury Res)

Self Supporting Loans

Loan 186 - Dalkeith Bowling Club

Total

	Actual YTD 30 APRIL 2020				
Interest Rate Per Annum	Principal 01-Jul-19 \$	New loans \$	Principal Repayment \$	Principal 30-Apr-20 \$	Interest(YTD) \$
6.04%	654,992	0	(86,182)	568,810	30,812
5.91%	498,901	0	(180,263)	318,638	20,158
4.67%	649,125	0	(186,889)	462,236	22,369
2.78%	1,031,607	0	(118,672)	912,935	22,515
3.12%	921,181	0	(129,895)	791,286	22,441
3.12%	435,974	0	(61,476)	374,498	10,621
2.64%	2,464,759	0	(469,589)	1,995,170	50,070
3.07%	645,499	0	(66,873)	578,626	15,149
3.07%	94,279	0	(9,767)	84,512	2,205
3.07%	66,956	0	(6,937)	60,019	1,576
	7,463,273	0	(1,316,543)	6,146,730	197,917
3.07%	92,445	0	(10,183)	82,262	2,261
				0	
	7,555,718	0	(1,326,727)	6,228,991	200,178

Adopted Budget 2019/20		
New loans \$	Principal 30-Jun-20 \$	Interest \$
0	539,211	36,972
0	256,766	24,184
0	398,479	25,967
0	871,357	27,018
0	791,286	27,231
0	374,498	12,888
0	1,831,084	58,831
0	578,626	18,277
0	84,512	2,669
0	60,019	1,896
0	5,785,838	235,933
0	78,815	2,682
0	5,864,653	238,615



CITY OF NEDLANDS
STATEMENT OF FINANCIAL POSITION
AS AT 30 APRIL 2020

	2019/2020 YTD 30 APRIL 2020 \$	2018/2019 YTD 30 APRIL 2019 \$	2018/2019 YEAR END 30 June 2019 \$
Current Assets			
Cash & Cash Equivalents	19,028,726	15,741,323	13,030,919
Trade & Other Receivables	2,408,530	1,887,524	2,442,138
Inventories	10,923	16,461	15,724
Other - Prepayments & Accruals	197,094	141,307	170,828
Total Current Assets	21,645,273	17,786,614	15,659,609
Non Current Assets			
Other Receivables	1,280,683	526,643	1,306,050
Other Financial Assets	140,137	123,734	140,137
Property, Plant & Equipment	345,827,347	345,374,467	345,984,718
Infrastructure	89,867,740	85,460,876	87,638,047
Total Non Current Assets	437,115,908	431,485,721	435,068,953
Total Assets	458,761,181	449,272,335	450,728,563
Current Liabilities			
Trade & Other Payables	4,759,227	1,030,589	4,782,260
Current Borrowings	367,238	345,634	1,693,964
Employee Provisions	2,241,311	2,120,145	2,274,759
Total Current Liabilities	7,367,776	3,496,369	8,750,984
Non Current Liabilities			
Long Term Borrowings	5,861,752	7,555,717	5,861,752
Deferred Liability	54,001	0	54,001
Employee Provisions	474,196	337,618	474,196
Total Non Current Liabilities	6,389,949	7,893,335	6,389,949
Total Liabilities	13,757,725	11,389,704	15,140,933
Net Assets	445,003,456	437,882,631	435,587,629
Equity			
Retained Surplus	85,279,295	78,207,010	75,945,603
Reserves - Cash Backed	6,177,511	6,128,971	6,095,373
Revaluation Surplus	353,546,650	353,546,650	353,546,653
Total Equity	445,003,456	437,882,631	435,587,629



**SUMMARY STATEMENT OF FINANCIAL ACTIVITY - OPERATING
BY REPORTING ACTIVITY
FOR THE PERIOD ENDING 30 APRIL 2020**

Reporting Activity	April 20 YTD Budget	April 20 YTD Actual	Variance Indicators			F/U	2019-20 Annual Budget	Var. Scale	Comment Ref
			\$	%	Flag				
Income:									
Community Leadership	95,420	74,298	(21,122)	(22%)	▶	U	114,500	●	Timing difference of WESROC invoice to Western suburbs and reduce scope of works
Corporate Administration	639,930	606,272	(33,658)	(5%)	▶	U	767,800	●	
Community Capacity Building	633,232	546,927	(86,305)	(14%)	▶	U	678,460	●	Lower Tresillian fees & Charges income due to COVID-19
Community Care	1,727,873	1,828,019	100,146	6%	▶	F	1,868,900	●	
Libraries	13,790	15,608	1,818	13%	▶	F	16,300	●	
Building & Development Control	1,106,400	1,119,579	13,179	1%	▶	F	1,296,300	●	
Environmental Health Services	99,170	93,735	(5,435)	(5%)	▶	U	119,000	●	
Rangers & Public Safety	407,835	338,034	(69,801)	(17%)	▶	U	509,500	●	Lower fine income due to COVID-19
Engineering & Asset Management	119,830	27,386	(92,444)	(77%)	▶	U	143,800	●	Lower underground power service charges and fees and charges in Infrastructure
Parks & Natural Areas	202,973	176,237	(26,736)	(13%)	▶	U	215,394	●	Lower Parks Income
Roads, Paths & Drains	267,335	243,136	(24,199)	(9%)	▶	U	308,200	●	
Community Building Management	325,713	312,903	(12,810)	(4%)	▶	U	389,250	●	
Waste Management	3,131,546	3,294,583	163,037	5%	▶	F	3,307,078	●	
Rates & Property Services	24,457,500	24,541,301	83,801	0%	▶	F	24,523,000	●	
Total Income	33,228,547	33,218,019		(0%)	▶	F	34,257,482		

* **Note:** Total Income includes Operating Income & Capital Grants but not Asset Sale Proceeds

Legend

Favourable Variance to Budget
Unfavourable Variance to Budget

F ▶
U ▶

Legend

Favourable Variance > 10%
Variance between -10% (U) and +10% (F)
Unfavourable Variance > 10%

●
●
●



**SUMMARY STATEMENT OF FINANCIAL ACTIVITY - OPERATING
BY REPORTING ACTIVITY
FOR THE PERIOD ENDING 30 APRIL 2020**

Reporting Activity	April 20 YTD Budget	April 20 YTD Actual	Variance Indicators			F/U	2019-20 Annual Budget	Var. Scale	Comment Ref
			\$	%	Flag				
Expenditure:									
Community Leadership	1,937,171	1,854,468	82,703	4%	▶	F	2,379,199	●	
Corporate Administration	793,596	304,923	488,673	62%	▶	F	828,261	●	
Community Capacity Building	1,597,329	1,473,220	124,109	8%	▶	F	1,840,447	●	
Community Care	1,824,096	1,792,633	31,463	2%	▶	F	2,195,697	●	
Libraries	1,648,305	1,559,774	88,531	5%	▶	F	1,975,570	●	
Building & Development Control	1,982,576	1,920,951	61,625	3%	▶	F	2,376,396	●	
Strategic Urban Planning	743,011	503,699	239,312	32%	▶	F	911,922	●	
Environmental Health Services	577,580	533,537	44,043	8%	▶	F	694,366	●	
Rangers & Public Safety	811,362	763,403	47,959	6%	▶	F	980,754	●	
Engineering & Asset Management	229,412	966,206	(736,794)	321%	▶	U	274,801	●	Lower Overhead allocation due to lower capital and maintenance works completed
Parks & Natural Areas	5,025,873	5,022,042	3,831	0%	▶	F	5,988,090	●	
Roads, Paths & Drains	3,747,415	3,539,655	207,760	6%	▶	F	4,483,207	●	
Community Building Management	2,354,205	2,153,338	200,867	9%	▶	F	2,857,701	●	
Waste Management	2,434,380	2,072,905	361,475	15%	▶	F	3,091,165	●	
Rates & Property Services	304,408	285,267	19,141	6%	▶	F	373,698	●	
Total Operating Expenditure	26,010,719	24,746,022		5%	▶	F	31,251,274		
Net Operating Result	7,217,828	8,471,997					3,006,208		

Legend

Favourable Variance to Budget F ▶
Unfavourable Variance to Budget U ▶

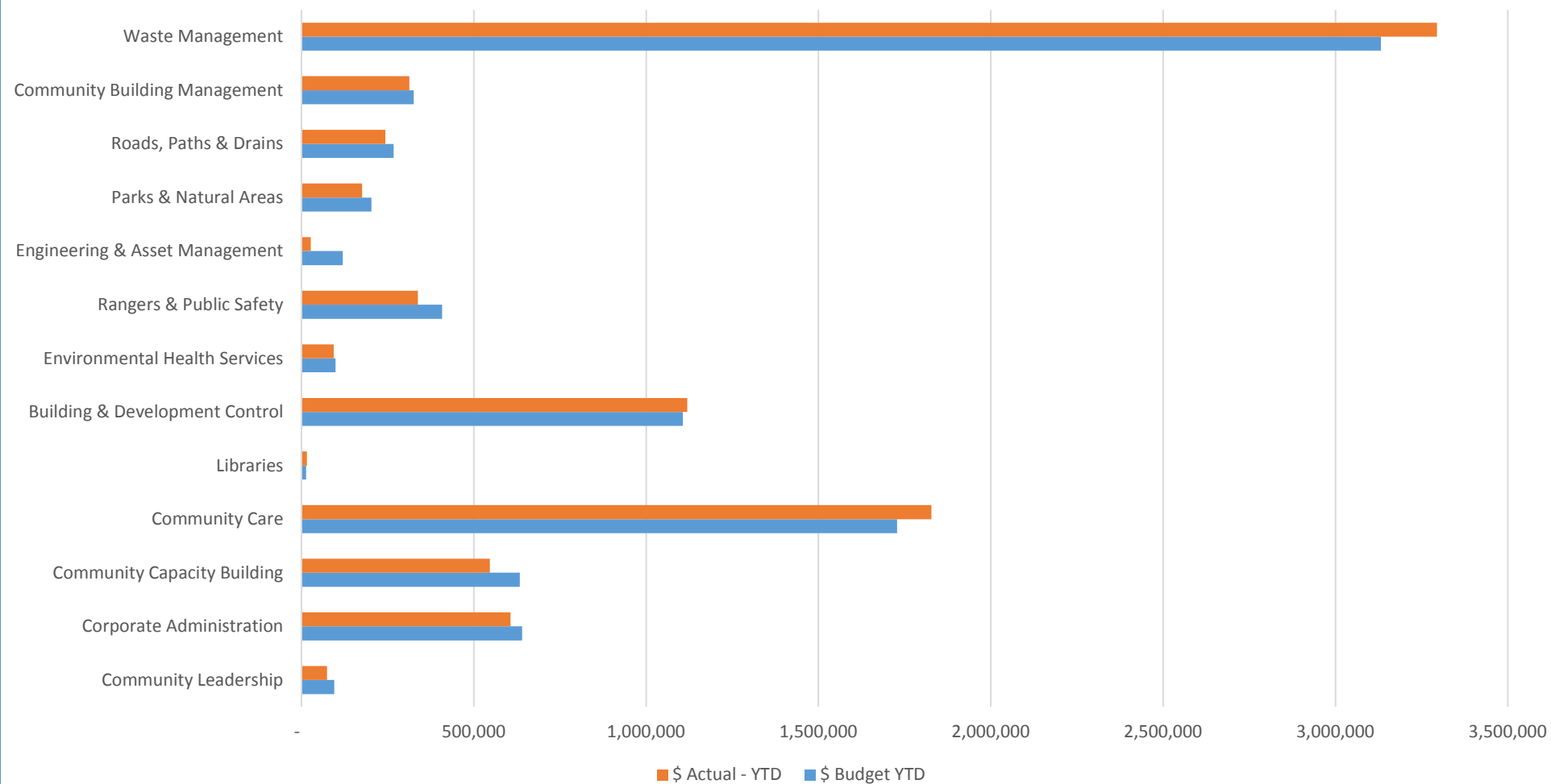
Legend

Favourable Variance > 10% ●
Variance between -10% (U) and +10% (F) ●
Unfavourable Variance > 10% ●



**GRAPHICAL SUMMARY OF FINANCIAL ACTIVITY - OPERATING
BY REPORTING ACTIVITY
FOR THE PERIOD ENDING 30 APRIL 2020**

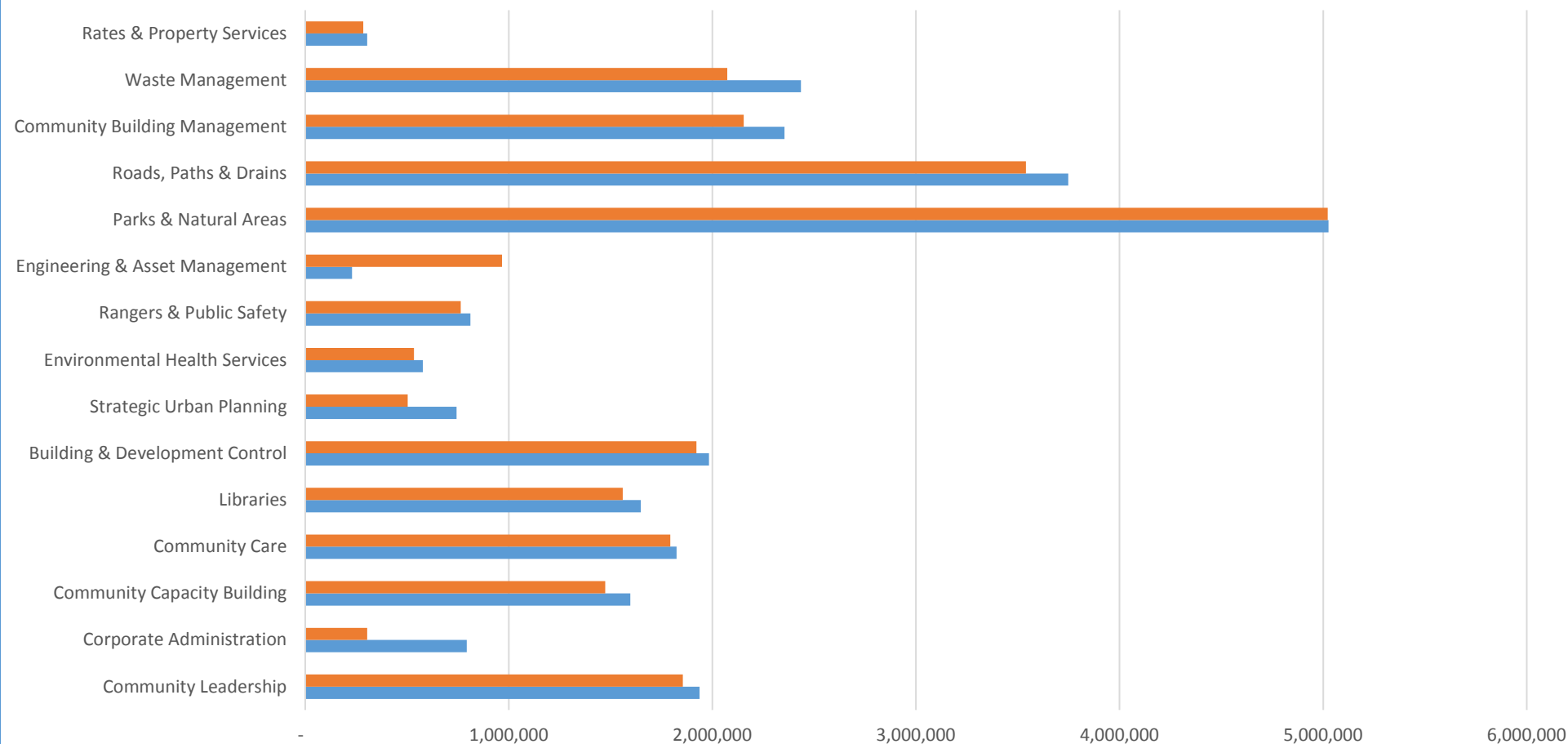
Income - YTD by Reporting Activity (Excluding Rates)





**GRAPHICAL SUMMARY OF FINANCIAL ACTIVITY - OPERATING
BY REPORTING ACTIVITY
FOR THE PERIOD ENDING 30 APRIL 2020**

Operating Expenditure - YTD by Reporting Activity





CITY OF NEDLANDS
SUMMARY STATEMENT OF FINANCIAL ACTIVITY - INCOME
BY REPORTING NATURE & TYPE
FOR THE PERIOD ENDING 30 APRIL 2020

Reporting Activity

	April 20 YTD Budget	April 20 YTD Actual	Variance Indicators				2019-20 Annual Budget	Var. Scale
			\$	%	Flag	F/U		
Income:								
Operating Income								
Rates	24,457,500	24,541,301	83,801	0%	▶	F	24,523,000	●
Service Charges (UGP)	19,830	23,727	3,897	20%	▶	F	23,800	●
Fees & Charges	5,606,814	5,746,338	139,524	2%	▶	F	6,161,578	●
Fines & Penalties	377,755	290,480	(87,275)	(23%)	▶	U	474,000	● Lower environmental health fines penalties
Interest Revenue	250,000	244,575	(5,425)	(2%)	▶	U	300,000	●
Operating Grants	1,479,853	1,494,667	14,814	1%	▶	F	1,563,060	●
								Lower contribution due to lower completion of
Contributions	784,831	630,801	(154,030)	(20%)	▶	U	915,500	● works.
Other Revenue	251,964	246,129	(5,835)	(2%)	▶	U	296,544	●
Operating Income	33,228,547	33,218,019					34,257,482	
Capital Income								
Capital Grants and Contribution	2,341,475	1,926,461	(415,014)	(18%)	▶	U	2,809,770	●
Asset Sale Proceeds	409,697	513,626	103,929	25%	▶	F	491,636	●
Sub Total - Capital Income	2,751,172	2,440,087					3,301,406	
Total Income	35,979,719	35,658,106		(1%)	▶	U	37,558,888	

Legend

Favourable Variance to Budget F ▶
 Unfavourable Variance to Budget U ▶

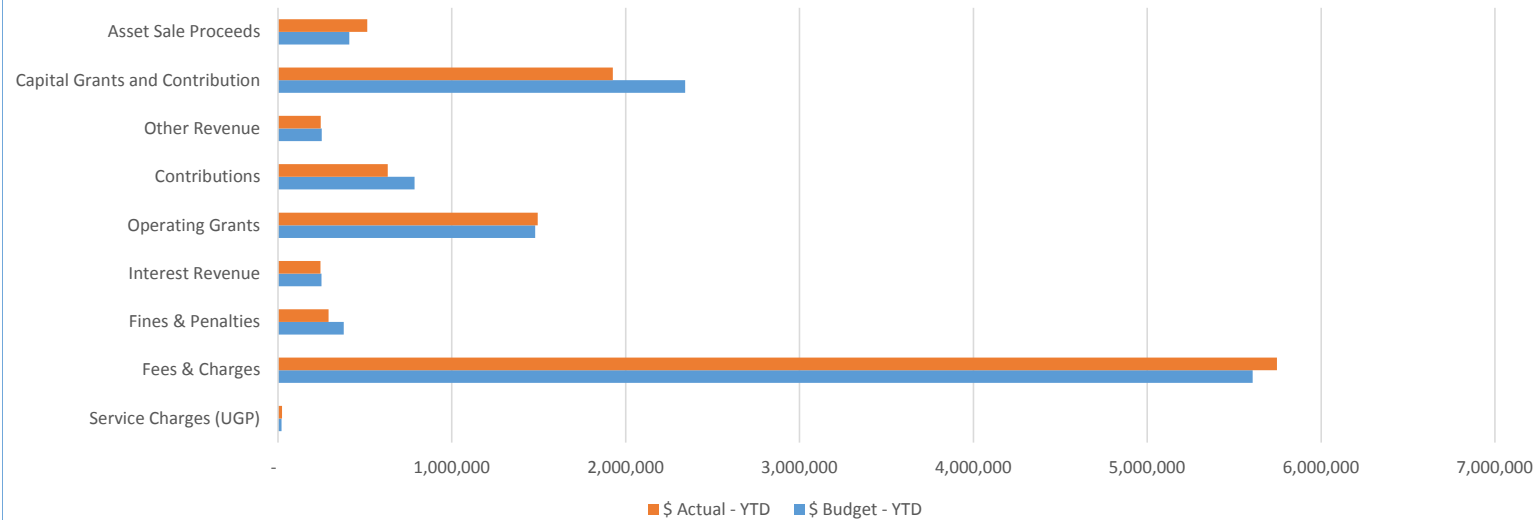
Legend

Favourable Variance > 10% ●
 Variance between -10% (U) and +10% (F) ●
 Unfavourable Variance > 10% ●

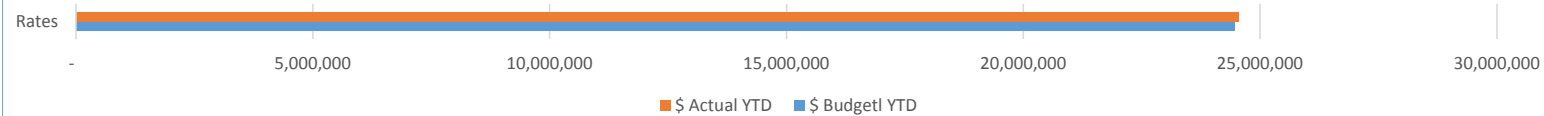


CITY OF NEDLANDS
SUMMARY STATEMENT OF FINANCIAL ACTIVITY - INCOME
BY REPORTING NATURE & TYPE
FOR THE PERIOD ENDING 30 APRIL 2020

Income - YTD by Nature & Type (Excluding Rates)



Rates Income - YTD



13.3 Monthly Investment Report – April 2020

Council	26 May 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	Investment Report for the period ended 30 April 2020

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall

Seconded – Councillor Senathirajah

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 12/-

Council Resolution / Recommendation to Council

Council receives the Investment Report for the period ended 30 April 2020.

Executive Summary

In accordance with the Council's Investment Policy, Administration is required to present a summary of investments to Council on a monthly basis.

Discussion/Overview

Council's Investment of Funds report meets the requirements of Section 6.14 of the Local Government Act 1995.

The Investment Policy of the City, which is reviewed each year by the Audit and Risk Committee of Council, is structured to minimise any risks associated with the City's cash investments. The officers adhere to this Policy, and continuously monitor market conditions to ensure that the City obtains attractive and optimum yields without compromising on risk management.

The Investment Summary shows that as at 30 April 2020 and 30 April 2019 the City held the following funds in investments:

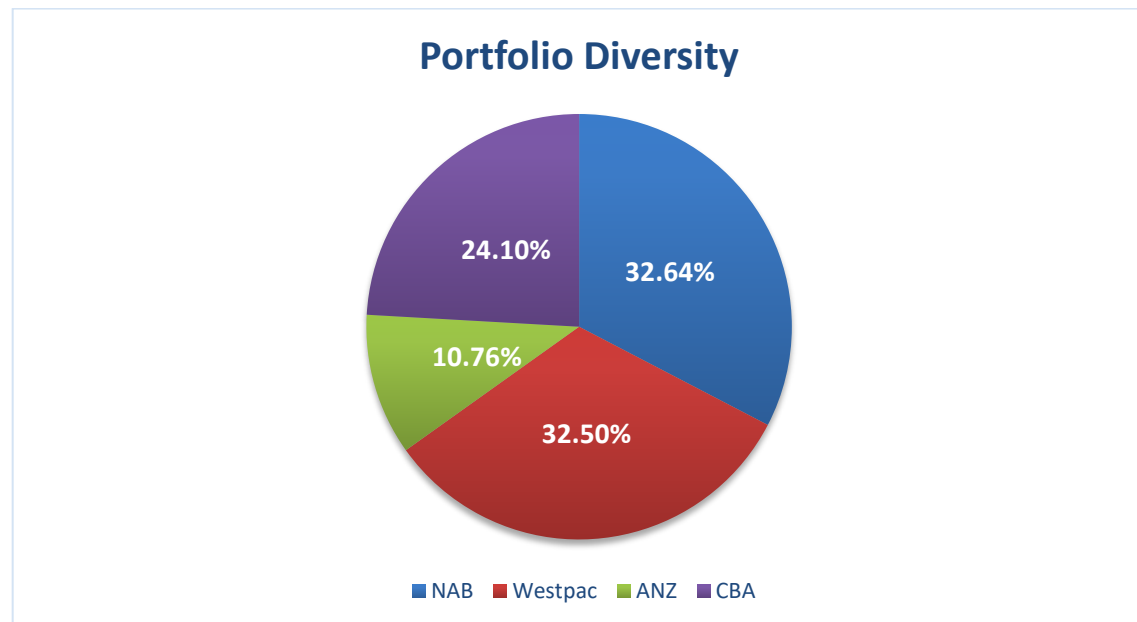
	30 April 2020	30 April 2019
Municipal Funds	\$ 4,082,146.91	\$ 5,643,965.69
Reserve Funds	<u>\$ 7,065,169.34</u>	<u>\$ 6,527,300.55</u>
Total	<u>\$ 11,147,316.25</u>	<u>\$ 12,171,266.24</u>

Cash and bank balances as at 30 April 2020 was \$7,881,410 compared to \$5,464,751 as at 30 April 2019, making a total of cash and cash equivalents of \$19,028,726 as at 30 April 2020 compared to \$17,636,017 (including trust bank account) as at 30 April 2019.

The total interest earned from investments as at 30 April 2020 was \$205,541.72.

The Investment Portfolio comprises holdings in the following institutions:

Financial Institution	Funds Invested	Interest Rate	Proportion of Portfolio
NAB	\$3,638,443.21	1.40% - 2.73%	26.61%
Westpac	\$3,623,040.88	1.26% - 1.55%	37.57%
ANZ	\$1,199,135.73	1.25%	8.77%
CBA	\$2,686,696.43	0.93% - 2.38%	27.05%
Total	\$11,147,316.25		100%



Conclusion

The Investment Report is presented to Council.

Key Relevant Previous Council Decisions:

Nil.

Consultation

Required by legislation:

Yes ☐

No ☒

Required by City of Redlands policy:

Yes ☐

No ☒

Strategic Implications

The investment of surplus funds in the 2019/20 approved budget is in line with the City's strategic direction.

The 2019/20 approved budget ensured that there is an equitable distribution of benefits in the community.

The 2019/20 budget was prepared in line with the City's level of tolerance of risk and it is managed through budgetary review and control.

The interest income on investment in the 2019/20 approved budget was based on economic and financial data available at the time of preparation of the budget.

Budget/Financial Implications

Due to lower interest rates, the April YTD Actual interest income from all sources is \$244,575 compared to the annual budget of \$300,000.

The approved budget is prepared taking into consideration the Long-Term Financial Plan and current economic situation. The approved budget was in a small surplus position and the City is able to manage the cost.

The approved budget had a 2.95% increase on the rates.



**INVESTMENTS REPORT
FOR THE PERIOD ENDED 30 APRIL 2020**

Particulars	Interest Rate	Invest. Date	Maturity Date	Period Days	NAB *AA-/Stable/A-1+	Westpac *AA-/Stable/A-1+	ANZ *AA-/Stable/A-1+	CBA *AA-/Stable/A-1+	Total	Interest YTD Accumulated
RESERVE INVESTMENTS										
Plant Replacement	2.10%	1-Apr-20	1-Jul-20	91				34,503.41	34,503.41	\$466.24
City Development - Western Zone	2.37%	1-Apr-20	1-Jul-20	91				174,152.64	174,152.64	\$1,983.56
City Development - Western Zone	0.93%	23-Mar-20	22-Jun-20	91				65,755.61	65,755.61	\$857.45
Business system reserve	2.10%	1-Apr-20	1-Jul-20	91				141,891.37	141,891.37	\$1,746.38
All abilities play space	2.10%	1-Apr-20	1-Jul-20	91				97,296.92	97,296.92	\$1,197.50
North Street	1.26%	20-Mar-20	20-Jun-20	92		772,160.15			772,160.15	\$11,179.84
Welfare - General	1.06%	16-Mar-20	15-Jun-20	91				318,216.05	318,216.05	\$4,343.45
Welfare - NCC	2.38%	1-Apr-20	1-Jun-20	61				159,267.95	159,267.95	\$1,814.01
Welfare - PRCC	1.30%	24-Feb-20	23-Jun-20	120				15,659.03	15,659.03	\$437.35
Services - Tawarri 1	1.26%	20-Mar-20	20-Jun-20	92		68,343.50			68,343.50	\$985.77
Services General	2.73%	28-Feb-20	28-May-20	90	25,716.70				25,716.70	\$371.62
Services - Tawarri 2	1.25%	11-Mar-20	11-Jun-20	92			116,859.35		116,859.35	\$1,554.03
Insurance	1.25%	11-Mar-20	11-Jun-20	92			65,030.85		65,030.85	\$864.80
Undrground power	1.60%	26-Feb-20	26-May-20	90	825,728.22				825,728.22	\$9,624.13
Waste Management	2.38%	1-Apr-20	1-Jul-20	91				510,286.61	510,286.61	\$5,812.02
City Development - Swanbourne	1.06%	16-Mar-20	15-Jun-20	91				134,291.41	134,291.41	\$1,962.28
City Building - General	1.26%	20-Mar-20	20-Jun-20	92		413,103.00			413,103.00	\$5,958.53
City Building - PRCC	1.30%	24-Feb-20	23-Jun-20	120				26,026.43	26,026.43	\$356.73
Business system Reserve	1.40%	25-Feb-20	24-Jun-20	120	208,333.01				208,333.01	\$2,582.87
Public Art Reserves	1.40%	25-Feb-20	24-Jun-20	120	294,696.70				294,696.70	\$3,388.03
Waste Management Reserve	1.40%	25-Feb-20	24-Jun-20	120	670,271.91				670,271.91	\$7,553.75
City Development Reserve	1.40%	25-Feb-20	24-Jun-20	120	133,463.15				133,463.15	\$1,839.86
Building Replacement Reserve	1.40%	25-Feb-20	24-Jun-20	120	378,431.33				378,431.33	\$4,240.10
All ability play space	1.65%	26-Feb-20	26-May-20	90	98,685.48				98,685.48	\$1,406.02
Major projects	1.32%	2-Mar-20	2-Jun-20	92		1,316,998.58			1,316,998.58	\$19,800.71
TOTAL RESERVE INVESTMENTS					2,635,326.50	2,570,605.22	181,890.19	1,677,347.43	7,065,169.34	\$92,327.03
MUNICIPAL INVESTMENTS										
Muni Investment NS60	1.55%	29-Feb-20	31-Mar-20	31		1,052,435.66			1,052,435.66	\$16,357.05
Muni Investment #4 - WBC- CLOSED						0.00			0.00	\$6,924.65
Muni Investment #4 - WBC						0.00			0.00	\$11,143.84
Muni Investment #6 - WBC						0.00			0.00	\$9,588.75
Muni Investment #1 - CBA- CLOSED								0.00	0.00	\$4,255.15
Muni Investment #2 - CBA	1.06%	16-Mar-20	15-Jun-20	91				1,009,349.00	1,009,349.00	\$9,349.00
Muni Investment #7 - NAB	1.67%	18-Feb-20	18-May-20	90	1,003,116.72				1,003,116.72	\$14,079.75
Muni Investment #8 - ANZ	1.25%	9-Mar-20	9-Jun-20	92			1,017,245.53		1,017,245.53	\$17,245.53
Muni Investment #3 - CBA								0.00	0.00	\$8,445.76
Muni Investment #10 - NAB									0.00	\$11,584.12
Muni Investment #153 - WBC									0.00	\$4,241.10
TOTAL MUNICIPAL INVESTMENTS					1,003,116.71	1,052,435.66	1,017,245.53	1,009,349.00	4,082,146.91	\$113,214.70
TOTAL					3,638,443.21	3,623,040.88	1,199,135.73	2,686,696.43	11,147,316.25	\$205,541.72

13.4 Local Planning Scheme 3 – Local Planning Policy: Doonan Road, Jenkins Avenue, Vincent Street, Laneway and Built Form Requirements

Council Date	26 May 2020
Applicant	City of Nedlands
Landowners	Various
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	January SCM – Item 8 April OCM – Item 4
Attachments	<ol style="list-style-type: none"> 1. Tracked Changes Doonan Road, Jenkins Avenue, Vincent Street Laneway and Built Form Requirements Local Planning Policy (LPP) 2. Draft Doonan Road, Jenkins Avenue, Vincent Street Laneway and Built Form Requirements Local Planning Policy (LPP) 3. Summary of Submissions
Confidential Attachments	<ol style="list-style-type: none"> 1. Confidential Attachment (Original Submissions)

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Coghlan

Seconded – Councillor Mangano

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED 10/2
(Against: Crs. Smyth & Wetherall)

Council Resolution / Recommendation to Council

Council:

1. proceeds to adopt the Doonan Road, Jenkins Avenue, Vincent Street, Laneway and Built Form Requirements Local Planning Policy, with modifications as set out in Attachment 2, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4(3)(b)(ii); and
2. refers the Doonan Road, Jenkins Avenue, Vincent Street, Laneway and Built Form Requirements. Local Planning Policy to the Western

Australian Planning Commission for final approval in accordance with State Planning Policy SPP7.3, Residential Design Codes Volume 1 2019 Clause 7.3.2.

Executive Summary

The purpose of this report is for Council adopt the Doonan Road, Jenkins Avenue, Vincent Street Laneway and Built Form Requirements Local Planning Policy required under Local Planning Scheme 3 (LPS 3). This item was earlier presented to the April round of meetings, but Council chose not to deal with it at that time. It is re-presented here for a decision.

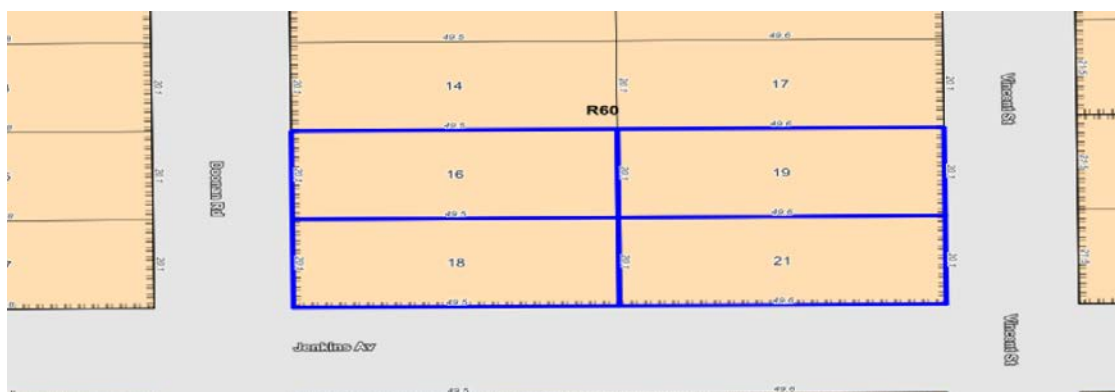
This Policy details the requirements relating to the ceding and creation of a laneway between the properties at 16 and 18 Doonan Road Nedlands and 19 and 21 Vincent Street Nedlands located parallel to Jenkins Avenue, running east to west. The Policy also details the built form requirements for properties abutting the proposed laneway. This Policy has been created as a measure to capture the ceding of land and construction of a laneway abutting the properties mentioned in response to developers seeking to subdivide and develop to the new density code. This subsequently may result in an undesirable development of maximum width crossovers to both Doonan Road and Jenkins Avenue.

The aim of the Policy is to protect and maintain the existing landscaped and tree lined streetscapes whilst minimising the amount of crossover, driveways and hardstand needed along Doonan Road, Vincent Street and Jenkins Avenue.

Background

The properties at 16 and 18 Doonan Road and 19 and 21 Vincent Street Nedlands have been up coded to R60 under the City's recently adopted Local Planning Scheme No. 3 (LPS 3). This allows the properties to develop approximately 5/6 grouped dwellings (townhouses) at 2 storey height limits or approximately 6-10 multiple dwellings (apartments) over a 3-storey height limit.

The properties at 16 and 18 Doonan Road and 19 and 21 Vincent Street Nedlands are shown in the below image.



Within the City's new Local Planning Scheme No. 3 (LPS 3) Clause 32.3 allows the City to require that a developer create a laneway and cede and construct that Laneway at the developers cost for the purpose of creating rights of way or laneways which are identified by the scheme or a, structure plan, local development plan, activity centre plan or local planning Policy at the time of the owner developing or subdividing the land. Therefore, if the City chooses to adopt this Policy the City will have the head of power under Clause 32.3 to acquire the land and require developers to construct the laneway as designated to the City's specifications at the time of subdivision or significant redevelopment.

The City has recently considered a subdivision referral from the West Australian Planning Commission (WAPC) for a 5-lot subdivision at 18 Doonan Road whereby significant concerns were raised by administration due to the subsequent streetscape impact this proposal will likely cause to Jenkins Avenue. This subdivision has subsequently been approved by the WAPC despite concerns raised by the City's Administration. Discussions with the Department of Planning Lands and Heritage (DPLH) as to why the subdivision was still supported was due to the fact that the City's Policy was not at final adoption stage and that they would like to see the City further flesh out the need and nexus as to why laneways are required in these circumstances. Following this conversation, the City will be progressing a Laneway Strategy and a Scheme Amendment to add more power to Clause 32.3 of LPS 3.

Although the subdivision has already been approved Clause 32.3 of LPS 3 allows for a development application to also be a trigger. With this Policy adopted as final the City will again ask for the ceding and construction of the laneway at development application stage.

18 Doonan Road and it's interface with Jenkins Avenue transitions density from R60 to R10 on the South side of Jenkins Avenue. The subdivision approved by the WAPC is for 5 green title lots. The indicative development application for these lots shown to Administration proposes 5 double width crossovers with 4 double width crossovers planned to Jenkins Avenue. Administration believes that this would pose an undesirable streetscape outcome and that garage and crossovers should be located to the rear and front a new laneway.

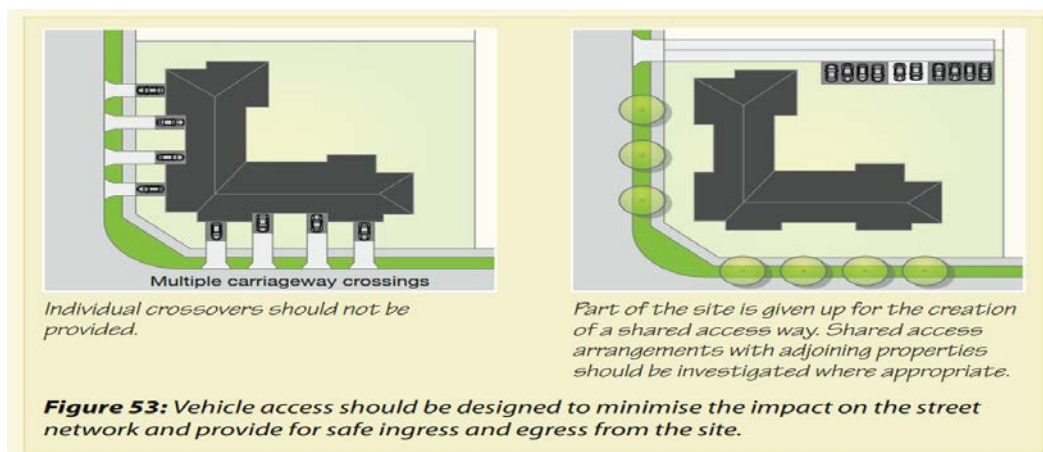
This proposed laneway will seek to connect Doonan Road with Vincent Street. This Policy therefore has been put forward as a measure to aid the City in identifying the required land between these lots for a laneway to be created and constructed which will then remove the requirement for a large number of crossovers to the existing street. The laneway created will result in only one crossover/entry point being required at Doonan Road and one at Vincent Street, therefore removing up to 15 direct vehicle crossings. The proposal also opens development opportunity to the subject lots to the north as they will have a newly created frontage to a laneway if and when they choose to develop or subdivide in the future.

Detail

This draft Policy details the laneway requirements for the proposed laneway between Doonan Road and Vincent Street. The draft Policy sets out the land identified to be ceded for the creation of a laneway and the requirements for the ceding and development. The Policy requires a 3.5m strip of land to be designated from each of the properties through the centre boundary line. Once each property has ceded 3.5m a 7.0m wide laneway will be created which will be constructed to the City's specifications including being sealed, drained and with lighting and landscaping. In the interim a the 3.5m ceded portion may act as a one-way access like that of a battle-axe driveway.

The benefits of a laneway servicing these properties is not only the minimisation of crossovers to the street but also the potential for the properties to the north 16 Doonan Road and 19 Vincent Street who were formerly land locked to develop green title lots. Currently without the designated Laneway those lots will only have been able to be subdivided as survey strata lots with a common property driveway (battle-axe configuration) or a maximum of two street frontage green title lots. The laneway will create lesser hardstand area than what would currently be required for a battle-axe style development with a common driveway. This is because Clause 5.3.5 in the Residential Design Codes Volume 1 states that a driveway serving 4 or less dwellings must have a driveway of no less than 3m and in the case of a driveway serving 5 or more dwellings it must accommodate two way access therefore would require 6m or the ability to manoeuvre to allow for vehicles to enter and exit in forward gear.

The explanatory guidelines of the Residential Design Codes Volume 1 Clause 6.5 Vehicular Access Figure 53 shown below discusses that individual crossovers to the street should not be provided instead consolidated access is encouraged. This Clause discusses the detrimental impact that multiple crossovers has on the amenity and streetscape. The Clause discusses that too many crossovers cause loss of kerbside parking space, lack of space for street trees and furniture, interruption to pedestrian use of footpaths and increased hazards for cyclists. The method encouraged is that what the Policy seeks to enforce, of vehicle access located to the rear of the site where possible and to encourage shared access by utilising an aggregate vehicle access solution for future lots.



The built form controls factored within the Policy are to encourage activated frontages and that the laneway to not be a solid wall of garages, instead having a street like appearance with pedestrian access and visual surveillance opportunities to and from the laneway from the adjacent dwellings. The development or subdivision of properties on 16 Doonan Road and 19 Vincent Street will create opportunities for lots/dwellings to have their primary frontage to the laneway. Where lots are developed for single dwellings the laneway would be developed having the appearance of a minor street including landscaping, pedestrian friendly access-ways and major openings from buildings overlooking the laneway. This will mean that although the main purpose is for vehicle access to dwellings, as well as removal of potentially multiple crossovers from the street that it will continue to maintain the elements of traditional Nedlands street appearance which is pedestrian friendly, green, landscaped and a tree lined built environment.

The Policy through built form controls aims to encourage a pedestrian friendly, landscaped street appearance within the laneway. This is done through mandating fencing to the laneway to be in line with the primary street fencing requirements being open in style to allow for passive surveillance. A clear definable pedestrian entry way is to be provided from the laneway and this is to encourage the space to not be car dominated and pedestrian friendly, it is also proposed that visual surveillance from a habitable room from the dwelling(s) be provided to look out to the laneway.

Without this Policy in place, the City lacks the ability to apply LPS 3 Clause 32.3 mandating the ceding of land for the creation of a laneway. If the properties chose to subdivide first, which is the case with 18 Doonan Road, this is approved by the West Australian Planning Commission (WAPC) and not the City. The WAPC's position is that the City can deal with multiple crossovers at the development application which the City intends to do now the subdivision has been approved. Legal advice obtained by the City suggests that the once the Policy is adopted as final along with Clause 32.3 under LPS 3 they City has grounds to require the laneway at development application stage.

The argument has been expressed that the landowners bought this site for its development potential which it wishes to maximise. This is not a valid planning consideration and given that the role of local government planning is to protect the interests of the City holistically a proactive approach is being applied.

The current local planning framework is evolving and unresolved. Any purchase of development sites within the density transition areas cannot solely rely on LPS3 as a guaranteed development pathway as the City is currently formulating localised planning Policy responses to better augment the R-Codes to suit City of Nedlands and it's localised streetscape, desired future character and best practice urban design for this area.

The application of this Policy over the four parent lots will seek to avoid the construction of up to 8 double crossovers to Jenkins Road over the two parent lots if redeveloped in accordance with the newly adopted and higher R60 coding.

The majority of submissions received during the advertising period of LPS 3 discussed concerns in relation to increased crossovers and hardstand to the street, reduction of trees and the degradation of the Nedlands green leafy suburban character due to inappropriate development and subdivision within the up coded areas. Without a local planning Policy mandating a laneway in this location the proposed development and subdivision proposals will result in a poor redevelopment precedent. The significant increase in crossovers will compromise the orderly and proper planning for this precinct and sets a poor precedent for minimisation of crossovers to the street. This does not accord with the future desired streetscape character for Doonan Road, Jenkins Avenue or Vincent Street.

It is envisaged that this process will be repeated for corner redevelopment lots within the density transition up coded areas applicable under LPS 3 and that through precinct planning processes, a series of new laneways will be identified and established through local planning policies. A future goal for the City would also be to investigate the possibility of these laneways being used for waste and other services to remove vehicle movements from the main streets.

WAPC Approval

If Council adopts this LPP, the standards in relation to Vehicle Access, Outdoor Living Areas and Landscaping will not be enforceable until such time as the Western Australian Planning Commission (WAPC) approves the LPP.

This is because under Part 7.3 of the Residential Design Codes Volume 1 these areas can only be amended if approval from the WAPC is granted.

Accordingly, once a final version is adopted by Council post advertising, the LPP will be referred to the WAPC in order to seek their approval for provisions related to Vehicle Access, Outdoor Living Areas and Landscaping. This report, together with Council's resolution on the report, will also be referred to the WAPC.

Modifications to the Policy

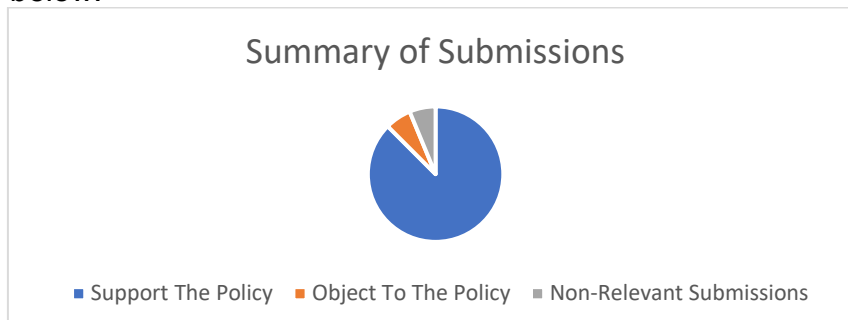
- Addition of objective 3.9 'ensure future development respects the existing context of the locality and the objectives of the Safe Active Streets Program.
- Addition of tree replacement requirements to clause 4.1.7 'Where a tree dies within the two-year establishment period, the tree shall be replaced at the relevant landowner's cost.'
- Addition of 4.3 'Variation to this Policy' which outlines the requirements of applicants and the City in considering variations to the Policy.
- Modification made to Paragraph 2.1: Clarification that the policy applies to subdivision applications and development applications for ALL new Dwellings;

- Modification made to Paragraph 4.1.2: Clarification that land comprising the laneway will be ceded free of cost and as a condition of subdivision or development approval being granted pursuant to the provisions of Clause 32.3 of Local Planning Scheme No. 3;
- Modification made to Paragraph 4.1.3: Deletion of redundant clause as it is covered in 4.1.2;
- Modification made to Paragraph 4.1.5 and 4.1.6: Inclusion of discretion by inserting “to the satisfaction of the City”;
- Modification made to Paragraph 4.1.8: Removal of specific reference to bollard lighting to enable more flexibility around the provision of the form of lighting;
- Modification made to Paragraph 4.2.1: Inclusion of discretion by inserting “unless otherwise agreed to by the City”;
- Modification made to Paragraph 4.2.3: Clarification of fencing requirements in accordance with relevant Residential Design Codes Vol. 1 or 2;
- Modification made to Paragraph 4.2.7: Clarification of tree expectations and inclusion of discretion by inserting “to the satisfaction of the City.”; and
- Modification made to Paragraph 5.1: Clarification of information to be provided on a Landscape Plan.

Consultation

In line with Council's January 2020 resolution, the Policy was advertised for 21 days in accordance with Schedule 2, Part 2, Division 2, Clause 4 of the Planning and Development (Local Planning Scheme) Regulations 2015 (P&D Regs.2015) and the City's Consultation LPP from 15 February 2020 till 7 March 2020. A notice was published in the newspaper, and details were included on the City's website and the Your Voice engagement portal. The four affected landowners have been notified of this report and were sent a letter during the advertising of this Policy notifying them.

During the advertising period the City received a total of 64 Submissions, a few of these which had been submitted on the wrong Policy or were duplicates. These are summarised and have been responded to in the Summary of Submissions included at Attachment 3. Council is also provided with full copies of all original submissions. The majority of submissions showed support for the Policy in relation to reducing the number of crossovers especially on Jenkins Avenue believing that this would enhance and protect the amenity and streetscapes of the area. A graphical summary of submissions has been included below:



Statutory Provisions

- a) Planning and Development (Local Planning Schemes) Regulations 2015

Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) Schedule 2, Part 2, Clause 4(3), sets out that after the expiry of the 21-day advertising period, the local government must review the proposed Policy in light of any submissions made and resolve to:

- a) Proceed with the Policy without modification; or
- b) Proceed with the Policy with modification; or
- c) Not to proceed with the Policy.

Administration recommends that Council resolves to proceed with the Doonan Road, Jenkins Avenue, Vincent Street, Laneway and Built Form Requirements. LPP with modifications as shown in Attachment 2.

The modifications proposed to the draft LPP, which the public have not had the opportunity to comment on, are considered minor in nature and are not considered to warrant further advertising of the draft LPP.

City of Nedlands Local Planning Scheme No. 3

Under Clause 32.3 of the City of Nedlands Local Planning Scheme No. 3 the City requires the ceding of land for laneways identified through a Local Planning Policy. This Policy will give effect to this clause and require developers to cede land identified for a laneway at development or subdivision approval stage. Clause 32.3 is shown below.

Clause 32.3

Ceding of rights-of-way and laneway widening.

1. The owner of land affected by a right-of-way or laneway identified by the scheme, structure plan, local development plan, activity centre plan or local planning Policy is to, at the time of developing or subdividing the land:
 - a) cede to the local government free of cost that part of the land affected by the right-of-way or laneway; and
 - b) construct the relevant section of the right-of-way or laneway to the satisfaction of the local government.
2. The intention expressed in sub-clause (1) may be reinforced by a condition of subdivision or development approval.

Conclusion

The Doonan Road Laneway and Built Form Requirements LPP is the preferred mechanism to provide for the enforcement of Clause 32.3 in the City's Local Planning Scheme No. 3 to create a laneway through the properties at 16 and 18 Doonan Road and 19 and 21 Vincent Street Nedlands. The main outputs of the Policy are to minimise the number of crossovers to the street and to encourage built form provisions that will provide for a laneway which has the appearance of a Nedlands local street rather than a blank wall of garages. Without a local planning Policy, the City will lack the mechanism to enforce the provision of a laneway to service the subject sites and therefore will have no mechanism to limit 5 or 6 crossovers being approved.

As such, it is recommended that Council endorses Administration's recommendation to adopt the Doonan Road, Jenkins Avenue, Vincent Street, Laneway and Built Form Requirements LPP.



LOCAL PLANNING POLICY – DOONAN ROAD, JENKINS AVENUE, VINCENT STREET LANEWAY AND BUILT FORM REQUIREMENTS

1.0 PURPOSE

- 1.1 This Policy provides laneway requirements for the establishment of a laneway between 16 and 18 Doonan Rd, Nedlands through to the 19 and 21 Vincent St, Nedlands. The laneway will run on an east-west axis.

2.0 APPLICATION OF POLICY

2.1 This Policy applies to the Doonan Rd Laneway as shown in Figure 1. Which is located North of Jenkins Ave, orientated east-west.

2.2 This Policy applies to subdivision applications and all new dwellings on land identified within Figure 1.

~~2.1 This Policy applies to the Doonan Rd Laneway as shown in Figure 1. Which is located North of Jenkins Ave, orientated east-west.~~

2.2.3 Where this Policy is inconsistent with the provisions of a specific Local Planning Policy or Local Development Plan that applies to a particular site or area; the provisions of this Policy shall prevail.

3.0 OBJECTIVES

The objectives of this Policy are to:

- 3.1 ~~To~~ provide for the ceding of land for the creation of the Doonan Rd Laneway.
- 3.2 ~~To~~ promote and facilitate high quality urban design outcomes for redevelopment of 16 and 18 Doonan Rd, Nedlands and 19 and 21 Vincent St, Nedlands.
- 3.3 ~~To~~ consolidate vehicle access and conceal entries from Jenkins Ave, Doonan Rd and Vincent St.
- 3.4 ~~To~~ promote and facilitate a sustainable and attractive streetscape design which mitigates conflict between primary and secondary street access principles.
- 3.5 ~~To~~ ensure that vehicle crossover locations do not detract from the safety and visual amenity of the street.
- 3.6 ~~To~~ provide opportunities for passive surveillance of the street and public realm, whilst also ensuring privacy and security.
- 3.7 ~~To~~ ensure that fencing contributes positively to the quality of the area.

Commented [Sv11]: Modification to provide description of when the policy applies. Clarification that the policy applies to subdivision applications and development applications for ALL new Dwellings



~~3.8 To~~ achieve a high-quality landscape outcome that enhances the character of the streetscape and contributes to a sense of place.

~~3.83.9~~ ensure future development respects the existing context of the locality and the objectives of the Safe Active Streets Program.

4.0 POLICY MEASURES

4.1 Laneway Requirements

~~4.1.1 A laneway shall be provided where marked on Figure 1.~~

~~4.1.2 Where laneway is identified on a site, the land shall be ceded free of cost as a condition of subdivision or development approval being granted pursuant to the provisions of Clause 32.3 of Local Planning Scheme No. 3.~~

~~4.1.3 Where a laneway is required, it shall be constructed and drained to the specification and satisfaction of the City of Nedlands prior to occupation of the new development.~~

~~4.1.4 Laneways shall have a width of 7m, including a 0.5m infrastructure and landscaping strip along its boundaries to the satisfaction of the City.~~

~~4.1.5 Finished levels of the laneway shall be 150mm less than those of the adjoining property along the entire boundary to the satisfaction of the City.~~

~~4.1.6 The required laneways shall include the installation of mature trees (species and size as specified by the City) of a minimum height of 2.4m at 3m intervals within the landscaping and servicing strip, prior to the occupation of the development and maintained by the owner of the land for a minimum of 2 years from occupation to the satisfaction of the City. Where a tree dies within the two-year establishment period, the tree shall be replaced at the relevant landowner's cost.~~

~~4.1.7 The laneway shall include lighting infrastructure installed within the infrastructure and servicing strip at the cost of the developer to the specification and satisfaction of the City.~~

~~4.1.1 A laneway shall be provided where marked on Figure 1.~~

~~4.1.2 Where laneway is identified on a site, the land should be ceded free of cost prior to subdivision or development approval being granted pursuant to the provisions of Clause 32.3 of Local Planning Scheme No. 3.~~

~~4.1.3 The proposed laneway shall be ceded free of cost by the relevant landowner where development or subdivision is proposed.~~

Commented [Sv12]: Modification made to detail when land is required to be ceded to the City. Ceding to occur as a CONDITION of approval. Clarification that land comprising the laneway will be ceded free of cost and as a condition of subdivision or development approval being granted pursuant to the provisions of Clause 32.3 of Local Planning Scheme No. 3; Previous redundant clause deleted as it is repeated under previous 4.1.4 (now 4.1.3)

Commented [Sv13]: Modification made to Paragraph 4.1.5 and 4.1.6: Inclusion of discretion by inserting "to the satisfaction of the City" – this modification allows for discretion to be exercised under the assessment process.

Commented [Sv14]: Modification made to Paragraph 4.1.8: Removal of specific reference to bollard lighting to enable more flexibility around the provision of the form of lighting;



~~4.1.4 Where a laneway is required, it shall be constructed and drained to the specification and satisfaction of the City of Nedlands prior to occupation of the new development.~~

~~4.1.5 Laneways shall have a width of 7m, including a 0.5m infrastructure and landscaping strip along its boundaries.~~

~~4.1.6 Finished levels of the laneway shall be 150mm less than those of the adjoining property along the entire boundary.~~

~~4.1.7 The required laneways shall include the installation of mature trees (species and size as specified by the City) of a minimum height of 2.4m at 3m intervals within the landscaping and servicing strip, prior to the occupation of the development and maintained by the owner of the land for a minimum of 2 years from occupation to the satisfaction of the City.~~

~~4.1.8 The laneway shall include bollard lighting infrastructure installed within the infrastructure and servicing strip at the cost of the developer to the specification and satisfaction of the City.~~

4.2 Built Form Requirements

4.2.1 Vehicle access shall not be permitted from Jenkins Ave. In all circumstances, vehicle access is to be obtained from the laneway unless otherwise agreed to by the City.

4.2.2 Only one (1) crossover is permitted per lot.

4.2.3 All fencing addressing the secondary streets is to be visually permeable above 1.2m. (Fencing requirements as per primary street requirements as outlined within State Planning Policy 7.3 Residential Design Codes Volume 1 to the satisfaction of the City.)

~~4.2.3 All fencing addressing the secondary streets is to be visually permeable above 1.2m. (Fencing requirements as per primary street requirements.)~~

4.2.4 A clearly definable pedestrian entry is to be provided and maintained from both Jenkins Ave lot frontage (where applicable) and the Laneway.

Note: Pedestrian entries cannot be via a garage door or vehicle access point.

4.2.5 Visual surveillance to be provided from a minimum of at least one single or upper storey major opening to a habitable room to overlook the Laneway.

4.2.6 An outdoor living area is to be provided at the front/rear of all dwellings, abutting the rear laneway (see figure 1)

4.2.7 A deep root planting zone shall be provided within the lot boundary setback area adjacent to the Laneway or elsewhere on site as agreed by the City. This shall comprise of a 9m² Deep Soil Area (DSA) with a minimum width of

Commented [Sv15]: Modification made to Paragraph 4.2.1: Inclusion of discretion by inserting "unless otherwise agreed to by the City"; Allows for discretion to be exercised under an assessment.

Commented [Sv16]: Modification made to Paragraph 4.2.3: Clarification of fencing requirements in accordance with relevant Residential Design Codes Vol. 1 or 2; Provides greater details as to fencing requirements and assessment criteria

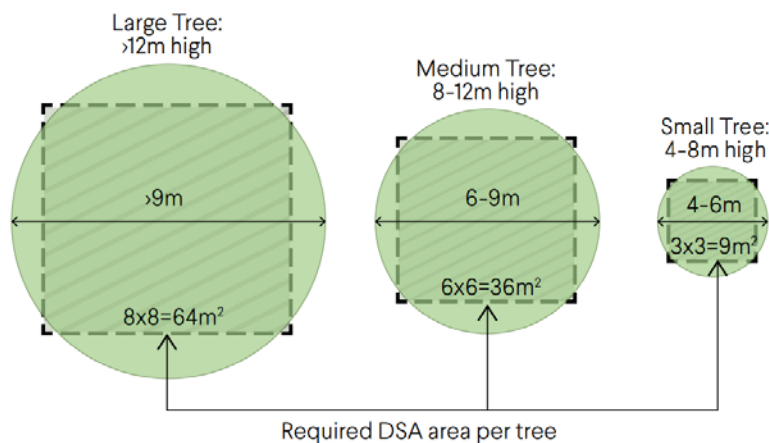


2 metres with indicative tree planting pot size of 100 litres to the satisfaction of the City.

4.2.7 A deep root planting zone shall be provided within the lot boundary setback area adjacent to the Laneway or elsewhere on site as agreed by the City. This shall comprise of a 9m² Deep Soil Area (DSA) with a minimum width of 2 metres with indicative tree planting pot size of 100 litres.

Commented [Sv17]: Modification made to Paragraph 4.2.7: Clarification of tree expectations and inclusion of discretion by inserting "to the satisfaction of the City." Allows for discretion to be exercised through the assessment process.

(a) Figure 1: Tree size definitions when mature for deep soil areas

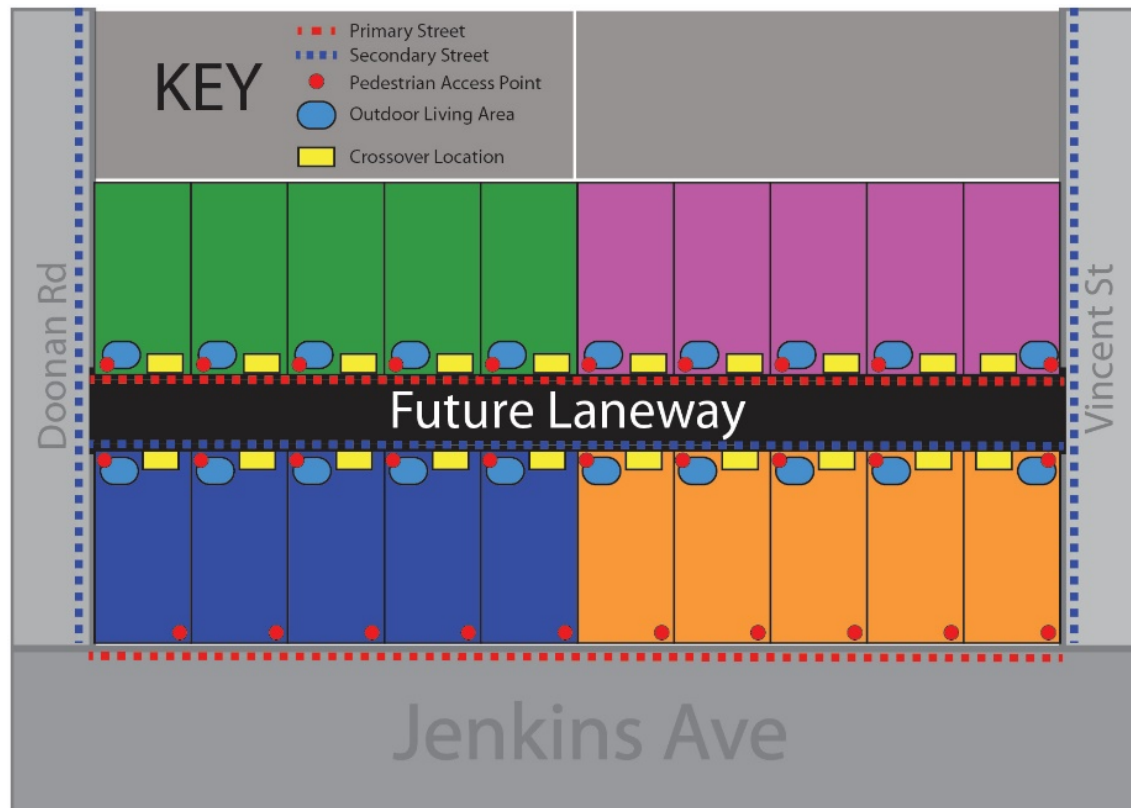


4.3 Variations to this Policy

The City may consider a variation to this Policy through the lodgement of a development application. Any proposed variation to the requirements of this Policy are to be assessed against the Policy's purpose and objectives. Should applicants wish to vary any part of this Policy, applicants are to submit a statement of justification outlining why the City should consider the proposed variations, having regard to the Policy's purpose and objectives. In addition, applicants are to provide a design statement addressing the requirements of *State Planning Policy 7.0*. Applications will be assessed on an individual basis, having regard to the proposed development's typology, streetscape interface and broader regional context/implications.



4.34.4 Figure 1: Built Form Block Diagram





4.44.5

Figure 2 – Laneway Location



City of Nedlands

Figure 1 - Proposed Laneway





5.0 ADDITIONAL DEVELOPMENT APPLICATION REQUIREMENTS

~~5.1 All single and grouped dwellings are to submit a landscaping plan to the City for assessment and endorsement as part of a development application. The landscaping plan is to include but is not limited to information relating to species selection, reticulation, details of existing vegetation to be retained, treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc) and soil depth.~~

~~5.1 All single and grouped dwellings are to submit a landscaping plan to the City for assessment and endorsement as part of a development application.~~

Commented [Sv18]: Modification made to Paragraph 5.1: Clarification of information to be provided on a Landscape Plan.

6.0 DEFINITIONS

6.1 For this ~~P~~policy the following definitions apply:

Definition	Meaning
Primary Street	As defined in figure 1.
Secondary Street	As defined in figure 1.
Pedestrian Access	An independent access point to the dwelling/lot which is not associated/integrated with vehicle access.
Habitable Room	As defined in the <i>State Planning Policy 7.3: Residential Design Codes Volume 1</i>
Major Opening	As defined in the <i>State Planning Policy 7.3: Residential Design Codes Volume 1</i>

7.0 RELATED LEGISLATION

7.1 This ~~P~~policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.

7.2 This ~~P~~policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:

- State Planning Policy 7.3 – Residential Design Codes Volume 1
- State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments
- Local Planning Scheme No. 3

Council Resolution Number	PDX.XX
Implementation Date	Date and Item Number of Council Meeting
Date Reviewed/Modified	DD MM YYYY



LOCAL PLANNING POLICY – DOONAN ROAD, JENKINS AVENUE, VINCENT STREET LANEWAY AND BUILT FORM REQUIREMENTS

1.0 PURPOSE

- 1.1 This Policy provides laneway requirements for the establishment of a laneway between 16 and 18 Doonan Rd, Nedlands through to the 19 and 21 Vincent St, Nedlands. The laneway will run on an east-west axis.

2.0 APPLICATION OF POLICY

- 2.1 This Policy applies to the Doonan Rd Laneway as shown in Figure 1. Which is located North of Jenkins Ave, orientated east-west.
- 2.2 This Policy applies to subdivision applications and all new dwellings on land identified within Figure 1.
- 2.3 Where this Policy is inconsistent with the provisions of a specific Local Planning Policy or Local Development Plan that applies to a particular site or area; the provisions of this Policy shall prevail.

3.0 OBJECTIVES

The objectives of this Policy are to:

- 3.1 provide for the ceding of land for the creation of the Doonan Rd Laneway.
- 3.2 promote and facilitate high quality urban design outcomes for redevelopment of 16 and 18 Doonan Rd, Nedlands and 19 and 21 Vincent St, Nedlands.
- 3.3 consolidate vehicle access and conceal entries from Jenkins Ave, Doonan Rd and Vincent St.
- 3.4 promote and facilitate a sustainable and attractive streetscape design which mitigates conflict between primary and secondary street access principles.
- 3.5 ensure that vehicle crossover locations do not detract from the safety and visual amenity of the street.
- 3.6 provide opportunities for passive surveillance of the street and public realm, whilst also ensuring privacy and security.
- 3.7 ensure that fencing contributes positively to the quality of the area.
- 3.8 achieve a high-quality landscape outcome that enhances the character of the streetscape and contributes to a sense of place.



- 3.9 ensure future development respects the existing context of the locality and the objectives of the Safe Active Streets Program.

4.0 POLICY MEASURES

4.1 Laneway Requirements

- 4.1.1 A laneway shall be provided where marked on Figure 1.
- 4.1.2 Where laneway is identified on a site, the land shall be ceded free of cost as a condition of subdivision or development approval being granted pursuant to the provisions of Clause 32.3 of Local Planning Scheme No. 3.
- 4.1.3 Where a laneway is required, it shall be constructed and drained to the specification and satisfaction of the City of Nedlands prior to occupation of the new development.
- 4.1.4 Laneways shall have a width of 7m, including a 0.5m infrastructure and landscaping strip along its boundaries to the satisfaction of the City.
- 4.1.5 Finished levels of the laneway shall be 150mm less than those of the adjoining property along the entire boundary to the satisfaction of the City.
- 4.1.6 The required laneways shall include the installation of mature trees (species and size as specified by the City) of a minimum height of 2.4m at 3m intervals within the landscaping and servicing strip, prior to the occupation of the development and maintained by the owner of the land for a minimum of 2 years from occupation to the satisfaction of the City. Where a tree dies within the two-year establishment period, the tree shall be replaced at the relevant landowner's cost.
- 4.1.7 The laneway shall include lighting infrastructure installed within the infrastructure and servicing strip at the cost of the developer to the specification and satisfaction of the City.

4.2 Built Form Requirements

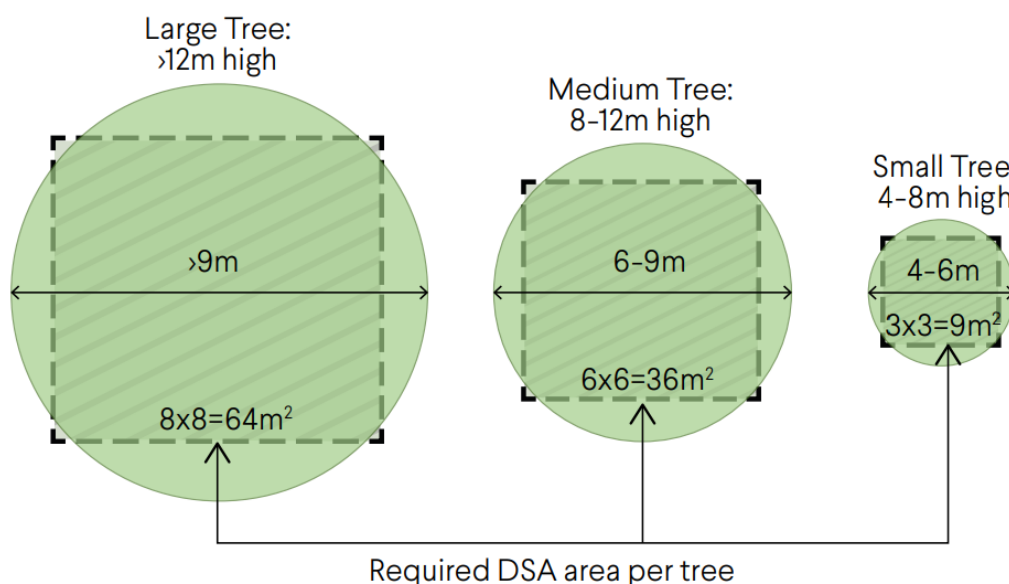
- 4.2.1 Vehicle access shall not be permitted from Jenkins Ave. In all circumstances, vehicle access is to be obtained from the laneway unless otherwise approved by the City.
- 4.2.2 Only one (1) crossover is permitted per lot.
- 4.2.3 All fencing addressing the secondary streets is to be visually permeable above 1.2m. (Fencing requirements as per primary street requirements as outlined within *State Planning Policy 7.3 Residential Design Codes Volume 1* to the satisfaction of the City.)
- 4.2.4 A clearly definable pedestrian entry is to be provided and maintained from both Jenkins Ave lot frontage (where applicable) and the Laneway.



Note: Pedestrian entries cannot be via a garage door or vehicle access point.

- 4.2.5 Visual surveillance to be provided from a minimum of at least one single or upper storey major opening to a habitable room to overlook the Laneway.
- 4.2.6 An outdoor living area is to be provided at the front/rear of all dwellings, abutting the rear laneway (see figure 1)
- 4.2.7 A deep root planting zone shall be provided within the lot boundary setback area adjacent to the Laneway or elsewhere on site as agreed by the City. This shall comprise of a 9m² Deep Soil Area (DSA) with a minimum width of 2 metres with indicative tree planting pot size of 100 litres to the satisfaction of the City.

(a) Figure 1: Tree size definitions when mature for deep soil areas

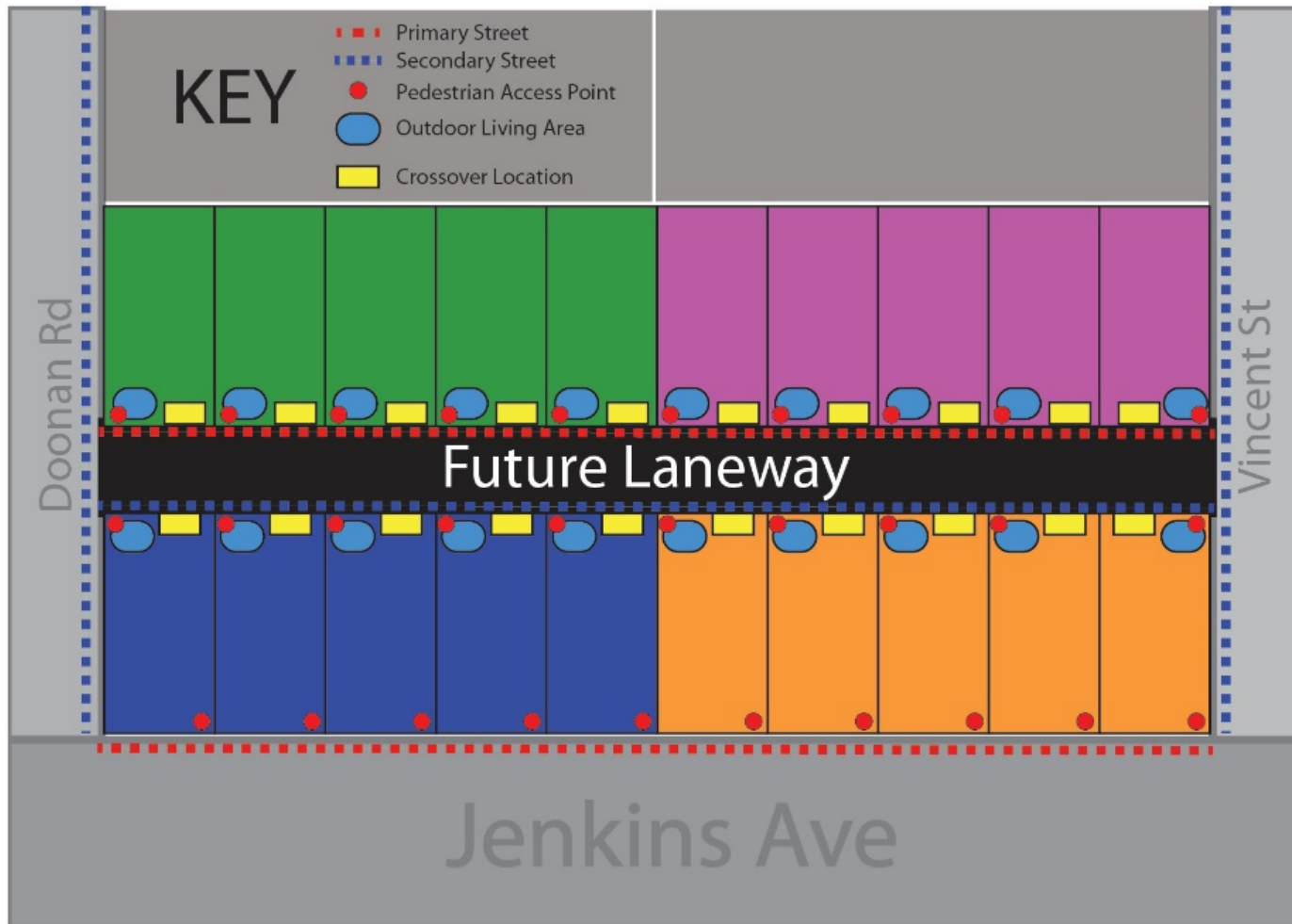


4.3 Variations to this Policy

The City may consider a variation to this Policy through the lodgement of a development application. Any proposed variation to the requirements of this Policy are to be assessed against the Policy's purpose and objectives. Should applicants wish to vary any part of this Policy, applicants are to submit a statement of justification outlining why the City should consider the proposed variations, having regard to the Policy's purpose and objectives. In addition, applicants are to provide a design statement addressing the requirements of *State Planning Policy 7.0*. Applications will be assessed on an individual basis, having regard to the proposed development's typology, streetscape interface and broader regional context/implications.



4.4 Figure 1: Built Form Block Diagram





4.5 Figure 2 – Laneway Location



City of Nedlands

Figure 1 - Proposed Laneway





5.0 ADDITIONAL DEVELOPMENT APPLICATION REQUIREMENTS

- 5.1 All single and grouped dwellings are to submit a landscaping plan to the City for assessment and endorsement as part of a development application. The landscaping plan is to include but is not limited to information relating to species selection, reticulation, details of existing vegetation to be retained, treatment of landscaped surfaces (i.e. mulch, lawn, synthetic grass etc) and soil depth.

6.0 DEFINITIONS

- 6.1 For this Policy the following definitions apply:

Definition	Meaning
Primary Street	As defined in figure 1.
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Major Opening	As defined in the <i>State Planning Policy 7.3: Residential Design Codes Volume 1</i>

7.0 RELATED LEGISLATION

- 7.1 This Policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.
- 7.2 This Policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:
- State Planning Policy 7.3 – Residential Design Codes Volume 1
 - State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments
 - Local Planning Scheme No. 3

Council Resolution Number	PDX.XX
Implementation Date	Date and Item Number of Council Meeting
Date Reviewed/Modified	DD MM YYYY

No.	Name and Address of Submitter	Are they within a 400m radius?	Is it Proforma from Community Website	Summary of Submission	Response and recommendation
1	Mark Burns Regent Rise Affected address – 93 Waratah Avenue	No	No	a) Submission is based on Waratah Avenue Laneway Policy	a) Noted not relevant to this policy.
2	Element Level 18, 191 St Georges Terrace	No	No	a) Submission in relation to the Design Review Panel Policy.	a) Noted not relevant to this policy.
3	Andrew Edwards 14 Doonan Road, Nedlands	Yes	No	a) Close proximity resident who is full support.	a) Noted.
4	Mandy Edwards 14 Doonan Road, Nedlands	Yes	No	a) I support the planning policy as I think it will greatly assist in achieving more measured and responsible development on the sites involved.	a) Noted.
5	Tom Warner 29 Mountjoy Road, Nedlands	Yes	Yes	a) Support the LPP and its objectives. b) Support the policy because it will mean that there will not be 4-5 crossovers to Jenkins Avenue. c) Jenkins Avenue is part of the Bike Boulevard. Increasing the number of driveways and crossovers on Jenkins Avenue is unsafe and contradicts the aim of bike boulevard i.e. safe cycling for all. d) Removal of trees in the verge would occur if there were more crossovers. e) Without the laneway the verge would become mostly concrete and hardstand due to crossovers.	a) Noted. b) Noted. c) The City is aware that the Safe Active Streets program is set on Jenkins Avenue and is liaising with Technical Services. d) Proposals for tree removal in the verge would still be required to seek approval from the City. e) A Nature Strip Works Application would still be required for works within

				<p>f) The loss of trees on the verge from multiple crossovers would impact the microclimate and canopy cover negatively creating a hot spot.</p> <p>g) If the developers achieve their goal of no laneway, it will set a precedent for all other re-zoned corner blocks. If this were to happen, it would create a mass of driveways intersecting onto streets that previously had one driveway per 900m² / ¼ acre block.</p>	<p>the verge. This point is noted.</p> <p>f) Noted.</p> <p>g) Noted. Each subdivision application is determined by the Department of Planning and not the City therefore the City is having discussions with the Department on how the City's Policy can be effective at subdivision stage.</p>
6	Bev Stewart 39 Watkins Road, Dalkeith	No	Yes	Same as submission 5.	Same as submission 5.
7	James Stewart, 39 Watkins Road, Dalkeith	No	Yes	Same as submission 5.	Same as submission 5.
8	Tom Warner 29 Mountjoy Road, Nedlands	Yes	Yes	Same as submission 5.	Same as submission 5.
9	Gaynor Ott 2 Boronia Avenue, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
10	Julian Goldsworthy 8 Archdeacon Street, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
11	Emma Rose	Yes	No	a) Support the policy.	a) Noted.

	21 Mountjoy Road, Nedlands			<ul style="list-style-type: none"> b) Driveways should be minimised to Jenkins as it is due to become a bike boulevard. c) Vincent Street is already busy the laneway will remove some of this. d) Street trees need to be protected. 	<ul style="list-style-type: none"> b) The City is aware that the Safe Active Streets program is set on Jenkins Avenue and is liaising with Technical Services. c) Noted. d) Proposals for tree removal in the verge would still be required to seek approval from the City.
12	Catie Robins 10 Edward Street, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
13	Thomas Robins 10 Edward Street, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
14	James Natt 2 Archdeacon Street, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
15	Hilaire Natt 2 Archdeacon Street, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
16	Joshua Robins 10 Edward Street, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
17	Ian Love 70 Kingsway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
18	Dianne Allan 4b Alexander Road, Dalkeith	No	No	a) Submission in relation to the Design Review Panel Policy.	a) Noted not relevant to this policy.
19	Simon Edis	No	Yes	Same as submission 5.	Same as submission 5.

	72 Kingsway, Nedlands				
20	Jenny Edis 72 Kingsway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
21	Andrew Edis 72 Kingsway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
22	Jack Edis 72 Kingsway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
23	Katelyn Edis 4/152 Broadway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
24	Brock Keymer 4/152 Broadway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
25	Danielle Wright 60 Kingsway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
26	Matthew Wright 60 Kingsway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
27	Paul Sharman 37 Boronia Avenue, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
28	Katrina Sharman 37 Boronia Avenue, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
29	Peter Robins	No	Yes	Same as submission 5.	Same as submission 5.

	10 Edwards Street, Nedlands				
30	Sam Robins 10 Edward Street, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
31	Joan Robins 12 Edward Street, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
32	Sue Skull 13 Tyrell Street, Nedlands	No	Yes	<ul style="list-style-type: none"> a) Same as submission 5 b) Cumulative effects of these developments on traffic. c) Cumulative effects of these developments on significant decrease in green canopy. d) Cumulative effects of these developments on the amenity for all residents who in general opposed LPS 3 	a) Same as submission 5
33	Rowe Group Behalf of 21 Vincent Street	Yes	No	<ul style="list-style-type: none"> a) Requirements to consider the topographic change across the subject sites. b) Laneway proposal would not permit the services of commercial vehicles or waste collection. c) No Frontage to the rear (northern) lots provided. d) Raises the issue of 'underdevelopment' of lots (subdivision into 2-3 lots in lieu of 4-5) e) How does the Policy relate to multiple dwellings? f) Interface to Vincent/Doonan Rd frontages. 	<ul style="list-style-type: none"> a) Laneway design requirements have been referred through to Technical Services and received preliminary support. b) Technical Services support waste collection and servicing from the proposed future laneway. c) Northern/rear lots to obtain frontage to the future laneway, which will be a fully serviced street. d) Laneway ceding can be facilitated for

				<ul style="list-style-type: none"> g) May result in reduced interaction with Jenkins Ave from new dwellings. h) Loss of development potential and land value anticipated as a result of laneway ceding and design requirements. Possible inability to fully capitalise on the R60 coding. i) Inequity of fragmented ownership and implications should only one landowner elect to redevelop. j) Potential for antisocial behaviour within the laneway. k) Reduced potential for community interaction with access being obtained from the laneway. l) Significantly reduced revenue from development would be likely, resulting in poorer design outcomes and potentially making redevelopment unviable. m) Laneway development would result in an additional 500-700m² of concrete and in increased heat island effect. 	<ul style="list-style-type: none"> underdeveloped sites without issue. e) Multiple dwelling development proposals can obtain access from the future laneway without issue. f) Noted – active frontage to Vincent St and Doonan Rd required through LPP. g) All dwellings required to appropriately address Jenkins Ave through LPP. h) Policy permits future development potential to be achieved through open space and plot ratio calculations based on the original parent lot area. i) Each portion of the laneway has been designed to allow for suitable independent vehicle access for the lot. Should the laneway not be fully constructed, each lot can operate with independent access arrangements. j) Laneway LPP mandates passive surveillance of the future laneway including visually permeable fencing
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					<p>and habitable room overlooking.</p> <p>k) The laneway will eventually become a fully services, public street, facilitating community interaction and an active street frontage. The Laneway LPP mandates pedestrian access and a responsive frontage addressing Jenkins Ave.</p> <p>l) Noted.</p> <p>m) Laneway LPP mandates landscaping of the future laneway and the provision of deep root zones within the lot.</p>
34	David Lord 21 Alexander Road, Dalkeith	No	Yes	Same as submission 5.	Same as submission 5.
35	Jan Lord 21 Alexander Road, Dalkeith	No	Yes	Same as submission 5.	Same as submission 5.
36	Marguerite Sharman 37 Boronia Avenue, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
37	Deborah Singleton 24 Hillway, Nedlands	No	No	a) Support the policy	a) Noted

38	Ian Singleton 24 Hillway, Nedlands	No	No	a) Support the policy	a) Noted
39	Adrienne Dukes 15 Vincent Street, Nedlands	Yes	No	a) Support the Policy b) Stop concrete crossovers which result in the destruction of streetscapes and increased heat. c) Safety hazard Jenkins Avenue Cycle Path. d) Save the trees. e) Set a good planning precedent.	a) Noted b) Noted c) The City is aware that the Safe Active Streets program is set on Jenkins Avenue and is liaising with Technical Services. d) Proposals for tree removal in the verge would still be required to seek approval from the City. e) Noted. Each subdivision application is determined by the Department of Planning and not the City therefore the City is having discussions with the Department on how the City's Policy can be effective at subdivision stage.
40	Josephine Ferguson-Allen 13 Doonan Road, Nedlands	Yes	Yes	Same as submission 5.	Same as submission 5.
41	Jody Leanne 27 Louise Street, Nedlands	Yes	Yes	Same as submission 5.	Same as submission 5.
42	Anne Love	No	Yes	Same as submission 5.	Same as submission 5.

	70 Kingsway, Nedlands				
43	Katie Bourke 14 Loftus Street, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
44	Name and Address Supplied	Yes	Yes	Same as submission 5.	Same as submission 5.
45	Taylor Burrell Barnett On Behalf of 18 Doonan Road, Nedlands	Yes	No	<ul style="list-style-type: none"> a) Need to consider alternative solutions to the minimisation of vehicle crossovers. b) Need to consider the broader strategic implications of the proposed LPP. c) Need to consider broader costs and resource implications of replicating the proposed LPP throughout the City. d) The City should obtain legal advice as to the legality of the Laneway proposal and LPP. e) The LPP relies upon the all applicant's developing the subject site's in the same manner as indicated on the LPP. f) This policy would affect other decision makers, outside of the City of Nedlands. g) The policy relies upon redevelopment of all impacted parties which is not guaranteed. h) The City has not produced engineering drawings of the proposed laneway. i) Vehicle access arrangements and the relevant Australian Standards will require garages to be setback significantly within the lot to accommodate the grade difference requirement. 	<ul style="list-style-type: none"> a) Noted. b) Strategic plan being investigated, outlying future laneway locations across Nedlands and the Jenkins Ave precinct. c) Noted. Resource and costing requirements being investigated in association with Technical Services. d) The City has sought legal advice in this regard. The City is also pursuing two (2) Scheme Amendments to require consolidated access and clarify the City's powers relating to laneway ceding and widening. e) The LPP outlines 'deemed to comply' (DTC) development outcomes only. Requirements outlined within the DTC

				<ul style="list-style-type: none"> j) The required vehicle access arrangements will contribute to significant volumes of hardstand addressing the laneway. k) Waste collection will be required to be services from Jenkins Ave, until such time the laneway is fully constructed. l) The presence of a laneway will make the lots too narrow to accommodate a viable grouped dwelling design, driving up costs and reducing the attractiveness of the product to the market. m) Provision of outdoor living areas will be compromised on the ground floor. n) The City should investigate a scheme amendment which covers the entire City rather than pursue multiple LPPs. o) Subdivision approval has been granted by the WAPC creating 5 lots. 	<p>can be varied through the lodgement of a Development Application and negotiation with the City.</p> <ul style="list-style-type: none"> f) Once adopted, all decision makers will be required to give due regard to the requirements of any relevant LPP. The weighting of this regard will increase as a result of the proposed Scheme Amendments. g) The proposed portions of land required for laneway ceding have been designed so as to have the capacity to operate as an independent access leg, should surrounding landowners choose not to redevelop. h) Engineering drawings are currently being investigated and produced by the City to support the proposed LPP. Preliminary support has been indicated by the City's Technical Services Department.
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					<p>i) Noted. Engineering drawings and laneway specifications currently being drafted/reviewed by Technical Services.</p> <p>j) Hardstand areas are not supported by the City addressing Jenkins Ave, which is currently undergoing works as part of the Department of Transport's Safe Active Streets Program. Landscaping of the proposed laneway is mandated through the LPP to help mitigate the impact of hardscape areas.</p> <p>k) Waste servicing arrangements can be conducted from Doonan Rd and Jenkins Ave until such time the laneway is fully constructed, sealed and drained. Hardstand areas are not mandated as a requirement for waste collection points on a verge.</p> <p>l) Noted.</p> <p>m) Upper storey outdoor living areas can be</p>
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					<p>provided in conjunction with ground floor outdoor living areas to facilitate high quality private open space and amenity value for future homeowners.</p> <p>n) The City is pursuing a scheme amendment which requires consolidated access.</p> <p>o) The City has the ability to requiring the ceding of land as a condition of development approval. Conditions of subdivision have not yet been cleared. Attempt at subdivision clearance propose vehicle access from Jenkins Ave, which is not supported by the City of the LPP.</p>
46	Andrew Bell 79 Archdeacon Street, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
47	Martin Stewart 34 Louise Street, Nedlands	Yes	Yes	Same as submission 5.	Same as submission 5.
48	Peter Coghlan 37 Bulimba Road, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
49	Rebecca Coghlan 37 Bulimba Road, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.

50	Jennifer Lord 37 Thomas Street, Nedlands	No	No	<ul style="list-style-type: none"> a) Need to consider amenity and environment when assessing proposals b) No development should occur on Jenkins that will result in tree loss and unsafe crossovers. c) Laneway must be the most feasible option for the above. 	<ul style="list-style-type: none"> a) Amenity if a factor when accessing development applications through several elements of the residential design codes. Subdivision however is not approved nor assessed by the City we are only a referral agency. b) Crossovers are permitted to Jenkins Avenue which has always been the case. That being said it is the number of crossovers to Jenkins Avenue which the City believes to be an undesired streetscape outcome. Proposals for tree removal in the verge would still be required to seek approval from the City. c) Noted.
51	Peter Coghlan 37 Bulimba Road, Nedlands	No	Yes	Duplication of submission 48.	Refer to submission 48.
52	Element L18, 191 St George's Terrace, Perth	No	No	<ul style="list-style-type: none"> a) The requirements for consolidated access are already outlined within State Planning Policy 7.3 Residential Design Codes Volume 1. b) Consolidation of vehicle access should be mandated by a Scheme, not LPPs. 	<ul style="list-style-type: none"> a) The City cannot refuse a crossover to a freehold/survey strata lot one this has received subdivision approval and Titles have been issued.

				<ul style="list-style-type: none"> c) The use of a laneway to achieve the desired consolidated access outcome is unclear. d) The ongoing maintenance costs of the proposed laneway represent a considerable ongoing cost to the City. e) The City should undertake detailed design investigations into the laneway. f) The laneway will likely not be produced at the same time due to fragmented land holdings. g) The proposed policy discourages amalgamation. h) What research has been conducted surrounding the feasibility and viability of a laneway in this location? i) The implementation of a laneway should occur at the subdivision stage, not the development application phase. j) The policy would require endorsement by the WAPC due to modification of the R-Codes. k) Built form provisions should be reconsidered/reworded to better reflect their intent. 	<ul style="list-style-type: none"> b) Consolidated access is being pursued by the City by means of a scheme amendment. However, this likely will not be adopted/endorsed by the WAPC prior to the lodgement of several development applications, proposing independent vehicle access. c) A laneway design solution was chosen to minimise vehicle crossover arrangements addressing Jenkins Ave, part of the Department of Transport's Safe Active Streets Program, with the goal of reducing conflict and interface points between various transport methods. d) Noted. e) The City's Technical Services Department
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					<p>is currently reviewing the laneway's design.</p> <p>f) The ceding of a 3.5m strip of land will allow each lot to obtain access (much like a conventional dog leg) until such time the laneway is fully ceded.</p> <p>g) The City has the capacity to vary the Policy's requirements based upon design responses to a site's individual context and development typology. The City cannot force amalgamation.</p> <p>h) The City is pursuing traffic modelling regarding the implications of increased vehicular traffic within the City in addition to engineering reviews of the implementation of the proposed laneway.</p> <p>i) The City does not control subdivision, however, has the</p>
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					<p>power under the Scheme to require the Ceding of land with the lodgement of a development application.</p> <p>j) Should the policy be adopted by Council, the policy shall be referred to the WAPC for endorsement.</p> <p>k) Noted.</p>
53	Tom McVee 24 Kingsway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
54	Lin McVee 24 Kingsway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
55	Hock Lai Ong 15 Kingsway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
56	Liew Ing Ong 15 Kingsway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
57	ATRIO Property Group 16 Hardy Street, South Perth	No	No	<p>a) Larger developers are likely to put forward better design outcomes through amalgamated lots. Laneway creation completely stops this ability and delivers a substandard ultimate product in our opinion.</p> <p>b) It is unreasonable to expect all lots will develop at the same time. How will the</p>	<p>a) The City believes that good design outcomes can be achieved with a laneway for both grouped and multiple dwellings. The proposals that the City currently has in relation to these corner lots are for 5 green title blocks with separate</p>

				<p>City manage traffic flow and configurations in the meantime?</p> <p>c) Who will maintain the laneway going forward, lighting, road, landscaping?</p> <p>d) All landowners effected by this property will see their property value decrease due to this policy.</p> <p>e) No supporting research by the City has shown that laneways are the best outcome.</p> <p>f) Laneways create antisocial behaviour.</p> <p>g) Supportive of the City's efforts to consolidate access. Although do not believe that the currently policy is the best way to achieve this.</p>	<p>driveways without this policy these developments will approved and create what the City believes is a worse outcome of 5 crossovers to a street.</p> <p>b) The laneway proposed has been designed to be 3.5m per parent lot providing adequate space for the laneway to preform as a driveway in the interim whilst not all parcels have been developed.</p> <p>c) The ceding and construction of the laneway to the City's standards will be funded by the developer. After this the laneway will be considered the City's asset the same as any other laneway or gazetted road and the maintenance of the laneway will be done by the City.</p> <p>d) Property values are not a planning consideration.</p> <p>e) This Policy was needed with a short amount of time to combat current applications. The City is currently working on a</p>
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					<p>Laneway Strategy to discuss the benefits of these laneways. Reasons why a laneway is a better planning outcome over multiple crossovers can be shown in the Council Report at present.</p> <p>f) The City has designed the laneways inline with the Crime Prevention by Design methods in mind. Landscaping and lighting have been mandated to discourage this. One row of properties will also have the laneway as their primary frontage increasing surveillance onto the laneway.</p> <p>g) Noted.</p>
58	Ian Singleton 24 Hillway, Nedlands SECOND SUBMISSION	No	No	Submission made in relation Broadway Interim Policy.	Submission made in relation Broadway Interim Policy.
59	Jane Elizabeth Storey 104 Thomas Street, Nedlands	No	No	<p>a) Support the LPP and its objectives.</p> <p>b) Support the policy because it will mean that there will not be 4-5 crossovers to Jenkins Avenue.</p> <p>c) Jenkins Avenue is part of the Bike Boulevard. Increasing the number of driveways and crossovers on Jenkins</p>	<p>a) Noted.</p> <p>b) Noted.</p> <p>c) The City is aware that the Safe Active Streets program is set on Jenkins Avenue and is liaising with Technical Services.</p>

				<p>Avenue is unsafe and contradicts the aim of bike boulevard i.e. safe cycling for all.</p> <p>d) Removal of trees in the verge would occur if there were more crossovers.</p> <p>e) The loss of trees on the verge from multiple crossovers would impact the microclimate and canopy cover negatively creating a hot spot.</p> <p>f) If the developers achieve their goal of no laneway, it will set a precedent for all other re-zoned corner blocks. If this were to happen, it would create a mass of driveways intersecting onto streets that previously had one driveway per 900m² / ¼ acre block.</p>	<p>d) Proposals for tree removal in the verge would still be required to seek approval from the City.</p> <p>e) . Noted.</p> <p>f) Noted. Each subdivision application is determined by the Department of Planning and not the City therefore the City is having discussions with the Department on how the City's Policy can be effective at subdivision stage.</p>
60	Jane Elizabeth Storey 104 Thomas Street, Nedlands SECOND SUBMISSION	No	No	Same as submission 59.	Same as submission 59.
61	William McCleary 7 Hillway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
62	Sharon McCleary 7 Hillway, Nedlands	No	Yes	Same as submission 5.	Same as submission 5.
63	Tom McVee 24 Kingsway, Nedlands SECOND SUBMISSION	No	Yes	Same as submission 5.	Same as submission 5.

64	Clive McIntyre 19 Vincent Street, Nedlands	Yes	No	<p>a) Is it possible for the Council to cede 1m of the verge of Jenkins Avenue to each of No 18 Doonan Road and No 21 Vincent Street? These two properties then Cede 4.5m in place of the 3.5m to form the laneway. This will mean that there is enough space for the temporary laneway to be 4m wide with a half meter planting strip. When Nos 16 Doonan and 19 Vincent subdivide and cede their 3.5m there is enough space to have an extra 1m of verge for planting significant street trees and for rubbish bins to be put out for collection on the northern side of the proposed laneway. On No 19 Vincent Street there are two significant trees which could be maintained in a wider nature strip with some laneway parking beyond the trees.</p> <p>b) Change in code should be taken into account in clause 5.4.2 Solar access for adjoining sites in the Residential Design Codes Volume 1. Wants to modify the R-codes to add requirements to the design principles. Also wishes to amend the deemed to comply provisions.</p> <p>c) It looks as if the 3m spacing of trees may need to be interrupted to allow vehicle access to the sites.</p>	<p>a) The City may consider ceding a portion of land as part of negotiation with an application with the lodgement of a development application.</p> <p>b) Noted.</p> <p>c) Noted. Technical Services currently preparing laneway design investigations.</p>
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13.5 Amendment to Register of Delegations – Dog Act 1976

Council	26 May 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Mark Goodlet
Attachments	Nil.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus

Seconded – Councillor Wetherall

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 12/-

Council Resolution / Recommendation to Council

Council:

- expressly authorises the CEO to further delegate the powers or duties of the Dog Act 1976 as per table below, for inclusion in the Register of Delegations;

4. Delegations under the Dog Act 1976

Authority to delegate: *Section 10AA of the Dog Act 1976*

Legislation to be delegated	Description of delegation	Delegate, conditions and duration (indefinite unless otherwise specified)
Dog Act 1976 Section 10AA – Delegation of local government powers	(3) The delegation may expressly authorise the delegate to further delegate the power or duty.	Chief Executive Officer for the following: Section 26 Section 27 Section 44

- notes the additional sub-delegations under Dog Act 1976, section 10AA (3) – Delegation of local government Powers and duties as per table below, for inclusion in the Register of Delegations.

18.5 Dog Act 1976

Legislation to be delegated	Description of delegation	Delegate, conditions and duration (indefinite unless otherwise specified)
Dog Act 1976 Section 26 Limitation as to numbers	<p>(1) A local government may, by a local law under this Act —</p> <ul style="list-style-type: none"> (a) limit the number of dogs that have reached 3 months of age that can be kept in or at premises in the local government's district; or (b) limit the number of dogs of a breed specified in the local law that can be kept in or at premises in the local government's district. <p>(2) A local law mentioned in subsection (1) —</p> <ul style="list-style-type: none"> (a) may limit the number of dogs that can be kept in or at premises to 2, 3, 4, 5 or 6 only; and (b) cannot prevent the keeping in or at premises of one or 2 dogs that have reached 3 months of age and any pup of either of those dogs under that age; and (c) cannot apply to dogs kept at premises that are licensed under section 27 as an approved kennel establishment; and (d) cannot apply to dangerous dogs (declared) or dangerous dogs (restricted breed). <p>(3) Where by a local law under this Act a local government has placed a limit on the keeping of dogs in any specified area but the local government is satisfied in relation to any particular premises that the provisions of this Act relating to approved kennel establishments need not be applied in the circumstances, the local government may grant an exemption in respect of those premises but any such exemption —</p> <ul style="list-style-type: none"> (a) may be made subject to conditions, including a condition that it applies only to the dogs specified in the exemption; and 	Director Planning & Development

	<p>(b) cannot authorise the keeping in or at those premises of —</p> <ul style="list-style-type: none"> (i) more than 6 dogs that have reached 3 months of age; or (ii) a dog under that age unless it is a pup of a dog whose keeping is authorised by the exemption; and <p>(c) may be revoked or varied at any time.</p> <p>(4) A person must not keep in or at any premises, not being licensed under section 27 as an approved kennel establishment —</p> <ul style="list-style-type: none"> (a) in the case of dogs that have reached 3 months of age, other than dangerous dogs (declared) or dangerous dogs (restricted breed), more than the number of dogs than the limit imposed under — <ul style="list-style-type: none"> (i) a local law mentioned in subsection (1); or (ii) an exemption granted under subsection (3); or (b) more than — <ul style="list-style-type: none"> (i) 2 dangerous dogs (declared); or (ii) 2 dangerous dogs (restricted breed); or (iii) one of each of those kinds of dangerous dogs, that have reached 3 months of age; or (c) any pup, of a dangerous dog (restricted breed), that is under 3 months of age. <p>Penalty:</p> <ul style="list-style-type: none"> (a) for an offence relating to a dangerous dog — <ul style="list-style-type: none"> (i) a fine of \$10 000, but the minimum penalty is a fine of \$500; (ii) for each separate and further offence committed by the person under the <i>Interpretation Act 1984</i> section 71, a fine of \$500; (b) for an offence relating to a dog other than a dangerous dog — 	
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	<p>(i) a fine of \$5 000;</p> <p>(ii) for each separate and further offence committed by the person under the <i>Interpretation Act 1984</i> section 71, a fine of \$100.</p> <p>(5) Any person who is aggrieved —</p> <p>(a) by the conditions imposed in relation to any exemption under subsection (3); or</p> <p>(b) by the refusal of a local government to grant such an exemption, or by the revocation of an exemption,</p> <p>may apply to the State Administrative Tribunal for a review of the decision.</p> <p>(6) An application under subsection (5) cannot be made later than the expiry of a period of 28 days after the day on which a notice of the decision is served on the person affected by that decision.</p>	
Section 27 Licensing of approved kennel establishments	<p>(1) Where, under section 26(1)(a) or (b), a limit is imposed on the number of dogs that can be kept in or at any premises situate in a local government's district area, and a person proposes to keep more than that number of dogs in or at premises in that area that are not exempt from the limitation, the person must apply for the premises in question to be licensed as an approved kennel establishment.</p> <p>(2) A person who keeps, or permits or suffers to be kept, any dog over the age of 3 months of a breed or kind to which that licence applies at an approved kennel establishment otherwise than in accordance with the licence relating to that establishment commits an offence.</p> <p>Penalty:</p> <p>(a) a fine of \$5 000;</p> <p>(b) for each separate and further offence committed by the person under the <i>Interpretation Act 1984</i> section 71, a fine of \$100.</p>	Director Planning & Development

	<p>(3) Local laws made under this Act may require that dogs in an approved kennel establishment shall be kept in kennels and yards appropriate to the breed or kind in question and having specifications of a standard not less than that prescribed, sited and maintained in accordance with the requirements of public health, and sufficiently secured.</p> <p>(4) A licence to keep an approved kennel establishment may be granted by a local government on an application made in the prescribed manner and form, which may be required to be supported by evidence that due notice of the proposed use of the land has been given to persons in the locality, and where notice is required to be given the local government shall have regard to any objections raised.</p> <p>(5) A licence under this section has effect for a period of 12 months, and is renewable upon payment of the prescribed fee, but may be cancelled at any time by the local government if the local government is dissatisfied with the conduct of the establishment.</p> <p>(6) The cancellation of a licence under this section shall be effected by the service of a notice on the licensee specifying a period at the end of which the licence is cancelled, which shall be a period of not less than 3 months.</p> <p>(7) Where —</p> <p>(a) the local government refuses the grant of a licence under this section; or</p> <p>(b) notice of the cancellation of a licence under this section is given,</p> <p>the applicant or the licensee as the case may be may apply to the State Administrative Tribunal for a review of the decision.</p>	
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ABSOLUTE MAJORITY REQUIRED

Executive Summary

This purpose of this report is to expressly authorise the CEO to further delegate powers or duties under the Dog Act 1976, and the additional sub-delegations from the Chief Executive Officer to the Director of Planning & Development noted for inclusion in the Register of Delegations. This aids the efficiency of operations.

Discussion/Overview

Dog Act - Section 10AA – Delegation of local government powers and duties

- (1) A local government may, by absolute majority as defined in the Local Government Act 1995 section 1.4, delegate to its chief executive officer any power or duty of the local government under another provision of this Act.
- (2) The delegation must be in writing.
- (3) The delegation may expressly authorise the delegate to further delegate the power or duty.
- (4) A local government's chief executive officer who is exercising or performing a power or duty that has been delegated as authorised under this section, is to be taken to do so in accordance with the terms of the delegation unless the contrary is shown.
- (5) Nothing in this section limits the ability of a local government's chief executive officer to perform a function through an officer or agent.

The Dog Act specifically requires written authority for the Chief Executive Officer to be able to sub-delegate any powers to other staff members. Other legislation provides the CEO with the ability to sub-delegated without further authorization of Council.

These additional delegations will expedite the assessment and approval process.

Key Relevant Previous Council Decisions:

Nil.

Consultation

Nil.

Budget/Financial Implications

Nil.

Conclusion

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

13.6 Stirling Highway & Smyth Road Intersection Signals

Council	26 May 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Jim Duff – Director Technical Services
CEO	Mark Goodlet
Attachments	1. DA Architectural Plans 2. MRWA Stirling Highway MRS Drawing
Confidential Attachments	Nil.

Regulation 11(da) – Not Applicable - Recommendation Adopted

Moved – Councillor Mangano

Seconded – Councillor McManus

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED 7/5

(Against: Crs. Horley Bennett Hodsdon Poliwka & Hay)

Council Resolution / Recommendation to Council

Council:

- 1. supports signals at Smyth Road & Stirling Highway;**
 - a. to improve access and control increased traffic volumes resulting from the Captain Stirling development;**
 - b. to facilitate road network connectivity along distributor routes rather than residential streets; and**
 - c. to improve residential street vehicular impacts in the local neighbourhood; and**
- 2. approves CEO submission of a grant funding application through either Black Spot Federal or Metropolitan Regional Road Group Road Improvement for the signalisation of Smyth Road & Stirling Highway intersection.**

Executive Summary

The Development Application for the Captain Stirling development site at 80 Stirling Highway, Nedlands proposes the installation of traffic signals at Stanley Street & Stirling Highway to improve access to and from the development. Council's approval is requested to nominate a preference for signals to be installed at Smyth Road & Stirling Highway instead of Stanley Street & Stirling Highway intersection.

Discussion/Overview

Development Application

The Development Application for 80 Stirling Highway – Captain Stirling, Nedlands Square Shopping Centre including Woolworths supermarket proposes the following external road network upgrades to improve vehicle access to the development and to mitigate existing safety concerns:

- Stanley Street & Stirling Highway Intersection
 - Signals and land dedication
 - Signalised pedestrian crossings on the western and southern approaches
 - New auxiliary right turn lane on the western Stirling Highway approach
 - Full length right turn lane and shared right/left auxiliary turn lane on the southern Stanley Street approach
- Florence Road & Stirling Highway intersection
 - New median strip to restrict movements to left in / left out

The safety concerns highlighted by the applicant include twenty crashes recorded by MRWA during the period of January 2014 to December 2018. 75% of the crashes were right angled.

MRWA Comments

MRWA comments on the Development Application were received on 22 April 2020. MRWA does not support the application at this time and has advised a preference to install signals at Smyth Road & Stirling Highway intersection and convert Florence Road to a left in/left out access as per the Stirling Highway Activity Corridor Study Recommendations.

If the development is approved in its current form, the JDAP is issuing a non-operational approval due to the requirement of a third-party approval from Main Roads. This approval is a separate and distinct approval from the *Planning and Development Act 2005*.

The project for the upgrade/widening of Stirling Highway is not in Main Roads current 4 year forward capital work or construction program.

The concept design and traffic modelling provided by the applicant presented deficiencies including:

- The concept plan lacks sufficient detail to clearly demonstrate the additional land required to facilitate the future works. It is uncertain whether the applicant owns all the additional land required.
- The required swept path to accommodate the 19m semi-trailer at the Stanley Street & Stirling Highway or Florence Road & Stirling Highway intersections have not been provided. This information will inform the land requirement.
- The required swept path to accommodate the 12.5m service truck for all other turning movements at the Stanley Street & Stirling Highway or Florence Road & Stirling Highway intersections have not been tested.
- There is insufficient width in the existing road reserve to accommodate the eastbound right turning pocket from Stirling Highway on to Stanley Street.
- The alignment of the splitter island on Stanley Street is not appropriate as the location of the island nose would conflict with traffic approaching the intersection.
- The future MRS boundary is not shown correctly compared to the cadastral boundaries.
- SIDRA assessments have been carried out for isolated intersections only.
- AIMSUN and SIDRA traffic modelling has not been provided for review.
- Background growth of 1% has been proposed. This figure underestimates the impact of LPS3.
- Main Roads previous position did not support the proposed signals at Stanley Street with a clear preference for the installation of traffic signals at Smyth Road & Stirling Highway in the future. Smyth Road is one of the local distributors that factors into the assessment and should be addressed.
- The base SIDRA model for Stanley Street & Stirling Highway intersection does not accurately reflect the current operating performance with delays of half an hour in the model.

Administration Recommendation

The Administration recommends signals be installed at Smyth Road & Stirling Highway intersection instead of Stanley Street & Stirling Highway for the following reasons:

- Signals at Smyth Road & Stirling Highway would facilitate improved traffic flow and safer right turn movements to and from Aberdare Road and the hospital precinct to the north.
- Signals at Stanley Street & Stirling Highway would be too close to the existing signals at Dalkeith Road resulting in suboptimal signal sequencing and queuing of west bound traffic at Dalkeith Road back to

Stanley Street in the PM peak and east bound traffic at Stanley Street back to Dalkeith Road in the AM peak.

- Smyth Road is a distributor road and Stanley Street an access road in the existing MRWA road hierarchy. The installation of signals at Stanley Street would result in increased traffic to facilitate right turn movements on Stirling Highway and effectively change Stanley Street to a distributor road. Stanley Street would not be an effective distributor road in respect to the road network as it has no clear distributor road connections to north or south. This is also considered an unreasonable imposition on existing Stanley Street residents.
- Signals at Smyth Road would help to alleviate some local traffic network issues such as traffic no longer needing to travel west on Carrington Street and then south on Dalkeith to continue west on Stirling Highway.
- Signals at Smyth Road & Stirling Highway would provide gaps in traffic flow to allow improved right turn movement capacity and safety at Stanley Street & Stirling Highway intersection. However, the objective should be to direct most traffic flow from the development back to Dalkeith signals via the proposed southern laneway.
- Signals at Smyth Road & Stirling Highway would facilitate a pedestrian phase cycle to improve pedestrian safety crossing Stirling Highway between the City of Nedlands Administration building and the Nedlands Library.
- Smyth Road & Stirling Highway is on a crest on the Stirling Highway vertical profile and Stanley Street & Stirling Highway is approximately 0.5m lower than Smyth Road & Stirling Highway. Signals at Stanley Street may present a hazard for west bound traffic approaching a traffic queue at the signals. However, the potential risk cannot be properly evaluated until detailed design is undertaken.

Traffic modelling of signals at Smyth Road & Stirling Highway should be included in the City of Nedlands Traffic Model scenarios to demonstrate the benefit to the Captain Stirling development and justify funding contribution from the applicant.

In the past 5 years there has been 28 crashes at the Smyth Road & Stirling Highway intersection. The crash types comprise 18 rear enders, 1 head on and 9 intersection crashes. Based on this data a Black Spot application is likely to receive funding approval.

The Administration proposes to commence the process to submit funding applications through either Black Spot Federal, Black Spot State or Metropolitan Regional Road Group Road Improvement. The installation of signals at Smyth Road & Stirling Highway is similarly constrained in terms of road reserve width to that of Stanley Street & Smyth Road. If an additional right turn lane was to be provided, the cost would be substantially increased to secure the required private land. An order of magnitude cost estimate will be available upon completion of the funding application.

Key Relevant Previous Council Decisions:

NA

Consultation

The amended plans for the development, including the installation of signals at Stanley Street & Stirling Highway, were advertised for public comment during February and March 2020. A number of submissions supported the Main Roads preference for signals at Smyth Road & Stirling Highway instead of Stanley Street & Stirling Highway intersection.

Strategic Implications

How well does it fit with our strategic direction?

The Strategic Community Plan includes the following objectives:

- Continue to monitor traffic flows and plan for improvements to ensure an efficiently operating transport network.
- Locate land uses (particularly higher density residences) and transport networks in a way that maximises efficiency.
- Traffic will be monitored and managed to allow for an efficient transport network that contributes to a more environmentally friendly, safer City for both business and community activities.

The installation of signals at Smyth Road & Stirling Highway is considered to be a better option over signals at Stanley Street & Stirling Highway to achieve these objectives.

Who benefits?

All City of Nedlands residents benefit from an efficient road traffic network.

Does it involve a tolerable risk?

The risk of a marginal increase in Stirling Highway travel time with the installation of new signals is offset by addressing road safety risks for right turn movements and improved overall network efficiency.

Do we have the information we need?

We have sufficient information to make the decision. However, detailed traffic modelling currently underway will confirm the advice.

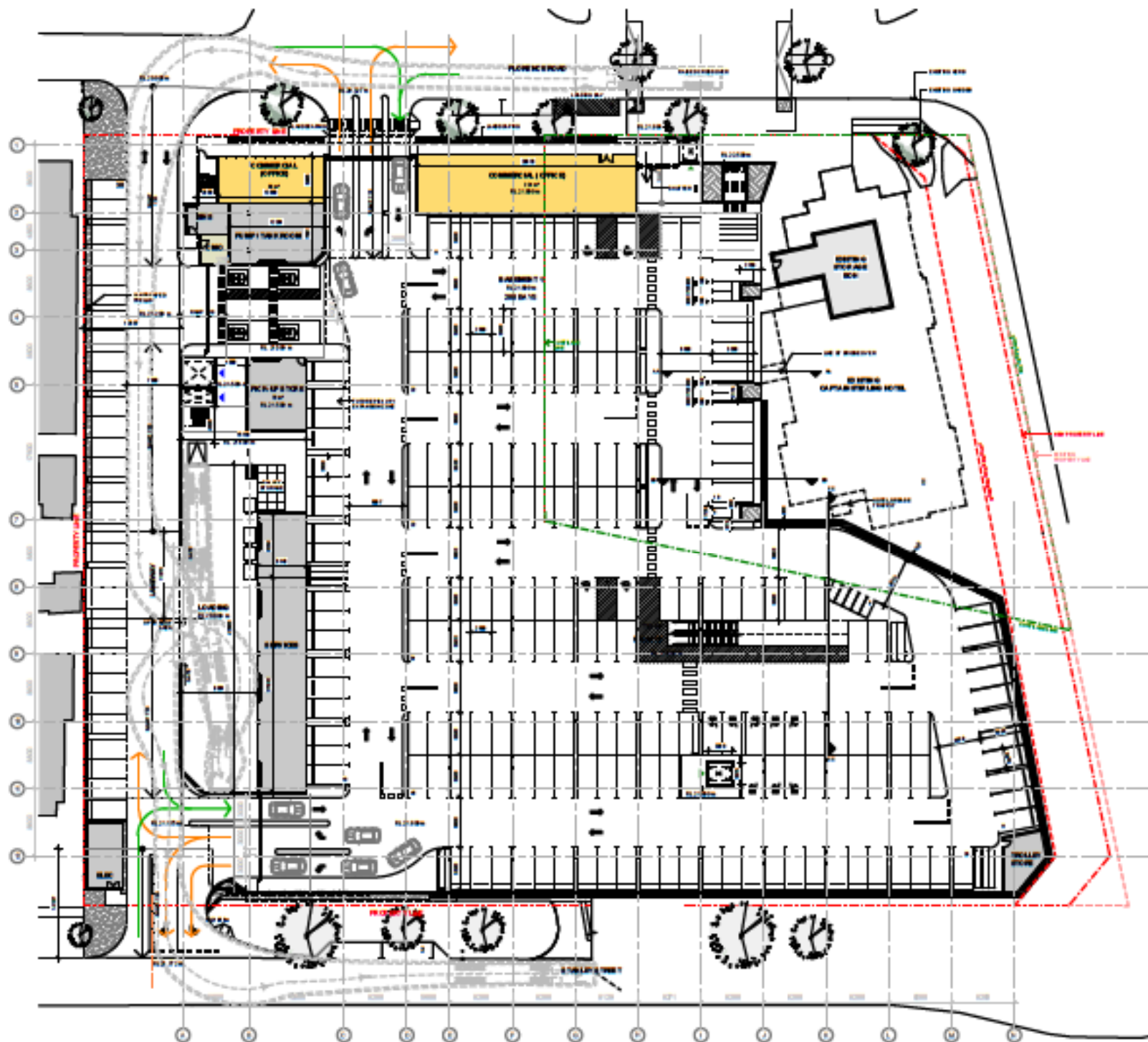
Budget/Financial Implications

Can we afford it?

The cost of signal installation on Stirling Highway has not been included in the Long-Term Financial Plan as the impact of LPS3 on the traffic network was not well understood. However, the signals are required to manage traffic flows resulting from LPS3 and the cost will be partially offset by contributions by Federal or State Government grants and the Captain Stirling site developer. The cost of signal installation is unknown at this time. An order of magnitude cost estimate will be available upon completion of the funding application.

How does the option impact upon rates?

The impact on rates is currently unknown. An order of magnitude cost estimate will be available upon completion of the funding application.



UNDE RROOFT FLOOR AREA (NLA)			
Name	C count	Area	
STAIRWAY 04	1	300 sq'	
OR COR'D FLOOR NLA:	1	300 sq'	

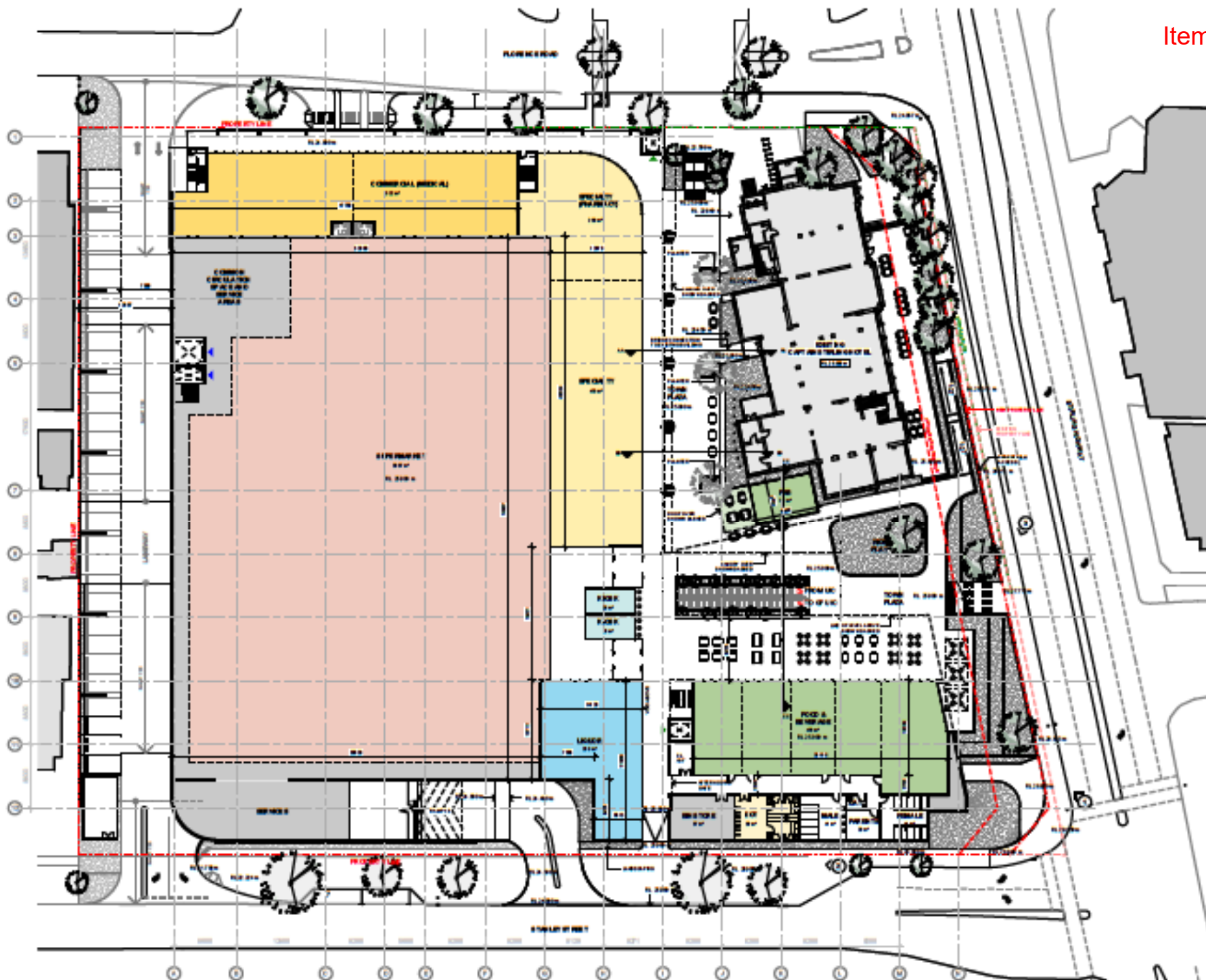
PARKING - BASEMENT 1	
Type	Count
SOIL REMOVAL	
SOIL & 2' DIAMETER LIME PILE 1/2"	24
SOIL & 2' DIAMETER LIME PILE 3/4"	24
SOIL & 2' DIAMETER PILE 1/2" OF 1/2"	0
SOIL & 2' DIAMETER PILE 3/4" OF 1/2"	0
SOIL & 2' DIAMETER PILE 1/2" OF 1/2"	104
	200
LINE PILE	
SOIL & 2' DIAMETER PILE 1/2" OF 1/2"	100
	100
TOTAL PILE	200
MOVABLE/STABLE BASE	100

TREE LEGEND



RETAIL AREAS





GROUND FLOOR AREA (NLA)			
Room	Count	sq. m.	sq. ft.
EXAMINE RM	1	60.0	650
POCKET & BATH RM	2	6.0	65
DOOR	2	0.5	5
LAB. CR.	1	2.0	22
OFF. CLOSET	2	0.5	5
STORAGE RM	1	2.0	22
ENTRANCE PORCH	1	1.0	11



TREE LEGEND



NEW TREES



EASTING THE EAST

RETAIL AREAS



MENTIONS



CONCLUSION



OT



OLD & NEW ENGLAND



WORK



REFERENCES



REALTY



PARKING - LEVEL 1	
Type	Count
LEVEL 1,1	
Level 1,1,1 Level 1,1,1	1
Level 1,1,1 Level 1,1,1	1
Level 1,1,1 Level 1,1,1	1

OVERALL AUSA (NLA)		
Category	Count	Area
NUMBER OF FLOORS		
CEGARADA DL	2	27.0 m²
SR CAME FLOOR		27.0 m²
CEGARADA DL	1	20.0 m²
FLOOR 4 SR DEN DR	2	20.0 m²
DOOR	2	0.0 m²
SR CAME	2	27.0 m²
SR CAME	2	27.0 m²
CEGARADA DL	1	0.000000
SR CAME	0	0.000000
LINE 1		
CEGARADA DL	2	0.000000
SR CAME	0	0.000000
TOTAL AREA	9	27.000000

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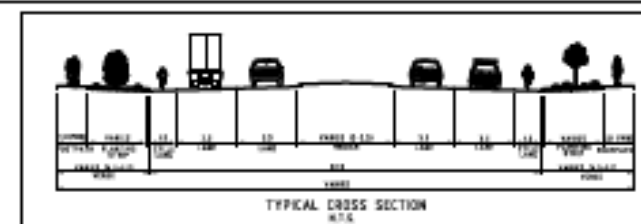
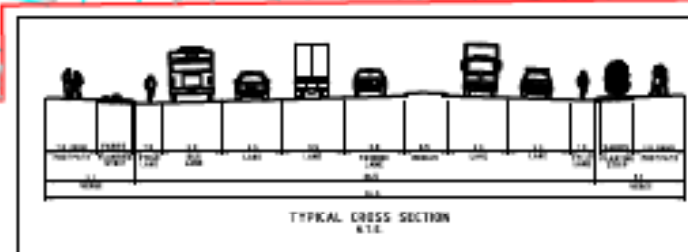
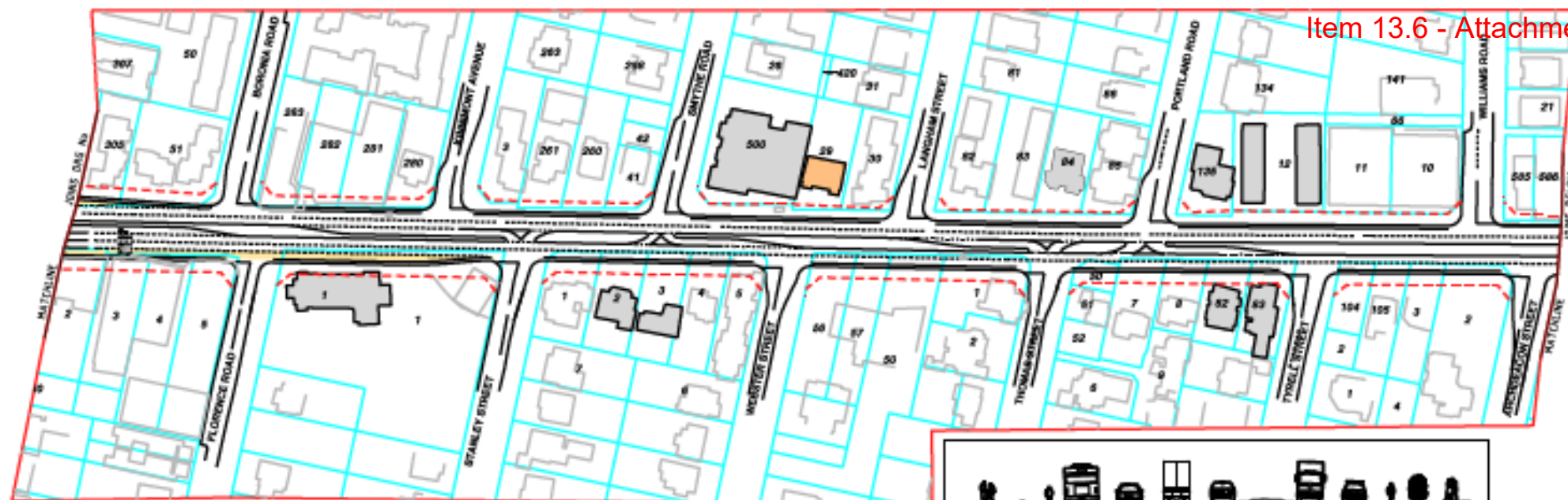
● 2010年12月25日(星期三) 12:00 2010年12月25日(星期三) 12:00 2010年12月25日(星期三) 12:00

TREE LEGEND



RETAIL AREAS

- ☐ AMENITIES
- ☒ COMMERCIAL
- ☐ HOTEL
- ☐ PLANT



- LEGEND**
- PROPOSED KERB LINE
 - DESIGN LINE MARKING
 - PROPOSED BUS PRIORITY LANE
 - PROPOSED ROAD RESERVE
 - ROAD RESERVATION
 - BUILDING WITH LOCAL HERITAGE LISTING OR OF SIGNIFICANT CHARACTER
 - STATE HERITAGE LISTING

DETAILS SHOWN ON THIS PLAN ARE PRELIMINARY ONLY. STAGE CONSTRUCTION AND ULTIMATE DEVELOPMENT MAY DIFFER FROM DETAILS SHOWN.

- NOTES**
1. FOR LAND REQUIREMENT REFER TO
 2. SUPERSEDES DRG No
 3. DRAINAGE INVESTIGATION SUBJECT TO DETAILED DESIGN

**SUPERSEDED BY AECOM
VERSION ATTACHED**

BASE DATA SUPPLIED BY LI 433-1300-2
DATE OF AERIAL PHOTOGRAPHY DEC 2008

AMENDMENTS

IN THE AGENT OF THE APPROVED CONSULTANT

NAME: JY	DATE:
NAME: JY 20	DATE:
FILE NO:	

NORTH



STIRLING HIGHWAY - Route 9
CARRIAGEWAY PATTERN
FLORENCE ROAD TO HAMPDEN ROAD

CITY OF MELBOURNE

URBAN TRANSPORT
SYSTEMS DIRECTORATE
PLAN NO.

1.7237

13.7 Terms of Reference for Council Committee Meetings and Required Delegations

Council	26 May 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Mark Goodlet
Attachments	1. Council Committee Terms of Reference (amended) 2. Council Committee Terms of Reference with track changes.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus

Seconded – Councillor Mangano

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED 11/1
(Against: Cr. Horley)

Council Resolution / Recommendation to Council

Council:

1. approves the amended Council Committee Terms of Reference as per attachment 1 of this report; and
2. approves the additional delegations in accordance with section 6 of the Local Government Act 1995 as per the table below to the Council Committee, for inclusion in the Register of Delegations.

Legislation to be delegated	Description of delegation	Delegate, conditions and duration (indefinite unless otherwise specified)
Section 5.20 Decisions of councils and committees	(1) A decision of a council does not have effect unless it has been made by a simple majority or, if another kind of majority is required under any provision of this Act or has been prescribed by	Council Committee Only in relation to: a. Only to determine Council's

Legislation to be delegated	Description of delegation	Delegate, conditions and duration (indefinite unless otherwise specified)
	regulations or a local law for the particular kind of decision, by that kind of majority.	position on Joint Development Assessment Panel development applications.
Section 5.35(1)(b)	<p>(b) the deputy mayor or deputy president is not available or is unable or unwilling to perform the functions of mayor or president,</p> <p>and the mayor or president or deputy will not be able to perform the functions of the mayor or president for a time known to the council, then the council may appoint a councillor to perform during that time the functions of mayor or president, as the case requires.</p>	<p>Appointment of a councillor to perform during that time the functions of mayor.</p> <p>Only in relation to representation and presentation to a Joint Development Assessment Panel on Council's position, where the Mayor and Deputy Mayor decide not to speak for Council;</p>
Section 6.8 (1)(b)	<p>(1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —</p> <p>(b) is authorised in advance by resolution*; or</p>	<p>Expenditure within existing budget in relation to the need for professional support for preparation and representation to a Joint Development Assessment Panel.</p> <p>Expenditure from municipal fund up to \$10,000 annually.</p>

ABSOLUTE MAJORITY DECISION

Executive Summary

This report addresses the Council Resolution of 28 April 2020 which resolved to provide procedures whereby the Council Committee can consider its position on JDAP development applications. This report puts in place the required changes to the Terms of Reference and delegations to enable the Council Committee to make these decisions and act on Council's behalf.

Discussion/Overview

Key Relevant Previous Council Decisions:

Ordinary Council Meeting – 28 April 2020

Item 14.7

“Council Resolution

That Council adopts the following procedures to ensure that it always considers Responsible Authority Reports (RAR) in time for Council to submit its comments and recommendations to the Joint Development Assessment Panel (JDAP) to be taken into account at its meetings:

1. RARs shall be included in a Council meeting agenda as an item for discussion and a resolution, at least 14 days prior to the Council Meeting at either a scheduled ordinary meeting or a special meeting available or called for the purpose;
2. Where an ordinary or special meeting of Council is not available or possible, a scheduled Council Committee meeting may be utilised for this purpose and the Terms of Reference for the Council Committee be amended to reflect this;
3. Put in place arrangements for the Administration, via formal correspondence from the CEO, to quickly and accurately submit Council or Council Committee resolutions to the JDAP in time for its meetings, and authorise a Councillor delegate to attend to that task; and
4. A procedure for the Council submission to JDAP relating to the decision matrix tabled and Council delegate at the JDAP.”

Note that this report does not address item 1. which is not able to be complied with due to legislated timing conditions for production of the RAR. This will be addressed in a further report.

This report makes it possible for Council Committee to determine Council's position on a development application before a Joint Development Assessment Panel, arrange for speakers to the JDAP and seek professional support where needed. This is able to be enacted by changing the Council Committee's Terms of Reference and providing the Committee with delegated powers.

Changes to Council Committee Terms of Reference

Council Committee Terms of Reference as per attachment 1 with changes tracked in attachment 2. These changes include the following:

- Council Committee is to be given decision-making powers to determine Council's position on development applications to Joint Development Assessment Panels;
- Determining representation and presentation to a Joint Development Assessment Panel on Council's position, where the Mayor and Deputy Mayor decide not to speak for Council;
- The need for professional support for preparation and representation to a Joint Development Assessment Panel and expenditure within existing budget in relation to performance of this power.

Changes to the Register of Delegations

The 28 April 2020 resolution provides for certain decision-making roles for the Council Committee on behalf of Council. This report puts in place the required delegations to enable Council Committee to make these decisions on Council's behalf.

The three delegations include:

- Decision-making by the Council Committee on behalf of Council regarding a position on RARs;
- Selection of a speaker for Council;
- Deciding to seek professional assistance for preparation and/ or presentation of Council's position to JDAP, thus expending City funds.

Council Committee May be Given Delegations

The Local Government Act 1995 section 5.16, allows Councils to delegate powers and duties to certain Committees.

Delegation 1 - Explanation

This delegates decision-making to the Council Committee for determining the Council position on a JDAP development application.

Delegation 2 - Explanation

This delegation allows the Council Committee to select the speaker to the Joint Development Assessment Panel. However, it does not subrogate the right of the Mayor, or the deputy Mayor in the Mayor's absence, to do so.

The Mayor speaks on behalf of Council (Local Government Act 1995, s2.8(1)(d)) and the Deputy Mayor performs this duty where the Mayor is not available or is unable or unwilling, (section 5.34). Council can determine a speaker where the Deputy Mayor is not available or is unable or unwilling to do so.

Delegation 3 – Explanation

The decision to engage a professional planner to help prepare the case and then present it, will involve expenditure. This delegate allows the Council Committee to do this, within proposed budget limits of \$10,000 per annum in total (not per case).

Delegation Provides for an Elected Member to Contribute to Administration

Under normal circumstances an elected member is not permitted to contribute to the administration of a local government. For clarity these delegations permit a council member to undertake a task that contributes to the administration of the local government, as it is an authorisation by Council.

Local Government (Rules of Conduct) Regulations 2007

9. Prohibition against involvement in administration
- (1) A person who is a council member must not undertake a task that contributes to the administration of the local government unless authorised by the council or by the CEO to undertake that task.

Consultation

Nil.

Strategic Implications

How well does it fit with our strategic direction?

The amendments to the Terms of Reference and additional delegations align with great governance and civic leadership, by improving Council's decision-making efficiency.

Who benefits?

The changes to the Terms of Reference and the delegations, provide better governance for the Community.

Does it involve a tolerable risk?

These changes to the Terms of Reference and the delegations decrease the level of risk to Council of being unrepresented at a JDAP.

How can it be managed?

The risk will be managed through a properly constituted Committee and appropriate delegations assigned.

Budget/Financial Implications

Decisions made by the Council Committee must be made within existing budget provisions.

Can we afford it?

Provided budget allocation is made for Council Committee decisions then the Long-Term Financial viability of the City will not be put at risk.

How does the option impact upon rates?

Delegation 3 provides a cap of \$10,000 annually on overall expenditure by the Council Committee.

Conclusion

In order to enable the 28 April 2020 Council Resolution, it is recommended that Council approve the above amendments to the Council Committee Terms of Reference and the required delegations.



City of Nedlands

nedlands.wa.gov.au

Item 13.7 - Attachment 1

Council Committee Terms of Reference

As at 26 May 2020

Committee of The Whole of Council

Purpose

The Committee of the Whole of Council will consider matters presented to it by the Council administration and only make recommendations to Council to enable the necessary or convenient proper management of the Council functions of the Local Government Act 1995, the Planning and Development Act 2005 and other relevant legislation as amended from time to time.

Scope

1. This Committee is established by Council in accordance with the Local Government Act 1995, section 5.8.
2. Clause 3.2(4) of Council's Standing Orders further states:

"Unless stated otherwise in the Terms of Reference of that Committee, the procedure for meetings of Committees and the order of business shall be the same as the procedure and the order of business for Council meetings".

Under these Terms of Reference

1. The Presiding Member may invite any members of the public who have prior to the meeting commencing requested, as required under Clause 3.4 of Council's Standing Orders, to address the Committee on a particular item just prior to the item being considered by Committee. If the Presiding Member invites the speaker/s forward to address the Committee, then it must also be before the item has been moved and seconded.
2. Committee members and Staff are not required to rise when speaking in a Committee meeting; and
3. A Committee member may speak more than once on a matter, but no more than twice on a matter, unless so agreed to by the Presiding member.

Membership

1. The Mayor, Deputy Mayor and all Councillors will be members of the Council Committee.
2. Meetings of the Committee shall be open to the public, except where the Committee decides by resolution to conduct its business or any specified part thereof behind closed doors, in which case provisions of clause 3.12 inclusive of Council Standing Orders apply.

Meetings

1. The Council Committee operates under Council's Standing Orders Local Law.
2. The Council Committee will meet on the second Tuesday of each month, except for December when the meeting will be held on the first Tuesday of the month, in January when no meeting will be held, or as otherwise determined by Council.
3. The quorum for a meeting will be 50% of the offices of the Council Committee as per section 5.19 of the Local Government Act 1995.

Delegations

1. Council Committee is delegated decision making to determine:
 - a. The Council position on development applications to a Joint Development Assessment Panel;
 - b. Representation and presentation to a Joint Development Assessment Panel on Council's position, where the Mayor and Deputy Mayor decide not to speak for Council;
 - c. The need for professional support for preparation and representation to a Joint Development Assessment Panel and expenditure within existing budget in relation to performance of this delegation.



City of Nedlands

nedlands.wa.gov.au

Item 13.7 - Attachment 2

Council Committee Terms of Reference

As at ~~5 November 2019~~ 26 May 2020

Committee of The Whole of Council

Purpose

The Committee of the Whole of Council will consider matters presented to it by the Council administration and only make recommendations to Council to enable the necessary or convenient proper management of the Council functions of the Local Government Act 1995, the Planning and Development Act 2005 and other relevant legislation as amended from time to time.

Scope

1. This Committee is established by Council in accordance with the Local Government Act 1995, section 5.8.
2. Clause 3.2(4) of Council's Standing Orders further states:

"Unless stated otherwise in the Terms of Reference of that Committee, the procedure for meetings of Committees and the order of business shall be the same as the procedure and the order of business for Council meetings".

Under these Terms of Reference

1. The Presiding Member may invite any members of the public who have prior to the meeting commencing requested, as required under Clause 3.4 of Council's Standing Orders, to address the Committee on a particular item just prior to the item being considered by Committee. If the Presiding Member invites the speaker/s forward to address the Committee, then it must also be before the item has been moved and seconded.
2. Committee members and Staff are not required to rise when speaking in a Committee meeting; and
3. A Committee member may speak more than once on a matter, but no more than twice on a matter, unless so agreed to by the Presiding member.

Membership

1. The Mayor, Deputy Mayor and all Councillors will be members of the Council Committee.
2. Meetings of the Committee shall be open to the public, except where the Committee decides by resolution to conduct its business or any specified part thereof behind closed doors, in which case provisions of clause 3.12 inclusive of Council Standing Orders apply.

Meetings

1. The Council Committee operates under Council's Standing Orders Local Law.
2. The Council Committee will meet on the second Tuesday of each month, except for December when the meeting will be held on the first Tuesday of the month, in January when no meeting will be held, or as otherwise determined by Council.
3. The quorum for a meeting will be 50% of the offices of the Council Committee as per section 5.19 of the Local Government Act 1995.

Delegations

1. Council Committee is delegated decision making to determine:
 - a. The Council position on Responsible Authority Reports;
 - b. Representation and presentation to a Joint Development Assessment Panel on Council's position, where the Mayor and Deputy Mayor decide not to speak for Council;
 - c. The need for professional support for preparation and representation to a Joint Development Assessment Panel;
 - d. Expenditure within existing budget in relation to performance of this delegation.

13.8 COVID-19 Response for Council and Committee Meetings

Council	26 May 2020
Applicant	City of Nedlands
Employee Disclosure: s5.70 of the Local Government Act 1995	Nil
CEO	Mark Goodlet
Attachments	<ol style="list-style-type: none"> 1. City of Nedlands Standing Orders Local Law 2. WALGA Electronic Council Meetings Guide

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Senathirajah

Seconded – Mayor de Lacy

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

Councillor Wetherall left the meeting at 9.51 pm and returned at 9.52 pm.

Amendment

Moved - Councillor Horley

Seconded - Councillor Bennett

That items 3, 4, 5 and 6 be removed.

The AMENDMENT was PUT and was

Lost 5/7

(Against: Crs. Smyth McManus Mangano Hodsdon
Poliwka Wetherall & Senathirajah)

The Original Motion was PUT and was

CARRIED 8/4

(Against: Crs. Horley Bennett Mangano & Coghlan)

Council Resolution / Recommendation to Council

Council agrees that in order to deal with consequences of the COVID-19 pandemic, in accordance with the Local Government Act 1995 s10.4, for the City of Nedlands Standing Order Local Law, where telephone, video conferencing, or electronic meetings are held:

- 1. Clause 3.4(2), addresses by the public must be provided at least 24 hours before the start time of scheduled meetings.**

2. **Clause 3.4(3), is suspended, and it is resolved that an address may relate to subjects that are only on the meeting agenda. The Presiding Member may rule that the subject matter does not meet these criteria, and that the public address not be heard.**
3. **Clause 3.4(4), Council does not permit more than 2 speakers for and 2 against, on any particular item on the agenda or any other matter within Council's jurisdiction.**
4. **Clause 3.4(5) is suspended, and it is resolved that the public address session will be restricted to 40 minutes, with no extension permitted.**
5. **Clause 3.4(6) is suspended, and it is resolved that each person is restricted to one address of up to 3 minutes, with no extension permitted.**
6. **Clause 3.7(2) is suspended, and it is resolved that the Presiding Member may determine any change in the order of business.**
7. **Clauses 3.12(2) & (3) dealing with confidential items, also means suspension of live streaming of the meeting for the confidential item. Live streaming will then recommence once the confidential item is dealt with and Council has resolved to re-open the meeting.**
8. **Clause 6.2(1) dealing with quorum, agrees that the Presiding Member;**
 - a. **may take roll calls at her/his discretion to ensure members are present, to be noted in the minutes;**
 - b. **may wait or may call a short meeting adjournment, until satisfied that any member is present;**
 - c. **may determine that the member has left the meeting at that time, where no response is received;**
 - d. **determines that the member will be deemed to have returned to the meeting when the CEO or minute taker notes reconnection and indication of the presence of the member.**
9. **Clause 8.2(1) & (2) is suspended, and for seating arrangements COVID-19 social distancing protocols determined by the CEO shall take precedence over assigned seating arrangements to the extent necessary to comply.**
10. **Clause 8.3, it is additionally agreed that where using Microsoft Teams software, members should use the 'chat' function in TEAMS to advise the Presiding Member, CEO and Minute taker that they have entered or left the meeting.**

11. **Clause 9.1 is suspended for those not in the room where the meeting is being held. Instead the following guidelines are to be used for video conferencing and electronic meetings:**
 - **Every member of the Council or committee wishing to speak is to indicate by turning on their camera and microphone and fully stating their name. At all other times during a debate cameras and microphones are to be off unless making a point of order or voting;**
 - **When invited by the Presiding Member to speak, members may remain seated and speak clearly and slowly;**
 - **Other members are to refrain as much as possible from calling points of order, instead politely and respectfully gain the presiding member's attention and explain the reason for interrupting the debate in so far as a point of order is needed.**
12. **Clause 9.7 is suspended and it is agreed that all addresses by Council and committee members are to be limited to 5 minutes with no extension.**
13. **Clauses 12.7(1) and 12.8, additionally means suspension of live streaming of the meeting when going behind closed doors. Live streaming will then recommence once the confidential item is dealt and it is resolved that the meeting be reopened to the public.**
14. **Clause 13.2, it is additionally agreed that ensuring that the voter's vote is not secret will be done by requiring the voter to verbally state their vote, when called to do so through the Presiding Member's instruction.**
15. **Clause 15.3, it is additionally agreed that when a member raises a point of order where video conferencing or electronic means is used where available they must turn on their camera and microphone and then clearly raise their point of order, and the member currently speaking must stop speaking and turn off their camera and microphone. The Presiding Member will then uphold or reject the point of order.**
16. **Clause 15.8, it is additionally agreed that when the Presiding member rises, or indicates that they are doing so, members will immediately turn off their microphone and camera so that the Presiding Member may be heard without interruption.**
17. **Clause 15.10, is suspended to the extent needed for person/s to provide IT assistance where necessary to maintain or enhance members' connection with the meeting and the live streaming.**
18. **Notes that a meeting held by telephone, video conference or other electronic means is taken to mean any meeting where any or all Council or committee members are attending by one of these means.**

19. Should Microsoft Teams software improvements be made, the requirement to turn off cameras at points during the meeting, may be removed by the Presiding Member.

Executive Summary

The Local Government Act 1995 (Act) and Local Government (Administration) Regulations 1996 have been amended to allow local governments to hold electronic meetings and to suspend parts of their local laws to facilitate this. Consequently, a number of Standing Orders clauses are recommended for change to improve the operation of telephone, video conferencing and electronic meetings only.

As determined by the section 10.4 of the Act, these changes will be in effect for the duration of the declared emergency COVID-19 period plus six months.

Discussion/Overview

Background

The City of Nedlands Standing Orders Local Law is designed for the operation of in-person, face to face meetings of Council and committees. While they specifically allow the Presiding Member to determine meeting procedure (clause 18.2) where the Standing Orders are silent, the Mayor as Presiding Member, having consulted the CEO, has proposed a number of changes be brought to Council in order to facilitate more efficient and workable meetings.

These changes will be in effect when electronic meetings of Council and committee are held and during the COVID-19 emergency plus six months, as per s10.4 of the Act.

A meeting held by telephone, video conference or other electronic means is taken to mean any meeting where any or all Council or committee members are attending by one of these means.

As a result of the COVID-19 declared emergency the State Government has amended the Act to expedite local government operations, including the ability to suspend local laws and their provisions. The City of Nedlands Standing Orders Local Law (Attachment 1) is one such law subject to this section of the Act.

Local Government Act 1995

10.4. Suspension of local law

- (1) A local government may, by resolution*, suspend the operation of a specified local law, or specified provisions of a local law, made by the local government under this Act or any other Act. * Absolute majority required.
- (2) Subsection (1) applies despite the provisions of any other Act under which a local law is made.
- (3) A local government can make a resolution under subsection (1) only if each of the following conditions is satisfied —
 - (a) the resolution is made while a COVID emergency declaration is in force;
 - (b) the local government considers that the resolution is necessary to deal with consequences of the COVID-19 pandemic.
- (4) A local government may, by resolution*, revoke a resolution made by it under subsection (1).
- (5) After making a resolution under subsection (1) or (4), a local government must —
 - (a) publish it on the local government's official website; and
 - (b) give a copy of it to the Minister.
- (6) A resolution made under subsection (1) or (4) takes effect on —
 - (a) the day after the day on which it is first published under subsection (5)(a); or
 - (b) any later day specified in the resolution.
- (7) Unless sooner revoked under subsection (4), a resolution made under subsection (1) is revoked at the end of —
 - (a) the last day of the period of 6 months beginning on the day on which the COVID emergency declaration referred to in subsection (3)(a) is revoked or otherwise ceases to have effect; or
 - (b) any earlier day specified in the resolution.

It is noted that these recommendations have been brought to Council by a CEO report, at the request of the Mayor as Presiding Member of the Council and have been prepared based on reference to the WALGA Electronic Council Meetings Guide (Attachment 2).

This is not being considered as a Notice of Motion, but more appropriately as a CEO report because of its application across all committee meetings as well as Council meetings beyond those at which the Mayor presides, its complexity given that it deals with operational aspects of the use of software, and its significance in enacting new provisions of the Local Government Act 1995 in relation to suspending local laws and agreeing to other provisions.

Council will need to assess the merits or otherwise of each part of the recommendation, however, the recommendation is constructed so it can be implemented and enforced where necessary.

Proposed Changes to Standing Orders

Changes to the City of Nedlands Standing Orders are discussed below. All of these proposed changes refer to the holding of telephone, video conference and electronic meetings in accordance with section 10.4 of the Act.

Standing Orders – cl 3.4(2)

3.4 Addresses by members of the public

- (2) Each person wishing to address the Council is required to give written notice of his/her intention to do so to the Chief Executive Officer prior to the meeting by completing the form provided by the local government.

Addresses by the public at Council and committee meetings are not required under the Local Government Act 1995 (Act) or the Local Government (Administration) Regulations 1996 (Regulations). The City of Nedlands Standing Orders Local Law, however, provides the public with the opportunity to address Council or the committee.

It is proposed that this is supplemented by the requirement to do provide submissions by no later than 24 hours prior to the scheduled meeting start time in order to allow orderly preparation for the meeting and the opportunity for the Presiding Member to be provided with the addresses ahead of them being read out or presented by the addresser in person.

Standing Orders - cl3.4(3)

3.4 Addresses by members of the public

- (3) An address may relate to any subject that is within the Council's jurisdiction but should be restricted to matters of general community concern. In this regard, the Presiding Member may rule that the subject matter does not meet these criteria, and that the Public Address not be heard.

This clause relates to Ordinary Council meetings. Special meetings of Council and Committee meetings require addresses to relate to the agenda. This proposal extends this requirement to Ordinary Council meetings.

It is proposed that this clause be suspended and that an address may only relate to a specific item on the meeting agenda, as determined by the Presiding Member. This will assist with meeting length at a time when agendas are full.

Standing Orders - cl3.4(4)

3.4 Addresses by members of the public

- (4) The Presiding Member will determine the order of speakers to address the Council and the number of speakers is to be limited to 2 in support and 2 against any particular item on the agenda or any other matter within Council's jurisdiction.

The Standing Orders are silent on any method to allow further speakers beyond 2 for and 2 against, and it has traditionally been the decision of Council to formally resolve to allow this to occur. However, this is not permissible if strictly applied.

It is proposed that Council agrees that no more than 2 speakers for and 2 against, on any particular item on the agenda or any other matter within Council's jurisdiction, be allowed.

Standing Orders - cl3.4(5)

3.4 Addresses by members of the public

- (5) The public address session will be restricted to 15 minutes unless the Council, by resolution, decides otherwise.

Instead of a 15 minute public address session which is formally extended by resolution of Council, it is proposed that this clause be suspended and Council agrees that the public address session (not including the public question time) will be restricted to 40 minutes, with no extension.

It is noted that there is a provision separately for deputations to be made to Council under clause 3.11, though this is used infrequently and is therefore not listed as a separate agenda item in the Standing Orders (clause 3.2 Order of Business).

Standing Orders – cl3.4(6)

3.4 Addresses by members of the public

- (6) Each person is restricted to one address of up to 3 minutes unless the Council, by decision, determines that they may speak for no more than a further 2 minutes

It is proposed to suspend clause 3.4(6) and determine that each person is restricted to one address of up to 3 minutes, with no extension permitted.

Standing Orders – cl3.7(2)

3.7 Announcements by the Presiding Member or members without discussion

- (2) The Presiding Member may propose a change in the order of business but the change must be carried by a majority of members present, otherwise the proposed change is not to take place.

In order to assist in the management of meetings it is proposed that this clause be suspended and that the Presiding Member may determine any change in the order of business.

Standing Orders – cl3.12(2) &(3)

3.12 Confidential Items

- (2) Council shall consider a motion to proceed behind closed doors prior to considering any item of Confidential Business. If such a motion is not forthcoming, or when voted on is lost, then the item of Confidential Business shall be considered with open doors as if it were not confidential.
- (3) When Council has concluded its consideration of any confidential business, the meeting should move a motion to re-open the meeting.

It is proposed that in addition to excluding any members of the public who are in attendance, that this also means suspension of live streaming of the meeting for the confidential item. Live streaming will then recommence once the confidential item is dealt with and Council has resolved to re-open the meeting.

Standing Orders – cl6.2(1)

6.2 Loss of quorum during a meeting

- (1) If at any time during the course of a meeting of the Council or a committee a quorum is not present –
 - (a) in relation to a particular matter because of a member or members leaving the meeting after disclosing a financial interest, the matter is adjourned until either –
 - (i) a quorum is present to decide the matter; or
 - (ii) the Minister allows a disclosing member or members to preside at the meeting or to participate in discussions or the decision making procedures relating to the matter under section 5.69 of the Act; or
 - (b) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the Presiding Member is to suspend the proceedings of the meeting for a period of five minutes, and if a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the Presiding Member is to reschedule it to some future time or date having regard to the period of notice which needs to be given under the Act, Regulations, or the Standing Orders when calling a meeting of that type.

It is proposed that the Presiding Member may undertake a roll call from time to time at her/his discretion, to ensure a quorum is maintained during a telephone, video conference or electronic meeting and to ensure members are available to vote, which is to be noted in the minutes.

If a Councillor loses connection to a telephone, video conference or electronic meeting it is proposed that the Presiding Member may interrupt proceedings and advise that a Councillor has lost connection and have this noted in the minutes. The Presiding Member may then ask the other Councillors to wait until the Councillor is reconnected. This may involve a short adjournment. The Presiding Member may do a 'roll call' before and after an adjournment.

Standing Orders – cl8.2(2)

8.2 Members to occupy own seats

- (1) At the first meeting held after each ordinary election day, the CEO is to allot council members seats in accordance with policy adopted by Council.
- (2) At meetings of the Council each council member shall occupy the place assigned to that Council member within Council Chambers.

It is proposed that allotment of seats and occupation of seats for electronic attendees is suspended and that for those attending in person, that the allocation of seats be based on social distancing principles, as determined by the CEO.

Standing Orders – cl8.3

8.3 Leaving meetings

During the course of a meeting of the Council or a committee no member or employee is to enter or leave the meeting without first acknowledging the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.

Where the Microsoft Teams software is being used it is proposed that Council or committee members avail themselves of the 'chat' function in Teams to advise the Presiding Member, CEO and Minute taker that they have entered or left the meeting.

Standing Orders cl8.7

8.7 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council or a committee, the Presiding Member may invite such person to sit beside the Presiding Member or at the Council table.

This clause is discretionary for the Presiding Member and is noted that this is not possible where the meeting is being held by telephone, video conferencing or electronic means. No recommendation is needed for this matter.

Standing Orders cl9.1

9.1 Members wishing to speak

Every member of the Council wishing to speak is to indicate by show of hands or other method agreed upon by the Council. When invited by the Presiding Member to speak, members are to rise and address the Council through the Presiding Member, provided that where any member of the Council is unable to stand by reason of sickness or disability he or she may sit while speaking.

It is proposed that the following guidelines be used for video conferencing and electronic meetings:

- Every member of the Council or committee wishing to speak is to indicate by turning on their camera and microphone and fully stating their name. At all other times during a debate cameras and microphones are to be off unless making a point of order or voting;
- When invited by the Presiding Member to speak, members are to remain seated and speak clearly and slowly;
- Other members are to refrain as much as possible from calling points of order, instead politely and respectfully gain the presiding member's attention and explain the reason for interrupting the debate in so far as a point of order is needed.

Standing Orders cl9.7

9.7 Limitation of duration of speeches

All addresses are to be limited to a maximum of 5 minutes. Extension of time is permissible only with the agreement of a simple majority of members present.

It is proposed to remove the ability for a Council or committee member to speak for more than 5 minutes for telephone, video conferencing or electronic meetings. This is aimed to assist with meeting efficiency.

Standing Orders cl12.7(1)

12.7 Council (or committee) to meet behind closed doors - effect of motion

- (1) Subject to any deferral under clause 3.7 or other decision of the Council or committee, the motion "that Council or (Committee) to meet behind closed doors", if carried, causes the general public and any officer or employee as the Council or committee determines, to leave the room.

Standing Orders cl12.8

12.8 Meeting be reopened to members of the public

The motion "that the meeting be reopened to the public" when carried, will result in members of the public being again admitted to the meeting.

It is proposed that in addition to excluding any members of the public who are in attendance, that this also means suspension of live streaming of the meeting when going behind closed doors. Live streaming will then recommence once the confidential item is dealt with and it is resolved that the meeting be reopened to the public.

Standing Orders cl13.2 & 13.3

13.2 Motion - method of putting

If a decision of the Council or a committee is unclear or in doubt, the Presiding Member shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no vote is secret, before declaring the decision.

Local Government (Administration) Regulations, reg 9

9. Voting to be open

Voting at a council or committee meeting is to be conducted so that no voter's vote is secret.

It is proposed that Council note that ensuring that the voter's vote is not secret will be done by requiring the voter to verbally state their vote, when called to do so through the Presiding Member's instruction. This will allow others in attendance at the meeting and those on live stream to know the vote of each member.

Standing Orders cl15.3

15.3 Points of order - when to raise – procedure

Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member who is speaking when a point of order is raised, is to immediately stop speaking and be seated while the Presiding Member listens to the point of order.

It is proposed that if a member does choose to raise a point of order, the member currently speaking must stop speaking and turn off their camera and microphone. The member making the point of order must turn on their camera and microphone and then do so clearly for the Presiding Member. The Presiding Member will then uphold or reject the point of order.

Standing Orders cl15.8(1)

15.8 Precedence of Presiding Member

- (1) When the Presiding Member rises during the progress of a debate, any member of the Council or committee then speaking, or offering to speak, is to immediately sit down and every member of the Council or committee present shall preserve strict silence so that the Presiding Member may be heard without interruption.

It is proposed that when the Presiding member rises, or indicates that they are doing so, members will immediately turn off their microphone and camera so that the Presiding Member may be heard without interruption.

Standing Orders cl15.10

15.10 No communication with members during meetings

- (1) A person, not being a Councillor, shall not at any meeting of the Council interrupt the proceedings of the Council, including attempting to communicate, whether verbally or electronically or by passing written material, with Councillors while a Council meeting is in progress.

It is proposed that to the extent needed to provide IT assistance this clause be suspended for the person/s providing IT support. An IT support person may interrupt proceedings of the Council and committee meetings if this is necessary to maintain or enhance members' connection with the meeting and the live streaming to the public.

Consultation

This report has been prepared in consultation with the Mayor, as Presiding Member and with guidance from the WALGA Electronic Meeting Guide.

Strategic Implications

How well does it fit with our strategic direction?

These changes are operational in nature.

Who benefits?

The changes are proposed to benefit the community by improving operational aspects of decision-making.

Does it involve a tolerable risk?

The risk involved pertains to lack of clarity for meeting outcomes and decisions. These operational improvements lower this risk.

Do we have the information we need?

The information used is from a combination of the WALGA Electronic Meeting Guide, City of Nedlands experience with electronic meetings, direction from the State Government on legislative mechanisms to deal with the COVID-19 emergency and the guidance of the IT department of the City of Nedlands.

Budget/Financial Implications

Can we afford it?

There are no additional budgetary implications for the recommendation in this report.

How does the option impact upon rates?

There are no additional budgetary implications for the recommendation in this report.

Standing Orders

Local Law

Effective 2 September 2016

Adopted 28 April 2009.

First published in Government Gazette 13 May 2009 and effective from 27 May 2009.

Amended 22 February 2011 by City of Nedlands Standing Orders Amendment Local Law 2011, published in Government Gazette 8 March 2011 and effective from 22 March 2011.

Amended 28 March 2014 by City of Nedlands Standing Orders Amendment Local Law 2014, published in the Government Gazette 14 March 2014 and effective from 28 March 2014.

Amended 2 September 2016 by City of Nedlands Standing Orders Amendment Local Law 2016, published in the Government Gazette 19 August 2016 and effective from 2 September 2016.

City Of Nedlands

Standing Orders Local Law 2009

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- 19.1 Use of common seal

Local Government Act 1995

City Of Nedlands

Standing Orders Local Law 2009

Under the powers of the *Local Government Act 1995* and by all the others, the Council of the City of Nedlands resolved on 22 February 2011 to make the following local law.

Part 1—Preliminary

1.1 Citation

- (1) This local law may be cited as the *City of Nedlands Standing Orders Local Law 2009*
- (2) In the clauses to follow, this local law is referred to as “the Standing Orders.”

1.2 Content and intent

- (1) This local law provides the rules and guidelines for the conduct of Council and committee meetings.
- (2) The rules and guidelines (standing orders) are intended to provide for
 - (a) better decision making by the Council and committees;
 - (b) the orderly and efficient conduct of Council and committee meetings; and
 - (c) greater understanding by the community of the way in which the Council and its committees conducts its meetings and makes decisions.

1.3 Application

All meetings of the Council or a committee and other matters as prescribed are to be conducted in accordance with the Act, the Regulations and this local law.

1.4 Interpretation

- (1) In these Standing Orders unless the context otherwise requires:

“absolute majority” has the same meaning as given to it in the *Local Government Act 1995*;
 “Act” means the *Local Government Act 1995*;
 “CEO” means the Chief Executive Officer or Acting Chief Executive Officer for the time being of the City of Nedlands;
 “committee” means a committee of the Council;
 “Council” means the Council of the City of Nedlands;
 “elector” has the same meaning as given to it in the Act;
 “Mayor” means the Mayor of the Local Government;

“member” has the same meaning as given to it in the Act;

“motion” means a proposition presented to Council for its deliberation;

“Presiding Member” means the Presiding Member of a committee or the deputy Presiding Member, or a member of the committee when performing a function of the Presiding Member in accordance with the Act;

“quorum” means the number of members who must be present at a meeting of the Council or a committee before it may consider any business (at least 50% of the number of offices, whether vacant or not, of members of the Council or the committee);

“Regulations” means the *Local Government (Administration) Regulations 1996*;

“simple majority” is more than 50% of the members present and voting;

“substantive motion” means an original motion or an original motion as amended, but does not include an amendment or a procedural motion.

- (2) Unless otherwise defined herein the terms and expressions used in these Standing Orders are to have the meaning given to them in the Act and Regulations.

1.4 Repeal

The *City of Nedlands Standing Orders Local 2003* published in the Government Gazette on 5 January 2004, and as amended and published in the *Government Gazette* on 3 September 2004 are repealed.

Part 2—Calling and Convening Meetings

2.1 Councillors to receive notice

Notice required to be given for Council and Committee meetings is dealt with in the Act.

2.2 Notice of special council meetings

The calling of special council meetings and notice required to be given is dealt with in the Act.

2.3 Council and Committee meetings

The calling of Council and Committee meetings is dealt with in the Act.

Part 3—Business of the Meeting

3.1 Business to be specified on notice paper

- (1) No business is to be transacted at any ordinary meeting of the Council other than that specified in the agenda, without the approval of the Presiding Member or a decision of the Council.
- (2) No business is to be transacted at a special meeting of the Council other than that given in the notice as the purpose of the meeting.

- (3) No business is to be transacted at a committee meeting other than that specified in the agenda or given in the notice as the purpose of the meeting, without the approval of the Presiding Member or a decision of the committee.
- (4) No business is to be transacted at an adjourned meeting of the Council or a committee other than that –
 - (a) specified in the notice of the meeting which had been adjourned; and
 - (b) which remains unresolved;
 except in the case of an adjournment to the next ordinary meeting of the Council or the committee, when the business unresolved at the adjourned meeting is to have precedence at that ordinary meeting.

3.2 Order of business

- (1) Unless otherwise decided by the Council the order of business at any ordinary meeting of the Council is to be as follows -
 - (a) Declaration of opening
 - (b) Apologies and leave of absence
 - (c) Public question time
 - (d) Addresses by members of the public
 - (e) Requests for leave of absence
 - (f) Petitions
 - (g) Disclosure of financial interests
 - (h) Disclosure of interests affecting impartiality
 - (i) Declaration by Members that they have not given due consideration to papers
 - (j) Confirmation of minutes
 - (k) Announcements by the Presiding Member without discussion
 - (l) Members announcements without discussion
 - (m) Matters for which the meeting may be closed
 - (n) Divisional Reports and Minutes of Council Committees and Administrative Liaison Working Groups
 - (o) Reports of the Chief Executive Officer

- (p) Motions of which notice has previously been given
 - (q) Urgent business approved by the Presiding Member or by decision
 - (r) Confidential items
 - (s) Closure
- (2) Unless otherwise decided by the members present, the order of business at any special meeting of the Council or at a committee meeting is to be the order in which that business stands in the agenda of the meeting.
 - (3) Notwithstanding subclauses (1) and (2) in the order of business for any meeting of the Council or a committee, the provisions of the Act and Regulations relating to the time at which public question time is to be held are to be observed.
 - (4) Unless stated otherwise in the Terms of Reference of that committee, the procedure for meetings of committees and the order of business shall be the same as the procedure and the order of business for Council meetings.
 - (5) Notwithstanding subclause (1), the CEO may include on the agenda of a Council or committee meeting in an appropriate place within the order of business any matter which must be decided, or which he or she considers is appropriately decided, by that meeting.

3.3 Public question time

- (1) Procedures for public question time are dealt with in the Act and Regulations.
- (2) Questions asked by members of the public are not to be accompanied by any statement reflecting adversely upon any member or employee.

3.4 Addresses by members of the public

- (1) Any person may address the Council.
- (2) Each person wishing to address the Council is required to give written notice of his/her intention to do so to the Chief Executive Officer prior to the meeting by completing the form provided by the local government.
- (3) An address may relate to any subject that is within the Council's jurisdiction but should be restricted to matters of general community concern. In this regard, the Presiding Member may rule that the subject matter does not meet these criteria, and that the Public Address not be heard.
- (4) The Presiding Member will determine the order of speakers to address the Council and the number of speakers is to be limited to 2 in support and 2 against any particular item on the agenda or any other matter within Council's jurisdiction.
- (5) The public address session will be restricted to 15 minutes unless the Council, by resolution, decides otherwise.

- (6) Each person is restricted to one address of up to 3 minutes unless the Council, by decision, determines that they may speak for no more than a further 2 minutes.
- (7) The Presiding Member may suspend or adjourn the public address session at any time, and any person addressing the Council will resume their seat when called upon to do so by the Presiding Member.
- (8) The Presiding Member shall suspend the public address session if the person making the address resorts to personal denigration of any person or persons.
- (9) The Presiding Member may comment on the address given or call upon a Councillor or Officer to comment. They may decline and if the subject matter of the address has not been considered by the Council, no substantive comment shall be offered. Any comments shall not exceed 3 minutes.
- (10) Any breach of the Standing Orders may result in the person being prohibited from addressing the Meeting at which the breach occurs.

3.5 Petitions

- (1) Every petition shall be respectful and temperate in its language, and may be delivered either to the Mayor, a Councillor, or the Chief Executive Officer, who shall accept the petition and present it to the Council at the next Ordinary Council Meeting.
- (2) A petition must –
 - a. contain the name, address and signature of each petitioner; and
 - b. have the name of the person who lodged the petition with the Council shown at the top of each page thereof but need not otherwise be in any particular form
- (3) On presentation of a petition at a Council or committee meeting, the Chief Executive Officer or the elected member shall read the petition and the only motions that are in order are that the petition be received and, if necessary, that it be referred to a Committee or for an Administration report.

3.6 Confirmation of minutes

- (1) When minutes of a meeting are submitted to an ordinary meeting of the Council or committee for confirmation, if a member is dissatisfied with the accuracy of the minutes, then he or she is to
 - (a) state the item or items with which he or she is dissatisfied; and
 - (b) propose a motion clearly outlining the alternative wording to amend the minutes.

- (2) Discussion of any minutes, other than discussion as to their accuracy as a record of the proceedings, is not permitted.

3.7 Announcements by the Presiding Member or members without discussion

- (1) At any meeting of the Council or a committee the Presiding Member or a member may announce or raise any matter of interest or relevance to the business of the Council or committee, or propose a change to the order of business.
- (2) The Presiding Member may propose a change in the order of business but the change must be carried by a majority of members present, otherwise the proposed change is not to take place.

3.8 Announcement of matters for which meeting may be closed

For the convenience of members of the public, the Council or committee may identify by decision, early in the meeting, any matter on the agenda of the meeting to be discussed behind closed doors, and that matter is to be deferred for consideration as the last item of the meeting.

3.9 Motions of which previous notice has been given

- (1) Unless the Act, Regulations or these Standing Orders otherwise provide, a member may raise at a meeting such business as he or she considers appropriate, in the form of a motion, of which notice has been given in writing to the CEO.
- (2) A notice of motion under subclause (1) is to be given at least 7 clear working days before the meeting at which the motion is moved.
- (3) A notice of motion is to relate to the good government of persons in the district.
- (4) The CEO –
 - (a) with the concurrence of the Mayor, may exclude from the notice paper any notice of motion deemed to be out of order; or
 - (b) may on his or her own initiative make such amendments to the form but not the substance thereof as will bring the notice of motion into due form; and
 - (c) may under his or her name provide relevant and material facts and circumstances pertaining to the notice of motion on such matters as policy, budget and law.
- (5) No notice of motion is to be out of order because the policy involved is considered to be objectionable.
- (6) A motion of which notice has been given is to lapse unless –
 - (a) the member who gave notice thereof, or some other member authorised by him or her in writing moves the motion when called on; or

- (b) the Council on a motion agrees to defer consideration of the motion to a later stage or date.
- (7) If a notice of motion is given and lapses in the circumstances referred to in subclause (6)(a) a notice of motion in the same terms or the same effect is not to be given again for at least 3 months from the date of such lapse.
- (8) When any Councillor has given a Notice of Motion, he or she shall provide to the CEO, at least 4 clear working days before the meeting at which that motion is to be considered, a paper setting out the reasons behind the proposed motion and the outcome it is attempting to achieve and the CEO shall cause to have copies distributed to all Members.

3.10 Urgent business approved by the Presiding Member or by decision

In cases of extreme urgency or other special circumstance, matters may, with the consent of the Presiding Member or a decision of members present, be raised without notice and decided by the meeting.

3.11 Deputations

- (1) A deputation wishing to be received by the Council or a committee is to apply in writing to the CEO who is to forward the written request to the Mayor, or the Presiding Member as the case may be.
- (2) The Presiding Member of Council or committee, whichever is applicable, may either approve the request, in which event the CEO is to invite the deputation to attend a meeting of the Council or committee as the case may be, or may instruct the CEO to refer the request to the Council or committee to decide by simple majority whether or not to receive the deputation.
- (3) A deputation invited to attend a Council or committee meeting –
 - (a) is not to exceed 5 persons, only 2 of whom may address the Council or committee, although others may respond to specific questions from the members; and
 - (b) is not to address the Council or committee for a period exceeding 15 minutes without the agreement of the Council or the committee as the case requires.
- (4) Any matter which is the subject of a deputation to the Council or a committee is not to be decided by the Council or that committee until the deputation has completed its presentation.

3.12 Confidential items

- (1) Any item presented to Council for consideration, that meets the criteria as stipulated in section 5.23 of the Act and which Council, the CEO, or the Mayor in consultation with the CEO considers should be dealt with in confidence, shall be tabled under Confidential Business.

- (2) Council shall consider a motion to proceed behind closed doors prior to considering any item of Confidential Business. If such a motion is not forthcoming, or when voted on is lost, then the item of Confidential Business shall be considered with open doors as if it were not confidential.
- (3) When Council has concluded its consideration of any confidential business, the meeting should move a motion to re-open the meeting.

Part 4–Public Access to Agenda Material

4.1 Inspection entitlement

Members of the public have access to agenda material in the terms set out in regulation 14 of the Regulations.

4.2 Confidentiality of information withheld

- (1) Information withheld by the CEO from members of the public under regulation 14(2) of the Regulations is to be –
 - (a) identified in the agenda of a Council or committee meeting under the item “Matters for which meeting may be closed”; and
 - (b) marked “confidential” in the agenda.
- (2) A member of the Council or a committee or an employee of the Council in receipt of confidential information is not to disclose such information to any person other than a member of the Council or the committee or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

Part 5–Disclosure of Interests

5.1 Separation of committee recommendations

Where a member of the Council has disclosed an interest in a matter, at a committee meeting, and the matter is contained in the recommendations of the committee to an ordinary meeting of Council or to another committee meeting that will be attended by the member, the recommendation concerned is to be identified on the agenda of that ordinary meeting or other committee meeting, from other recommendations of the committee, to enable the member concerned to declare the interest and leave the room prior to consideration of that matter only.

5.2 Member with a financial interest may ask to be present

A request from a member with a financial interest to be present during any discussion is dealt with in the Act.

5.3 Member with a financial interest may ask permission to participate

A request from a member with a financial interest to participate during any discussion or to vote is dealt with in the Act.

5.4 Invitation to return to provide information

Where a member or employee has disclosed an interest in a matter and has left the room in accordance with the Act, the meeting may resolve to invite the member or employee to return to provide information in respect of the matter or in respect of the member's or employee's interest in the matter and in such case the member or employee is to withdraw after providing the information.

5.5 Member with an impartiality interest

Where a member has disclosed that they have an interest that would give rise to a reasonable belief that they may not deliberate upon the matter under consideration in an impartial way, they may remain in the meeting and deliberate and vote upon the matter provided they have made a declaration that their interest will not affect their impartiality.

5.6 Disclosures by employees

- (1) If an employee within the meaning of section 5.70 of the Act, presents a written report to a meeting, on a matter in which the employee has an interest, the nature of the interest is to be disclosed at the commencement of the report.
- (2) If such an employee makes a verbal report to a meeting on a matter in which the employee has an interest, the employee is to preface his or her advice to the meeting by verbally disclosing the nature of the interest.

Part 6—Quorum

6.1 Quorum to be present

- (1) The Council or a committee is not to transact business at a meeting unless a quorum of at least 50% of the eligible members, is present.

6.2 Loss of quorum during a meeting

- (1) If at any time during the course of a meeting of the Council or a committee a quorum is not present -
 - (a) in relation to a particular matter because of a member or members leaving the meeting after disclosing a financial interest, the matter is adjourned until either -
 - (i) a quorum is present to decide the matter; or
 - (ii) the Minister allows a disclosing member or members to preside at the meeting or to participate in discussions or the decision making procedures relating to the matter under section 5.69 of the Act; or

- (b) because of a member or members leaving the meeting for reasons other than disclosure of a financial interest, the Presiding Member is to suspend the proceedings of the meeting for a period of five minutes, and if a quorum is not present at the end of that time, the meeting is deemed to have been adjourned and the Presiding Member is to reschedule it to some future time or date having regard to the period of notice which needs to be given under the Act, Regulations, or the Standing Orders when calling a meeting of that type.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1) (b) –
- (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
 - (b) in the case of a Council meeting
 - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (ii) the provisions of clause 9.5 apply when the debate is resumed.

Part 7–Minutes

7.1 Content of minutes

In addition to the matters contained in Regulation 11 of the Regulations, the content of minutes of a meeting of the Council or a committee is to include, where an application for approval is declined or the authorisation of a licence, permit, or certificate is otherwise withheld or cancelled, the reasons for the decision.

7.2 Preservation of minutes

Minutes including the agenda of each Council and committee meeting are to be kept as a permanent record of the activities of the local government and are to be transferred to the Public Records Office, being a directorate of the Library and Information Service of Western Australia, in accordance with the retention and disposal policy determined by that office from time to time.

Part 8–Conduct of Persons at Council and Committee Meetings

8.1 Official titles to be used

Members of the Council and employees are to speak of each other in the Council or committee by their respective titles (in the case of members, Mayor or councillor). Members of the Council, in speaking of or addressing employees, are to designate them by their respective official titles.

8.2 Members to occupy own seats

- (1) At the first meeting held after each ordinary election day, the CEO is to allot council members seats in accordance with policy adopted by Council.

- (2) At meetings of the Council each council member shall occupy the place assigned to that Council member within Council Chambers.

8.3 Leaving meetings

During the course of a meeting of the Council or a committee no member or employee is to enter or leave the meeting without first acknowledging the Presiding Member, in order to facilitate the recording in the minutes of the time of entry or departure.

8.4 Adverse reflection at a meeting

- (1) No member of the Council or a committee is to reflect adversely upon a decision of the Council or committee except on a motion that the decision be revoked or changed.
- (2) It is an offence for a member of the Council or a committee to use offensive or objectionable expressions in reference to any member, employee of the Council, or any other person.
- (3) If a member of the Council or committee specifically requests, immediately after their use, that any particular words used by a member be recorded in the minutes, the Presiding Member is to cause the words used to be taken down and read to the meeting for verification and to then be recorded in the minutes, unless the words referred to above have been withdrawn immediately upon request to do so by the Presiding Member.

8.5 Recording of proceedings

No person is to use any electronic, visual or vocal recording device or instrument to record the proceedings of the Council or a committee without the written permission of the Council or committee.

8.6 Prevention of disturbance

- (1) Any member of the public addressing the Council or a committee is to extend due courtesy and respect to the Council or committee and the processes under which they operate, and failure to take direction from the Presiding Member whenever called upon to do so is an offence.

Penalty \$1,000

- (2) A person observing a meeting is not to create a disturbance at a meeting, by interrupting or interfering with the proceedings, whether by expressing approval or dissent, by conversing or by any other means.

Penalty \$1,000

8.7 Distinguished visitors

If a distinguished visitor is present at a meeting of the Council or a committee, the Presiding Member may invite such person to sit beside the Presiding Member or at the Council table.

8.8. Protection of employees

- (1) For the purpose of this clause -
“complaint” means any expression of censure or dissatisfaction raised with the object of having remedial or disciplinary action taken against the employee concerned, whether expressed or implied.
- (2) If at a meeting of the Council or a committee, a complaint is received from a member of the Council or any other person about the ability, character or integrity of any employee or of any act or omission of an employee, and the person making the complaint has provided or is prepared to provide details of the complaint in writing and sign the complaint, the Council or committee may –
 - (a) if the complaint is about the CEO, direct the signed written complaint to the Mayor who is to refer the complaint to the committee deemed most appropriate by the Mayor to investigate and report upon the matter following the procedure provided for in the City of Nedlands Corporate Code of Conduct; or
 - (b) if the complaint is about any other employee, refer the signed written complaint to the CEO, who is to investigate the matter, following the procedure provided for in the City of Nedland’s Corporate Code of Conduct, and report any action taken by him or her to the Council or committee
- (3) Where a complaint is received by the Council or a committee and becomes the subject of an investigation and report under subclause (2), the employee about whom the complaint is made, is to be given the opportunity to answer the complaint in writing.

Part 9—Conduct of Members During Debate

9.1 Members wishing to speak

Every member of the Council wishing to speak is to indicate by show of hands or other method agreed upon by the Council. When invited by the Presiding Member to speak, members are to rise and address the Council through the Presiding Member, provided that where any member of the Council is unable to stand by reason of sickness or disability he or she may sit while speaking.

9.2 Priority

In the event of two or more members of the Council or a committee wishing to speak at the same time, the Presiding Member is to decide which member is entitled to be heard first. The decision is not open to discussion or dissent.

9.3 The Presiding Member to take part in debates

Unless otherwise prohibited by the Act, and subject to compliance with procedures for the debate of motions contained in these Standing Orders, the Presiding Member may take part in a discussion of any matter before the Council or committee as the case may be.

9.4 Relevance

Every member of the Council or a committee is to restrict his or her remarks to the motion or amendment under discussion, or to a personal explanation or point of order.

9.5 Limitation of number of speeches

No member of the Council is to address the Council more than once on any motion or amendment before the Council except the mover of a substantive motion, in reply, or to a point of order, or in explanation.

9.6 Member may ask questions

A member may ask any question that is relevant to the motion under debate at any time during the debate on a motion, before the motion is put, but no discussion thereon is permitted.

9.7 Limitation of duration of speeches

All addresses are to be limited to a maximum of 5 minutes. Extension of time is permissible only with the agreement of a simple majority of members present.

9.8 Members not to speak after conclusion of debate

No member of the Council or a committee is to speak to any motion after it has been put by the Presiding Member.

9.9 Members not to interrupt

No member of the Council or a committee is to interrupt another member of the Council or committee whilst speaking unless:

- (a) to raise a point of order;
- (b) to call attention to the absence of a quorum;
- (c) to make a personal explanation under clause 10.17; or
- (d) to move a motion under clause 11(1)(e) that the member be no longer heard.

9.10 Presiding Member may interrupt a member

If a member in debate continues to be repetitious, uses unbecoming language, or introduces matter irrelevant to the motion under debate, the Presiding Member may interrupt the member and direct them to cease speaking and to resume their seat.

9.11 Re-opening discussion on decisions

No member of the Council or a committee is to re-open discussion on any decision of the Council or committee, except for the purpose of moving that the decision be revoked or changed.

Part 10—Procedures for Debate of Motion

10.1A Alternative motions/amendments

- (1) Elected members are to submit material amendments and alternative resolutions to recommendations on Council agendas to the Chief Executive Officer, with supporting reasons, by 12 noon on the day before each Council meeting, so they can be distributed to other elected members to give them an opportunity to reflect on the proposed changes.
- (2) Material amendments and alternative resolutions submitted under subclause (1) must not conflict with the stated purpose of a Special Council Meeting.

10.1 Permissible motions on report recommendations

A recommendation contained in a report to Council may be adopted without amendment or modification, failing which, it may be –

- (a) rejected by the Council and replaced by an alternative decision; or
- (b) amended or modified and adopted with such amendment or modification; or
- (c) referred back to Council or a committee for further consideration.

10.2 Motions to be stated

Any member of the Council or a committee who moves a substantive motion or amendment to a substantive motion is to state the substance of the motion before speaking to it.

10.3 Motions to be supported

- (1) A motion or amendment to a substantive motion is not open to debate until it has been seconded.
- (2) A motion to revoke or change the decision made at a Council or a committee meeting is not open to debate until the motion demonstrates the support required under regulation 10 of the Regulations.

10.4 Unopposed business

- (1) Upon a motion being moved and seconded, the Presiding Member may ask the meeting if any member opposes it.
- (2) If no member signifies opposition to the motion the Presiding Member will put the motion to a vote.
- (3) A motion carried under subclause (2) is to be recorded in the minutes as a unanimous decision of the Council or committee.

- (4) If a member signifies opposition to a motion the motion is to be dealt with according to this Part.
- (5) The Presiding Member may also put any unopposed business before the meeting *en bloc* including those matters that must be decided by an absolute majority.
- (6) This clause does not apply to any motion or decision to revoke or change a decision which has been made at a Council or committee meeting.

10.5 Only one substantive motion considered

When a substantive motion is under debate at any meeting of the Council or a committee, no further substantive motion is to be accepted.

10.6 Breaking down of complex questions

The Presiding Member may order a complex question to be broken down and put in the form of several motions, which are to be put in sequence.

10.7 Order of call in debate

The Presiding Member is to call speakers to a substantive motion in the following order:

- (a) The mover to state the motion;
- (b) A seconder to the motion;
- (c) The mover to speak to the motion;
- (d) The seconder to speak to the motion unless the seconder reserves the right to speak later in the debate;
- (e) A speaker against the motion;
- (f) A speaker for the motion;
- (g) Other speakers against and for the motion, alternating in view, if any;
- (h) Mover takes right of reply which closes debate.

10.8 Limit of debate

The Presiding Member may offer the right of reply and put the motion to the vote if he or she believes sufficient discussion has taken place even though all members may not have spoken.

10.9 Motions may be read during debate

Any member may require the motion or matter under discussion to be read at any time during a debate, but not so as to interrupt any other member whilst speaking.

10.10 Consent of seconder required to accept alteration of wording

The mover of a substantive motion may not alter the wording of the motion without the consent of the seconder.

10.11 Order of amendments

- (1) Any number of amendments may be proposed to a motion, but when an amendment is moved to a substantive motion, no second or subsequent amendment is to be moved or considered until the first amendment has been withdrawn or lost.
- (2) Only 1 amendment shall be discussed at a time, but as often as an amendment is lost, another amendment may be moved before the original motion is put to the vote. There shall be no more than 2 successful amendments and on the adoption of the second successful amendment the substantive motion as it then stands shall be put.
- (3) The Presiding Member may require any member moving an amendment to provide a written copy.

10.12 Amendments must not negate original motion

No amendment to a motion can be moved which negates the original motion or the intent of the original motion.

10.13 Mover of motion may speak on an amendment

- (1) On an amendment being moved, any member may speak to the amendment.
- (2) If the person who moved the substantive motion does choose to speak to the amendment, the right of reply is not forfeited by that person.

10.14 Substantive motion

If an amendment to a substantive motion is carried, the motion as amended then becomes the substantive motion, on which any member may speak and any further amendment may be moved.

10.15 Withdrawal of motion and amendments

Council or a committee may, without debate, grant leave to withdraw a motion or amendment upon request of the mover of the motion or amendment and with the approval of the seconder provided that there is no opposition to this by any member, in which case discussion on the motion or amendment is to continue.

10.16 Limitation of withdrawal

Where an amendment has been proposed to a substantive motion, the substantive motion is not to be withdrawn, except by consent of the majority of members present, until the amendment proposed has been withdrawn or lost.

10.17 Personal explanation

No member is to speak at any meeting of the Council or a committee, except upon the matter before the Council or committee, unless it is to make a personal explanation. Any member of the Council or committee who is permitted to speak under these circumstances is to confine the observations to a succinct statement relating to a specific part of the former speech which may have been misunderstood. When a member of the Council or committee rises to explain, no reference is to be made to matters unnecessary for that purpose.

10.18 Personal explanation - when heard

A member of the Council or a committee wishing to make a personal explanation of matters referred to by any member of the Council or committee then speaking, is entitled to be heard immediately, if the member of the Council or committee then speaking consents at the time, but if the member of the Council or committee who is speaking declines to give way, the explanation is to be offered at the conclusion of that speech.

10.19 Ruling on questions of personal explanation

The ruling of the Presiding Member on the admissibility of a personal explanation is final unless a motion of dissent with the ruling is moved before any other business proceeds.

10.20 Right of reply

- (1) The mover of a substantive motion has the right of reply. After the mover of the substantive motion has commenced the reply, no other member is to speak on the question.
- (2) The right of reply is to be confined to rebutting arguments raised by previous speakers and no new matter is to be introduced.

10.21 Right of reply provisions

The right of reply is governed by the following provisions:

- (a) if no amendment is moved to the substantive motion, the mover may reply at the conclusion of the discussion on the motion;
- (b) once the vote is taken on an amendment, the debate on the substantive motion may resume at the end of which the mover may exercise a right of reply;
- (c) the mover of any amendment does not have a right of reply;
- (d) once the right of reply has been taken, there can be no further discussion, nor any other amendment and the original motion or the original motion as amended is immediately put to the vote.

10.22 Amendments to be relevant

Every amendment shall be relevant to the motion upon which it is moved and be framed to show precisely which words need to be deleted, added or altered.

10.23 Negated motions

A motion to the same effect as any motion that has been negated by the Council or committee, except those motions provided for in clause 14.1 of the Standing Orders, shall not again be entertained within a period of 3 months except with the consent of an absolute majority of the Council or committee members.

Part 11—Procedural Motions

11.1 Permissible procedural motions

In addition to proposing a properly worded amendment to a substantive motion, it is permissible for a member to move the following procedural motions:

- (a) that the Council (or committee) proceed to the next business;
- (b) that the motion be adjourned;
- (c) that the Council (or committee) do now adjourn;
- (d) that the motion be now put;
- (e) that the member be no longer heard;
- (f) that the ruling of the Presiding Member be disagreed with;
- (g) that the Council (or committee) meet behind closed doors, if the meeting or part of the meeting to which the motion relates is a matter in respect of which the meeting may be closed to members of the public under section 5.23 of the Act.

11.2 No debate on procedural motions

- (1) The mover of a motion stated in each of paragraphs (a), (b), (c), (f) and (g) of clause 11.1 may speak to the motion for not more than 5 minutes, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.
- (3) The mover of a motion stated in each of paragraphs (d) and (e) of Clause 11.1 may not speak to the motion, the seconder is not to speak other than to formally second the motion, and there is to be no debate on the motion.

11.3 Procedural motions - closing debate - who may move

No person who has moved, seconded, or spoken for or against the substantive motion, or any amendment may move any procedural motion which, if carried, would close the debate on the substantive motion or amendment.

11.4 Procedural motions - right of reply on substantive motion

The carrying of a procedural motion which closes debate on the substantive motion or amendment and forces a decision on the substantive motion or amendment does not deny the right of reply to the mover of the substantive motion.

Part 12–Effect of Procedural Motions

12.1 Council (or committee) to proceed to the next business - effect of motion

The motion “that the Council (or committee) proceed to the next business”, if carried, causes the debate to cease immediately and for the Council (or committee) to move to the next business of the meeting. No decision will be made on the substantive motion being discussed, nor is there any requirement for the matter to be again raised for consideration.

12.2 Motion to be adjourned - effect of motion

- (1) The motion “that the motion be adjourned”, if carried, causes all debate on the substantive motion or amendment to cease but to continue at a time stated in the motion.
- (2) If the motion is carried at a meeting of the Council –
 - (a) the names of members who have spoken on the matter are to be recorded in the minutes; and
 - (b) the provisions of clause 9.5 apply when the debate is resumed.

12.3 Council (or committee) do now adjourn - effect of motion

- (1) The motion “that the Council (or committee) now adjourn”, if carried, causes the meeting to stand adjourned until it is re-opened at which time the meeting continues from the point at which it was adjourned, unless the Presiding Member or a simple majority of members upon vote, determine otherwise.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1) –
 - (a) the debate is to be resumed at the next meeting at the point where it was so interrupted; and
 - (b) in the case of a Council meeting -
 - (i) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (ii) the provisions of clause 9.5 apply when the debate is resumed.

12.4 Motion to be put - effect of motion

- (1) The motion “that the motion be now put”, if carried during discussion of a substantive motion without amendment, causes the Presiding Member to offer the right of reply and then immediately put the matter under consideration without further debate.
- (2) This motion, if carried during discussion of an amendment, causes the Presiding Member to put the amendment to the vote without further debate.
- (3) This motion, if lost, causes debate to continue.

12.5 Member to be no longer heard - effect of motion

The motion “that the member be no longer heard”, if carried, causes the Presiding Member to not allow the speaker against whom the motion has been moved to speak to the current substantive motion or any amendment relating to it, except to exercise the right of reply if the person is the mover of the substantive motion.

12.6 Ruling of the Presiding Member disagreed with - effect of motion

The motion “that the ruling of the Presiding Member be disagreed with”, if carried, causes the ruling of the Presiding Member about which this motion was moved, to have no effect and for the meeting to proceed accordingly.

12.7 Council (or committee) to meet behind closed doors - effect of motion

- (1) Subject to any deferral under clause 3.7 or other decision of the Council or committee, the motion “that Council or (Committee) to meet behind closed doors”, if carried, causes the general public and any officer or employee as the Council or committee determines, to leave the room.
- (2) While a decision made under this clause is in force the operation of clause 9.5 limiting the number of speeches a member of the Council may make, is suspended unless the Council decides otherwise.
- (3) Upon the public again being admitted to the meeting the Presiding Member, unless the Council or committee decides otherwise, is to cause the motions passed by the Council or committee whilst it was proceeding behind closed doors to be read out including the vote of a member or members to be recorded in the minutes under section 5.21 of the Act.
- (4) A person who is a Council member, a committee member, or an employee is not to publish, or make public any of the discussion taking place on a matter discussed behind closed doors.
- (5) Prohibition under (4) does not extend to the actual decision, except any decision that involves matters of commercial confidentiality, made as a result of such discussion and other information properly recorded in the minutes.

12.8 Meeting be reopened to members of the public

The motion “that the meeting be reopened to the public” when carried, will result in members of the public being again admitted to the meeting.

Part 13–Making Decisions

13.1 Motion - when put

When the debate upon any motion is concluded and the right of reply has been exercised the Presiding Member shall immediately put the motion to the Council or the committee, and, if so desired by any member of the Council or committee, shall again state it.

13.2 Motion - method of putting

If a decision of the Council or a committee is unclear or in doubt, the Presiding Member shall put the motion or amendment as often as necessary to determine the decision from a show of hands or other method agreed upon so that no vote is secret, before declaring the decision.

13.3 Recording the names of members against the motion

The names of those members voting against the motion are to be recorded in the minutes.

Part 14–Implementing Decisions

14.1 Implementation of a decision

- (1) If a notice of motion to revoke or change a decision of the Council or a committee is received in the form required by the Standing Orders before any action has been taken to implement that decision, then no steps are to be taken to implement or give effect to that decision until such time as the motion of revocation or change has been dealt with, except that –
 - (a) if a notice of motion to revoke or change a decision of the Council or a committee is given during the same meeting at which the decision was made, the notice of motion is of no effect unless the number of council members required to support the motion under Regulation 10 of the Regulations indicate their support for the notice of motion at that meeting; and
 - (b) if a notice of motion to revoke or change a decision of the Council or a committee is received after the closure of the meeting at which the decision was made, implementation of the decision is not to be withheld unless the notice of motion has the support in writing of the number of council members required under Regulation 10 of the Regulations
- (2) When giving notice of motion of revocation or change the council member giving notice shall state in writing in clear terms:

- (a) the motion of revocation or change identifying the substantive resolution proposed to be revoked or changed;
 - (b) the reason or reasons for seeking the revocation or change; and
 - (c) provide or cause to be provided sufficient signed statements of support for the notice of motion of revocation or change as are required by paragraphs (4) and (5) of this clause, in sufficient time to comply with the requirements for a notice of motion, whether at the same time as the notice of motion of revocation or change or separately.
- (3) The CEO shall not accept a notice of motion of revocation or change which does not comply with these requirements, and the requirements for a notice of motion.
- (4) If the CEO receives a notice of motion to revoke or change a substantive resolution:
- (a) before the close of the meeting at which the substantive resolution was passed, then provided the notice complies with the preceding subclauses, the CEO shall forthwith deliver the notice to the Presiding Member who shall at the earliest opportunity notify the meeting of the notice, and thereafter at the first available opportunity the Presiding Member shall bring on the motion before the close of the meeting.
 - (b) after the closure of the meeting at which the substantive resolution was passed, then provided the notice complies with the preceding subclauses the CEO shall do all things necessary to ensure that the motion is considered at a Special or Ordinary Meeting of the Council held at the earliest opportunity after the meeting at which the substantive resolution was passed.
- (5) If a notice of motion to revoke or change is received by the CEO before any step has been taken to implement the substantive resolution, then no step shall be taken to implement or give effect to the substantive resolution until the motion to revoke or change has been dealt with.

Part 15—Preserving Order

15.1 The Presiding Member to preserve order

The Presiding Member is to preserve order, and may call any member or other person in attendance to order, whenever, in his or her opinion, there is cause for so doing.

15.2 Demand for withdrawal

A member at a meeting of the Council or a committee or a person who asks a question or makes an address may be required by the Presiding Member, or by a decision of the Council or committee, to apologise and unreservedly withdraw any expression which is considered to reflect offensively on any other person, and if the member or person declines or neglects to do so, the Presiding Member may refuse to hear the member or person further upon the matter then under discussion and call upon the next speaker.

15.3 Points of order - when to raise – procedure

Upon a matter of order arising during the progress of a debate, any member may raise a point of order including interrupting the speaker. Any member who is speaking when a point of order is raised, is to immediately stop speaking and be seated while the Presiding Member listens to the point of order.

15.4 Points of order - when valid

The following are to be recognised as valid points of order:

- (a) that the discussion is of a matter not before the Council or committee;
- (b) that offensive or insulting language is being used;
- (c) drawing attention to the violation of any written law, provided that the member making the point of order states the written law believed to be breached.

15.5 Points of order - ruling

The Presiding Member is to give a decision on any point of order which is raised by either upholding or rejecting the point of order.

15.6 Points of order - ruling conclusive, unless dissent motion is moved

The ruling of the Presiding Member upon any question of order is final, unless a majority of the members support a motion of dissent with the ruling.

15.7 Points of order take precedence

Notwithstanding anything contained in these Standing Orders to the contrary, all points of order take precedence over any other discussion and until decided, suspend the consideration and decision of every other matter.

15.8 Precedence of Presiding Member

- (1) When the Presiding Member rises during the progress of a debate, any member of the Council or committee then speaking, or offering to speak, is to immediately sit down and every member of the Council or committee present shall preserve strict silence so that the Presiding Member may be heard without interruption.
- (2) It is an offence to disobey or fail to abide by a direction from the Presiding Member whenever called upon to do so.
- (3) Subclause (1) is not to be used by the Presiding Member to exercise the right provided in clause 9.3, but to preserve order.

15.9 Right of the Presiding Member to adjourn without explanation to regain order

- (1) If a meeting ceases to operate in an orderly manner, the Presiding Member may use discretion to adjourn the meeting for a period of up to fifteen minutes without explanation, for the purpose of regaining order. Upon resumption, debate is to continue at the point at which the meeting was adjourned. If, at any 1 meeting, the Presiding Member has cause to further adjourn the meeting, such adjournment may be to a later time on the same day or to any other day.
- (2) Where debate on a motion is interrupted by an adjournment under subclause (1), the debate is to be resumed at the next meeting at the point where it was so interrupted; and in the case of a Council meeting:
 - (a) the names of members who have spoken on the matter prior to the adjournment are to be recorded in the minutes; and
 - (b) the provisions of clause 9.5 apply when the debate is resumed.

15.10 No communication with members during meetings

- (1) A person, not being a Councillor, shall not at any meeting of the Council interrupt the proceedings of the Council, including attempting to communicate, whether verbally or electronically or by passing written material, with Councillors while a Council meeting is in progress.
- (2) Councillors may communicate with each other verbally or by passing written material provided it does not unnecessarily distract other Councillors.

Part 16—Adjournment of Meeting

16.1 Meeting may be adjourned

The Council or a committee may decide to adjourn any meeting to a later time on the same day, or to any other day.

16.2 Limit to moving adjournment

No member is to move or second more than 1 motion of adjournment during the same sitting of the Council or committee.

16.3 Unopposed business - motion for adjournment

On a motion for the adjournment of the Council or committee, the Presiding Member, before putting the motion, may seek leave of the Council or committee to proceed to the transaction of unopposed business.

16.4 Withdrawal of motion for adjournment

A motion or an amendment relating to the adjournment of the Council or a committee may be withdrawn by the mover, with the consent of the seconder, except that if any member objects to the withdrawal, debate of the motion is to continue.

16.5 Time to which adjourned

The time to which a meeting is adjourned for want of a quorum, by the Presiding Member to regain order, or by decision of the Council, may be to a specified hour on a particular day or to a time which coincides with the conclusion of another meeting or event on a particular day.

16.6 Notice of adjourned meeting

- (1) When a meeting is adjourned to another day, notice of the adjourned meeting shall be forwarded to each councillor as if it was notice of a special meeting, in the manner prescribed in Part 2 of these Standing Orders. The requirement to give 72 hours notice does not apply if there is insufficient time to satisfy this requirement.
- (2) If the adjourned meeting is to be open to the public it shall be regarded as a special meeting of the Council for the purpose of giving local public notice as required by the Regulations.

Part 17—Committees of the Council

17.1 Establishment and appointment of committees

The establishment and appointment of committees is dealt with in the Act.

17.2 Appointment of deputy committee members

The appointment of deputy committee members is dealt with in the Act.

17.3 Presentation of committee reports

When the report or recommendations of a committee are placed before the Council, the adoption of recommendations of the committee is to be first moved by

- (a) the Presiding Member of the Committee if the Presiding Member is a Council member and is in attendance; or
- (b) a Council member who is a member of the committee, if the Presiding Member of the Committee is absent; or
- (c) otherwise, by a Council member who is not a member of the committee.

17.4 Reports of committees - questions

When a recommendation of any committee is submitted for adoption by the Council, any member of the Council may direct questions directly relating to the recommendation through the Presiding Member to the Presiding Member or to any member of the committee in attendance.

17.5 Permissible motions on recommendation from committee

A recommendation made by or contained in the minutes of a committee may be adopted by the Council without amendment or modification, failing which, it may be

- (a) rejected by the Council and replaced by an alternative decision; or
- (b) amended or modified and adopted with such amendment or modification; or
- (c) referred back to the committee for further consideration.

17.6 Standing orders apply to committees

Where not otherwise specifically provided for in the committee's terms of reference, these Standing Orders apply generally to the proceedings of committees, except that the following Standing Orders do not apply to the meeting of a committee

- (a) clause 8.2, in regard to seating;
- (b) clause 9.1, in respect of the requirement to rise;
- (c) clause 9.5, limitation on the number of speeches.
- (d) Clause 10.7(g), in respect to standing orders in view.

17.7 Attendance by members as observers

Members have the right to attend meetings of committees as observers if they are not members or deputy members of the committees. The Presiding Member may allow them to speak on any matter under consideration by the committee but they shall not be entitled to vote.

Part 18—Administrative Matters

18.1 Suspension of standing orders

- (1) The Council or a committee may decide, by simple majority vote, to suspend temporarily 1 or more of the Standing Orders.
- (2) The mover of a motion to suspend temporarily any 1 or more of the Standing Orders is to state the clause or clauses to be suspended, and the purpose of the suspension.

18.2 Cases not provided for in standing orders

The Presiding Member is to decide questions of order, procedure, debate, or otherwise in cases where these Standing Orders and the Act and Regulations are silent. The decision of the Presiding Member in these cases is final, except where a motion is moved and carried under clause 11.1 (f).

18.3 Acts, policies and standing orders and papers for members of the council

The Chief Executive Officer shall provide to each council member as soon as convenient after being elected to office access to the Act, and associated regulations, policies and procedures and local laws regulating and governing the administration of the local government.

18.4 Penalty for breach of standing orders

Any person guilty of any breach of the Standing Orders or any of the provisions hereof, shall be liable upon conviction to a penalty not exceeding those penalties provided by the this local law.

18.5 Enforcement

- (1) The Presiding Member of any Council or committee meeting is authorised to enforce the Standing Orders during the course of the meeting and to liaise with the CEO where appropriate regarding the appropriate action to be taken for any breach.
- (2) No action shall be taken by the City of Nedlands to institute legal proceedings for an alleged breach of the Standing Orders unless by resolution of the Council.
- (3) Council may resolve to deal with any alleged breach of the Standing Orders through the application of the procedures contained within the *Local Government (Rules of Conduct) Regulations 2007*.
- (4) Penalties under the Standing Orders are as per the *Local Government Act 1995* and the Regulations.

Part 19–Common Seal

19.1 Use of common seal

The use of the common seal is dealt with in the Act.

- (1) Any person who uses the common seal of the Local Government or a replica thereof without authority commits an offence.

Penalty \$1,000

Dated this 29th day of April 2009.

The COMMON SEAL OF THE CITY OF NEDLANDS was affixed by authority of a resolution of the Council of 28 April 2009:

Mayor

Chief Executive Officer

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Electronic Council Meetings

Preparing for, Facilitating, Leading and Minuting eMeetings



This Guide will assist Local Governments prepare for and implement electronic meeting (eMeeting) practices.

The Guide is a starting point only and Local Governments should consider this information in context with Meeting Procedures (Standing Orders) Local Laws and practices to facilitate a meeting on the eMeeting selected platform.

[Regulations 14C, 14D, 14E of the Local Government \(Administration\) Regulations 1996](#)

1. Preparing for an Electronic Meeting

1.1. Selecting the Electronic Means – Admin. Regulation 14D

- 1.1.1. Identify an eMeeting platform suitable to your Local Government's needs and capacity. Consider if the selected platform provides the Presiding Member and CEO with oversight of who is / is not connected to an eMeeting – this enables effective management of; departure and return to the meeting (i.e. conflicts of interest), identifying if a Council Member is disconnected during the meeting and closing the meeting to the public.
- 1.1.2. Consider how the Local Government will comply with Admin. Regulation 14E(3) which prescribes that eMeetings will be considered as being open to the public if:
 - The meeting is instantaneously publicly broadcast on a website; OR
 - The meeting or a broadcast of the meeting is otherwise instantaneously accessible to the public; OR
 - The unconfirmed Minutes are made publicly available in accordance with Admin. Regulation 13.
- 1.1.3. The Mayor or President (in writing) or Council (by resolution) must determine the eMeeting method, and must do so in consultation with the CEO [Admin. Reg. 14D(3) & (4)].
- 1.1.4. Before recommending a preferred eMeeting platform, it is recommended the CEO test the proposed eMeeting system, for example:
 - Arrange to have a number of staff conduct a 'mock eMeeting', including debate / voting, to ensure the system is suitable and, if not, eliminated as a means. Any system limitations or nuisances can be included in guidance to Council Members on how to use the selected system and on requirements for conduct and participation in the meeting.

1.2. Public Question Time for eMeetings – Admin. Regulation 14E(4)

- 1.2.1. If the Council provides a means to submit a question prior to the meeting [Admin. Reg. 14E(4)(a)] Council can then determine at the meeting to respond to the question [Admin.Reg.14E(4)(b)(i)] or not respond to the question [Admin.Reg.14E(4)(b)(ii)].
- 1.2.2. The adopted eMeeting Public Question Time Procedure should be publicised so as to inform the community of this opportunity.
- 1.2.3. Key principles for determining public question time arrangements, may include:
 - Facilitate public 'attendance' at eMeetings through:
 - live streaming the meeting; and / or
 - Publishing a recording of the meeting on the website; and / or
 - Enabling participation in public question time by instantaneous means.

- Where these options are not possible, extensively promote the opportunity and the detailed method for the public to submit questions to eMeetings, as this gives your community confidence that they can still engage with their Council. For example:
 - How and where questions can be submitted.
 - The deadline for receipt of questions prior to the eMeeting (if necessary).
 - How responses to questions will be read out at meetings and included in the minutes and provided in writing to the questioner.
- Some Local Governments have public question time 'rules' or protocol that require a questioner to be present for their question to be dealt with at the meeting. This requirement should be set aside for eMeetings as it is likely to be a barrier to genuine support of public participation in the eMeeting format.

1.3. Potential Suspension of Meeting Procedures (Standing Orders) Local Law

- 1.3.1. The CEO should identify if any clauses in the Local Government's Meeting Procedures (Standing Orders) Local Law cannot be complied with or require modification when conducting an eMeeting. For example; requirement for voting by show of hands or for Members to stand when speaking.
- 1.3.2. The CEO to provide an officer recommendation in the eMeeting Agenda, to suspended specified Local Law clauses that may limit eMeeting effectiveness or efficiency.
- 1.3.3. The Presiding Member may then determine how these matters are managed in the eMeeting.

Example Officer Recommendation:

That Council suspend the operation of clauses (<<insert clause numbers>>) of the (<<insert Local Government Name>>) Meeting Procedures Local Law for the duration of this electronic meeting and that these matters be determined at the discretion of the Presiding Member.

***NOTE:** Insert the officer recommendation into the eMeeting Agenda at a point after the 'Public Question Time' Agenda Item to comply with Administration Regulation 7(2).*

1.4. Giving Notice of an eMeeting

- 1.4.1. Where a Local Government has insufficient time to provide Local Public Notice of changing a scheduled Ordinary Council Meeting to an eMeeting, then the Local Government should make its best attempt to ensure that the community is informed of the change, including:
 - A prominent notice on the Local Government's website.
 - A prominent statement in the Notice of Meeting [s.5.5] provided with the agenda.
 - A prominent notice on the Local Government's noticeboards and at the entry to the Council Chamber.
- 1.4.2. Where subsequent meetings are required to continue as eMeetings, then in accordance with Administration Regulation 12(2), the Local Government is required to give Local Public Notice of the change to the meeting place i.e. that scheduled meetings (as listed) will be held as eMeetings.
- 1.4.3. The Notice of change to eMeetings should include information about how members of the public can participate in eMeeting public question time.

1.5. Preparing Council Members for eMeetings

- 1.5.1. Once Council has approved the eMeetings platform, the CEO may prepare a Council Member eMeeting Guide outlining practices for how eMeetings will be facilitated. Consider guidance on:
- Establishing connection to an eMeeting and what to do if connection is lost (include screen shots for visual navigation to assist those who may not be 'tech savvy').
 - Consider what method Council Members will use to signal to the Presiding Member. For example, some Local Governments using video eMeeting platforms have issued Council Members with coloured signs that can be held up as a visible cue to the Presiding Member i.e. a yellow card printed with the word 'QUESTION' held up indicates that the member wishes to ask a question during the debate, or a green card printed with "I vote FOR" and a red card printed with "I vote AGAINST" could be used to indicate each member's vote.
 - Council Member conduct and participation in an eMeeting, including the application of the Local Government's Meeting Procedures Local Law.
 - Disclosing interests and how to depart and re-join eMeetings.
 - Voting protocols – see also **Item 3.2**.
- 1.5.2. The Local Government may choose to conduct a 'mock eMeeting' with Council Members, CEO and the Minute Taker, to familiarise participants with eMeeting practices.
- Use a previous Council agenda and encourage Council Members to debate items, call points of order, move amendments and alternative motions and generally practice in an eMeeting setting, circumstances that apply to any Council Meeting.
 - The 'mock eMeeting' will help to iron out any issues and could be used to update, if necessary, the Council Member eMeeting Guide (refer **Item 1.5.1**).

1.6. Assessment of 'suitable place' prior to eMeeting

- 1.6.1. Administration Regulation 14A specifically defines a 'suitable place' to be used by a Council Member, which must be approved before they can attend a meeting by telephone. The same principle applies to eMeetings too, as the suitability of the 'place' may impact the confidentiality of matters behind closed doors, and otherwise risk Council Members being interrupted during the meeting. Therefore, the following assessment should be applied to an eMeeting:
- The Presiding Member and CEO should work collaboratively with Council Members to assist them to make suitable place arrangements.
 - Council Members should advise the Presiding Member by email (cc'd to the CEO for records capture), the place they will use to connect to an eMeeting and how this place controls the risk of a confidentiality breach and limits the potential for interruptions.
 - The Presiding Member should review each Council Member's 'place' arrangements and if considered a suitable place, the Presiding Member provides approval of the place by return email to the Council Member (cc'd to the CEO for evidence of compliance).

Additionally, the requirements of Administration Regulation 14A for a suitable place to be within a 'townsite' or 'residential area' do not apply to an eMeeting.

Lastly, a Council Member cannot attend an eMeeting outside the State of Western Australia as it is outside the jurisdiction of the *Local Government Act 1995*.

2. Principles for Everyone Participating in eMeetings

2.1. Before an eMeeting (...well before the day of the eMeeting!)

- 2.1.1. Make sure you have taken time to prepare to participate in an eMeeting.
 - Familiarise yourself with your Local Government's eMeeting guidance and seek advice from the CEO to clarify matters you are unsure about.
 - Read the agenda and prepare notes to help you address key issues in debate. Participate in an Agenda Briefing if this practiced by your Local Government.
- 2.1.2. Asking complex questions during an eMeeting may reduce efficiency and effectiveness. Council Members should email questions to the CEO at the earliest opportunity before an eMeeting, so the CEO can provide advice and information before the Meeting commences.
- 2.1.3. **Disclose conflicts of interest** by email to the CEO before the meeting commences. Early disclosure will contribute to an efficient eMeeting, permit the Presiding Member to prepare for your departure from the meeting in the case of a pecuniary interest and, crucially, will ensure you do not commit a serious breach of the Local Government Act by failing to make an appropriate declaration or participate and vote on a matter in which you have an interest..
- 2.1.4. Submit Leave of Absence requests by email to the CEO before an eMeeting commences. The CEO may then collate requests and prepare an officer recommendation for inclusion in the Agenda or for tabling, further improving meeting efficiency.

2.2. Behaviour Protocols for eMeetings

- 2.2.1. Remember, it is the Presiding Member's responsibility to preserve order in the meeting and this can be more difficult in an eMeeting. Therefore, each Council Member must consistently and respectfully follow the Local Government's Meeting Procedures Local Law, any additional eMeeting guidance provided by the Local Government and support the Presiding Member in their conduct of the eMeeting.
- 2.2.2. The pace of an eMeeting should be slow and orderly. The following practices will help avoid confusion and support effective eMeetings:
 - Speak clearly and slowly, as connections may be distorted or delayed.
 - Always **state your name** to indicate to the Presiding Member that you wish to speak. Restate your name if the Presiding Member has not heard you at first.
 - In debate, only speak after the Presiding Member has acknowledged you. Then **state your name**, so that others know who is speaking.
 - Follow the Presiding Member's directions and rulings.
 - If you are unclear about what is happening in an eMeeting, immediately **state your name** to draw the Presiding Member's attention and enable you to then seek clarification from the Presiding Member.
 - Avoid looking for opportunities to call Points of Order; instead, politely and respectfully gain the Presiding Member's attention and explain any deviation from your Meeting Procedures, the Local Government Act or any other relevant matter.

2.3. Leaving and Returning to an eMeeting

2.3.1. If you have disclosed an interest or need to leave an eMeeting for any other reason, you **MUST** advise and be acknowledged by the Presiding Member before you leave and when you return. Admin. Regulation 11(b) prescribes this information must be recorded in the Minutes.

- **State your name** and wait until the Presiding Member acknowledges you. Restate your name if the Presiding Member has not heard you at first.
- When acknowledged by the Presiding Member, advise the meeting of the reason for leaving the meeting, for example:

- *I have disclosed an interest and am required to leave the meeting for discussion of this item.*

Dependent on the functionality of your electronic means, you may be disconnected from the meeting and then reconnected once the item in which you have an interest has been resolved. When you return, **state your name** so the Presiding Member can acknowledge the time you returned to the meeting for the Minutes.

OR

- *I wish to leave the meeting for a short period and I will advise the Presiding Member when I return.*

If you are leaving the place approved for connection to the eMeeting, make sure that no-one else is able to access or interfere with your eMeeting connection and when you return, **state your name** so the Presiding Member can acknowledge the time your returned to the meeting for the Minutes.

OR

- *I wish to leave the meeting and will not be returning.*

Ensure the Presiding Member acknowledges the time of your departure from the eMeeting for recording in the Minutes, before you disconnect from the eMeeting.

Example text for Minutes:

Insert before the relevant item:

6.35pm Cr Brown had previously disclosed a financial interest in Item 9.3 'Lease of 23 Green Street' and was disconnected and left the electronic meeting.

Inserted after the resolution of the relevant item:

6.48pm Cr Brown was reconnected and re-joined the electronic meeting.

3. Additional Guiding Principles for Presiding Members

3.1. Leading eMeetings

- 3.1.1. The Presiding Member role is to lead and facilitate the smooth transaction of the business of Council. It is recommended Presiding Members consider the following advice to ensure eMeetings are as effective and efficient as possible:
- 3.1.2. Slow the meeting down! Participating in an electronic meeting will be more difficult for Council Members to follow; this particularly so for the Minute Taker.

- Introduce each agenda item, stating item number and title - this will help Council Members and the public (if the meeting is broadcast) to follow the eMeeting's progress.
- After each Item, ask attendees to indicate if they are ready to move to the next item and allow a pause to enable time for attendees to respond (if required).
- If not in visual contact, select junctures throughout the eMeeting to conduct a 'role call' to ensure Council Members have connectivity with the meeting.

3.2. Facilitating Motions and Voting

- 3.2.1. When calling for movers / seconders, there may be multiple Council Members speaking at once - try to be fair and ensure you are not always selecting the same Council Member/s.
- 3.2.2. The Meeting Procedures (Standing Orders) Local Law may specify how a vote must be taken i.e. show of hands. A Council resolution at the start of the meeting may be appropriate to suspend specific Local Law clauses for eMeetings – see **Item 1.3**
- 3.2.3. The method of calling for a vote may be specified in the Meeting Procedure Local Law, and may need modification for eMeetings. Consider if one of the following voting practices may be appropriate:

- Voting by exception – Ask Council Members to indicate if they wish to vote **against** the motion. If no Council Member responds, the motion is declared **carried unanimously** and minuted accordingly.

If one or more Council Members are against, the Presiding Member will obtain the names of each Council Member wishing to vote **against** the motion, and deduce whether this results in the vote being **carried** or **lost**. In this case, the number of votes for and against must be announced for minute-taking purposes.

- Voting by all Council Members – Each Council Member is asked to advise the meeting of their vote. For example:

Presiding Member: *"I will put the motion and ask Council Members to state their vote as either 'for' or 'against', when I call their name."*

The Presiding Member calls each Council Member by name and in turn, awaits each Member's response.

Cr Response: *"I, Cr Fernandez, votes FOR the motion."*

Presiding Member: *"Thank you Cr Fernandez, your vote FOR the motion is noted."*

The Presiding Member then calls on the each remaining Council Member to vote, continuing this process until all votes have been recorded.

Presiding Member: *"The motion is (CARRIED or LOST)"*

with the number of votes for and against announced for minute-taking purposes.

4. Conducting the eMeeting

4.1. Immediately before an eMeeting commences

- 4.1.1. If recording or live streaming the eMeeting to the public, the CEO should ensure the relevant systems are tested off-line before Council Members connect to the eMeeting platform.

- 4.1.2. Ensure all Council Members and staff are connected to the eMeeting at least 10 minutes before the scheduled meeting time. Use this time to test each connection to ensure each person can be heard by, and can hear the Presiding Member, CEO and each other.
- 4.1.3. CEO to ensure that technical staff are available to assist in resolving issues that may occur during the meeting.
- 4.1.4. CEO to ensure that the Minute Taker is able to communicate with the Presiding Member, so the accuracy of Minutes can be facilitated.
- 4.1.5. Presiding Member to remind Council Members of the Local Government's agreed protocols for participating in an eMeeting (as outlined in the Local Government's eMeeting guide).
- 4.1.6. If all systems are go... await the meeting commencement time.

Example text for Minutes:

Prior to commencement of this electronic meeting Council Member and other attendee connections by electronic means were tested and confirmed.

The Presiding Member declared the meeting open at 6.00pm.

4.2. During an eMeeting

- 4.2.1. **Welcome and Announcements** – If the eMeeting is live streamed broadcast, the Presiding Member should advise members of the public about how the eMeeting will be conducted.

Example text for Minutes:

1. Declaration of Opening

The Presiding Member declared the meeting open at 6.00pm.

2. Announcements from the Presiding Member

The Presiding Member welcomed Council Members, staff and members of the public receiving the broadcast of this electronic meeting, which is conducted in accordance with the *Local Government (Administration) Regulations 1996*.

The Presiding Member advised that the *[Shire's / Town's / City's]* meeting procedures will be modified to ensure Council Members and the public can follow and participate in the meeting as it progresses.

(other announcements can then be made and recorded in the Minutes i.e. Acknowledgement of Country)

- 4.2.2. **Attendance** - The Presiding Member should confirm that each person expected to attend the meeting is connected to the eMeeting platform and therefore in attendance. For example:

Presiding Member: *"Council Members and staff please respond when your name is called to confirm that you are in attendance. ...Cr Smith?"*

Cr Response: *"Cr Smith is here!"*

The Presiding Member calls on the next person to confirm their attendance and awaits their response, continuing until all persons expected to attend are confirmed.

Presiding Member: *"Is there anyone in attendance that has not yet been recorded?"*

Example text for Minutes:

3. Attendance

The Presiding Member asked Council Members and staff to confirm that they are connected and in attendance, with the following attendees so confirmed:

(List attendees)

- 4.2.3. **Public Question Time** – The Presiding Member should announce at the meeting the procedures for the public to submit questions to eMeetings and receive responses.

Example text for Minutes:

4. Public Question Time

The Presiding Member advised that the [Shire / Town / City] had implemented the following procedures for members of the public to submit questions and receive responses:

(Insert the procedures in the Minutes for the public record)

The Presiding Member then read aloud the questions received from members of the public and the [Shire's / Town's / City's] response.

(Insert the public questions and responses as per the Local Government's usual minute practices)

- 4.2.4. **Matters Behind Closed Doors** - Whether an eMeeting is live-streamed or not, the Council must pass a motion to go behind closed doors, so that the closure and re-opening of the meeting and the matters behind closed doors can be appropriately recorded in Minutes.

"This meeting will now proceed behind closed doors, I ask the CEO to suspend the live streaming / recording of this meeting now and confirm when this has occurred... I note for the Minutes that the meeting was closed to the public at 0.00pm."

If live streaming, the normal process of coming out from behind closed doors, reconnecting with the public and informing them of the confidential resolutions will still apply.

4.3. Conflicts of Interests in an eMeeting

- 4.3.1. At the Declaration/Disclosure of Interest Item of Business, the Presiding Member will read aloud each disclosure of interest received before the meeting.

- The Presiding Member will then ask if there are any further disclosures to be made. Council Members should ensure they make any additional disclosures at this point so that the Minute Taker can record the relevant Agenda Items.
- Subsequently, the Presiding Member will announce disclosed interests just prior to the relevant Agenda Item.

- 4.3.2. Example process for disclosing interests in an eMeeting:

- **State your name** and wait for the Presiding Member to acknowledge you.

- Once acknowledged by the Presiding Member, **state the conflict of interest** being disclosed (financial / indirect financial / proximity / impartiality) and the relevant Agenda Item and Title.
- The Presiding Member will acknowledge the interest by repeating the Council Member's name and the details of the interest for recording in the Minutes.
- After the meeting, Council Members must provide the disclosure of interest in writing by email to the CEO.

Example text for Minutes:

The Presiding Member read aloud the following listed disclosures of interest received before the meeting:

(List disclosures as per usual practice)

The Presiding Member asked if Council Members had any further conflicts of interest to disclose in regard to any item included in the agenda.

No further declarations were made by Council Members.

OR

The following additional declarations were provided by Council Members: *(List disclosures as per usual practice)*

4.4. Maintaining Attendee Connection to an eMeeting

- 4.4.1. Presiding Members will need to periodically evidence that eMeeting attendees (Council Members, CEO and the Minute Taker) remain connected and in attendance throughout an eMeeting. Checks may be required more frequently if there have been technical difficulties during the meeting. Regular checks ensure that the Minutes evidence a quorum has been maintained throughout the meeting. A check may take the form of a 'roll call' after every couple of agenda items, with the Minutes recording the outcome.

Example text for Minutes:

Attendance Check

6.35pm The Presiding Member checked with each attendee and confirmed that all attendees remained connected and in attendance at the electronic meeting.

- 4.4.2. If a Council Member loses connection to an eMeeting, the Presiding Member should advise the meeting the time the absence of the Member is noted for recording in the Minutes. The Presiding Member should ask the meeting to wait until the Council Member is reconnected.
- 4.4.3. **Dealing with Technical Difficulties** - It may be necessary for the Presiding Member to adjourn the meeting for a short period to allow technical difficulties to be resolved.
- Adjourn the meeting for a specified period of time estimated for the technical difficulties to be resolved (i.e. 15 Minutes), advising Members and the public of the time that the meeting will reconvene. Check your Meeting Procedures Local Law for relevant provisions.
 - Before adjourning the meeting, the Presiding Member must take a 'roll call' so that the Minutes record each person in attendance at the point of adjournment.

- When the meeting is reconvened, the Presiding Member must announce the time the meeting is reconvened and again take a 'roll call' so the Minutes record each person in attendance at the meeting at the point the meeting is reconvened.

Example text for Minutes:

Adjournment

7.25pm The Presiding Member advised that the meeting is adjourned and will reconvene in 15 Minutes, to enable technical difficulties associated with the electronic meeting to be resolved, with the following in attendance at the time of the adjournment:

(List Attendees)

7.40pm The Presiding Member reconvened the electronic meeting, with the following in attendance:

(List Attendees)

- 4.4.4. **Closing the Meeting** – Before closing the meeting, the Presiding Member should undertake a final 'roll call' so the Minutes evidence continued attendance of Elected Members.

5. After the Meeting

- 5.1.1. Any document tabled at the meeting, including circulated by electronic means, must be made available for public inspection in accordance with Admin. Regulations 14 and 14E(5).
- 5.1.2. Unconfirmed Minutes of a Council Meeting, including an eMeeting, are to be available for public inspection within 10 business days of the meeting - Admin Regulation 13(a).
- 5.1.3. Unconfirmed Minutes of a Committee Meeting, including an eMeeting, are to be available for public inspection within 5 business days of the meeting – Admin Regulation 13(b).

Tip:

Good Governance Practice:

If the office of Mayor or President is vacant, or the Mayor or President is not available or is unable or unwilling to perform the functions of the Mayor or President, then s.5.34 of the Act provides that the Deputy Mayor or Deputy President may perform the Mayor or President's functions.

Further, if the office of Deputy Mayor or Deputy President is vacant, or the Deputy Mayor or Deputy President is not available or is unable or unwilling to perform the Mayor or President's functions for a time known to the Council, then s.5.35 of the Act provides that the Council may appoint a Councillor to perform the functions of Mayor or President during that time.

If the CEO is unavailable or unable to perform the CEO's functions, then the Council may resolve to appoint a person as the Acting CEO if the Council believes the person to be suitably qualified and experienced to perform the CEO's functions [s.5.36(2)].

6. Process of Motions for eMeetings (Voting by Exception)

Process of Motions	eMeeting Practices
INTRODUCE the Item	Presiding Member announces: <i>"(Item number and report title)"</i>
Call & Name MOVER and SECONDER	Presiding Member asks: <i>"Council Members, please indicate by stating your name, if you wish to MOVE the officer recommendation."</i> Council Members state their name and the Presiding Member select the Mover and states: <i>"The officer recommendation as stated in the agenda is moved by Cr XXXX."</i> <i>"Council Members, please indicate by stating your name if you wish to second the motion."</i> Council Members state their name and the Presiding Member select the Mover and states: <i>"The motion is seconded by Cr YYYY."</i>
Invite MOVER to SPEAK	Presiding Member asks: <i>"Cr XXXX, as the Mover, would you like to open debate?"</i> Cr Response: <i>"(State your name), thank you Presiding Member, I wish to speak to the motion... (Proceed to speak on the motion)."</i>
Invite SECONDER to SPEAK	Presiding Member asks: <i>"Cr YYYY, as the Secunder, would you like speak in the debate?"</i> Cr Response: <i>(State your name), thank you Presiding Member, I wish to speak to the motion... (Proceed to speak on the motion).</i>
Identify COUNCIL MEMBERS to Participate in Debate	Presiding Member asks: <i>"Council Members, when I call your name please indicate if you wish to speak in this debate and if so, whether you wish to speak FOR or AGAINST the motion."</i> Cr Response: Council Members respond by stating their name and debating intention, i.e. <i>"(State your name) I wish to speak FOR / AGAINST the motion."</i> <u>OR</u> <i>"(State your name) I do not wish to speak on the motion."</i> Stating names when responding may help to avoid confusion.

Process of Motions	eMeeting Practices
Determine the ORDER of DEBATE	The Presiding Member (or CEO) records a list of speakers FOR and AGAINST the motion. The Presiding Member determines the “call / order of debate”.
Call Members to Speak ALTERNATE between speakers AGAINST and FOR	The Presiding Member calls on the speakers listed, alternating between a speaker AGAINST the motion and a speaker FOR the motion, until all speakers have spoken.
Check for any further Speakers / Questions	After all previously recorded speakers have spoken, the Presiding Member may ask: <i>“Any other Council Member, who has not previously spoken, now wishes to speak, please state your name now.”</i>
Ask the Mover to CLOSE DEBATE	Once all speakers have spoken the Presiding Member offers the Mover the Right of Reply: <i>“Cr XXXX, as the Mover of the motion, would you now like to take the ‘Right of Reply’ and close the debate?”</i> Cr Response: <i>“(States their name), thank you Presiding Member, I do (OR do not) wish to take my ‘Right of Reply’...”</i>
Read or Summarise the MOTION	Presiding Member states: <i>“The debate is now closed and I remind Council Members that this motion is to (re-state or summarise the motion).”</i>
Put the MOTION to the VOTE	Presiding Member states: <i>“I will put the motion. Is anyone against the motion?”</i>
DECLARE the RESULT BY EXCEPTION	If no-one is against, the Presiding Member states: <i>“I declare the motion carried unanimously”</i>
DECLARE the RESULT VOTERS FOR and AGAINST	If there are voters against the motion, the Presiding Member to acknowledge each vote by stating: <i>“Thank you Councillors XXX, YYY and ZZZ your votes Against the motion are noted.”</i> Presiding Member states: <i>“I declare the motion (CARRIED/LOST including the number of votes) i.e. ‘6/3’.</i>

13.9 RFT 2019-20.06 Construction of concrete footpaths

Council	26 May 2020
Applicant	City of Nedlands
Employee Disclosure: s5.70 of the Local Government Act 1995	Nil
Director	Lorraine Driscoll, Director Corporate & Strategy
CEO	Mark Goodlet
Confidential Attachments	1. CONFIDENTIAL - Tender Evaluation Report 2019-20.06 Construction of Concrete Footpaths

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Bennett

Seconded – Councillor Wetherall

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 12/-

Council Resolution / Recommendation to Council**Council:**

- 1. agrees to award tender RFT 2019-20.06 Construction of Concrete Footpaths to Axiis Contractors Pty Ltd for the schedule of rates as provided in Section 6.5.1 of the tender offer; and**
- 2. authorises the Chief Executive Officer to sign an acceptance of offer for this tender.**

Executive Summary

The City has an ongoing requirement for a contractor to provide concrete footpath construction works. The work to be executed under this contract consists of the construction of insitu concrete footpaths within the Principal's boundaries. This entails the Contractor supplying the concrete, in strict accordance with the Specification and drawings, ensuring levels, grade, surface finish, jointing or any other matter related to the concrete footpath and all traffic management requirements are met.

The Works involve the construction of footpaths at any location within the City of Nedlands and may take the form of:

- Complete management of the footpath project.

- Preparation of proposed footpath alignment, protection of services, and traffic management.
- Construction of footpath as detailed for each job.
- Reinstatement of roads, kerb, crossovers, paths and verges to a state at least as previous condition and as determined by the City of Nedlands on completion of the Work.

A Request for Tender was put to the market on 04 December 2019. Four responses were received and the results of the evaluation of those tenders can be found in the attached document Tender Evaluation Report 2019-20.06 Construction of Concrete Footpaths.

Discussion/Overview

The Evaluation Panel recommended that Axiis Contracting be awarded the contract for the works.

Axiis was the second lowest price tenderer at \$122,710 (based on estimated annual usage volumes for each schedule item).

Axiis have a large experienced team, a large fleet of vehicles and equipment and provided contingency plans. They provided detailed descriptions of past local government work including challenges met and solutions. They have a well-documented quality management plan. They demonstrated the ability to deliver the standard and quality of the work expected under the contract.

In summary, the evaluation results showed that the tender from Axiis Contracting Pty Ltd represents the best value for money option for the City.

Key Relevant Previous Council Decisions:

Not applicable

Consultation

Not applicable.

Budget/Financial Implications

Within current approved budget:

Yes ☒

No ☐

Requires further budget consideration:

Yes ☐

No ☒

Risk Management

Failing to appoint the contract will impact on the City's ability to complete the Operational Works Schedule.

13.10 Wood Chipper Replacement

Council	26 May 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Jim Duff – Director Technical Services
CEO	Mark Goodlet
Attachments	Nil.
Confidential Attachments	Nil.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Mangano

Seconded – Councillor Smyth

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 12/-

Council Resolution / Recommendation to Council

Council approves the inclusion of a line item within the 2019/2020 plant and equipment capital budget for the replacement of the woodchipper, funded through the deferral of two existing budget line items for Hino truck replacements into 2021/2022.

Executive Summary

The City of Nedlands (City) owns a commercial wood chipping machine (chipper) that is 12 years old. The chipper is used frequently as part of the maintenance programs supporting the City's vision that "our gardens, streets, parks and bushland will be clean, green and tree-lined".

The woodchipper has been in operation beyond its anticipated asset life and given its age and condition it was returned to the Original Equipment Manufacturer (OEM) supplier for overhaul and safety recertification. During this process it was identified the chipper had several defects that resulted in it being classified as non-compliant with the costs to rectify the defects far exceeding any economic return. To meet safety standards and legislative obligations, replacement of the chipper is proposed as a level one budget priority in 2019/2020. The woodchipper can be replaced with no increase in existing 2019/20 budget by deferring two lower priority fleet assets currently listed on the plant and equipment capital replacement program.

Discussion/Overview

Background and Context

The City's chipper is frequently used by operational crews keeping community parks, gardens, streets and bushland clean, tidy and safe through the removal of tree debris. The chipper creates wood chips which are a raw material input in the production of high quality, pathogen free mulch, which is in turn used across the City to enhance the natural environment in a sustainable manner. The asset is 12 years old having been extended beyond its initial anticipated asset life and has required increasingly costly, frequent maintenance and repairs. The age and condition of the chipper significantly heightens the safety risk associated with its use.

Wood chipping machines are inherently dangerous to operate, with severe health and reputational consequences in the event of failure. Commercial woodchippers, such as the one owned by the City, also travel on public roads. Ensuring the safe operation and roadworthiness of the chipper is therefore imperative and addressing the poor condition of the City's chipper should be considered a level one budget priority.

In particular, the City has a legislated obligation under the *Occupational Safety and Health Act 1984 (WA)* and the *Occupational Safety and Health Regulations 1996 (WA)* to provide a safe workplace (including equipment) and minimize risk to operators and the community from the use of mobile plant and equipment.

Current Safety Issues

The City has ensured regular servicing, maintenance and small repairs to the chipper throughout its life; however, the age and condition of the chipper have now resulted in a level of disrepair that creates ongoing safety concerns. In particular, servicing and safety inspections conducted by the Original Equipment Manufacturer (OEM) supplier have identified the following key issues:

- Severe wear to the cutting disc, increasing the risk that the knife pocket will wear through to the bolts, allowing the knives to fly loose, and the risk that the disc may fracture.
- Severe wear and damage to the axle/suspension.
- Severe wear to the brakes.
- Emergency stop button does not meet current standards.
- Infeed tray side panels do not meet current standards.
- Chute height adjuster, pusher paddle and electric fuel pump require replacement.

Condition reports on these matters have been provided by the OEM supplier verifying the defects.

In relation to the above, a safety hazard was identified, logged and investigated. As a result, the chipper was tagged out of service to minimise risk to operators and the community and cannot currently be used in the City's maintenance programs.

Options

Given the chipper's current condition and its age, one of the following options should be progressed as soon as practicable to ensure the City meets its safety obligations and operational crews can continue their program of work. An option to continue small ad-hoc repairs and servicing and return the chipper to active service does not address the long-term wear and tear safety concerns and is therefore not considered here.

Option 1 (Rectification):

To fully rectify all issues on the chipper and upgrade all safety features to bring it up to current Australian standards, the cost is upward of \$30,000.

This work would take some months to be complete due to the availability of parts, however, some work could commence immediately within current budget allowances. The remainder of the work would need to be completed in early 2020/2021 as parts become available and an additional \$20,000 or more would need to be included for plant and equipment operating expenses next financial year. A short-term rental may also be required in the intervening period at a cost of \$5,800 per month.

This approach also does not preclude any further repairs that are currently unforeseen but may arise from continued use.

Option 2 (Rental):

Dispose of the existing chipper and rent a more current model from a third-party rental provider at a cost of \$55,000 per annum.

Disposal of the existing chipper may bring in one off revenue of approximately \$5,000, however, an ongoing allowance would need to be made for plant and equipment in future operating budgets.

Option 3 (Replacement):

Replace the existing chipper for a new model of similar capacity at a net change over cost of approximately \$100,000. This can be accommodated within the current 2019/2020 budget allocation of \$120,000 for plant and equipment by deferring the replacement of two truck assets.

A new chipper would not only ensure full functionality and good asset condition but would provide operators and the community with a much safer option than the existing model as new model chippers are fitted with next generation safety systems.

A formal RFQ process will need to be conducted and final cost and delivery timeframes will be dependent on brand/model selected from that process. There may be a need to rent a chipper in the short term, at \$5,800 per month, until the new chipper is delivered.

Option Analysis

Option 1 rectification, is NOT recommended as it does not represent good value (being approximately 30% of the cost of a new machine) and does not guarantee the long term viability of the chipper if other, currently unforeseen, repairs become necessary in future.

Option 2, rental, is NOT recommended as this is inconsistent with the City's current approach to plant and equipment ownership and does not represent good value (being approximately 50% of the cost of a new machine each year). A rental, however, could be made available immediately and would meet operational needs.

Option 3, asset replacement, is RECOMMENDED as it is consistent with the City's approach to plant and equipment ownership, has an anticipated asset life of 8 years and represents best long-term value. A reliable, safe chipper owned by the City will also best ensure the continuity of important maintenance programs across the City in relation to parks, gardens, streets and bushland.

Consultation

Nil.

Strategic Implications

How well does it fit with our strategic direction?

The option to replace the existing chipper ensures a safe, reliable and cost-effective piece of equipment is available for the delivery of services necessary to achieve the City's vision of an environmentally sensitive, beautiful and inclusive place. The option is in alignment with the City's values of "healthy and safe", "great natural environment", "high standard of services" and "great communities".

In regard to strategic priorities as set out in the Strategic Community Plan 2018-2028, a new chipper would ensure continuity of services in support of the following:

- Provide, retain and maintain public trees in streets and on reserves to at least maintain the urban forest canopy.
- Optimise reuse of recyclable or compostable materials.
- Maintain parks and other green spaces.
- Maintain the level of service for parks, ovals and associated equipment.

Who benefits?

The primary benefit of procuring a new chipper is to ensure the safety of City operators and all members of the community and meet relevant workplace, equipment and road safety obligations.

The new chipper would also be used across the City to maintain the beauty, viability, sustainability and safety of greenspaces and streets. A replacement chipper, with an anticipated asset life of 8 years also represents a good value financial outcome for the City's rate payers.

The woodchipper is a key organic recycling tool for the City. Its use contributes to the disposal and recycling of wood waste and its reuse in City garden and public open spaces.

Does it involve a tolerable risk?

To not address the current disrepair and age of the existing chipper and to allow it to continue in service would represent an unacceptable risk in terms of safety to operators and the community, as it does not meet the City's legislated safety obligations. To do nothing and have the existing chipper remain out of service also represents an intolerable risk to the City as operational crews would not be able to perform their program of work. Obtaining a new chipper would mitigate the above safety and operational risks and ensure the City meets its legislated obligations.

The recommended option is considered low risk overall as a full RFQ process will be undertaken to ensure good governance and best value in the procurement process, crews will be inducted in the safe operation of the new machine and a new model will include modern, superior safety systems. From a whole of asset life perspective, if operational needs or the City's approach to plant and equipment ownership change in the future, the chipper would still be available for disposal in the same manner as all other plant and equipment.

Do we have the information we need?

Information in relation to the current condition and issues with the chipper is based on recurrent condition reports from the repairer/servicing agent and all cost information is based on up to date market research.

Budget/Financial Implications

The chipper is not currently included as an expenditure line item in the 2019-2020 capital budget. There is, however, currently \$120,000 in the 2019/2020 capital works budget allocated to the replacement of two Hino trucks. Replacement of these trucks would be considered a level five budget priority. Furthermore, the existing Hino truck assets are in excellent condition with low kilometers and extending the asset life of these trucks by 24 months represents good value to the City. There are no negative financial, operational or safety impacts in deferring asset replacement of the two trucks into 2021/2022.

Can we afford it?

It is recommended that the new chipper be funded from the 2019/2020 plant and equipment capital budget without any budget increase by deferral of the two Hino trucks into 2021/2022. An increase in operating costs for repair and maintenance of the two trucks across the additional 24 months of service life is not anticipated based on condition and usage.

The existing chipper has been utilised over an extended asset life and a new chipper would have an allocated asset life of eight years. The existing chipper has been requiring frequent repairs and maintenance and a new chipper would not be anticipated to have such high operating costs.

How does the option impact upon rates?

Allocating the budgeted \$120,000 to the procurement of a new wood chipper represents roughly 0.5% of rates, however, this does not represent any increase in the 2019/2020 budget. Furthermore, the deferral of the replacement of two Hino trucks for 24 months will extend the life of those trucks and will offset any impact on rates.

In the broader context, a review of all fleet assets has been recently undertaken to identify all replacements that can be deferred safely based on condition, kilometers and utilisation, leading to a substantially reduced plant and equipment capital works budget proposal for 2020/2021. This is to ensure there is no upward pressure on rates from a fleet perspective. Within this context, the chipper was still identified as needing immediate replacement and considered a priority one budget item due to safety and legislation.

13.11 Community Working Group

Council Date	26 May 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Peter Mickleson – Director Planning & Development
Reference	NOM – 28 April 2020
Previous Item	Nil
Attachments	1. Draft Community Working Group - Terms of Reference 2. Draft Expression of Interest Registration Form

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Coghlan

Seconded – Councillor Bennett

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED 9/3

(Against: Crs. Hay Mangano & McManus)

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

1. endorses the Terms of Reference for Community Working Groups as per Attachment 1;
2. endorses the expression of interest and ballot selection process proposed in this report;
3. instructs the CEO to undertake a review of the LPP Consultation of Planning Proposals to include referral of material to the Community Working Group as part of the consultation process; and
4. requests the revised LPP Consultation of Planning Proposals be presented back to Council for consent to advertise in accordance with Schedule 2, Part 2, Division 2, Clause 5 Procedure for Amending Local Planning Policies of the Deemed Provisions, Planning and Development Regulations (Local Planning Schemes) 2015.

1.0 Executive Summary

At its meeting held 28 April 2020, Council resolved that the CEO prepare a Terms of Reference for a Community Working Group, as follows:

“That Council:

1. instructs the CEO to prepare a Terms of Reference (ToR) for a Community Working Group consisting of 12 community members and chaired by a Councillor, with a Secretariat provided by the Administration for support. The Terms of Reference are to be presented to Council in May 2020 for endorsement and are to include the following in respect of the Working Group’s role to review and provide comment to the Planning Committee on:
 - a. draft Local Planning Policies and other local planning instruments (pre-advertising) that relate to the implementation of LPS3;
 - b. complex Development Applications, as a way of replacing current, non-regulatory Community Information sessions;
 - c. draft Business Plan developed by the Planning Committee;
 - d. options for consulting with the wider community as part of the statutory advertising period ; and
 - e. specific matters in the R Codes (Volumes 1 and 2) that can be amended or replaced by Local Planning Policies or other local planning instruments; and
2. the Terms of Reference should also recognise that the Community Working Group is to:
 - a. meet fortnightly for 12 months (then review for ongoing need);
 - b. consist of 12 members of the community who are:
 - i. generally representative of the City’s demographics and selected from the local community and stakeholder groups that are currently engaged in the implementation of LPS3 (includes residents affected by recent development projects or who have lodged a Development Application recently); and
 - ii. appointed through a public Expression of Interest process that is independently facilitated; and
 - 1) observe a code of conduct;
 - 2) not make decisions, only give advice; and
 - 3) elect two members to represent it on the Planning Committee.”

The premise of establishing a Community Working Group is to provide an important conduit between Council and the community to help facilitate greater transparency and understanding of the various issues and concerns relating to planning matters. The Council, Administration and the community recognise the opportunity and important need to collaborate in developing local planning policies that provide clearer guidance relating to future development in the City.

The Terms of Reference will help guide how the Community Working Group meetings will be conducted, outline its function, and establish agreed protocols to be adhered to by all appointed Community Working Group members. It is envisaged that the Terms of Reference would form part of a revised Local Planning Policy - Consultation of Planning Proposals.

3.0 Background

The gazettal of Local Planning Scheme No.3 (LPS3) in April 2019, which coincided with the implementation by State Government of Design WA and the Residential Design Codes Volume 2, has created significant angst and concern among the community and the Council.

The adoption of LPS3 has resulted in a notable lack of congruence between the City's previously adopted local planning policies and instruments that reflect the desired development outcomes for the City and in some instances, the absence of any suitable planning provisions to guide appropriate development within the City. To help rectify this, the City is presently undertaking a review of all of its existing local planning policies, which includes the revocation of some existing local planning policies and the development of new local planning policies. The community have also been proactive in developing a number of their own planning policies and instruments in an effort to address the policy gaps in an expedited manner.

Both the Council and Administration recognise that the aforementioned circumstances present an opportunity to collaborate with the community to achieve a common outcome. A proposed mechanism to facilitate this is to establish a Community Working Group.

4.0 Detail

Administration acknowledges that as a result of the gazettal of Local Planning Scheme No.3 (LPS3) in April 2019, and the concurrent implementation by State Government of Design WA and the Residential Design Codes Volume 2, there is a notable gap in local planning policies and instruments to adequately guide and respond appropriately to the Scheme provisions in a manner that facilitates development outcomes that are representative of the City of Nedlands.

Since the gazettal of the Scheme, the City has also experienced an unprecedented influx of development applications, with developers taking advantage of the lack of a robust policy framework that facilitates desirable development outcomes throughout the City. The prioritisation in reviewing existing local planning policies and developing new local planning policies, coupled with the local community being proactive in developing their own planning policies and instruments, is representative of a strong desire by both the community and the City to implement appropriate measures to control development within the City.

The proposal to establish a Community Working Group is considered a positive approach in fostering an ongoing collaboration between the community and the City in matters relating to urban planning, including having a role as a conduit between the wider community and Council to help inform decision making processes.

An outline of the proposed approach in establishing a Community Working Group is as follows:

Terms of Reference

A Terms of Reference provides an overview of the Community Working Group's function and format. In summary, the key elements of the Terms of Reference generally outline the following:

- The role and function of the Community Working Group
- Community Working Group membership size and composition
- Meeting Schedule and frequency
- Code of Conduct
- Recruitment procedure

As part of the resolution, it was requested that a Terms of Reference be prepared and presented to Council for endorsement, that outlines the role and function of the Community Working Group. Attachment 1 outlines the proposed Terms of Reference, including an outline of the recruitment process to establish a Community Working Group.

Membership

With respect to the membership of the CWG, the resolution states that membership will comprise 12 members who are:

- Generally representative of the City's demographics
- Selected from the local community and stakeholder groups that are currently engaged in the implementation of LPS3 (including residents affected by recent development projects or who have lodged a Development Application)
- Appointed through a public Expression of Interest process, which is outlined below.

Expression of Interest

To initiate the establishment of a Community Working Group, an Expression of Interest process will be held. Through this process, members will be selected to form the Community Working Group. The Expression of Interest will be as follows:

- The Expression of Interest process will be run over a 2-week period.

- The invitation to submit an Expression of Interest will be promoted on the City's website and in local newspapers.
- Interested community members will be directed to the City's Your Voice site where a dedicated page will be set up outlining the Terms of Reference for the Community Working Group and an online submission form to formally lodge an Expression of Interest.

The formal submission form to lodge an Expression of Interest will seek to determine the level of suitability of the applicant to qualify as a potential member of the Community Working Group. The applicants will need to meet pre-requisite selection criteria before submitting a formal Expression of Interest, which will be as follows:

- They are residents / business owners / ratepayers within the City of Nedlands; and/or
- They have submitted an application for development approval in the last 12 months, under Local Planning Scheme No.3;
- They are aged 16 years and over.

Two representatives from the following cohorts will be sought to ensure a balance of representation across ages in relation to the individual residents, including:

- 16-34 years old
- 35-44 years old
- 45-54 years old
- 55-64 years old
- 65-74 years old
- 75 years or older

A draft Proposed Expression of Interest Registration Form has been included as Attachment 2.

Ballot Selection Process

Once the expression of interest period is closed, the following ballot selection process will take place. The random selection process will be undertaken as follows:

- Following the closing date and time for applications to the CWG (to be confirmed), the list of applications will be exported from the City's engagement platform, Your Voice.
- The list will be sorted alphabetically, and any duplicates removed.
- The applicants who live in Nedlands will be identified based upon address and placed into the 'Nedlands residents' category.
- The applicants who have identified as living outside of the Nedlands area will be identified based upon address and placed into the 'Other participants' category.

- The remaining applicants will then be sorted into age categories based on their response to the question “how old are you?”.
- Applicants’ names and the category they fall into will be printed into equally sized papers and folded in half. The folded papers will be placed into a bowl that represents their respective category.
- A City of Nedlands representative in the presence of the Mayor, a probity auditor and one other witness, will randomly select 2 names from each age category. The first two names selected will be offered a place on the CWG. The third and fourth names selected will be a ‘reserve nomination’ that may be invited to join the CWG in the order they were selected if one of the first two members decline.
- Should a category not be adequately represented in the ballot then the Mayor and CEO determine if that category can be supplemented by other self-nominated candidates, or whether to reach out to individuals within required demographics based on feedback through previous engagement opportunities.

Proposed Changes to the Terms of Reference

The Terms of Reference, which form part of Attachment 1, represent, and reflect those terms outlined in the resolution.

Administration are of the view that the following two elements should be amended, with the following rationale applied:

Selection Process

While the Terms of Reference and the Mayor’s Notice of Motion does not state this explicitly, it is recommended that the selection process for nominating the Community Working Group members be overseen by an external probity auditor. It is also recommended that the selection process be video recorded. This will ensure demonstrated transparency in the selection process and appointment of the Community Working Group members has been done in an impartial and non-preferential manner.

It is recommended that this be outlined in the Terms of Reference and in the description of the Expression of Interest.

Technical Representation by Staff

It is recommended that an urban planning representative of the City of Nedlands be present, although not a member of the CWG, to provide facilitation of discussion and / or to present a specific planning matter to the Community Working. The officer will be present to provide technical input and to provide any clarification for the CWG.

5.0 Consultation

It is envisaged that the CWG Terms of Reference will be included an amended version of the LPP - Consultation of Planning Proposals.

It is proposed that the amended LPP - Consultation of Planning Proposals will be advertised for 21 days in accordance with Schedule 2, Part 2, Division 2, Clause 5 of the Planning and Development (Local Planning Scheme) Regulations 2015. This will include a notice being published in the newspaper and details being included on the City's website and the Your Voice engagement portal.

Following the advertising period, the amended LPP - Consultation of Planning Proposals, inclusive of the Terms of Reference, will be presented back to Council for it to consider any submissions received and to:

- a) Proceed with the policy without modification;
- b) Proceed with the policy with modification; or
- c) Not to proceed with the policy.

Strategic Implications

How well does it fit with our strategic direction?

The City's Local Planning Strategy establishes urban growth areas and transition areas within the City, which have been reflected in rezoning and up-coding through LPS 3. The proposed Terms of Reference is intended to sit within the LPP - Consultation of Planning Proposals, to provide guidance and ensure a transparent process for establishing Community Working Groups to provide comment on planning proposals that have been developed as a result of these changes to the planning framework.

Who benefits?

The Terms of Reference for Community Working Groups will help guide how the Community Working Group meetings will be conducted, outline its function, and establish agreed protocols to be adhered to by all appointed Community Working Group members. The community, Council and Administration will benefit from the guidance provided by the Terms of Reference, which will represent an agreed position between the Council and Administration for the assembly of Community Working Groups.

Does it involve a tolerable risk?

When a strategic planning proposal is developed without input from the community it will be affecting, there is always a risk that the policy will not be adopted nor will not achieve appropriate outcomes for the community. Therefore, the proposed early involvement of the community in the development of strategic planning proposals is considered to reduce such risks.

The proposed Terms of Reference facilitate more meaningful involvement from the community in the preparation of strategic planning documents.

Do we have the information we need?

Yes.

Budget Implications

Can we afford it?

The Terms of Reference is intended to form part of the amended LPP - Consultation of Planning Proposals. This amended LPP will seek to provide guidance on engagement methods at the higher levels of the IAP2 engagement spectrum. These methods generally have a cost associated with them (i.e. consultant to facilitate engagement activities), which will be accounted for in the budget of each project.

An additional resource will be required for the purposes of taking minutes, organising the meeting venue and coordinating information and dissemination of documentation. It is estimated that this will be a two days per week role, or 0.4 Full Time equivalent role, at \$27,600 per annum.

Planning support is estimated at 0.5 days per week, at \$9,600 per annum.

How does the option impact upon rates?

The total impact on rates is \$37,200.

5.0 Statutory Provisions

If the Terms of Reference are prepared as part of the proposed amended LPP - Consultation of Planning Proposals, Statutory Requirements would be as required for an LPP. Under Schedule 2, Part 2, Division 2, Clause 5 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the City may amend a local planning policy.

Once Council resolves to amend a local planning policy it may publish a notice of the proposed policy in a newspaper circulating in the area for a period not less than 21 days.

6.0 Conclusion

The presented draft Terms of Reference for Community Working Groups has been prepared by Administration in response to the resolution of Council at the 28 April OCM. This draft documentation provides guidance on a transparent process that will facilitate more meaningful community engagement in planning proposals. Proposed implementation of the independent facilitation is to proposed to be carried out by:

- The proposed expression of interest and ballot selection process;
- The selection process for nominating the Community Working Group members be overseen by an external probity auditor; and
- The selection process be video recorded to ensure demonstrated transparency in the selection process and appointment of the Community Working Group members.

These measures are considered to provide a transparency during the selection process.

Amendments to the City's Local Planning Policy, Consultation of Planning Proposals will be required to incorporate the proposed changes requested by Council and to incorporate the Community Working Group, as part of the consultation.

Draft Community Working Group – Terms of Reference

Introduction

The City of Nedlands is seeking nominations from community members for representation on the Community Working Group (CWG) to assist with the review of and development of local planning policies and other planning instruments to help facilitate and guide development within the City of Nedlands.

The CWG will assist in ensuring that the local planning policy reviews and development consider and respond to key matters of importance to the local community. The advice and input of the Community Working Group will be vital in preparing and developing draft local planning policies to the wider community.

It is anticipated that the CWG will comprise members representing residents, property owners and business owners throughout the City. The CWG members will be expected to attend regular fortnightly meetings facilitated by the City of Nedlands and chaired by a nominated Elected Members.

Community Working Group Nominations

The CWG will be established by the City of Nedlands following a public invitation for nominations from interested persons. The CWG members will be randomly selected from the pool of applicants by a City of Nedlands using the method approved by Council.

The Community Working Group will consist of:

- A Councillor appointed as Chairperson by Council;
- 12 appointed members selected from the pool of applicants received; and
- A secretary, appointed by the CEO.

Working group members will be selected based on, general representation of the demographics of the City, being from the local community and stakeholder groups that are currently engaged in the implementation of LPS3 (includes residents affected by recent development projects or who have lodged a Development Application recently) and their willingness to provide constructive input to local planning policies and instruments.

TERMS OF REFERENCE (To be published and released online as part of nomination process)

Background

The gazettal of Local Planning Scheme No.3 has prompted the City to undertake a significant review and update of its suite of local planning policies and instruments to help facilitate and guide development within the City of Nedlands. To help support this process, the City is inviting members of the community to nominate to be involved in a Community Working Group.

Purpose

The CWG will perform the vital role of being a conduit between the Council and the community and helping to inform and identify local community priorities in the review and formulation of local planning policies and relevant planning instruments.

The objective is to engage directly with community representatives on key issues and areas of interest in developing local planning policies in an impartial manner.

Objectives of the CWG

The objectives of the CWG are to:

- Foster stakeholder and community awareness and understanding of the precinct planning and local planning policy process;
- Foster stakeholder and community understanding of the development of precinct plans and local planning policies;
- Foster the City of Nedlands's awareness of community concerns and aspirations for the respective precinct areas;
- Obtain and provide input to the local planning policy development process for the precinct areas from a range of diverse perspectives; and
- Obtain and provide local input and knowledge into the development of appropriate local planning policies that are cognisant and responsive to the specific precinct areas.

The CWG is an advisory group, not a decision-making group. Decisions relating to the inclusion of material are the responsibility of the City of Nedlands administration and finally Council.

Membership

Participation in the CWG is voluntary and open to key stakeholders and residents who live, work or have an interest in planning matters relating to the City.

The membership for the Community Working Group will comprise of the following:

- An Elected Member, who will be chosen by Council, will chair the CWG;
- A total of 12 of community members that meet the criteria of the CWG as defined in this Terms of Reference, being;
 - Representatives who are over 16 years of age;
 - Representatives from appropriate local community stakeholder groups; and
 - Community representatives who reflect a diversity of community views and interests and the various geographical areas of the City.

A City secretary will provide administrative assistance to the CWG. A City planner will provide advice as required to the CWG.

A maximum of 12 CWG members will be accepted unless there is a compelling reason for why there needs to be additional members, as determined by Council.

City of Nedlands staff will attend CWG meetings and provide technical input / advice as required and / or to observe deliberations. Consultants or relevant government agencies may also attend meetings to clarify matters or hear specific feedback from the CWG, at the discretion of the CEO.

Conflict of Interest

A conflict of interest arises where City of Nedlands interest are, potentially or perceived, to be in conflict with the member's private interest and where these may be seen to influence the member's decisions and actions while participating in the CWG. If an actual or potential conflict of interest arises in relation to a particular topic, CWG members must inform the City of Nedlands and the rest of the CWG as soon as practicable.

As a guide financial / proximity interests are to be declared for members where an individual development is being discussed and the member is required to abstain from participation on that item. The same applies where less than 10% of the City's households are being affected by a policy or scheme amendment, a financial interest should be declared, and the member abstain from participation.

Impartiality interests should be declared where a member could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.

Protocols

The following code of conduct is expected to be adhered all members of each Community Working Group.

Conduct

Members are required to:

- Abide by any policy of Council regarding Working Groups;
- Act with honesty, good faith and integrity;
- Abide by the Terms of Reference as set out in this document;
- Actively participate in meetings;
- Declare any actual or perceived conflicts of interest at the commencement of the meeting;
- Represent the interests of their local community rather than individual interests or issues; and
- Maintain confidentiality of discussions within meetings. Members are not permitted to liaise with the media and represent either the opinions of council or the group.

Sharing of Information

Members will not use any information disclosed at meetings for personal purposes or gains for either themselves or others (including financial gains) and maintain confidentiality of all information provided.

In particular, members are required not to use any Community Working Group for any public lobbying or political purposes, including use of social media to promote specific campaigns or strategies.

Any material breach of this code of conduct may result in immediate termination of membership.

Meeting Procedures

All CWG members will be required to provide the City with contact details (email and phone number) to ensure that the City is able to communicate with CWG members throughout its existence and provide updates as and when required.

- Prior to any scheduled meeting, the City of Nedlands will provide all members with any relevant background materials, including meeting agendas and minutes, prior to any scheduled CWG meetings.
- CWG members will be given access to a dedicated online engagement portal to access relevant information and to ask any specific questions.
- The format of the meetings, as to where, when and how they will be conducted will be confirmed following appointment of the successful CWG members.

CWG facilitation

The CWG may, from time to time, be facilitated by a representative from the City's Urban Planning Directorate where agreed by the Chairperson and the CEO, and will be an opportunity for the community to be directly involved in the development of the local planning policies and planning instruments. In attendance there will also be the relevant Urban Planner and when applicable, appointed consultants who have been engaged to provide expert advice and guidance.

The City of Nedlands in its capacity of a facilitator agrees to:

- Facilitate CWG meetings in a fair and unbiased manner;
- Ensure all members have an opportunity to make comments, ask questions and raise issues;
- Manage the meeting so that all agenda items are discussed within a reasonable timeframe
- and that meetings start and finish at the agreed time; and
- The facilitator may extend the finish time of a meeting or schedule another meeting if it is evident that further discussion on a specific item is warranted.

Members' responsibilities and outcomes

- Members are appointed to the CWG to represent their local community and/or local organisation. Members will, to the best of their ability:
- Review and understand the background materials (to be provided prior to the workshops). This will help you get up to speed and come to the workshops ready to listen and contribute.
- Attend all meetings and site tours of the CWG;
- If absence from a meeting cannot be avoided, notify the City of Nedlands of their apology as soon as possible;
- Act in the interests of the local community and/or organisation they represent;
- Discuss feedback being raised by their local community and/or organisation;
- Provide a two-way communication channel between the project and the community, including dissemination of information provided by the City of Nedlands to their local community and/or organisation;
- Should members receive confidential or commercially sensitive information it will be clearly marked as such and must not be disseminated.

Differing views and consensus

The aim of the CWG is to represent a diversity of viewpoints. It is not a requirement, or anticipated, that consensus will always be reached among members on the topics discussed. Where group members hold a range of perspectives on a topic, the differing viewpoints will be noted and taken into consideration.

Media protocol

CWG members agree to speak to the media only on their own behalf, not as a member of the CWG. A member of the CWG will be selected to speak to the media on behalf of the CWG if required. If the nominated person is approached by the media for an interview or comment, the CWG member agrees to notify the City of Nedlands prior to providing a response. No member may discuss views expressed by another member without their knowledge and consent. The City of Nedlands will not publicly identify any CWG members in the media without their knowledge and consent.

Privacy

All CWG members will be required to provide the City of Nedlands with contact details to allow for distribution of meeting notes and communication between meetings.

The City of Nedlands will not provide contact details to any other party without the consent of the CWG member/s in question.

All CWG members are free to discuss the outcomes of the meetings with other people, however the specific views and opinions of other reference group members are confidential and not to be shared outside the reference group.

Any published documents relating to the CWG, including agendas and minutes of the CWG meetings will have names removed.



Draft Expression of Interest Registration Form

It is proposed that the following questions be used for community members wishing to lodge an Expression of Interest to participate in the Community Working Group:

- Q1. Full Name
- Q2. Street Address (Residential)
- Q3. Suburb
- Q4. Email Address
- Q5. Phone Number
- Q6. Gender
- Male
 - Female
- Q7. How old are you?
- 16-34 years old
 - 35-44 years old
 - 45-54 years old
 - 55-64 years old
 - 65-74 years old
 - 75 years or older
- Q8. Which of the following best describes your relationship with the City of Nedlands? (Select all that apply)
- I am a local resident
 - I am a local business owner
 - I am a ratepayer
- Q9. Have you submitted a Development Application with the City in the last 12 months?
- Yes
 - No
- Q9a. If yes, please provide the address of the development application.
- Q10. Please confirm your availability for fortnightly meetings, once the Community Working Group is established.
- Q11. Please confirm access to Your Voice.



Q12. Do you represent or are you a member of any community groups or organisations?

- Yes
- No

Q12a. If so, please list here.

Q13. Please provide answers to the following questions to demonstrate your suitability to be a member of the Community Working Group:

- Connection to the City of Nedlands community
- Knowledge of the City of Nedlands Local Planning Scheme No.3 and its provisions
- Negotiation and Consultation Skills
- Experience working on a similar committee/ working group

Q14. Is there anything additional you would like to share as part of your Expression of Interest to be a member of the Community Working Group?

14. Elected Members Notices of Motions of Which Previous Notice Has Been Given

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to a Councillor who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by Administration to the Council meeting considering the motion.

14.1 Councillor Wetherall – Quintilian Road

On 17 May 2020 Councillor Wetherall gave notice of his intention to move the following at this meeting.

Moved – Councillor Wetherall

Seconded – Councillor Hodsdon

Council Resolution

Council:

- 1. acknowledges that forward planning and progressive action is needed to resolve a long-standing loss of residential amenity for ratepayers in Quintilian Road, Nedlands and requests the Chief Executive Officer to:**
 - a. Investigate options to reduce traffic and speed down Quintilian road such as road narrowing (example under Justification Section), or other means;**
 - b. Supplements the existing signage at both ends of Quintilian Road with additional signs similar to those that have been placed along Aberdare Road and Verdun Street North Hollywood to protect the residential amenity of that location from commercial vehicles accessing the major hospitals nearby;**
 - c. Liaises with the Principals of both nearby schools to ascertain the extent to which pupils utilise bicycles to attend school and the safety of both pupils and parents who 'drop off & pick up' children attending the schools;**
 - d. Investigates whether a government funded 'safe street for cyclists' is justified along Quintilian Road;**
 - e. Forward plans, in conjunction with the Dept of Transport and the long-term concept plan for cycle ways, for a cycle pathway as a "key link" joining the existing cycleways along Brockway Road and Stubbs with a view to inclusion in the forthcoming capital works budget with grants from the WA Government; and**

Justification

Quintilian Rd is narrow local residential street of about 500m, described as an access street for St Peter's Square. Both Alfred Rd and Stubbs Tce., are wide distributor roads intended to carry commercial vehicles. For some years vehicles parked along Quintilian Rd have had minor collision damage from cars and commercial vehicles along this street.

Quintilian Road joins Brockway Rd and Stubbs terrace, both of which have designated bicycle pathways which meet many needs, including those of school children. A cycle pathway joining these two existing cycleways is a logical progression that provides opportunities for further traffic calming in Quintilian Rd itself.

Indeed, the safe street concept would allow for a constrained street permitting flow of traffic in both directions at a maximum 40 kph at the narrow point at relatively low cost (see figure below). This safe street would be similar to that used in Shakespeare St Mt Hawthorn, rather than the very restrictive safe street concept now being completed in Melvista Ward Nedlands. This safe street system uses a simple low-cost Z transit area (similar to the one employed in Mt. Hawthorn) to slow traffic in both directions still.

It is clear that the City's previous traffic calming in Quintilian Rd (and especially the signage) have not been successful; it is very likely commercial traffic is encouraged to use this road by internet facilitated route assistants (eg Google, TomTom and Garmin). Previous efforts to restrict traffic flow in Quintilian Rd (e.g. left turn onto Brockway, one direction only, or no through traffic) have not been supported by the residents of St Peter's Square. The left turn out of Brockway would have meant school children drop offs from Brockway would have diverted through St. Peter's Square, increasing traffic through this quiet residential area – hence it was not supported. The proposals in this NOM have no adverse effects on access to St Peter's Square Traffic by residents therein.

Signage has been used very successfully along Aberdare Rd and Verdun St North Hollywood to protect the residential amenity of that location from commercial vehicles accessing the major hospitals nearby (see attached image). The Quintilian Rd problem is of similar magnitude to the problem in North Hollywood between Aberdare Rd and Verdun St. Such signage is low cost (≈\$60 each) and may result in electronic mapping services desisting from identifying Quintilian Rd as a short cut to Brockway Road.



Twelve of these signs front Aberdare and Verdun St to prevent heavy vehicles accessing the residential streets between. As an older subdivision, residences in this location enjoy quarter acre blocks with 9m setbacks and no street parking permitted.



Safe street concept used in Shakespeare St Mt. Hawthorn – low cost, effective and discourages big vehicles but not commuter traffic.

Item extracted from CEO's report to councillors of 24 April 2020:

Long-Term Cycle Network (LTCN)	LTCN has now been reviewed by Main Roads and PTA / Metronet in relation to any routes within or crossing State controlled assets	Department of Transport (DoT) is now seeking Council endorsement of the agreed LTCN. The agreed LTCN will guide funding allocated through the WA Bicycle Network Grants Program administered by DoT.	Present to Briefing June/July 2020 Present to Council for endorsement following Briefing
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Administration Comment

- Administration will continue to work with residents and the Principal of Quintilian School to develop further concepts plans and cost estimates for Council's consideration in the budgetary process to address items a), c) raised within this Notice on Motion.
- Administration will lodge a formal request to Main Roads WA as the approving authority for lines in Western Australia, to seek their consideration /approval of supplementary signage similar to the signs placed along Aberdare Rd and Verdun Street North Hollywood.
- Administration will continue to collaborate with the Department of Transport (DOT) to investigate the feasibility and potential of government funding for a 'safe street for cyclists' along Quintilian Rd.
- Administration will continue to collaborate with the Department of Transport (DOT) to finalise the proposed long-term concept plan for cycle ways, for a cycle pathway as a "key link" joining the existing cycleways along Brockway Rd and Stubbs with a view to inclusion in the forthcoming capital works budget with grants from the WA Government.

- Administration will prepare a letter from the Mayor addressed to Federal Government via the Local Member for Curtin, concerning the future plans and timetable for redevelopment of the land adjacent to Quintilian Rd and Brockway Rd presently used by the Australian army.
- Subject to Council's endorsement of a City-wide Local Area Traffic Management Policy (LATMP) this will be used to evaluate and respond to the concerns raised in this Notice on Motion.

14.2 Mayor de Lacy – Deep Soil Planting Requirements for Single and Grouped Dwellings

On the 15 May 2020 Mayor de Lacy gave notice of her intention to move the following at this meeting.

Councillor Bennett left the meeting at 11.14 pm.

Moved – Mayor de Lacy
Seconded – Councillor Poliwka

Council Resolution

Council instructs the CEO:

1. Pursuant to Section 75 of the Planning and Development Act 2005, to initiate an Amendment to Local Planning Scheme No. 3 by:

a) amending the Scheme Text to insert new sub-clause (4) under clause 26 Modification of R-Codes:

4. In relation to land coded R40, R60, R80 or R160:

(a) For development of single and grouped dwellings in accordance with SPP 7.3 R Codes Volume 1, clause 5.3.2 (Landscaping) is modified by including an additional deemed-to-comply requirement C2.1:

C2.1 i) includes deep soil areas and trees in accordance with Tables (8) and (9) below:

Table 8 Minimum deep soil area and tree provision requirements for single and grouped dwellings in R40, R60, R80 and R160 transitional density areas

Proposed Site Area	Minimum deep soil area ²	Minimum requirements for trees ¹ behind front setback area	Minimum requirements for trees ¹ in front setback area	Retention of existing on-site trees criteria as part of the deep soil area.
Less than 200m ²	10% OR 7% if existing tree(s)	1 medium tree OR small trees to suit area	A minimum of 2 small trees or 1 medium tree located within the front setback area, co-located where possible with	- healthy specimens with ongoing viability AND - species is not included on a State or local area weed register AND - height of at least 4m AND/OR
200 - 500m ²		2 medium trees OR 1 medium tree and small trees to suit area		

>500m ²	retained on site (% of site area)	1 medium tree and small trees to suit area OR 3 medium trees OR 1 large tree and small trees to suit area	existing trees on site or adjoining properties trees.	- trunk diameter of at least 160mm, measured 1m from the ground AND/OR - average canopy diameter of at least 4m.
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¹Minimum requirement for trees includes retained or new trees. Refer Table 9 for tree sizes.

²Definition for Deep soil area is as per Residential Design Codes Volume 2

Table 9 Tree sizes

Tree Size	Indicative canopy diameter at maturity	Nominal height at maturity	Required DSA per tree	Recommended minimum DSA width	Minimum DSA width where additional rootable soil zone (RSZ) width provided ¹ (min 1m depth)	Indicative pot size at planting
Small	4-6m	4-8m	9m	2m	1m (DSA) + 1m (RSZ)	100L
Medium	6-9m	8-12m	36m	3m	2m (DSA) + 1m (RSZ)	200L
Large	>9m	>12m	64m	6m	4.5m (DSA) + 1.5m (RSZ)	500L

¹Rootable areas are for the purposes of determining minimum width only and do not have the effect of reducing the required DSA. Definition for Rootable soil zone is as per Residential Design Codes Volume 2

2. In accordance with Planning and Development (Local Planning Schemes) Regulations 2015 Section 34 and 35(2), the City considers that the amendment is a Standard Amendment for the following reasons:

- a) the proposed amendment relates to the Residential zone and is consistent with the objectives identified in the scheme for that zone;

- b) the proposed amendment is consistent with a local planning strategy which has been endorsed by the WAPC; and
 - c) the proposed amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
3. Pursuant to Section 81 of the Planning and Development Act 2005, refers Scheme Amendment No. 3 to the Environmental Protection Authority.
 4. Subject to Section 84 of the Planning and Development Act 2005 advertises Scheme Amendment No. 3 in accordance with Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015 and Council Policy – Community Engagement.

Councillor Bennett returned to the meeting at 11.16 pm.

Councillor Coghlan left the meeting at 11.22 pm and returned at 11.23 pm.

CARRIED 10/2
(Against: Crs. Mangano & Wetherall)

Justification

Intent of Clause 26 (4) (a)

The intent of proposed clause 26 (4) (a) of Scheme Amendment No. 3 is to ensure that regardless of the choice of development typology made by an applicant (i.e. single, grouped or multiple dwellings), development design incorporates appropriate quality landscaping requirements that provides for mandatory tree planting and supports tree growth, which will assist in responding to the City of Nedlands traditional leafy character and soften single and grouped development outcomes in the density transitional areas.

Existing Planning Framework

Land within the transitional density areas (R40, R60, R80 and R160) has the potential to be developed as single dwellings, grouped dwellings or multiple dwellings. Single and grouped dwellings are assessed against the R Codes Volume 1 (and the City's Local Planning Policy – Residential Development: Single and Grouped Dwellings), while multiple dwellings are assessed in accordance with R Codes Volume 2.

Volume 1 of the R Codes does not include requirements for deep soil areas or minimum tree requirements, which represents a gap in the planning framework for single and grouped dwellings. When compared with multiple dwelling development, R-Codes Volume 2 already sets out requirements in relation to

these issues. It is noted that the DPLH is currently in the scoping stage for better managing medium density development, the so called the "missing middle" in particular targeting grouped dwelling outcomes, which are likely to incorporate similar landscaping aims as provided in the R-Codes Volume 2.

Proposed Clause 26 (4) (a)

Clause 26 (4) (a) requires that single and grouped dwelling developments in R40, R60 and R160 require deep soil areas and trees across the development site. The requirements are outlined within two new Tables 8 and 9.

"Table 8 – Minimum deep soil area and tree provision requirements for single and grouped dwellings in R40, R60 and R160 transitional density areas" requires a minimum of 10% of deep soil areas per proposed site area and a minimum number of trees. The proposed site areas within Table 8 have been altered from what is required in R-Codes Volume 2 to be proportional to the smaller lot sizes associated with single and grouped dwelling developments. Where existing trees are proposed to be retained, there is a reduction in the percentage of required deep soil area to 7%, to encourage the retention of established trees. The table also highlights the criteria for the retention of trees.

Table 8 also proposes a minimum number of trees per proposed new site behind and forward of the front setback to ensure both the interior areas of the site and the streetscape benefits. The two tables 8 and 9 make reference to the following R-Codes Volume 2 definitions which will apply for single and grouped dwelling development:

"Deep soil area – soft landscape area on lot with no impending building structure or feature above or below, which supports growth of medium to large canopy trees and meets a stated minimum dimension. Used primarily for landscaping and open to the sky, deep soil areas exclude basement car parks, services, swimming pools, tennis courts and impervious surfaces including car parks, driveways and roof areas."

"Rootable soil zone – areas beyond the primary deep soil area under adjacent pavements that are engineered and constructed to support tree root penetration. This is achieved by the use of structural soil and structural cells which are materials for creation of rootable soil zone beneath pavements and other structures. Structural soil involves the use of structural materials such as rock, that interlock under specified compaction loads while leaving macro spaces that provide rootable soil zone for tree roots. Structural cells are similar but utilise a plastic cell structure to meet the required compaction and loading.

Local Planning Scheme No. 3 (LPS3) was gazetted on the 16th April 2019, which included new zones and density upcoding along the strategic activity corridors (also known as Urban Growth Zones) of Stirling Highway, Hampden Road and Broadway.

The transitional density areas are in place to provide a physical buffer or transition between the urban growth zones and the nearby adjacent existing lower coded areas. However, comprehensive controls are not yet in place primarily for single and grouped dwellings and in some circumstances for multiple dwellings.

To adequately protect the amenity of affected streetscapes and localities, therefore supplementary R-Code development controls need to be inserted into the Scheme. Accordingly, Scheme Amendment No. 3 proposes to strengthen the City's existing planning framework to facilitate high quality development outcomes within the transitional density areas relating to requiring minimum deep soil areas for single and grouped dwelling developments.

The loss of urban tree canopy on single and grouped dwelling developments is already occurring with approvals of 14-16 Webster St (R60 grouped dwellings) occurring without any existing trees retained, no planting of large trees as part of landscaping and only minimum landscaping requirements met. This was despite 35 objections to the development including concern for loss of urban tree canopy. The latest Development Application for grouped dwellings to attract objections based on loss of urban tree canopy is 9 dwellings proposed for 130 Waratah Avenue. Residents in Leon Rd Dalkeith (behind the development) have specifically complained about the potential loss of mature trees and lack of landscaping proposed to replace what will be lost.

Now that development is occurring under LPS3 various residents across Nedlands and Dalkeith are raising concerns about loss of urban tree canopy. Research suggests a 5 – 10-degree cooling effect in suburbs that have an existing, substantial urban tree canopy. Further to this a report completed by CSIRO for the DPLH in 2019 identified a 58% loss in tree canopy on developed lots in the City of Nedlands between 2009 and 2016. This is before the introduction of higher densities under LPS3.

<https://www.dplh.wa.gov.au/getmedia/8dc052b3-9153-4156-8f38-0c4b5a92e59b/PRJ-Statistical-Report-The-urban-forest-of-Perth-and-Peel-Feb2019>

This Scheme Amendment applies the same policy guidance for deep soil planting for single and grouped dwellings, as it does for apartments. This ensures consistency in approach across all development types.

Administration Comment

Administration are generally supportive of the initiatives to introduce deep soil areas for such developments. Council are notified that the WAPC is set to release a new SPP regarding Medium Density Housing in July 2020 which is set to encapsulate the provisions sought by the proposed scheme amendment. It is suggested also that reference to R80 be added throughout the justification report, and that Council, given that it has approved a single house in RAC1, that it consider adding this requirement to the RAC1 and RAC 3 zonings so that if grouped or single houses are proposed within those density codes, that this amendment also captures those applications.

Administration requests that in order to follow the requirements of Division 3 – process for standard amendments to local planning scheme (Planning and Development (Local Planning Schemes) Regulations 2015 that the instruction from Council to the CEO be amended as follows:

That Council instructs the CEO to prepare a Scheme Amendment in regard to Deep Soil Areas for Single and Grouped Dwellings in accordance with Attachment 1 (NOM Content and justification report) and any further justification that can be provided by administration.

14.3 Mayor de Lacy – Potential Relocation of Broome Street Dept and Local Area Traffic Management

This motion was withdrawn by Mayor de Lacy

On the 17 May 2020 Mayor de Lacy gave notice of her intention to move the following at this meeting.

Council instructs the CEO:

1. to prepare a business case for presentation to Council in October 2020 on the economic and community whole-of-life costs, benefits and risks of relocating the Broome St depot. The business case shall address but not be limited to:
 - a. Alignment with the City's Vision, strategic plans and the Local Planning Strategy;
 - b. Identification and transparent analysis (including sensitivity analysis) of all options for relocation including opportunity cost of not relocating and opportunities for higher value use of the current site;
 - c. Engagement with adjacent landowners, businesses, Town of Claremont and community;
 - d. Impacts of COVID 19 and availability of funding and financing to assist with project; and
 - e. Timeframes, resources, procurement strategy and governance issues; and
2. to prepare a Local Area Traffic Management Plan (LATMP) for the area bounded by Stirling Highway, Loch St, Government Road, Carrington St and Smyth Road (Attachment 1) for presentation to Council in October 2020. The LATMP shall address but not be limited to:
 - a. Reducing existing traffic related problems;
 - b. Traffic management and planning related to traffic growth and rat running;
 - c. Providing safe infrastructure for pedestrians and cyclists;
 - d. Engagement with Town of Claremont, landowners, businesses and community; and
 - e. Improving economic and community outcomes.

Justification

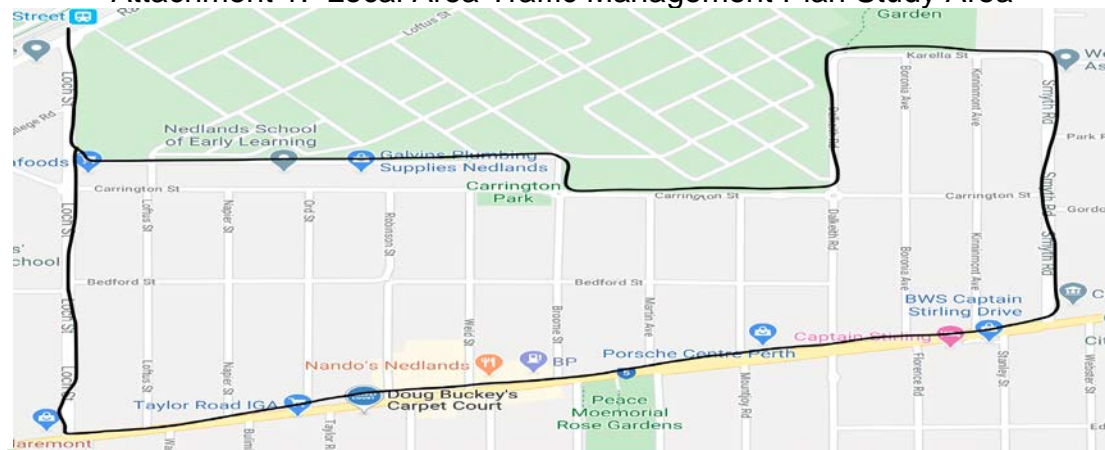
1. The Broome Street depot is located on 5693 square metres of freehold land adjacent to Karrakatta Cemetery and forming the eastern end of the recently rezoned Carrington Street Service Commercial Area. It is zoned Government Services and is directly opposite the very popular Carrington Park. It is part of the City's asset base which has a value of \$20,185,000 (excluding Reserve land) for which the current return on investment is 1.9%.
2. The Carrington Street Service Commercial Area is identified in the Local Planning Strategy (LPS) as an area transitioning to more commercial/office-based uses than light industrial as evidenced from the redevelopment on the corner of Loch St and Carrington St. This transition is to be supported in the long term and is likely to increase land values. A number of office-based businesses have moved into the Area causing some conflict with existing light industrial uses, and small cafes/shop fronts are opening up serving the local and wider community. The Area is also within walking distance of the Loch Street train station and located next to a major entrance into the Cemetery.
3. The changing nature of the Carrington Street Service Commercial Area and the higher density zonings under LPS3 in Hollywood provides an opportunity to identify options for relocating the Broome St depot and investigating potential higher value economic and community-based uses for this site. A depot is no longer a suitable land use in this area experiencing change and presents a higher risk to the community with higher density living nearby. With the City owning the Depot site and Government Rd that ends in a dead end at the depot, it can lead by example through redeveloping this site and examining options for opening Government Rd to improve traffic management.
4. The LPS identified a shortage of Public Open Space (POS) in the Hollywood Ward relative to the proposed increases in density under LPS3. A Strategy is currently being prepared to address the need for more POS across the City to support higher densities. While highly utilised, Carrington Park is insufficient to meet demand for POS in the area, particularly given Development Applications being lodged such as the 300+ apartments for the nearby Chellingworth Motors site and the fact the Park is very popular with off leash dogs. The Park has had to be rehabilitated twice in the last 18 months given the wear and tear from excessive use.
5. The Metropolitan Cemeteries Board is also engaged with the City in investigating options for improving drainage management in this area, and by examining options for the future of the Depot site and Government Rd, the issue of drainage could be more readily and efficiently resolved.

6. The City has had numerous complaints over the years, and these are continuing about:
 - a. rat running on Carrington Street;
 - b. parking problems associated with the Service Commercial Area (as indicated in objections to Change of Use Development Applications)
 - c. use of Government Rd for parking by train commuters taking bays away from local businesses; and
 - d. safety on Broome Street.

The City recently undertook some traffic data counts on Carrington Street in response to safety issues raised by a local Broome Street resident. Unfortunately, the data was collected during the COVID lockdown when local roads have been noticeably quieter. Traffic modelling is also currently occurring across the City in response to LPS3 and the Town of Claremont completed the Loch Street Station Precinct Structure Plan in 2017 identifying increases in density around the Loch St train station. This report identified predicted increases in traffic on Loch St and Chancellor St (which feeds directly into Carrington Street) that both impact the City's road network. These roads were identified in that Plan as already exceeding their design capacity (Attachment 2).

7. The redevelopment of Hollywood Private Hospital and Regis both of which have recently approved major Development Applications by the JDAP for the next stages of their development, is likely to impact traffic movements on Carrington Street for those coming from the west seeking to avoid Stirling Highway.
8. Pedestrians and cyclists are not well catered for in the Carrington St Service Commercial Area with the disjointed footpath and streetscape clogged with parked cars, the coming and going of motorists using drop off and pick up bays on Carrington St, and the poorly maintained Government Road at the rear (Attachment 3). There is also an increased danger to users of Carrington Park in crossing the street to visit the café, deli etc.

Attachment 1: Local Area Traffic Management Plan Study Area



Attachment 2: Loch Street Station Precinct Structure Plan (Town of Claremont 2017)

GTA Consultants Traffic Impact Assessment.



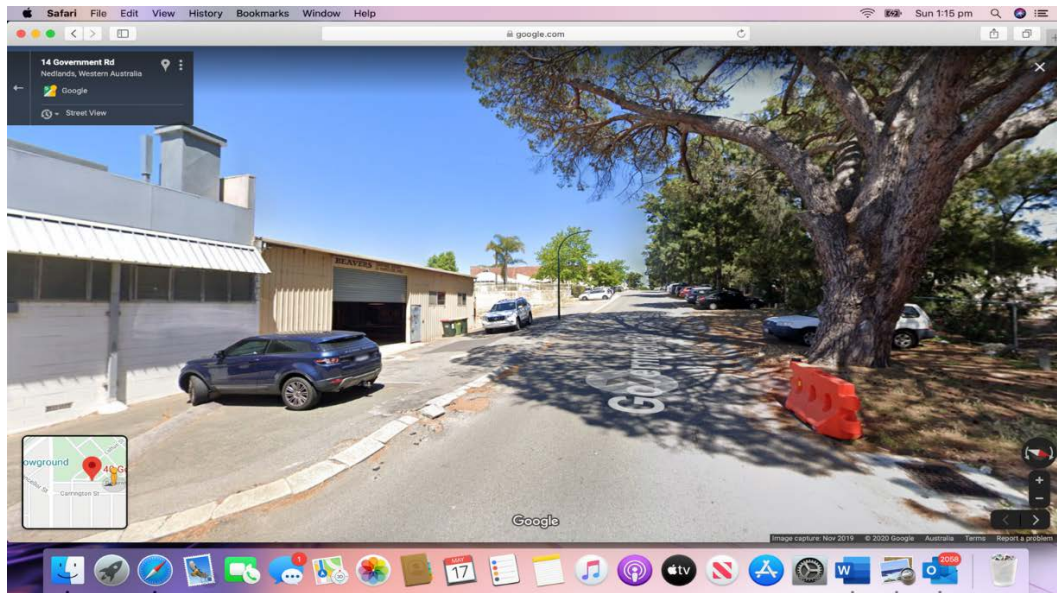
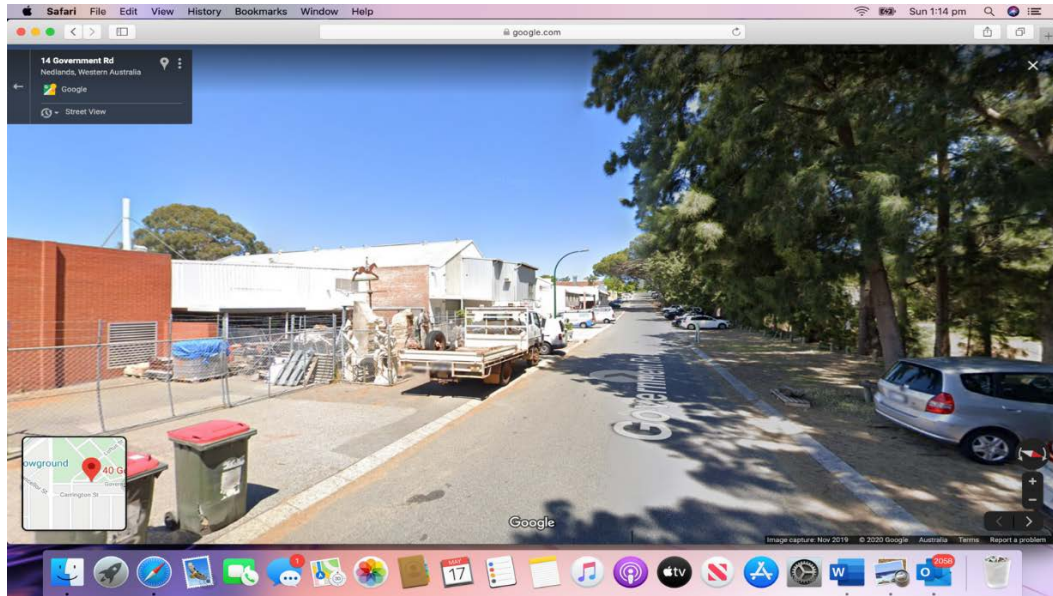
Road	Count Location	Existing Traffic Volumes (Daily, two-way)	GTA Comment (current mid-block daily capacity based on constructed lanes)	New SP Trips (daily, two-way)	New Traffic Volumes with SP developed (no background growth)	% change (+)	GTA Comment
Gugerl Street (60km/h)	East of Chancellor Street	14,385vpd	Has Capacity	+1,946vpd	16,330vpd	13%	Ok. Intersection analysis at Gugerl St/Loch St recommended. (Note: ToC's parallel investigations).
Chancellor Street (50km/hr)	South of Ashton Avenue bridge	8,500vpd	exceeding capacity	+600vpd	9,100vpd	7%	Intersection analysis at Ashton Ave/Chancellor Rd/Gugerl St recommended. (Note: MRWA parallel investigations).
Loch Street (50km/hr)	between Gugerl Street and Chancellor Street	4,500vpd	exceeding capacity	+840vpd	5,340vpd	19%	Intersection analysis at Gugerl St/Loch St recommended. (Note: ToC's parallel investigations).
Loch Street (50km/hr)	South of Chancellor Street	8,500vpd	exceeding capacity	+1,042vpd	9,540vpd	12%	Intersection analysis at Chancellor St/Loch St recommended.

170531mem_W128890_Loch Street Station Precinct High Level Traffic Analysis_final_RevA.docx

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Attachment 3: Photos of Government Road looking West and East





Administration Comment

Administration will require an increase in Technical Services consultancy budget of \$40,000 to prepare a business case detailing the options considered and whole-of-life cost/benefit analysis for relocation of Broom Street Depot.

Administration will require an increase in Technical Services consultancy budget of \$20,000 to prepare a City wide Local Area Traffic Management Policy (LATMP) that can be used to evaluate and respond to the concerns raised by residents in the area bounded by Stirling Highway, Loch Street, Government Road, Carrington Street and Smyth Road.

There are a number of more pressing City land matters including the sump at Dalkeith Road and which has the impact of a potential laneway to be considered. Similarly, Dalkieth Hall is currently subject to an area under precinct planning review. The budget for this work is proposed as it is not within existing resources to deal with this presently.

14.4 Councillor Hodsdon – Letter to Minister Rita Saffioti to reinstate Town Planning Scheme No. 2

On 17 May 2020 Councillor Hodsdon gave notice of his intention to move the following at this meeting.

Moved – Councillor Hodsdon

Seconded – Councillor Poliwka

That Council:

1. instructs the Chief Executive Officer on behalf of Council asks, via a formal letter to the Minister, Rita Saffioti, to support the City by using any and all her ministerial powers to ensure desirable outcomes that do not adversely affect the amenity of the citizens of Western Australia. She has the capacity to advise the State of Emergency Co-ordinator (Commissioner Dawson) to action this. The City will need assistance, both professional and financial, to ensure proper and reasonable planning outcomes:
2. requests the state funds the cost of implementing local planning instruments; and
3. instructs the Chief Executive Officer to send copies of the formal letter to Premier (Mark McGowan), Treasurer (Ben Wyatt), Federal and State representatives for the area.

Lost 4/8

(Against: Mayor de Lacy Crs. Horley McManus Smyth Coghlan Wetherall Hay& Senathirajah)

Justification

1. The plan has not got the framework or documentation to ensure suitable outcomes. There is very little in terms of local area plans, transport studies to ensure good outcomes.
2. The planning instruments are estimated to cost between \$800, 000 and \$1 000 000 to conduct. Planning fees will recoup a fraction of this amount. The ratepayer will be expected to fund these planning instruments to protect itself and its ratepayers for excessive developments. The cost will be close to an extra 3% of our budget while the State is asking for a 0% rate increase. I remind you that the GST changes has bolstered the states finance by 4.7 billion dollars over the next 6 years and it is not unreasonable to ask for funding of around than 2/100 th of one % (0.0212%) of the extra GST funding. I also note the NSW government has given \$345 million to protect councils' budgets and jobs. Maybe it is not excessive to ask the same sort of proportional support.
3. It was not been mapped to a study of the Character of the City of Nedlands
4. The plan was imposed without community consultation.

5. The imposed scheme on the City Nedlands has had an adverse effect on the city's planning department. Its workload is also compounded by the effects of the current virus, the "state of Emergency"
6. Inability to have effective community consultation due to the inability to have group meeting and seminars. We saw this with JDAP meetings and our council meetings. Democracy is suffering from this virus too.
7. No public plan for improving utilities or transport links on Stirling hwy
8. The Minister and WAPC will claim they had no plan to implement. This was due to a meeting last year when Council did not adopt a plan. This was a mistake and was ill advised. I don't remember being warned by the minister, WAPC or administration of the implications of not passing the Ministers plan. That said they cannot claim they had no plan. The original plan the city put in had community acceptance, meet the WAPC implied targets and was more than reasonable
9. The WAPC require the above instruments to ensure PROPER and ORDERLY Planning
10. We need to work with the State government without losing sight that we are an independent arm of government and are here to represent our ratepayers and residents' interests,
11. From the CEO when trying to draw together my concerns and I agree with him. There are three areas worth considering in framing up an NoM.
12. The premise of the imposed plan is based on 2-3% p.a growth. The average over the last 5 years is close to 1%. The 3.5 million prediction is more likely to be 2.8 million.
13. Planning is a very important and has a massive impact on both owners and developers. The city is trying its best to implement local area plans but we are told (i.) we are 12 months behind where we should be with local area plans and (ii) these plans are the instruments that the WAPC and the minister expect us to use to mitigate the adverse effects of the imposed planning scheme. (Cart before the horse)
14. It would be rather glib to write off the concerns of residents, calling them the noisy minority. The TPS affects 10% but that 10% is being affected very adversely. We are not elected to sacrifice 10% of our community for the great good of a somewhat questionable ideology. We need to provide protections for the community. The concern in the community is palpable. There are many online groups in our city who feel the developers are destroying their life style.
15. It will give her an opportunity to justify the process and result. Many of the predictions of growth have been smashed by the virus and the mining downturn.
16. We have unreasonable workload on administration and council. The word shambolic has been used
17. The Mayor has had to put in a full page add, at her own expense on planning issues. This should not have to happen in good planning.
18. Predictions were based on 2 to 3 % population increase when in fact there has been on average less than 1 % in the last 4 years. This will cause a 600,000 shortfall in population numbers.
19. The council as shown dramatically at our meetings are constantly putting out scrub fires. We are looking ineffectual in some matters. We are already chasing our tails on site such as

- a. Warratah / Alexander Rd
- b. Broadway
- c. Rose Garden
- d. Woolworths Site
- e. Chellingsworth site
- f. Cooper Street
- g. This list will just get worse

We are here to represent our ratepayers not the State Government.

State of Emergency provisions

74. Power to direct public authorities during state of emergency
- (1) During a state of emergency the State Emergency Coordinator is responsible for coordinating such activities of public authorities as the State Emergency Coordinator considers necessary or desirable for responding to the emergency.
 - (2) For that purpose the State Emergency Coordinator may —
 - (a) direct any public authority to do or refrain from doing any act, or to perform or refrain from performing any function; and
 - (b) appoint an officer of a public authority to have overall control of particular activities carried out by public authorities in response to the emergency where a number of public authorities are involved.
 - (3) If a direction is given to a public authority under subsection (2)(a) —
 - (a) the public authority is to comply with the direction within the time and in the manner, if any, specified in the direction; and
 - (b) the direction prevails to the extent of any inconsistency with any written law or other law.

State Emergency Coordinator Commissioner Dawson.

Administration Comment

This notice of motion supports the community's concerns about the impact of LPS3. The solution proposed is not supported, however, as it is requesting that the Minister be asked to do something that the City is aware, she cannot legally do. Asking for Ministerial support for Council proposed scheme amendments is something that the Minister is able to provide legally, to help achieve the community's objectives.

15. Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 23 June 2020

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to a Councillor who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by Administration to the Council meeting considering the motion.

Notices of motion for consideration at the Council Meeting to be held on 23 June 2020 to be tabled at this point in accordance with Clause 3.9(2) of Council's Local Law Relating to Standing Orders.

15.1 Councillor Smyth

Councillor Smyth gave notice of her intention to raise the following at the Council Meeting on 23 June 2020.

That Council:

1. Rescinds its decision 14.4 dated 31 March 2020:

“That Council:

1. does not support the introduction a City of Nedlands Design Review Panel;
2. instructs the CEO to cease new referrals to Design Review Panels of other Local Governments and the State Design Review Panel; and
3. instructs the CEO to cease all work related to implementation of a Design Review Panel;
 - a. for the City of Nedlands; and
 - b. as a cooperative arrangement for the Western Suburbs Local Governments.”

- (2) resolves to re-instate its Resolution 7.0 dated 30th January 2020:

“That Council:

1. Adopts the City of Nedlands Design Review Panel Terms of Reference for the purposes of providing independent expert design review advice for complex planning proposals as per attachment 2;
2. Prepares and advertises Design Review Panel Local Planning Policy for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4 as per attachment 1;

3. Instructs the Chief Executive Officer to call for expressions of interest for six (6) members for the City of Nedlands Design Review Panel, with appointment to the Panel to be made by Council upon its adoption of the Design Review Panel Local Planning Policy;
 4. Instructs the Chief Executive Officer to:
 - a. refer the options for funding of a Design Review Panel to a Councillor Workshop to assess costs, benefits and risks, and report back to Council in March 2020 for a decision on funding; and
 - b. make arrangements for complex planning proposals to be considered by another Western Suburbs Design Review Panel at the proponent's cost as an interim measure prior to the establishment of the City of Nedlands Design Review Panel.
 5. Notes that a budget amount of \$30,000 is to be set aside in the Mid-Year Review to allow for the operation of the Design Review Panel from February – June inclusive; and
 6. Instructs the Chief Executive Officer to make arrangements for complex planning proposals to be considered by another Western Suburbs Design Review Panel at the proponent's cost as an interim measure prior to the establishment of the City of Nedlands Design Review Panel."
- (3) Amends the 30th January 2020 Resolution to allow for timeframe and budget changes by making the following adjustments:
- a. Clause 4a change "March 2020" to "July 2020".
 - b. Clause 5 change "Mid-Year Review" to "2020-21 Budget".
 - c. Clause 5 change "February – June" to "July -December 2020".
 - d. Clause 5 change "\$30,000" to "\$ to be advised".

Justification

1. It has become apparent that since the gazettal of Local Planning Scheme 3 the number and complexity of Development Applications being lodged in the City requires reinforcement of the structures that underpin the planning support framework. One such structure being the Design Review Panel.
2. Design Review Panels (DRP) are a legitimate part of the Planning Framework and by implication strengthens the City's claims within the Responsible Authority Report (RAR) prepared for the Development Application Panel (DAP).

3. Access to a DRP would greatly improve City Planners' ability to prepare a strong RAR based on sound planning principles and allow engagement with the DRP as an early intervention measure.
4. The Design Review Panel Local Planning Policy, Terms of Reference and Panel appointees are all within the power of Council as the elected body.
5. City of Nedlands could collaborate with other neighbouring Local Government DRPs in shared Precincts such as Perth and Subiaco.
6. Other small Councils such as Claremont and Peppermint Grove may be interested in utilizing the City's DRP.
7. Council Resolution 15.5 DAP Related Development Application Cost & Income dated 31 March 2020 provides for open transparency understanding the costs related to Development Applications and related DRP involvement. Copied below for reference:

"That Council requests the CEO provides a monthly summary of DAP Applications costs and income on a project basis at the completion of each case."

8. Council has expressed its concerns with DRP being:
 - potential for cost escalation;
 - inequitable distribution of costs;
 - inappropriate distribution of power to an unelected body;
 - outside interference with the City's expressed Strategic direct;
 - ideologically, to consider the extent by which the community's right to influence design is balanced against the aspirations of an individual property owner.

Most of these concerns are manageable given reasons 1-7 above. Only the last point is a matter for conscience for the elected members.

Administration Response

Administration support the listing of this item as urgent business for May Council meeting or as a Notice of Motion for the 23rd June Council meeting.

Council is advised that the City has already completed item 3 of Resolution 7.0 from January 30th 2020, however, given the decision being rescinded would advise Council to instruct the CEO to re-advertise the Design Review Panel LPP and Expressions of Interest again for a period of 21 days.

Administration advise that a cost sharing model is advised to encourage the use of the DRP by smaller proponents with an emphasis on pre-lodgement design consultation. Post lodgement DRP should be funded by the applicant as in most cases if the DRP has not provided support prior to lodgement there are generally overall concerns with a project that the designer or applicant has failed to resolve.

Administration would predict approximately 2-3 items would be required to be brought to the DRP per month (1-2 meetings). Each DRP would cost in the order of approximately \$4000 (excluding staff resourcing) with a cost of \$48,000 - \$96,000 per annum. Partial funding by the City in a cost sharing model would be a cost of approximately \$60,000 if for example the first DRP was free and any subsequent DRP's would be at the applicants cost. *Assumption DRP requiring 2 reviews, 1 pre lodgement and 1 post lodgement with half needing the second review. We therefore recommend a budget item of \$60,000 to be added.

If re-advertising were to occur Council is advised that subject to ordinary council report cycle the earliest this could be brought back to Council is August unless a Special Council meeting is called in early July.

Administration are supportive of working with other local governments, including other Western Suburbs Local Governments to share our services and costs.

15.2 Councillor Hodsdon – Plot Ratio

Councillor Hodsdon gave notice of his intention to raise the following at the Council Meeting on 23 June 2020.

That Council:

2. Approves the removal of all references to a plot ratio of 6 in the unendorsed “Nedlands Town Centre, Precinct Plan” Replace this ratios with 3 in the Table on page 20, plot ratio in column headed “Precinct 2-town core”; and
3. Approves the ‘Community Benefit Measures’ height allowances be reduced from 25% to 10% (being 2% per objective).

Justification

This ratio could mislead developers that the City sees this as a suitable outcome.

This has been used in a DA already resulting in a 23-storey building.

Even though this is not an endorsed document it may be used as evidence what is considered acceptable in the town centre at JDAP , SAT or WAPC (the latter is likely to gain sole responsibility for approving projects over \$30 million and/or more than 100 units) There will need to be some changes in the “Explanatory Report” to reflect the above changes.

Administration Comment

The provisions mentioned in the Notice of Motion relate to the Draft Nedlands Precinct Plan (Local Planning Policy) For provisions to be amended as requested, these can either be changed following instruction to do so if they are minor and do not substantially alter the intent or provision of the LPP, before and inclusive of the Final Nedlands Precinct Plan (LPP) as it is brought to Council for adoption.

However, given that the changes are significant to what has been advertised, in accordance with Clause 5 Procedures for amending local planning policy of Schedule 2, Part 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, (2), the local government may make an amendment to a local planning policy without advertising the amendment, if, in the opinion of the local government, the amendment is a minor amendment.

The current ratios which have been adopted by Council in September 2019 for consent to advertise, and for which have been advertised in March 2020 are current. If Council wishes to amend any provision of the Draft Nedlands Town Centre Precinct Plan, prior to it being brought to Council for final adoption, and that amendment is not minor in nature, the City will be required to re-advertise the Draft Nedlands Town Centre Precinct Plan, and any changes suggested by Council.

It is suggested by administration that if this is Council's desire that the instruction be as follows:

That Council instructs the CEO to amend the Draft Nedlands Town Centre Precinct Plan LPP in the following ways:

- *"Replace the currently advertised plot ratios with 3:1 in the Table on page 20, plot ratio in column headed "Precinct 2- town core"*
- "Community Benefit measures" height allowances to be reduced from 25% to 10% (being 2% per objective)"

And that the Revised Draft Nedlands Town Centre Precinct Plan LPP and revised provisions be re-advertised for a period of 21 days in accordance with Schedule 2, part 4 (2) Procedure for making local planning policy, of the Deemed Provisions.

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

Nil.

17. Confidential Items

Any confidential items to be considered at this point.

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 11.39 pm.