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***Minutes***

***Council Meeting***

***27 July 2021***

**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 in the Council Chambers, Nedlands and livestreamed on Tuesday 27 July 2021 at 7 pm.**

# Declaration of Opening

The Presiding Member declared the meeting open at 7 pm and drew attention to the disclaimer below.

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

**Councillors** Her Worship Mayor F E M Argyle (Presiding Member)

Councillor F J O Bennett Dalkeith Ward

Councillor A W Mangano Dalkeith Ward

Councillor N R Youngman Dalkeith Ward

Councillor B G Hodsdon Hollywood Ward

Vacant Hollywood Ward

Councillor J D Wetherall Hollywood Ward

Councillor R A Coghlan Melvista Ward

Councillor R Senathirajah Melvista Ward

Councillor B Tyson 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 E K Herne Acting Chief Executive Officer /

Director Corporate & Strategy

Mr A D Melville Acting Director Technical Services

Mr T G Free Director Planning & Development

Ms M E Granich Executive Manager Community

Mrs N M Ceric Executive Officer

**Public** There were 48 members of the public present and 10 online.

**Press** The Post Newspaper Representative.

**Leave of Absence** Nil.

**(Previously Approved)**

**Apologies** Nil

**Disclaimer**

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

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

# Public Question Time

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

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

## Mr Andrew Edwards, Doonan Road, Nedlands

Question 1

The operating budget before grants, subsidies and non-recurring items is a loss of $2.98m compared with a profit made in 2020/21 of $3.3m. The main contributor to this significant slide is an increase in ‘Materials and contracts’ expenditure of nearly $5m which represents a 50% increase on the prior year. What makes up this increase and please explain the rationale for such a large uplift in this year’s budget given that its effect is to take the City’s operating result into an expected deficit.

Answer 1

The increase of $4.9m (nearly $5m) between the 2021/22 budget and 2020/21 Actuals is represented by:

* ERP Implementation - $1.3m
* ICT Licences and Professional fees - $1.2m
* Consultancy fees (JDAP, SAT, Design Review Panel, Special Projects) - $0.9m
* Donations to Community, Sport and Recreation fund program - $0.1m
* Various Organisational Plans, Strategic Planning and Review - $0.5m
* Increase in Parks, Waste, Street Road and Depot and other maintenance - $0.9m

Question 2

On a similar theme, employee costs in 2020/21 were $1.7m above budget for that year, an overrun of more than 12%. This year’s budget for employee costs has a further 3% increase above last year’s actual cost. The 2021/22 budget seems to assume that the materially higher than budget costs of last year provide a reasonable base for setting the employee cost for the City’s continuing operations. Please advise why there was such a significant cost overrun last year compared with budget and the extent to which the budgeting process has robustly assessed whether this elevated cost is the appropriate base from which to set the budgeted 2021/22 employee costs as distinct from considering this from a ‘first principles’ basis?

Answer 2

The increase in employee costs of $1.7m compared to budget is as a result of the high staff turnover which occurred in 2020-21. Some of those staff had high leave liability, which impacted the termination pays, hence the large variance. In addition, the City had to use relief staff, or contractors to maintain business as usual, this often involved placement and agency fees. This situation would not have been identified or factored into the budget figures for 2020-21 at the time.

# 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.

Miss Florence Long, Viewway, Nedlands Item 14.3

(spoke in support of the motion)

Ms Carmen La Cava, Wattle Avenue, Dalkeith Item 14.5

(spoke in opposition of the motion)

Mr Ken Eastwood, Alexander Place, Dalkeith Item 13.5

(spoke in opposition of the motion)

Ms Miriam Stanborough, Dalkeith Road, Nedlands Item 14.1

(spoke in opposition to the motion)

Mr Anthony Brown, Bulimba Road, Nedlands Item 14.1

(spoke in support of the motion)

Mrs Natasha Blycha, Melville Item 14.1

(spoke in opposition of the motion)

Mr Vince Carbone, Taylor Road, Nedlands Item 14.1

(spoke in support of the motion)

Moved – Councillor Tyson

Seconded – Councillor Coghlan

**That Council suspend Standing Order 3.4(4) to allow an additional speaker on item 14.1.**

**CARRIED UNANIMOUSLY 12/-**

Mr Warwick Turton, Elizabeth Street, Nedlands Item 14.1

(spoke in support of the motion)

Professor Mark Beeson, Richardson Avenue, Claremont Item 14.3

(spoke in support of the motion)

Mr Patrick Cullen, Mountjoy Road, Nedlands Item 14.4

(spoke in support of the motion)

Dr Louise Sparrow, Mountjoy Road, Nedlands Item 14.4

(spoke in support of the motion)

Ms Carmen Tutor, Alexander Road, Dalkeith Item 14.7 & 14.8

(spoke in support of the motions)

Dr Peter Robins, Edward Street, Nedlands Item 14.9

(Spoke in support of the motion)

Mrs Barbara Slater, Egina Street, Mt Hawthorn PD26.21

(spoke in support of the recommendation)

Mrs Dorothy Collin, Hobbs Avenue, Dalkeith

(spoke in relation to Tawarri)

Dr Robin Collin, Birdwood Parade, Dalkeith

(spoke in relation to Pandemics and Policy)

Mr Brad Girdwood, Collegians Football Club 14.5

(spoke in opposition to the motion)

Mrs Elaine Jacoby, Jutland Parade, Dalkeith 14.8

(spoke in support to the motion)

# Requests for Leave of Absence

Nil.

# Petitions

Petitions to be tabled at this point.

Nil.

# Disclosures of Financial / Proximity Interest

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

There were no disclosures of financial interest.

# Disclosures of Interests Affecting Impartiality

The Presiding Member reminded Council Members and Employees of the requirements of Council’s Code of Conduct in accordance with Section 5.103 of the *Local Government Act*.

## Councillor Youngman – PD23.21 - Consideration of Development Application – Carport Addition & Driveway at 10 Cygnet Crescent, Dalkeith

Councillor Youngman disclosed an impartiality interest in Item PD23.21- Consideration of Development Application – Carport Addition & Driveway at 10 Cygnet Crescent, Dalkeith. Councillor Youngman disclosed that the owner is his neighbour, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Youngman declared that he would consider this matter on its merits and vote accordingly.

# Declarations by Council Members That They Have Not Given Due Consideration to Papers

Councillor McManus declared he had read the papers however he not had a detailed look at the agenda papers as he had just been released from jury duty.

# Confirmation of Minutes

## Ordinary Council Meeting 22 June 2021

Moved – Councillor Hodsdon

Seconded – Councillor Wetherall

**The Minutes of the Ordinary Council Meeting held 22 June 2021 be confirmed.**

**CARRIED UNANIMOUSLY 12/-**

## Annual Electors Meeting 28 June 2021

Moved – Councillor Hodsdon

Seconded – Councillor Senathirajah

**The Minutes of the Annual Electors Meeting held 28 June 2021 be received noting that no motions were moved at the Annual Electors Meeting.**

**CARRIED 10/2**

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

Councillor Coghlan left the meeting at 8.31pm and returned at 8.33pm.

# Announcements of the Presiding Member without discussion

Just four weeks in the position of Mayor I would like to give an update.

Firstly, I would like to send a heartfelt thanks to the Deputy Mayor, Leo McManus, who has been nothing short of incredible. Leo has made me feel very welcome and has taken the time out to show me the ropes.

As you may know, Leo and I went head-to-head for the Mayoral Role, unfortunately Leo was not victorious. But I would like everyone here to know this: anyone can be a winner in life but not everyone can be a good loser.  The ability to lose well and make a comeback shows the true mark of someone’s character. Hence, my respect for you Deputy Mayor, McManus - has grown enormously. YOU are a tremendous co -pilot. Thank you.

It would be remiss of me not to acknowledge and thank my father, Ian Stanley Argyle. At the age of 86 this year, to see you wait for me to end the meetings, long into the night, when you can hardly walk, and get me to my car safely, is also the mark of a true gentleman, and great father. If anyone would like some lessons on parenthood, or how to be a better person, have a chat with Ian. former Councillor Argyle, has kindly given me two copies of “Nedlands, from Campsite to City.” Evidently, there were only 11 copies left in print, well until, Ian purchased them all.

I draw your attention to page 131 an advert from the Dalkeith Progress Association dated, November 1934, “Are you interested in the progress of your district? “Do you want sports grounds, roads, street trees, improvements to the reserves? “In almost 80 years, it’s nice to know, some things never change...

To the Councillors. Thank you to those who have been kind enough to reach out and assist. You have been amazing. I only see potential, and I am looking forward to working with you all.  Seeing us all go the extra mile for the community. It is a noble position, not a job but a privilege. I treasure your wisdom. Thank you.

To the acting CEO, Ed Herne and the executive team. Thank you. The acting CEO has opened the doors to me, so I can see the true workings of the administration. Thank you acting CEO. To Andrew Melville, Acting Director Technical Services and his team, I have seen you be very proactive in the flood situation, responding to every emergency as fast as you can. And a special thank you to the Executive Officer, Nicole Ceric.

I would like you all the know, there are fantastic people in administration, and like all Councillors they share a love and passion for the city and only want the best for it.

May we all work together - to achieve better, stronger outcomes for OUR community.

In terms of other news, I have met with a number of members from the district.

* Despite the floods and record rain; it has been business as usual.
* I have attended the Waratah Village Precinct Reference Group Meeting. I would like you to know- we are in safe hands there.
* I also met a number of rate payers at the Stirling Hwy Activity Corridor, it was very encouraging- the brief is simple- unite our city. With this group of people anything is possible.
* On the weekend, I attended the Emerge Youth Art Awards, along with Councillor Smyth and Councillor Hodsdon, this year there were 152 entrants. The showcase, held at Tresillian Arts Centre, was spectacular. I would like to commend the city for supporting the arts, and young people’s creative dreams- with many of the artists showing their work in a professional manner for the first time. The winner of the Open Category was Ms Willow Armitstead. Congratulations to Ms Armitstead and the four other prize winners.
* Finally, like to thank the WA President of the Rose Society, Mr Bob Melville who conducted the annual rose pruning lessons at the Rose Gardens. The Rose Gardens officially came into being on 22nd October 1950, when it was opened by the then Governor General of Western, Sir James Mitchell - in the middle of the gardens there is a plague “The Rose Memorial Garden is dedicated to the glorious memory of all those who sacrificed their lives on active service for their country’s cause.” May we never forget.  For the last seventy years without fail, the WA Rose Society has been there to care for the garden and give us tips on keeping a rose in check. Mr Melville also says, no bias at all, that Nedlands has the best roses in the world. Repeat: Nedlands has the best roses in the world. The Mayor agrees!

So, in summary, so far so good.

The first month as Mayor, we have managed to steady the aircraft. We are in less turbulent skies - focusing on things we can add value to and not the things we can’t.

So let’s keep up the good work.

# Members announcements without discussion

Written announcements by Council Members to be tabled at this point.

Council Members may wish to make verbal announcements at their discretion.

Councillor Mangano left the meeting at 8.37pm.

## Councillor Smyth

Councillor Smyth provided a list of events and meetings she had attended during June & July 2021

Emerge Youth Art Awards – Saturday 24 July 2021 Tresillian Centre (21 Tyrell Street, Nedlands Western Australia). A successful exhibition with 5 prizes presented by the Mayor Argyle.

Perth Children’s Hospice Community Information Day – Sunday 11 July 2021 at 10am, Bridge Club, Allen Park, Swanbourne. This was a Community Information Session by the proponents – I attended as Chair of the City of Nedlands Site Assessment Working Group.

WALGA Central Metropolitan Zone Meeting – 24 June 2021 at 6:00pm at the Town of Vincent, Vincent Street, Leederville. Agenda & Minutes available on WALGA website <https://walga.asn.au/About-WALGA/Structure/Zones/Central-Metropolitan-Zone.aspx> Attended also Mayor Fiona Argyle, Andrew Melville, Acting Director Technical Services.

Councillor Mangano returned to the meeting at 8.38pm.

Lake Claremont Advisory Committee event – Saturday 12 June 2021 at 4:00pm at the Lake Claremont.

Friends of Lake Claremont Celebration - in my capacity as City of Nedlands representative on the LCAC I attended the celebration for the FOLC and view the Brenton See’s stunning new mural “Flora and Fauna of Lake Claremont” hosted by the Town of Claremont.

JDAP Meetings (x2)

Metro Inner North JDAP meeting #92 – 23 June 2021 at 11:00am at the Department of Planning, Lands and Heritage, Lands and Heritage, 140 William Street, Perth to determine the following applications:

Attended online with Councillor Bennett.

Lot 21 (24) Clark Street, Nedlands - Development of 10 Multiple Dwellings. The RAR Council recommendation for refusal was moved and LOST 2/3.

The RAR Officer recommendation for approval was moved with amendments and CARRIED 3/2.

Metro Inner North JDAP meeting #96 – 15 July 2021 at 9:00am at the City of Nedlands Council Chambers, 71 Stirling Highway, Nedlands to determine the following applications:

Attended online with Councillor Bennett.

Lot 544 (105) Broadway, Nedlands - Mixed use development, comprising 22 apartments and ground floor office use. The RAR Council & Officer recommendation for refusal was moved and LOST 2/3. A procedural motion for a deferral of 120 days was moved with reasons for redesign, then LOST 2/3.

The Alternate recommendation for approval was moved with amendments and CARRIED 3/2.

## Councillor Youngman

The Presiding Member adjourned the meeting for 15 minutes to regain order of the meeting.

The meeting adjourned at 8.82pm and reconvened at 8.54pm with the following people in attendance:

**Councillors** Her Worship Mayor F E M Argyle (Presiding Member)

Councillor F J O Bennett Dalkeith Ward

Councillor A W Mangano Dalkeith Ward

Councillor N R Youngman Dalkeith Ward

Councillor B G Hodsdon Hollywood Ward

Vacant Hollywood Ward

Councillor J D Wetherall Hollywood Ward

Councillor R A Coghlan Melvista Ward

Councillor R Senathirajah Melvista Ward

Councillor B Tyson 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 E K Herne Acting Chief Executive Officer /

Director Corporate & Strategy

Mr A D Melville Acting Director Technical Services

Mr T G Free Director Planning & Development

Ms M E Granich Executive Manager Community

Mrs N M Ceric Executive Officer

**Public** There were 48 members of the public present and 10 online.

**Press** The Post Newspaper Representative.

Councillor Youngman withdrew his previous comments and apologised.

Councillor Youngman advised that members of the community are coming to me to say that they have heard that the council is in disarray, dysfunctional and facing the prospect of being dissolved. Through the leadership of the mayor there should be projected an image of a functional council that is not facing dissolution.

# 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.

# Divisional reports and minutes of Council Committees and administrative liaison working groups

## 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 Hodsdon

Seconded – Councillor Tyson

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

**Confidential CEO Recruitment & Selection Committee 14 June 2021**

Unconfirmed, Circulated to Councillors on 7 July 2021

**Public Art Committee 21 June 2021**

Unconfirmed, Circulated to Councillors on 28 June 2021

**Council Committee 13 July 2021**

Unconfirmed, Circulated to Councillors on 16 July 2021

**CARRIED UNANIMOUSLY 12/-**

Note: As far as possible all the following reports under items 12.2, 12.3, and 14.1 will be moved en-bloc and only the exceptions (items which Council Members wish to amend) will be discussed.

En Bloc

Moved - Councillor Wetherall

Seconded – Councillor Smyth

**That all Committee Recommendations relating to Reports under items 12.2, 12.3 and 14.1 with the exception of Report Nos. PD23.21, PD24.21, PD25.21, PD26.21 and 14.1 are adopted en bloc.**

**CARRIED UNANIMOUSLY 12/-**

## Planning & Development Report No’s PD23.21 to PD26.21 (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.

|  |  |
| --- | --- |
| **PD23.21** | **Consideration of Development Application – Carport Addition & Driveway at 10 Cygnet Crescent, Dalkeith** |
|  | |
| **Committee** | 13 July 2021 |
| **Council** | 27 July 2021 |
| **Applicant** | S and D O’Keeffe |
| **Landowner** | S and D O’Keeffe |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia. |
| **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** | DA21/63007 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to an objection being received. |
| **Confidential Attachments** | 1. Plans 2. Submission 3. Assessment |

**Councillor Youngman – Impartiality Interest**

Councillor Youngman disclosed that the owner is his neighbour, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Youngman declared that he would consider this matter on its merits and vote accordingly.

**Regulation 11(da) – Council considered that the setback of the carport as proposed would impact adversely on the streetscape and the amenity of the area.**

Moved – Councillor Youngman

Seconded – Councillor Mangano

**Council Resolution**

**That Council refuse the development application for the following reasons:**

1. **The proposed development does not meet the Design Principles of Clause 5.2.1 – Setbacks of Garages and Carports of State Planning Policy 7.3 – Residential Design Codes (Volume 1) as the development is not designed to contribute positively to the streetscape and the appearance of the dwelling.**
2. **The proposed development does not comply with Clause 67(2)(m) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 as the development is not considered to be compatible with its setting, including the desired future character of its setting and the relationship development to development on adjoining land and land in the locality.**
3. **The proposed development does not comply with Clause 67(2)(n) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 as the development is not in keeping with the amenity of the locality, including the streetscape character of the locality.**

**CARRIED 8/4**

**(Against: Mayor Argyle Crs. McManus Hodsdon & Wetherall)**

Committee Recommendation

That Council refuse the development application and requests administration to provide reasons for refusal to the Council Meeting.

Recommendation to Committee

In accordance with Clause 68(2)(a) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015,* Council approves the development application received on 13 April 2021 in accordance with plans date stamped 30 June 2021 for a Carport and Driveway at Lot 819 (No. 10) Cygnet Crescent, Dalkeith subject to the following conditions:

1. This development approval only pertains to the addition of a Carport and Driveway as indicated on the determination plans.
2. All sides of the carport shall remain open and shall not accommodate a door.
3. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot.
4. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite; and
5. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.

|  |  |
| --- | --- |
| **PD24.21** | **Consideration of Development Application for a Change of Use from ‘Animal Establishment’ to ‘Industry-Light’ at 29 Carrington Street, Nedlands** |
|  | |
| **Committee** | 13 July 2021 |
| **Council** | 27 July 2021 |
| **Applicant** | Hatch Roberts Day |
| **Landowner** | Hamlet Properties Pty Ltd |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and  the Planning Institute of Australia. |
| **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** | DA21-62959 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to objections being received. |
| **Attachments** | 1. Summary of Submissions |
| **Confidential Attachments** | 1. Development Plans 2. Business Management Plan 3. Submissions |

Procedural Motion

Moved – Councillor Smyth

Seconded – Councillor Tyson

**That Council proceed to the next item of business due to the item being withdrawn by the applicant.**

**CARRIED UNANIMOUSLY 12/-**

Recommendation to Committee

In accordance with clause 68(2)(b) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*, Council approves the development application received on 13 April 2021 in accordance with the plans date stamped 23 April 2021 (DA21-62959) for the Change of Use from ‘Animal Establishment’ to ‘Industry-Light’ at Lot 387 (No. 29) Carrington Street, Nedlands, subject to the following conditions:

1. This approval is for a ‘Industry-Light’ land use as defined under the City’s Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City of Nedlands.
2. A maximum of 10 staff (inclusive) shall be permitted on the premises at any one time.
3. Prior to the issue of a Building Permit, the Waste Management Plan dated 28 June 2021, is to be updated in accordance with the City of Nedlands Waste Management Local Planning Policy and Guidelines to include:
4. Detailing of waste generation for the bakery premises; and
5. Inclusion of the SUEZ agreement and waste truck specifications.

The updated Waste Management Plan is to be implemented prior to occupation and maintained at all times, to the satisfaction of the City of Nedlands.

1. The bin enclosure location and construction is to comply with the City’s Health Local Laws 2017 and maintained at all times, to the satisfaction of the City of Nedlands.
2. The premises are required to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 at all times, to the satisfaction of the City of Nedlands.
3. All car parking dimensions, manoeuvring areas, crossovers and driveways shall comply with Australian Standard AS2890.1 to the satisfaction of the City of Nedlands.
4. Service and/or delivery vehicles must not service the premises before 7.00am or after 7.00 pm Monday to Saturday, and/or before 9.00 am or after 7.00 pm on Sundays and Public Holidays unless prior approval from the City of Nedlands is granted.
5. All staff parking bays and deliveries (drop off and pick up) will be serviced from the rear of the site from Government Road at all times, to the satisfaction of the City of Nedlands; and
6. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any conditions of this approval.

|  |  |
| --- | --- |
| **PD25.21** | **Consideration of Development Application - 6 Aged and Dependent Persons’ Dwellings at Lot 100 Montgomery Avenue, Mt Claremont** |
|  | |
| **Committee** | 13 July 2021 |
| **Council** | 27 July 2021 |
| **Applicant** | Apex Planning |
| **Landowner** | Western Power |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff and the proponents or their consultants.  Whilst parties may be known to each other professionally, this relationship is consistent with the limitations placed on such relationships by the Codes of Conduct of the City and the Planning Institute of Australia. |
| **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** | DA21-63578 |
| **Previous Item** | Nil |
| **Delegation** | In accordance with the City’s Instrument of Delegation, Council is required to determine the application as more than 4 dwellings are proposed |
| **Attachments** | 1. Location Plan & Zoning Plan |
| **Confidential Attachments** | 1. Plans 2. Submissions |

Procedural Motion

Moved – Councillor Coghlan

Seconded – Councillor Smyth

**That Council proceed to the next item of business due to the item being withdrawn by the applicant.**

**CARRIED UNANIMOUSLY 12/-**

Committee Recommendation

That Council:

* + - 1. defer the item in order for the applicant to amend the proposal to have a minimum 45% open space per dwelling, as set out in clause 5.1.4 – Open Space of State Planning Policy 7.3 – Residential Design Codes;
      2. requests that an alternate position for the driveway be investigated such that the need to cross the verge at Montgomery Avenue is avoided; and
      3. requests that the landscaping contain endemic species that supports the local ecology.

Recommendation to Committee

In accordance with Clause 68(2)(a) of the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015,* Council approves the development application received on 27 April 2021 in accordance with amended plans date stamped 10 June 2021 for six (6) Aged and Dependent Persons’ Dwellings at Lot 100 Montgomery Avenue, Mt Claremont subject to the following conditions:

1. This approval is for a ‘Residential – Aged and Dependent Persons Dwelling’ land use as defined under the City’s Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.
2. Prior to the issue of a Building Permit, the owner must execute and provide to the City a notification pursuant to Section 70A of the *Transfer of Land Act 1893* (as amended) to be registered on the Certificate of Title advising prospective purchasers that the use of the land is subject to the Aged and Dependent Persons’ restriction. The notification required by shall read as follows:

“This property is approved for use as an Aged or Dependent Persons’ Dwelling. The dwelling restricted to be occupied by a person who:

* 1. Is aged 55 years or more; or
  2. Has a recognised form of disability requiring special or supported accommodation; and
  3. May also accommodate the spouse or carer of that person and in any case no more than one other person.”

1. The Aged and Dependent Persons’ dwelling internal design, external paths and car parking areas shall be constructed in accordance with Clause 5.5.2 of the Residential Design Codes and AS4299/1995 – Adaptable Housing.
2. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development or in:
3. Face brick;
4. Painted render;
5. Painted brickwork; or
6. Other clean material as specified on the approved plans and maintained thereafter to the satisfaction of the City.
7. Prior to occupation of the development, all major openings and unenclosed outdoor active habitable spaces, which have a floor level of more than 0.5m above natural ground level and overlook any part of any other residential property behind its street setback line shall be setback, in direct line of sight within the cone of vision from the lot boundary, a minimum distance as prescribed in C1.1 of Clause 5.4.1 – Visual Privacy of the Residential Design Codes. Alternatively, the major openings are screened in accordance with the Residential Design Codes by either;
8. fixed obscured glazing or translucent glass to a height of 1.60 metres above finished floor level; or
9. Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;
10. a minimum sill height of 1.60 metres as determined from the internal floor level; or
11. an alternative method of screening approved by the City.

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

1. Prior to commencement of development, a detailed landscaping plan shall be submitted to and approved by the City of Nedlands and is to be installed and maintained in accordance with that plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.
2. Prior to the occupation of the development, all structures within 1.5m visual truncation areas abutting vehicle access points shall be truncated or reduced to 0.75m height to the satisfaction of the City.
3. Prior to occupation, each dwelling is to have an adequate area set aside for clothes drying screened so as to not be highly visible from any adjacent public place in accordance with the requirements of the Residential Design Codes to the satisfaction of the City.
4. Prior to the occupation of the development, the car parking designated for visitors shall be clearly marked or signage provided to the specification and maintained thereafter by the landowner to the satisfaction of the City.
5. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City.
6. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.
7. The location of any bin stores shall be behind the street alignment so as not to be visible from a street or public place and constructed in accordance with the City’s Health Local Law 1997.
8. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot; and
9. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.

|  |  |
| --- | --- |
| **PD26.21** | **Consideration of Street Tree Removal at 22 Pine Tree Lane,** **Mt Claremont** |
|  | |
| **Committee** | 13 July 2021 |
| **Council** | 27 July 2021 |
| **Applicant** | Bellagio Homes Pty Ltd |
| **Landowner** | B.D. Slater |
| **Director** | Tony Free – Director Planning & Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.    There is no financial or personal relationship between City staff and the proponents or their consultants. |
| **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** | DA21-59818 |
| **Previous Item** | Nil |
| **Delegation** | The application may require a recommendation for refusal 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. |
| **Confidential Attachments** | 1. Plans |

Moved – Councillor Wetherall

Seconded – Councillor Senathirajah

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

Lost 5/7

(Against: Mayor Argyle Crs. Horley McManus Youngman Hodsdon Wetherall & Senathirajah)

**Regulation 11(da) - Council considered that removing the tree and requiring two replacement trees was the most practical outcome and the best long term solution to preserving the street amenity in terms of the provision of street trees.**

Moved – Councillor Hodsdon

Seconded – Councillor Horley

**Council Resolution**

**Council grants approval for the removal of the 7m Jacaranda street tree (ID#11720) located abutting the Camelia Avenue frontage of 22 Pine Tree Lane, Mt Claremont and requires the planting of two (2) x 500L Jacaranda Trees at the applicant’s expense and to the satisfaction of the City of Nedlands.**

**CARRIED 8/4**

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

Committee Recommendation / Recommendation to Committee

Council grants approval to relocate the 7m Jacaranda Street tree (ID #11720) located abutting the Camelia Avenue frontage of 22 Pine Tree Lane, Mt Claremont to a location further west on Camelia Avenue at the applicant’s expense and to the satisfaction of the City of Nedlands.

## Corporate & Strategy Report No’s CPS14.21 to CPS15.21 (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.

|  |
| --- |
| **CPS14.21 Lease to Floreat Community Pre-Kindy Inc.** |

|  |  |
| --- | --- |
| **Committee** | 13 July 2021 |
| **Council** | 27 July 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Andrew Melville – Acting Director Corporate & Strategy |
| **Attachments** | 1. Floreat Community Pre-Kindy Inc. – Proposal and Business Plan; and 2. Letter of Support – Floreat Toy Library |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor Wetherall

Seconded – Councillor Smyth

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 12/-**

**Council Resolution / Committee Recommendation / Recommendation to Committee**

**Council:**

1. **approves an exclusive use lease for the Hackett Play Centre site between the City of Nedlands and Floreat Community Pre-Kindy Inc. consistent with the key terms as noted within this report;**
2. **subject to the Minister for Lands Consent, authorises the CEO and Mayor to execute the lease agreement and apply the City’s Common Seal; and**
3. **requests the CEO to provide a further report detailing options for the future use of the Strickland Street Infant Health Centre.**

|  |
| --- |
| **CPS15.21 Procurement of Goods and Services Council Policy Review** |

|  |  |
| --- | --- |
| **Committee** | 13 July 2021 |
| **Council** | 27 July 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **Director** | Andrew Melville – Acting Director Corporate & Strategy |
| **Attachments** | * + - 1. Procurement of Goods and Service Council Policy |
| **Confidential Attachments** | Nil. |

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

Moved – Councillor Wetherall

Seconded – Councillor Smyth

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

(Printed below for ease of reference)

**CARRIED UNANIMOUSLY 12/-**

**Council Resolution / Committee Recommendation / Recommendation to Committee**

**Council adopts the updated Procurement of Goods and Services Policy, as per attachment 1.**

# Reports by the Chief Executive Officer

## Monthly Financial Report – June 2021

|  |  |
| --- | --- |
| **Council** | 27 July 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil |
| **Director** | Ed Herne – Acting Chief Executive officer |
| **Attachments** | 1. Financial Summary (Operating) by Business Units – 30 June 2021 2. Capital Works & Acquisitions – 30 June 2021 3. Statement of Net Current Assets – 30 June 2021 4. Statement of Financial Activity –30 June 2021 5. Borrowings – 30 June 2021 6. Statement of Financial Position – 30 June 2021 7. Operating Income & Expenditure by Reporting Activity – 30 June 2021 8. Operating Income by Reporting Nature & Type – 30 June 2021 |

**Regulation 11(da) – Not Applicable – Minor correction required.**

Moved – Councillor Senathirajah

Seconded – Councillor McManus

**That the Recommendation to Council be adopted subject to clarification on page 22 under Net Current Asset Statement the net current asset amount of “$20.67m” be confirmed and corrected if required and under conclusion the word “over” be replaced with the word “under”.**

Councillor Youngman left the meeting at 9.25pm.

**CARRIED UNANIMOUSLY 12/-**

**Council Resolution**

**Council receives the Monthly Financial Report for 30 June 2021 with clarification on page 22 under Net Current Asset Statement the net current asset amount of “$20.67m” be confirmed and corrected if required and under conclusion the word “over” be replaced with the word “under”.**

Recommendation to Council

Council receives the Monthly Financial Report for 30 June 2021.

**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.

**Voting Requirement**

Simple Majority.

**Discussion/Overview**

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

This report gives an overview of the revenue and expenses of the City for the year to date 30 June 2021 together with a Statement of Net Current Assets as at 30 June 2021.

The operating revenue at the end of June 2021 was $34.23m which represents $880k favourable variance compared to the year-to-date budget.

The operating expense at the end of June 2021 was $33.53m, which represents $2.47m favourable variance compared to the year-to-date budget.

The monthly financial report for 30 June 2021 is based on transactions recorded until 30 June 2021 and does not represent the final figures of the 2020/21 financial year.

The City will continue to receive supplier invoices for the financial year 30 June 2021 throughout July 2021. Invoices received after the year end have not been included in this report due to the timing of the preparation of this report. However, for final audited accounts, these invoices and other final journal adjustments will be included as required by Accounting Standards.

The attached Operating Statement compares “Actual” with “Budget” by Business Units. The budget figures include subsequent Council approval to budget changes. Variations from the budget of revenue and expenses by Directorates are highlighted in the following paragraphs.

**Governance**

Expenditure: Unfavourable variance of $ (253,279)

Revenue: Unfavourable variance of $ (16,951)

The Unfavourable expenditure variance is mainly due to:

* Overspend in actual salaries as a result of the City-wide budget savings of $432k allocated to the Governance business unit.

This is offset by savings of $178k in:

* Lower Governance and communications special project expenses of $55k.
* Lower Communications office expenses and Members of Council expenses of $123k.

The unfavourable revenue variance of $17k is mainly due to not receiving any workers compensation contribution as originally budgeted for.

**Corporate and Strategy**

Expenditure: Favourable variance of $ 526,497

Revenue: Favourable variance of $ 370,088

The favourable expenditure variances are mainly due to:

* Lower Corporate Services, finance and shared services Professional fees of $240k,
* Lower salary expenditure in customer services of $44k.
* Lower ICT expenses and Depreciation of $245k.

Favourable revenue variances are mainly due to:

* 2021/22 Financial assistance grant of $407k.
* Offset by lower term deposit interest income of $41k.

**Community Development and Services**

Expenditure: Favourable variance of $ 454,307

Revenue: Favourable variance of $ 214,929

The favourable expenditure variance is mainly due to:

* Lower expenditure on Community donations, Special projects, and operational activities of $197k,
* PRCC and Library salary savings of $125k, due to not backfilling vacant position.
* Savings on Positive ageing other expenses of $17k ,
* Lower spend in printing and stationery and other expenses of $47k.

The favourable income variance is mainly due to:

* Increased fees and charges income from Tresillian and PRCC of $214k.

**Planning and Development**

Expenditure: Favourable variance of $ 1,048,341

Revenue: Favourable variance of $ 214,718

The Favourable expenditure variance is mainly due to:

* Unspent Urban Projects expenses of $848k.
* Lower spend in Environmental Conservation and Sustainable Operational activities of $113k.
* Savings in environmental health salaries of $81k due to not filling vacant position.

The favourable revenue variance is mainly due to:

* Increased Building and Ranger services fees & charges income of $355k.
* ESL reimbursement for leased property of $31k.
* Offset by lower fees & charges from planning of $189k.

**Technical Services**

Expenditure: Favourable variance of $ 698,609

Revenue: Favourable variance of $ 97,877

The favourable expenditure variance is mainly due to:

* Lower Depreciation expenses of $100k due to change in plant replacement policy.

Lower Building and Waste management expense of $570k.

The small favourable revenue variance is mainly due:

* Increased Park services income of $97k.

**Borrowings**

As at 30 June 2021, we have a balance of borrowings of $4.11m.

**Net Current Assets Statement**

At 30June 2021, net current assets were $20.67m compared to $9.15m as at 30June 2020. Current assets are higher by $1.64m compared to 30June 2020 offset by lower current liabilities of $2.5m.

Outstanding rates debtors are $339k as at 30 June 2021 compared to $1m as at 30 June 2020. Breakdown as follows:

|  |  |  |  |
| --- | --- | --- | --- |
|  | **30June 2021**  **($000)** | **30June 2020**  **($000)** | **Variance**  **($000)** |
| **Rates** | $229 | $760 | -$531 |
| **Rubbish & Pool** | $41 | $39 | $6 |
| **Pensioner Rebates** | $31 | $156 | -$125 |
| **ESL** | $38 | $45 | -$7 |
| **Total** | $339 | $1,000 | -$657 |

**Capital Works Programme**

As at 30 June, expenditure on capital works was $5.09m with additional capital commitments of $1.56m which represents 74% of a total budget of $9.04m.

**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 | 169 |
| Number of contract employees (temporary/agency) as of the last day of the previous month | 10 |
| \*Occupied FTE (Full Time Equivalent) count as of the last day of the previous month | 141.83 |
| Number of unfilled employee positions at the end of each month | 29 |

Employee turnover continues to remain high. There are 29 unfilled positions (including permanent, fixed term and casual positions) that are in various stages of recruitment. Occupied FTE reduced by 1.69 to 141.83 FTE end June. The number of contractors (temporary/agency staff) increased from 9 (May) to 10 (June) to cover critical gaps while more permanent arrangements are organised. The current employment market has led to the City encountering more competition for skilled staff with prospective employees able to be selective.

**Conclusion**

The statement of financial activity for the period ended 30 June 2021 indicates that operating expenses are over the year-to-date budget by 7.38% or $2.4m, while revenue is above the budget by 2.57% or $880k.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

N/A

**Strategic Implications**

The 2020/21 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 2020/21 approved budget ensures that there is an equitable distribution of benefits in the community.

The 2020/21 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.

## Monthly Investment Report – June 2021

|  |  |
| --- | --- |
| **Council** | 27 July 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Director** | Ed Herne – Acting Chief Executive officer |
| **Attachments** | 1. Investment Report for the period ended 30 June 2021 |

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

Moved – Councillor Wetherall

Seconded – Councillor McManus

**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 June 2021.**

**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.

**Voting Requirement**

Simple Majority.

**Discussion/Overview**

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

The Investment Policy 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 June 2021 and 30 June 2020 the City held the following funds in investments:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **30 June 2021** | | **30 June 2020** | |
| **Municipal Funds** | $ 3,574,827 | | $ 3,915,352 | |
| **Reserve Funds** | $ 5,343,648 | | $ 5,898,917 | |
| **Total investments** | $ 8,918,475 | | $ 9,814,269 | |
|  |  |  | |

The City has $5.8m in a Westpac online saver account which returns an interest rate of 0.40% per annum. As this rate is higher than the rates quoted for the term deposits as of end November, the surplus cash is maintained in the Westpac online saver account.

The total interest earned from investments as at 30 June 2021 was $67,259.

The Investment Portfolio comprises holdings in the following institutions:

|  |  |  |  |
| --- | --- | --- | --- |
| **Financial Institution** | **Funds Invested** | **Interest Rate** | **Proportion of Portfolio** |
| NAB | $2,989,955 | 0.10% - 0.30% | 33.52% |
| Westpac | $1,994,219 | 0.22% - 1.05% | 22.36% |
| ANZ | $1,187,774 | 0.10% | 13.32% |
| CBA | $2,746,527 | 0.16% - 0.25% | 30.80% |
| **Total** | **$8,918,475** |  | **100.00%** |

**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 2020/21 approved budget is in line with the City’s strategic direction.

The 2020/21 approved budget ensured that there is an equitable distribution of benefits in the community.

The 2020/21 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 2020/21 approved budget was based on economic and financial data available at the time of preparation of the budget.

**Budget/Financial Implications**

The June YTD Actual interest income from investments is $67,259 compared to the June YTD Budget of $79,166.

## RFT 2020-21.12 Provision of City Street Sweeping

|  |  |
| --- | --- |
| **Council** | 27 July 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **CEO** | Ed Herne – Acting Chief Executive Officer |
| **Attachments** | Nil |
| **Confidential Attachments** | 1. RFT 2020-21.12 Provision of Street Sweeping Services Report Evaluation and Recommendation Report |

**Regulation 11(da) – Council agreed to restrict the hours for street sweeping to lessen the noise for residents at early hours of the day.**

Moved – Councillor Bennett

Seconded – Councillor Hodsdon

**That the Recommendation to Council be adopted subject to and additional clause 4 as follows:**

**4.  instructs the CEO to ensure that the contract stipulates that these specified works must be carried out between 0700 hours and 1900 hours on any day that is not a Sunday or a public holiday; or between 0900 hours and 1900 hours on a Sunday or public holiday.**

**CARRIED UNANIMOUSLY 12/-**

**Council Resolution**

**Council:**

1. **approves the award of the contract for Street Sweeping Services to Drainflow Pty Ltd in accordance with the City’s Request for Tender number RFT 2020-21.12 and comprising of that request, the City’s Conditions of Contract, the Drainflow Pty Ltd tender submissions inclusive of the Schedule of Rates and all post tender clarifications and negotiations;**
2. **instructs the CEO to arrange for a Letter of Acceptance and a Contract document to be sent to Drainflow Pty Ltd to be executed;**
3. **instructs the CEO to arrange for all other tender respondents to be advised of the tender outcome; and**
4. **instructs the CEO to ensure that the contract stipulates that these specified works must be carried out between 0700 hours and 1900 hours on any day that is not a Sunday or a public holiday; or between 0900 hours and 1900 hours on a Sunday or public holiday.**

Recommendation to Council

Council:

1. approves the award of the contract for Street Sweeping Services to Drainflow Pty Ltd in accordance with the City’s Request for Tender number RFT 2020-21.12 and comprising of that request, the City’s Conditions of Contract, the Drainflow Pty Ltd tender submissions inclusive of the Schedule of Rates and all post tender clarifications and negotiations;
2. instructs the CEO to arrange for a Letter of Acceptance and a Contract document to be sent to Drainflow Pty Ltd to be executed; and
3. instructs the CEO to arrange for all other tender respondents to be advised of the tender outcome.

**Executive Summary**

The City undertakes road maintenance as an essential service to all road users, of which street sweeping forms an integral part of both preventative and reactionary maintenance. The current street sweeping contract has been in place since 2017 and is due to expire in July 2021.

The City commenced a process to test the market and publicly invited bids from suitably qualified and experienced contractors to provide the services from 01 Aug 21 for an initial period of three (3) years with two (2) options for extension, of one (1) years duration each, to be awarded at the sole discretion of the City.

Two (2) submissions were received by the closing date of 20th May 2021.

This process has now been finalized and Council is requested to accept the evaluation and recommendation for award of the new contract to Drainflow Pty Ltd. The attached RFT 2020-21.12 Tender Evaluation and Recommendation Report is provided to assist you in your decision.

**Voting Requirement**

Simple Majority.

**Discussion/Overview**

The provision of Street Sweeping is an essential City service. The City of Nedlands has approx. 130km of roads it is responsible for maintaining.

This road network requires both preventative and reactionary sweeping to ensure it functions as designed and no adverse impacts are experienced by residents, businesses and road users within the City. The City requires the services of a well-resourced and experienced contractor to undertake street sweeping services to assist with current road maintenance obligations.

Due to the specialised nature of the equipment and skills of operators this service has been undertaken by a contractor for a number of years. The existing contract is due for expiry and this RFT will form the basis of a new contract for up to the next 5 years.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

Consultation on the contract preparation and subsequent tender and evaluation process was conducted between multiple parties, internal to the City. Transparency and confidentiality were maintained at all times during the process.

**Strategic Implications**

**How well does it fit with our strategic direction?**

How well does the option fit with our vision and strategic priorities?

The City, through its *Strategic Community Plan / Strategic Direction / Values* is committed to the provision of a “High Standard of Services” to Nedlands residents.

**Who benefits?**

All members of the community benefit from the award of this contract, as it will ensure the City’s road infrastructure is well maintained and performs to a high standard.

**Does it involve a tolerable risk?**

The provision of Street Sweeping is an essential service requirement for the City and the ongoing engagement of a suitable contractor will remove the risk of City not fulfilling this requirement.

**Do we have the information we need?**

Specialist City Officers have the necessary skills to expertly advise Council on the best contractor to supply the services at best value to the City.

**Does this affect any CEO Key Result Areas?**

No, this is an operational matter involving the maintenance and risk management of City water drainage assets.

**Budget/Financial Implications**

The cost of this contract is built into the annual Road Maintenance budget.

**Can we afford it?**

The cost of this contract is built into the annual Road Maintenance budget. The recommended contractor is offering the best value for money to the City.

**How does the option impact upon rates?**

Award of this contract will have no impact on rates as the cost of this contract is built into the annual Road Maintenance Budget.

**Conclusion**

The provision Street Sweeping Services is a key road maintenance task which ensures the City’s road network functions well. In order to continue to undertake both preventative and reactionary maintenance of this key infrastructure it is recommended to award this RFT to Drainflow Pty Ltd.

## RFT 2020-21.13 Provision of Gully Educting Services

|  |  |
| --- | --- |
| **Council** | 27 July 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **CEO** | Ed Herne – Acting Chief Executive Officer |
| **Attachments** | Nil |
| **Confidential Attachments** | 1. RFT 2020-21.13 Provision of Gully Educting Services Report Evaluation and Recommendation Report |

**Regulation 11(da) – Council agreed to restrict the hours to lessen the noise for residents at early hours of the day.**

Moved – Councillor Bennett

Seconded – Councillor Youngman

**That the Recommendation to Council be adopted subject to an additional clause 4 being added as follows:**

1. **instructs the CEO to ensure that the contract stipulates that these specified works must be carried out between 0700 hours and 1900 hours on any day that is not a Sunday or a public holiday; or between 0900 hours and 1900 hours on a Sunday or public holiday.**

**CARRIED UNANIMOUSLY 12/-**

**Council Resolution**

1. **approves the award of the contract for Gully Educting Services to Drainflow Pty Ltd in accordance with the City’s Request for Tender number RFT 2020-21.13 and comprising of that request, the City’s Conditions of Contract, the Drainflow Pty Ltd tender submissions inclusive of the Schedule of Rates and all post tender clarifications and negotiations;**
2. **instructs the CEO to arrange for a Letter of Acceptance and a Contract document to be sent to Drainflow Pty Ltd to be executed;**
3. **instructs the CEO to arrange for all other tender respondents to be advised of the tender outcome; and**
4. **instructs the CEO to ensure that the contract stipulates that these specified works must be carried out between 0700 hours and 1900 hours on any day that is not a Sunday or a public holiday; or between 0900 hours and 1900 hours on a Sunday or public holiday.**

Recommendation to Council

Council:

1. approves the award of the contract for Gully Educting Services to Drainflow Pty Ltd in accordance with the City’s Request for Tender number RFT 2020-21.13 and comprising of that request, the City’s Conditions of Contract, the Drainflow Pty Ltd tender submissions inclusive of the Schedule of Rates and all post tender clarifications and negotiations;
2. instructs the CEO to arrange for a Letter of Acceptance and a Contract document to be sent to Drainflow Pty Ltd to be executed; and
3. instructs the CEO to arrange for all other tender respondents to be advised of the tender outcome.

**Executive Summary**

The City provides drainage maintenance services as an essential service to all City residents, of which gully educting forms an integral part of both preventative and reactionary maintenance.

The current gully educting contract has been in place since 2017 and expires in July 2021. The City commenced a process to test the market and publicly invite bids from suitably qualified and experienced contractors to provide the services from 01 Aug 21 for an initial period of one (1) years with four (4) options for extension, each of one (1) year duration, these to be awarded at the sole discretion of the City.

Three (3) submissions were received by the closing date of 18th May 2021.

This process has now been finalized and Council is requested to accept the evaluation and recommendation for award of the new contract to Drainflow Pty Ltd. The attached RFT 2020-21.13 Tender Evaluation and Recommendation Report is provided to assist you in your decision.

**Voting Requirement**

Simple Majority.

**Discussion/Overview**

The provision of Gully Educting services is an essential City service. The City of Nedlands has an estimated 4600 gullies in its drainage network. For the purposes of this report gullies are defined as all grated and side-entry gullies, soakwells and manholes connected to the City’s storm water drainage network.

This drainage infrastructure requires both preventative and reactionary maintenance to ensure it functions as designed and no adverse impacts are experienced by residents, businesses and road users within the City. The City requires the services of a well-resourced and experienced contractor to undertake jetting and educting services to assist with current drainage maintenance obligations.

Due to the specialised nature of the equipment and skills of operators this service has been undertaken by a contractor for a number of years. The existing contract is due for expiry and this RFT will be the basis of a new contract for up to the next 5 years.

**Key Relevant Previous Council Decisions:**

Nil.

**Consultation**

Consultation on the contract preparation and subsequent tender and evaluation process was conducted between multiple parties, both internal and external to the City. Transparency and confidentiality were maintained at all times during the process.

**Strategic Implications**

**How well does it fit with our strategic direction?**

How well does the option fit with our vision and strategic priorities?

The City, through its Strategic Community Plan / Strategic Direction / Values is committed to the provision of a “High Standard of Services” to Nedlands residents.

**Who benefits?**

All members of the community benefit from the award of this contract, as it will ensure the City’s drainage infrastructure is well maintained and performs to a high standard.

**Does it involve a tolerable risk?**

The provision of gully educting services is an essential service requirement for the City and the ongoing engagement of a suitable contractor will remove the risk of City not fulfilling this requirement.

**Do we have the information we need?**

Specialist City officers have the necessary skills to expertly advise Council on the best contractor to supply the services at best value to the City.

**Does this affect any CEO Key Result Areas?**

No, this is an operational matter involving the maintenance and risk management of City water drainage assets.

**Budget/Financial Implications**

The cost of this contract is built into the annual Drainage Maintenance budget.

**Can we afford it?**

The cost of this contract is built into the annual Drainage Maintenance budget. The recommended contractor is offering the best value for money to the City.

**How does the option impact upon rates?**

Award of this contract will have no impact on rates as the cost of this contract is built into the annual Drainage Maintenance Budget.

**Conclusion**

The provision Gully educting is a key drainage maintenance task which ensures the City’s drainage network functions well. In order to continue to undertake both preventative and reactionary maintenance of this key infrastructure it is recommended to award this RFT to Drainflow Pty Ltd.

## Adoption of the Annual Budget 2021/22

|  |  |
| --- | --- |
| **Council** | 27 July 2021 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under *section 5.70 Local Government Act 1995*** | Nil. |
| **CEO** | Ed Herne – Acting Chief Executive Officer |
| **Attachments** | 1. Annual Budget 2021/22. 2. Schedule of Fees & Charges 2021/22 3. Capital Works and Acquisition Budget 2021/22. 4. Operating Budget by Business Unit 2021/22. |
| **Confidential Attachments** | 1. Public submissions following advertising of the differential rates |

**Regulation 11(da) – Council agreed to remove the lighting due to lighting spill concerns from local residents.**

Moved – Councillor Senathirajah

Seconded – Councillor McManus

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

(Printed below for ease of reference)

Amendment

Moved - Councillor Mangano

Seconded - Councillor Coghlan

**That**

**there is 0% increase in residential and non-residential rates and 10% for Vacant Land; and**

**the lighting upgrade at David Cruickshank Reserve be removed from the budget.**

Moved – Councillor Smyth

Seconded – Councillor Hodsdon

**That Standing Order 10.11 (2) be suspended to allow more than two amendments for item 13.5.**

**CARRIED UNANIMOUSLY 12/-**

Put Motion

Moved - Councillor Tyson

Seconded - Councillor McManus

**That the Amendment be put.**

**CARRIED 10/2**

**(Against: Crs. Youngman & Smyth)**

**The AMENDMENT was PUT and was**

**CARRIED 9/3**

**(Against: Crs. McManus Hodsdon & Wetherall)**

Amendment

Moved - Councillor Hodsdon

Seconded - Councillor Wetherall

**That an additional clause 8 be included as follows:**

1. **a surplus of up to $1 million from the 2021/22 Budget are directed to the Underground Power Reserve.**

**The AMENDMENT was PUT and was**

**CARRIED 10/2**

**(Against: Crs. McManus & Smyth)**

**The Substantive Motion was PUT and was**

**CARRIED BY ABOSLUTE MAJORITY 11/1**

**(Against: Crs. Senathirajah)**

**Council Resolution**

**That Council in relation to:**

1. **2021/22 Budget**

**Adopts, pursuant to the provisions of *Section 6.2 of the Local Government Act 1995,* and *Part 3 of the Local Government (Financial Management) Regulations 1996,* the 2021/22 Annual Budget for the City of Nedlands, as contained in Attachment 1, inclusive of the following:**

* **Statement of Comprehensive Income**
* **Statement of Cash Flows**
* **Rate Setting Statement**
* **Capital Expenditure Program**
* **Transfers to and from Reserves**
* **Notes to and forming part of the Statutory Budget;**

1. **Differential and Minimum Rates, Instalments and Payment Arrangements:**

**Adopts the following Rates in the Dollar:**

* **Residential a rate of 6.558 cents in the dollar**
* **Residential Vacant Land a rate of 9.042 cents in the dollar**
* **Non-Residential a rate of 7.314 cents in the dollar;**

**Minimum Rate Payment**

**Adopts, pursuant to *Section 6.35 of the Local Government Act 1995* a minimum rate to be imposed as follows:**

* **Residential Property a rate of $1,484**
* **Residential Vacant Property a rate of $2,165**
* **Non-Residential Property a rate of $1,957;**

**Instalment and Payment Arrangement**

**Approves the options of one or four instalments for the payment of rates, with interest (subject to legislative change) and administration fees applicable as follows:**

* 1. **An amount of 5.5% per annum interest to be charged if a four-instalment option is selected**
  2. **An administration charge of $48 is to be applied to four instalment options if selected: and**
  3. **The following dates be set for payment of rates by instalments:**

* **20 September 2021**
* **22 November 2021**
* **27 January 2022**
* **04 April 2022**

**Late Payment Interest**

**Approves an interest rate of 7% (a reduction from the 8% previously charged) for rates and costs of proceedings to recover charges that remain unpaid after becoming due and payable;**

1. **2021/22 Schedule of Fees & Charges**

**Adopts, pursuant to the provisions of *Section 6.16 of the Local Government Act 1995,* the Fees and Charges for the 2021/22 Budget;**

1. **Reserves**

**Approves the proposed transfers to and from Reserves as detailed in the Annual Budget 2021/22;**

1. **Public submissions**

**Notes that 9 submissions were received following the advertising of the proposed differential rates for 2021/22, as per Attachment 5;**

1. **Variance Reporting**

**Adopts the following thresholds for the reporting of material financial variances in the monthly financial reports:**

**Operating items – Greater than 10% and a value greater than $20,000**

**Capital items – Greater than 10% and a value greater than $50,000;**

1. **removal of lighting upgrade at David Cruickshank Reserve; and**
2. **a surplus of up to $1 million from the 2021/22 Budget are directed to the Underground Power Reserve.**

Recommendation to Council

That Council in relation to:

1. 2021/22 Budget

Adopts, pursuant to the provisions of *Section 6.2 of the Local Government Act 1995,* and *Part 3 of the Local Government (Financial Management) Regulations 1996,* the 2021/22 Annual Budget for the City of Nedlands, as contained in Attachment 1, inclusive of the following:

* Statement of Comprehensive Income
* Statement of Cash Flows
* Rate Setting Statement
* Capital Expenditure Program
* Transfers to and from Reserves
* Notes to and forming part of the Statutory Budget;

1. Differential and Minimum Rates, Instalments and Payment Arrangements:

Adopts the following Rates in the Dollar:

* Residential a rate of 6.656 cents in the dollar
* Residential Vacant Land a rate of 9.042 cents in the dollar
* Non-Residential a rate of 7.423 cents in the dollar;

Minimum Rate Payment

Adopts, pursuant to *Section 6.35 of the Local Government Act 1995* a minimum rate to be imposed as follows:

* Residential Property a rate of $1,506
* Residential Vacant Property a rate of $2,165
* Non-Residential Property a rate of $1,986;

Instalment and Payment Arrangement

Approves the options of one or four instalments for the payment of rates, with interest (subject to legislative change) and administration fees applicable as follows:

1. An amount of 5.5% per annum interest to be charged if a four-instalment option is selected
2. An administration charge of $48 is to be applied to four instalment options if selected: and
3. The following dates be set for payment of rates by instalments:

* 20 September 2021
* 22 November 2021
* 27 January 2022
* 04 April 2022;

Late Payment Interest

Approves an interest rate of 7% (a reduction from the 8% previously charged) for rates and costs of proceedings to recover charges that remain unpaid after becoming due and payable;

1. 2021/22 Schedule of Fees & Charges

Adopts, pursuant to the provisions of *Section 6.16 of the Local Government Act 1995,* the Fees and Charges for the 2021/22 Budget;

1. Reserves

Approves the proposed transfers to and from Reserves as detailed in the Annual Budget 2021/22;

1. Public submissions

Notes that 9 submissions were received following the advertising of the proposed differential rates for 2021/22, as per Attachment 5; and

1. Variance Reporting

Adopts the following thresholds for the reporting of material financial variances in the monthly financial reports:

Operating items – Greater than 10% and a value greater than $20,000

Capital items – Greater than 10% and a value greater than $50,000

**ABSOLUTE MAJORITY REQUIRED**

**Executive Summary**

The 2021/22 Annual Budget, as specified in this report, is presented to Council for adoption.

**Discussion/Overview**

The 2021/22 City of Nedlands budget has been developed to reflect the principles of prudence, sound financial management, in consideration of the prevailing economic environment. Additionally, the recommendations from the various Council briefings and meeting of 22 June 2020 have been considered in the budget preparations and are reflected in the statements presented.

**Overview of the Budget**

A summary of the 2021/22 Rate Setting Statement

**Rate Setting Statement ($million)**

|  |  |
| --- | --- |
| Operating Revenue | 35.52 |
| Operating Expenses | (38.63) |
| **Net Operating Surplus** | **(3.11)** |
| Add Capital Grants | 4.12 |
| **Net Income** | **1.01** |
| Adjust for: |  |
| Capital Expenditure | (8.81) |
| Loan Repayments & Lease Payments | (1.47) |
| Net Reserve Funds Created | (0.61) |
| Opening Funds | 4.83 |
| Add back Non-Cash Expenses | 4.78 |
| Asset Disposal Proceeds | 0.27 |
| **Surplus/Deficit** | **-** |

* Rates revenue for 2021/22 is based on a 1.5% (for residential and non-residential) and 10% (for vacant) increase in yield.
* The majority of fees and charges have remained at the same levels as were set in 2020/21, the exceptions are those relate to 3rd party contracts.
* Interest income is expected to decrease in 2021/22 due to the impact of the global economy and in particular the low interest rate environment.
* No additional borrowings have been included in the 2021/22 budget and the City continues to pay down debt and not to take advantage of the Response Orders’ option to delay repayment of debt.

**Consultation**

Required by legislation: Yes  No

Required by City of Nedlands policy: Yes  No

As required by the *Local Government Act 1995*, the City advertised the proposed differential rates on 28 June 2021, inviting comments over a period of 21 days. 9 submissions were received following this public consultation. These are provided in Attachment 5.

**Strategic Implications**

**How well does it fit with our strategic direction?**

The 2021/22 budget supports the City’s strategic direction and ensures compliance to the *Local Government Act 1995.*

**Who benefits?**

The 2021/22 budget has been developed with the interests of the Community in mind, it strives to achieve the right balance of capital investment and financial responsibility.

**Does it involve a tolerable risk?**

Financial risk assessments have been incorporated in decision making around the preparation of the 2021/22 Budget.

A risk management approach has been applied throughout the preparation of the 2021/22 Annual Budget to ensure the ongoing maintenance, upgrade or replacement of the City’s buildings and infrastructure and other assets. A stronger focus on Asset Management is also improving the City’s ability to assess and deliver its future capital and maintenance needs.

**Do we have the information we need?**

The draft 2021/22 Annual Budget has been prepared based on economic and financial data available at the time of preparation of the budget. Council Members have reviewed proposals presented by Administration at a series of budget workshops held in April, May and June 2021.

**Budget/ Financial Implications**

**Can we afford it?**

The 21/22 budget has been drafted:

* with a focus on maintaining capitals works for renewal purposes and to continue to support economic activity; and
* based on a rate increase modelled in order to achieve the optimum level of service and infrastructure delivery to the City, including underground power commitments to the Community.

**How does the option impact upon rates?**

This budget factors a 1.5% increase in Residential and Non-Residential rates revenue and a 10% increase in Vacant rates revenue for 2021/22.

**Conclusion**

Council’s adoption of the 2021/22 Budget will allow the City to deliver its services and infrastructure, including underground power commitments to the Community.

The Presiding Member adjourned the meeting for the purposes of a refreshment break.

The meeting adjourned at 10.59pm and reconvened at 11.06pm with the following people in attendance:

**Councillors** Her Worship Mayor F E M Argyle (Presiding Member)

Councillor F J O Bennett Dalkeith Ward

Councillor A W Mangano Dalkeith Ward

Councillor N R Youngman Dalkeith Ward

Councillor B G Hodsdon Hollywood Ward

Vacant Hollywood Ward

Councillor J D Wetherall Hollywood Ward

Councillor R A Coghlan Melvista Ward

Councillor R Senathirajah Melvista Ward

Councillor B Tyson 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 E K Herne Acting Chief Executive Officer /

Director Corporate & Strategy

Mr A Melville Acting Director Technical Services

Mr T G Free Director Planning & Development

Ms M E Granich Executive Manager Community

Mrs N M Ceric Executive Officer

**Public** There were 6 members of the public present and 6 online.

**Press** Nil.

**Leave of Absence** Nil.

**(Previously Approved)**

**Apologies** Nil

Moved – Councillor Smyth

Seconded – Councillor McManus

**That the meeting be adjourned after consideration of items 14.1 and 14.3 and reconvened on Wednesday 28 July at 7pm.**

**CARRIED 8/4**

**(Against: Mayor Argyle Crs. Mangano Youngman & Coghlan)**

# Council 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 Council Member 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.

## Councillor Tyson – Stormwater Management & Safe Active Streets Safety Review

This Notice of Motion was considered at the Committee Meeting of 13 July 2021 as Urgent Business and the following Committee Recommendation was made for consideration at this meeting.

Moved – Councillor Tyson

Seconded – Councillor Coghlan

**Council requests the CEO to:**

**prepare a report by the Council Committee Meeting 10 August 2021 outlining a strategy for stormwater management on Jenkins Avenue between Taylor Road and Waroonga Road and any surrounding streets;**

**CARRIED UNANIMOUSLY 12/-**

**proceed with the release of the Independent Safety Review of Jenkins Avenue and Elizabeth Street as part of the post- implementation audit of the Safe Active Street Project; and**

**CARRIED UNANIMOUSLY 12/-**

**commence an investigation of a long term plan to widen the Safe Active Street to a minimum of 5.5 metres, including a 2 metre wide Dual Use path.**

Amendment

Moved - Councillor Senathirajah

Seconded - Councillor McManus

**That clause 3 be replaced with the following:**

1. **commence an investigation to rectify the shortcomings in the Safe Active Street so as to make it more acceptable to the Community including safe active transport.**

**The AMENDMENT was PUT and was**

**CARRIED ON THE CASTING VOTE 6/6**

**(Against: Crs. Smyth Bennett Mangano**

**Youngman Coghlan & Tyson)**

**The Substantive Motion was PUT and was**

**CARRIED 7/5**

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

**Council Resolution**

**Council requests the CEO to:**

**prepare a report by the Council Committee Meeting 10 August 2021 outlining a strategy for stormwater management on Jenkins Avenue between Taylor Road and Waroonga Road and any surrounding streets;**

**proceed with the release of the Independent Safety Review of Jenkins Avenue and Elizabeth Street as part of the post- implementation audit of the Safe Active Street Project; and**

**commence an investigation to rectify the shortcomings in the Safe Active Street so as to make it more acceptable to the Community including safe active transport.**

Committee Recommendation

Council requests the CEO to:

prepare a report by the Council Committee Meeting 10 August 2021 outlining a strategy for stormwater management on Jenkins Road between Taylor Road and Waroonga Road and any surrounding streets;

proceed with the release of the Independent Safety Review of Jenkins Avenue and Elizabeth Street as part of the post- implementation audit of the Safe Active Street Project; and

commence an investigation of a long term plan to widen the Safe Active Street to a minimum of 5.5 metres, including a 2 metre wide Dual Use path.

Justification

A storm event on 9th July 2021 led to damage from stormwater to homes on Jenkins Rd and neighbouring streets.

In anticipation of similar future events, Council requires a strategy to cope with these events and mitigate the effect on residents.

The Independent Safety Review was foreshadowed by former Director Duff as part of the post implementation audit of the safety of bikes and vehicles on the Safe Active Street.  It is now an appropriate time to examine the Review.

There are ongoing issues with vehicles mounting the kerb to pass other vehicles; the narrowed sections of the two affected streets create confusion between oncoming vehicles.

The purpose of creating a safe environment for cyclists has not been achieved and requires mitigation and improvement by creating a dual use path that keeps cyclists away from vehicles.

**Please note this item was brought forward see page 66.**

## Mayor Argyle – Retention of Significant Trees on Private Land Boundaries – Pending Family Safety, Prevailing Winds and Landowner Agreement

On the 29 June 2021 Mayor Argyle gave notice of her intention to move the following at this meeting.

Moved – Mayor Argyle

Seconded – Councillor Tyson

**Council Resolution**

**That Council requests that the Chief Executive Officer provide a report to Council detailing the options available to Council to amend its Local Planning Scheme or other means to protect significant trees on private property, subject to landowner agreement in order to address the heat island effect, enhance biodiversity and ensure that the “leafy green” character of Nedlands is maintained.**

Councillor Mangano left the meeting at 11.40pm and returned 11.42pm.

**CARRIED 8/4**

**(Against: Crs. McManus Mangano Youngman & Wetherall**

Justification

There is a global challenge associated with climate change, which shows itself in Nedlands via the heat island effect. The City of Nedlands has responded to this challenge via the Council’s Urban Forest Strategic Plan. It is now time for Council to take a further step towards addressing this global and local challenge. The protection of significant vegetation on private property will assist to protect Nedlands tree canopy which will assist to address the heat island effect, as the shade from the trees will assist to lower the air temperature within that street. The protection of the significant trees will also assist to protect the biodiversity within Nedlands and will significantly ensure that the “leafy green” character of Nedlands is protected. Nedlands is very well known for its street trees and these do provide significant shade within the street and add significantly to the character of Nedlands. The street trees also add significantly to the amenity of individual streets. The protection of significant trees on private property particularly at the front and rear of properties will add to the benefits gained from the street trees.

It is acknowledged that criteria will need to be prepared to determine what would qualify as a significant tree. It would not be the case that any tree that was assessed as a danger to human life or property would be prevented from being removed.

It is important that we work collaboratively with the community and landowners to ensure that we achieve outcomes which ensure that the significant trees that add to the Nedlands character can be protected in a manner which ensures landowners can appropriately utilise their properties.

Nedlands has the opportunity to be a leader in responding to the challenge of climate change, with this proposal being part of our response. To ensure that any scheme amendment can be implemented and functional, I would expect that officers engage with other local governments to understand their experiences, including interstate local governments, and to engage with the State Government Planning department to ensure that any scheme amendment is likely to obtain their support.

Administration Comment

Retaining trees on private property can prove to be problematic notwithstanding the clear benefits of retaining vegetation within an urban environment. A number of local governments have sort to introduce provisions which aim to preserve vegetation on private property. The opportunities open to Council ought to be explored prior to moving to introducing new provisions. The success or otherwise of the various options ought to be explored to allow Council to make an informed decision. Given the work involved in exploring the options open to Council, the expectation is that a report will be presented to Council in late 2021 / early 2022.

The meeting adjourned at 12.01am on Wednesday 28 July 2021 and reconvened at 7pm with the following people in attendance:

**Councillors** Her Worship Mayor F E M Argyle (Presiding Member)

Councillor F J O Bennett Dalkeith Ward

Councillor A W Mangano Dalkeith Ward

Councillor N R Youngman Dalkeith Ward

Councillor B G Hodsdon Hollywood Ward

Vacant Hollywood Ward

Councillor J D Wetherall Hollywood Ward

Councillor R A Coghlan Melvista Ward

Councillor R Senathirajah Melvista Ward

Councillor B Tyson 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 E K Herne Acting Chief Executive Officer /

Director Corporate & Strategy

Mr A D Melville Acting Director Technical Services

Mr T G Free Director Planning & Development

Ms M Granich Executive Manager Community

Mrs N M Ceric Executive Officer

**Public** There were 1 member of the public present and 0 online.

**Press** Nil.

**Leave of Absence** Nil.

**(Previously Approved)**

**Apologies** Nil

## Councillor Wetherall – Asset Realisation Assessment

On 25 May 2021 Councillor Wetherall gave notice of his intention to move the following at this meeting.

Moved – Councillor Wetherall

Seconded – Councillor McManus

That Council:

1. acknowledges that the provision of much needed and long overdue community facilities and services is constrained by a deficit of income, a prudent approach to debt funding, and current infrastructure that is run down or failing;

[The City’s main source of income is from rates (predominantly residential currently). Because of the pandemic and other economic factors, the low cost of money environment is likely to continue for some years according to Federal Government and RBA pronouncements.]

1. requests the CEO to use both internal, and external resources (as appropriate) to assess the quantum of capital that could be generated by rationalisation of the following free hold assets:

* Adjacent City of Nedlands free hold land abutting Smyth Rd and 71 Stirling Highway [present City of Nedlands contiguous land holdings ≈7000m2 valued at ≈$3.5K/m2 - ≈$24M]; and

* Lots fronting Stirling Highway comprising the present Library building and gardens.

[Approx. 6000m2 RAC1 land valued @ ≈$19M, excluding Drabble House. Is this where City of Nedlands wants to expand? Probably not – land too expensive].; and

1. requests the CEO to report to Council by close of business December 2021 the results of this assessment after having taken consideration of the following matters:
2. Ways and means for the temporary or permanent relocation of the City Administration Service Functions and Council Meetings, as well as ongoing Library facilities, as required by any planned redevelopment – that is a plan for managing the change process.
3. Whether City of Nedlands Administration and related functions (eg Library) could be accommodated on the ≈3600m2 site located on the north-west portion of Highview Reserve, as this is a permitted use this land and does not entail the purchase of alternative strata or free-hold premises.
4. That any excess capital identified in the review be preferentially utilised for projects that will overcome long waiting periods, deliver better services and facilities for ratepayers and resonate with the inherent culture of the broader City developed over many decades.
5. A short list of such projects would include the following: this list is not intended to be prescriptive or complete.
6. Completion over 5 years of underground power in Coastal and Hollywood Wards. Approximately half the City and its streetscapes have been disadvantaged for over 20 years by a lack of resolve to fix this egregious anomaly.
7. Restoration of the Community Hall in the Hackett precinct shut down for safety issues four years ago and sorely missed as a community facility as well as a theatrical facility that contributes significantly to the “Arts & Culture” reputation of the city of Nedlands.
8. Urgent structural repair and renovation of the Subiaco Bowling Club building, which doubles as the only community centre for central Hollywood Ward. The original building was constructed with lime mortar that has now failed and is beyond the scope of maintenance that is usually required by the lessor.
9. The present Administration building has not been fit for purpose for many years (irrespective of staff numbers). The Council Meeting room is no longer capable of accommodating the numbers of ratepayers that could and/or should be present during a formal Council Meeting. The present Council Meeting Room (OH&S limit of 25 visitors), failed in the 2020 year (COVID and LPS3 perfect storm). Councillors have also recently requested better facilities to assist with their duties. Space for OCMs for 50-100 persons should now be the norm, with possible expansion for special occasions. Further, critical accommodation and infrastructure for LG staff to work effectively are non-existent. Temperature-controlled facilities for IT equipment, modern staff and external communications, and possible video conferencing, are essential for future activities. Further, staff efficiencies and problem solving do correlate with well-designed facilities allowing for social and professional interactions.
10. For the paltry sum of ≈$300K a renovation of the existing Tresillian Facility would bring joy to the community generally, promote a top “jewel in the crown” of the City, and confirm the determination of the CON to pursue its culture of a quality residential suburb wherein the creative arts flourish. The latter will be essential for a normal life in the 21st century. The present Tresillian building requires well planned maintenance and replacement of some facilities. In my view, it would then have a further decade at least of much valued use. This modest investment would be supported by ratepayers from all Wards and may be the single best thing we can achieve in the short term.

[Present Tresillian: Nos. 21 & 23 Tyrell Street, Nedlands: Recreation Centre 2028m2 zoned R10 originally but now R60].

Lost 2/10

(Against: Mayor Argyle Crs. Horley Smyth Bennett Mangano Youngman Hodsdon Coghlan Senathirajah & Tyson

Moved – Councillor Smyth

Seconded – Councillor Youngman

Council refers the recent Land Investment Strategy work to the incoming Interim CEO for review as a priority.

Lost 11/1

(Against: Mayor Argyle Crs. Horley McManus Bennett Mangano Youngman Hodsdon Wetherall Coghlan Senathirajah & Tyson)

Justification

* + - 1. The City’s infrastructure for delivering cost efficient quality services to ratepayers, as expected in the 21st century, has failed. Like many of its ratepayers, the CON is asset rich but cash flow poor. By any measure, the City has ≈$400 Million of assets (land & buildings) that scarcely deliver a measurable return on value. In my view, past and present Councils are responsible for this unenviable position.
      2. The two locations addressed in this NOM are non-controversial in terms of ratepayers’ expectations, so long as the City’s functions are continued at an acceptable standard.
      3. Lack of UGP in much of Hollywood and Coastal Wards more than 20 years following completion in Melvista and Dalkeith awards in an unacceptable anomaly. This is therefore an infrastructure project of urgency. It will bring long overdue quality of amenity to half the City, greatly assist the preservation and extension of the tree canopy within the City, save a major cost in street tree pruning, and encourage ratepayers to enhance their amenity.
      4. It is very likely also that CON debt locked into fixed interest rates can be paid down and overall debt decreased. This can occur without allowing the City to further fall behind in the standards of infrastructure that ratepayers should expect in the 21st century. Hence positive cash flow for the City may well improve, lessening pressure on rate income.
      5. Adoption of the 21/22 Budget has exposed for all to see incompatible views within Council that must be resolved, and could be resolved, by freeing up capital from non-essential assets.

Put simply, over the past 2+ years or more the City has expended much ratepayers’ money on desperate attempts to ameliorate the consequences of, or amend, LPS3, mostly to no avail. To this must be added necessary demands for costly infrastructure, including the essential ERP, the considerable cost of running twice as many Council Meetings (often in hired facilities) in recent times, the major replacement costs, and loss corporate memory from the resignations of all 5 Senior Staff, the Mayor and many second-tier staff. There are also recent demands for more resources for elected representatives. Yet Council resolved to continue with 12 councillors against the balanced comparative arguments presented by Administration (and supported by ratepayers if you accept the consultation process). To the above must be added yet again infrastructure related wish-lists from councillors when some existing infrastructure has been unusable (or of restricted use) for some years.

But here is the catch. Some councillors have decided to seek a minimal (or even zero) rate increase for 21/22. The last time the City deliberately kept rates lower than necessary a major financial crisis occurred, which much pain and resentment from the rate increases required over many years for catch-up, simply to keep the City’s infrastructure working at all levels. May I suggest repeating this major strategic error is not providing good governance for the whole City by the elected representatives charged with this major responsibility.

Clearly better use and/or rationalisation of assets that will provide an injection of capital will help resolve this quandary of major proportions.

Administration Comment

Administration notes this notice of motion and will prepare a report if resolved by Council.

**Please note this item was brought forward see page 59.**

## Mayor Argyle – Retention of Significant Trees on Private Land Boundaries – Pending Family Safety, Prevailing Winds and Landowner Agreement

## Councillor Youngman – Advisory Period on Banning Use of Indoor Wood Fire Heating

On the 2 July 2021 Councillor Youngman gave notice of his intention to move the following at this meeting.

Moved – Councillor Youngman

Seconded – Councillor Mangano

**Council Resolution**

**That Council instructs the Chief Executive Officer to commence an advisory period aimed at banning the use of indoor wood fire heating in the City of Nedlands before April of 2024.**

**CARRIED 9/3**

**(Against: Crs. McManus Hodsdon & Wetherall)**

Justification

* The most affected people from smoke are neighbours not the household with a wood fire.  Smoke knows no boundaries.
* In a study carried out in Perth (Research on Health & Air Pollution in Perth, Morbidity & Mortality 1992-1997 reported in 2003) there was found to be a correlation between hospitalisations for:

>65 year olds for COPD, pneumonia & respiratory disease

<15 year old for asthma

With a 0.3% increase in hospitalisations for every 1 microgram/cubic metre (1ug/m3) of Particulate Matter (PM2.5). Non-government testing in the City of Nedlands recently recorded 200 ug/m3.

* Wood smoke is toxic, there are no safe levels of exposure.
* Wood smoke is the cause of complaints to the City of Nedlands administration and it is left up to neighbours to report those causing excessive smoke.
* The burden of proving problematic wood fire smoke is made more difficult because most fires causing the problems are lit at night making photographing the chimney difficult and this is also outside of council hours of operation.
* Incinerators were banned in the 1980’s in Perth, smoking tobacco indoors was banned in places of work in the 1990’s and in many public areas in the early 2000’s.

A domestic wood fire burning for one night creates the same level of toxic emissions as an average motor vehicle does in one year.

Known impacts of wood smoke:

* eye, nose, throat irritation and oesophageal cancer
* increased asthma and respiratory problems
* headaches, nausea, dizziness, mini-strokes and strokes
* aggravation of chronic heart and lung conditions, including lung cancer
* poorer control over other conditions such as diabetes.

Who is most at risk from exposure to wood smoke?

* People with existing heart and lung problems.
* Children, as their respiratory systems are still developing.
* Elderly people, whose health is more vulnerable.
* People who work or exercise outside regularly.
* Unborn babies.

Wood smoke is especially dangerous for the very young and people with pre-existing health conditions.

Particles from wood smoke are breathed into the lungs impacting health.

If you can see or smell wood smoke the community health is at risk.

Wood smoke is a complex mix of gases and fine particles which are the product of incomplete combustion. Wood smoke is considered toxic, similar to tobacco smoke in composition and is known to be irritating or potentially cancer-causing.

Current research suggests there is NO SAFE level of exposure to wood smoke particle pollution. However, the higher the concentration of particles, the more likely they are to impact health.

On days where the concentration of particles in the air is high, there are higher mortality rates and hospital admissions. Increased school and work absenteeism has also been documented.

The present cost of health impacts attributable to residential wood smoke in Perth is estimated to be upwards of $18 million per year.

The International Agency for Research on Cancer (IARC) classifies indoor emissions from biomass combustion (primarily wood) as a probable human carcinogen.

The World Health Organisation Global Burden of Disease Report rates outdoor air quality as eighth of the 10 leading risk factors for disease in developed nations like Australia.

On cold, still and clear winter nights, wood smoke becomes trapped under a cold layer of air close to the ground rather than being dispersed or blown away. This elevates the levels of fine particles and causes the brown haze often seen on still winter mornings.

A wood heater that is not operated correctly can produce up to 30 times as much smoke and half as much heat as a wood heater that is burning brightly.  In New Zealand a study found that even the best heaters built to the highest standards still resulted in elevated pollution levels because of the reality of how the public used them.

Wood smoke is the dominant form of man-made air pollution in the Perth metropolitan area during the colder months.

Even healthy people can feel lethargic and have irritated eyes and lungs from wood smoke exposure.

The odour of wood smoke may be offensive. It remains in clothes and curtains that have been exposed for some time.

The most researched constituent of wood smoke is Particulate Matter—tiny particles that are too small to be filtered by the nose and upper respiratory system. When we breathe, they are inhaled deep into the lungs where they cause damage. They can also carry other toxic or cancer-causing compounds into the lungs.

The table below shows the annual emissions contribution of domestic solid fuel combustion to total (i.e., human and natural derived sources) annual emissions of air pollutants in NSW in the Greater Metropolitan Region and Sydney Region.  It indicates that domestic solid fuel combustion contributes a significant proportion of many of the air pollutants listed.  Perth has a similar topographic setting and latitude to Sydney although the Darling Scarp is not as high it is not as far from the coastline as the Blue Mountains.

|  |  |  |
| --- | --- | --- |
| Annual emissions contribution (%) of residential wood heaters in Sydney (NSW EPA) | | |
| Air pollutant | Greater metropolitan region | Sydney region |
| 1,3-Butadiene | 20 | 21 |
| Acetaldehyde | 14 | 32 |
| Ammonia (NH3) | 4 | 5 |
| Benzene | 15 | 17 |
| Carbon monoxide (CO) | 6 | 16 |
| Formaldehyde | 33 | 38 |
| Isomers of xylene | 1 | 1 |
| Lead & compounds | 1 | 5 |
| Oxides of nitrogen (NOx) | <0.5 | 1 |
| Particulate matter ≤ 10 µm (PM10) | 6 | 28 |
| Particulate matter ≤ 2.5 µm (PM2.5) | 19 | 47 |
| Polychlorinated dioxins & furans (PCDD & PCDF) | 13 | 39 |
| Polycyclic aromatic hydrocarbons (PAH) | 32 | 35 |
| Sulfur dioxide (SO2) | <0.5 | 1 |
| Toluene | 1 | 1 |
| Total suspended particulate (TSP) | 2 | 14 |
| Volatile organic compounds (VOC) | 3 | 5 |

**1,3 Butadiene**

A known human carcinogen that in high exposures may cause damage to the central nervous system or cause symptoms such as blurred vision, tiredness, decreased blood pressure, headache, nausea, decreased heart rate and fainting.

**Acetaldehyde**

A clear, strong smelling organic liquid or vapour, that can cause numerous health impacts with exposure including irritation of the skin, eyes and respiratory system, headaches and dizziness. In severe cases exposure can lead to liver or kidney damage and death.

**Ammonia**

In lower concentrations it causes coughing, nose and throat irritation. Exposure in high concentrations in air causes burning of the eyes, nose, throat and respiratory tract and can cause blindness, lung damage or death.

**Benzene**

Benzene is a clear to light yellow coloured liquid, with an aromatic odour. It evaporates in the air easily and is a hazardous air pollutant. Health impacts associated with benzene exposure include skin and eye irritations, headaches and vomiting. Benzene is also carcinogenic and long term exposure can lead to the development of cancers such as leukaemia.

**Carbon monoxide (CO)**

Carbon monoxide is a colourless, odourless, highly toxic gas, which is readily taken up by the blood and interferes with oxygen absorption. Relatively small quantities of carbon monoxide can impair bodily functions with prolonged and acute exposure being fatal.

**Formaldehyde**

Formaldehyde in its pure form is a gas with a pungent odour. Exposure to formaldehyde can lead to allergic conditions impacting on the skin and lungs, and other health impacts including shortened life expectancy and reproductive problems.

**Particulate matter**

PM less than or equal to 2.5 microns emitted by wood fires are small enough to penetrate the lungs and enter the bloodstream.

Administration Comment

The Administration acknowledges that wood smoke affects the quality of both indoor and outdoor air. According to WA Department of Health (DoH), wood smoke could also contribute to short and long-term health issues such as irritation of the eyes, throat and nose, difficulty breathing, and decreased lung function. Department of Health suggests that steps can be taken to decrease the health effects of wood smoke such as choosing the right wood, building a fire strategically and ensuring sufficient air circulation in wood heaters.

Department of Water and Environmental Regulation (the Department) is responsible for the control and enforcement of the State legislation in place for solid fuel heaters and firewood. The *Environmental Protection (Solid Fuel Heater and Firewood) Regulations 2018* (the *Regulations*) made under the Schedule 2 Section 30A of *Environmental Protection Act 1986* regulates the manufacture, sale or distribution for sale of solid fuel burning equipment, or solid fuel, of a prescribed class or description.

The *Regulations*, administered by the Department, suggest that the government does not aim to prohibit the use of wood fire heaters but to ensure that air emissions from heaters and firewood are minimised. This is achieved through establishing mandatory efficiency and emission standards for wood heaters sold in Western Australia and mandatory quality standards for firewood offered for sale.

In additional to the *Regulations*, the Department has developed a program named BurnWise, aiming to promote the efficient operation of domestic wood heaters to minimise smoke emissions (or particle pollution). This is achieved via providing:

* a series of brochures and other materials to the community, and
* BurnWise wood smoke management guide to support local government to manage domestic wood smoke.

The BurnWise program does not suggest people should give up their wood heater but promotes the use of compliant wood heaters and responsible wood heater use, so that wood smoke emissions are minimised.

To support the *Regulations,* the *City of Nedlands Health Local Law 2017* (*Local Law*)is currently in place to:

* prohibit the burning of any rubbish or refuse, plastic, rubber, food scraps, green garden cuttings or other material which may become offensive when burnt,
* have control over the burning of materials via an approval process, and
* regulate the escape of smoke from premises so as not cause a nuisance.

The *Local Law* is administered by City’s Environmental Health team where wood smoke nuisances are dealt with through the existing health complaint response process.

Since the introduction of the *Regulations* in 2018, the City recorded 11 complaints associated with smoke. Three of those complaints were in relation to wood heaters and chimneys. To encourage City’s residents to operate their wood heaters efficiently, the City provides BurnWise wood smoke information to the occupiers of the premises where wood smoke is allegedly coming from. Depending on the nature of nuisance, the same or similar information may also be distributed to the surround properties. BurnWise information and brochures about wood heaters and health, the operation of domestic wood heaters, backyard burning etc are available to the community upon request. The City’s website is currently being updated to include the Department’s BurnWise information.

As a comparison, other local governments including the City of Wanneroo, City of Swan, City of Subiaco, City of Fremantle, Town of Cottesloe, and Town of Claremont address wood smoke concerns similarly to the City. Most local governments provide residents with BurnWise program material, information on backyard burning/wood/smoke, and the complaints response process.

Based on the current regulatory framework, there is no provision for the City to prevent the use of woodfire and woodfire heaters within the City’s district. At this stage, the City’s Environmental Health team can only manage smoke emissions associated with the use of these heaters through providing education (BurnWise program) and the administration of the Local Law.

If the Council decides to ban indoor woodfire heaters, the introduction of a local law may be an option in accordance with the Local Government Act 1995 (the Act). Administration is not aware of any local laws in Western Australia that ban indoor woodfire heaters. Similarly, the City of Fremantle attempted to enact a local law banning single use plastic bags in 2012 when there was no State legislation in place. This local law was disallowed twice. The first attempt in 2012 was disallowed by the Joint Standing Committee as the local law introduced for retailers to charge a minimum fee to a customer for an alternative shopping bag. The Joint Standing Committee resolved that the local law attempted to go beyond the accepted notions of local government. A revised local law in 2015 removed the provision for retailers to charge and the Joint Standing Committee accepted the change. The local law was then debated in the Legislative Council whereby concerns were raised whether subsidiary legislation was a matter for local government or whether it was best dealt with through State legislation. There was also criticism if every local government was to develop adhoc rules when there is no agreement with the State or even with other local governments. The votes were in favour to again disallow the local law. The Western Australian Local Government Association (WALGA) issued a Discussion Paper in August 2016 after a survey of the local governments to determine the support of the ban on single use plastic bags and on 5 July 2017, its State Council passed a resolution in support of a State-wide ban on plastic bags and agreed to advocate to the State Government for the ban’s introduction. On the 12 September 2017, the Minister for the Environment announced the that lightweight single-use shopping bags will be banned in WA from July 2018.

The plastic bag experience is potentially relevant to any ban on indoor wood heaters. A program of advocacy may be the most appropriate cause of action for Council to take. This may involve corresponding with the relevant Minister(s) and working through the Western Australian Local Government Association. The options open to Council would be further explored via an officer report to Council on the matter, to be presented by the end of the first quarter of 2022.

**Please note this item was withdrawn as it had already been dealt within item 13.5 Adoption of the Annual Budget 2021/22 on page 47.**

## Councillor Mangano – David Cruickshank Reserve Lights

On the 2 July 2021 Councillor Mangano gave notice of his intention to move the following at this meeting.

That Council requests the CEO to remove the item relating to the replacement of the David Cruickshank Reserve lights from the 2021/22 budget, and only replace the current luminaires with LED.

Justification

* The cost to the City of $377K, given the relatively recent installation of the current poles.
* The light spill affecting the nearby residents.
* Night games disturbing nearby residents.
* Traffic and parking impacts late at night.
* Lights being left on overnight (which happens often already) keeping neighbouring residents awake.

Administration Comment

In response to Council Mangano’s Notice of Motion re sports lighting upgrade on the David Cruickshank Reserve: if the item is not funded in the 2021/22 budget, an alternative approach could be to progress the project as a Community Sport and Recreation Facilities Fund (CSRFF) funding application.  Council’s policy is to fund a maximum of 1/3 of the total project cost of CSRFF applications from sporting clubs – in this case, $125,666. Collegians Football Club is keen to progress the project and has indicated that they would be willing to provide significant funding towards it. Community Development will now contact Collegians and let them know about the process and deadline for the next CSRFF Club Night Lights round of grant applications. If the club does choose to put in a CSRFF application for project, the application – as with all CSRFF applications – will be considered formally by Council.

Approaching the project as a CSRFF grant application would allow for:

* Cost-effectiveness for Council: maximum Council contribution of $125,666.
* Separate focus on the project:  this approach will provide a better opportunity for Council to consider the matter in detail in its own right, rather than within the crowded context of the budget.  This would include considering ways to reduce any potential negative impact on the surrounding community.
* Providing for various viewpoints:  a separate Council report for the project will mean that all affected parties - the applicant club, other clubs that will benefit from the project, and community members - can address Committee of Council; and Council can take the various points of view into account before making its decision.

## Councillor Mangano – Brick Bollards, Bishop Road Reserve

On 16 July 2021 Councillor Mangano gave notice of his intention to move the following at this meeting.

Moved – Councillor Mangano

Seconded – Councillor Youngman

**Council Resolution**

**Council requests that the removal of the failing brick bollards at Bishop Road Reserve is completed as part of the current works, including the removal of the steps and the replacement bitumen path and new railing continue to the base of the ramp.**

Councillor Coghlan left the meeting at 8.25pm and returned at 8.27pm.

**CARRIED 9/3**

**(Against: Crs. McManus Wetherall & Senathirajah**

Justification

The 3 brick bollards and the galvanised iron pipe between them are failing due the pipe rusting. They are too low and present a trip hazard to the public especially at night. It will cost a lot more to remove them after the contractor has demobilised The steps interfere with disabled access. The bitumen path has failed.







Administration Comment

As part of the current Bishop Road viewing platform project, the existing rusted handrail will be replaced, the brick bollards rendered, and new asphalt installed. The handrail will, however, be installed to replace the existing one, like for like, and the existing location will remain, as if was raised it would require additional support to strengthen, which would affect the structural integrity of the bollards, rendering them unsafe.

To replace the brick bollards would also then require the wall to be rebuilt due to the weakening of the structure that would result from the installation of a modified handrail design. This would add significant cost and time delays to the project. Modifications to the project scope at this stage will require the City to re-start the approvals process with the Department of Biosecurity, Conservation and Attractions (DBCA). This is not recommended.

In reference to the accessibility issues, the full path does not currently meet accessibility requirements, and it would remain non-compliant if the stair work was undertaken, negating its intended effect.  Therefore, it is not recommended that the City remove the stairs.

The project cost is currently exceeding the allocated project budget and modifying the bollards and wall would further increase the current cost overrun.  Further, any changes to the current approved scope would need to be resubmitted to DBCA for consideration and approval, adding further time delays to the works of at least 2-3 months based on recent experiences for works approvals of this type.

The Administration recommends that the project proceed as is currently planned and being implemented.

## Councillor Bennett – Audit of Recently Resigned Planning Staff

On 16 July 2021 Councillor Bennett gave notice of his intention to move the following at this meeting.

The Presiding Member in consultation with the Acting CEO ruled this item out of order.

Dissent Motion

Moved – Councillor Mangano

Seconded – Councillor Youngman

That the ruling of the Presiding Member be disagreed with.

Lost 5/7

(Against: Mayor Argyle Crs. Horley McManus Smyth Hodsdon Wetherall & Senathirajah)

Council requests the CEO to conduct an audit of all decisions and executions of delegated authority by staff from the City Planning Department who have terminated their employment within the past 12 months including the Manager of Planning and Senior Planning Staff taking into account but not limited to adherence to the following;

* City List of Delegated Authority
* Local Planning Scheme 3
* State Planning Policies
* City of Nedlands Local Planning Policies
* Community Engagement Council Policy
* Consultation of Planning Proposals Council Policy
* Minister of Planning – State of Emergency Planning Exemptions

Justification

Following an Audit of a terminated Planning Staff Member in 2020 widespread exceedance of delegated authority, improper process and questionable decision making was uncovered and a comprehensive report tabled to the Audit and Risk Committee.

At the time it was considered due diligence to review the performance and decisions of this staff member following their resignation.

Since then, the Director of Planning, Manager of Planning and several Senior Planning staff have also resigned, therefore it should also be considered due diligence to conduct an audit of the performance of these recently resigned former employees of the City for the same reasons.

It is worth noting that the former Director of Planning and former Manager of Planning were the supervising staff of the former planning employee for which the previous audit uncovered most concerning findings.

Given the current complicated planning landscape comprising a new planning scheme and state policies that are still being interpreted in combination with state of emergency planning exemptions that seem to conflict with Council engagement and consultation policies, it is indeed due diligence to ensure fair and equitable execution of authority and proper planning decisions are being made in the best interests of the Nedlands community.

If any mistakes have been made by these former City employees, it is important that new City Staff now occupying these positions are afforded a fresh start and given the full support of the Council and the community without prejudice.

Administration Comment

Given the challenges which the City of Nedlands and the Nedlands community have faced since the introduction of the Local Planning Scheme No 3 in April 2019, officers consider that there would be merit in a strategic review of the town planning response from the City since the introduction of the Local Planning Scheme. Such a review would cover the following:

1. Is there alignment between the City of Nedlands Local Planning Scheme and the State Government’s strategic direction for Perth.
2. Is there alignment between the City’s Local Planning Strategic and the Local Planning Scheme.
3. Does the City have the appropriate Strategies in place to ensure that the future development within Nedlands is appropriate.
4. Best practice for City staff and the Council working collaboratively during periods of significant development pressure resulting in community impacts.
5. Best practice community engagement when communities are facing significant change from private development.
6. Strategic alignments and partnerships which the City ought to pursue to ensure that the community concerns are addressed in a holistic manner, therefore allowing for approaches outside of solely a planning response to be identified.
7. The development of an implementation plan for how the City should respond to the challenges that have or are likely to arise from the introduction of Local Planning Scheme.

Such an approach would be forward looking, strategic in nature and outlook, thus providing Council with a path to follow into the future. This would require the engagement of an external consultant to undertake this work and would be considered to be an appropriate and valuable investment for the future. Council may wish to consider this appropriate in lieu of or in addition to the proposed audit.

With the notice of motion as proposed, in order to obtain the most value from such an audit, the audit would undertake a review of those decisions made under delegated authority since the introduction of Local Planning Scheme No 3 (April 2019) through to July 2021. This would allow for a review of those decisions made under the new Planning Scheme. Given the volume of decisions that are likely to subject to the review and the complexity of the review, it is likely that the review itself will take 6 months from the appointment of the external party to undertake the review. Additional time will be required for review and reporting to Council. Such an audit is unbudgeted and currently the cost is unknown, however it is likely to cost at least $50,000 plus significant staff time or potentially in the order of $100,000 (to cover the costs of the audit/risk function and separately the expert town planning advice) if staff are not involved in the audit itself.

## Councillor Bennett – Termination of Access to Dalkeith Hall Site

On 16 July 2021 Councillor Bennett gave notice of his intention to move the following at this meeting.

Moved – Councillor Bennett

Seconded – Councillor Mangano

**Council Resolution**

**Council resolves that:**

1. **Pyramid Constructions be directed to vacate the Dalkeith Hall carpark within 14 days and in accordance with the Private Works On, Over or Under a Thoroughfare Permit dated 18 February 2021; and**
2. **Pyramid Constructions be invoiced by the City for their ongoing use of the 12 parking bays situated at the Dalkeith Hall carpark following the expiration of the Private Works On, Over or Under a Thoroughfare Permit dated 18 February 2021 that expired on 15 March 2021.  The invoice should be issued for the carpark use following the expiration of the Permit, being 16 March to the date vacated, at the rate of $30 per bay per day as per the City of Nedlands Fees and Charges.**

**CARRIED UNANIMOUSLY 12/-**

That Council requests the CEO:

1. to immediately terminate access to the Dalkeith Hall site used by any builders associated with Pyramid Constructions or any other personnel associated with the construction site at 95A Waratah Avenue following the continued use beyond the end of the issued Permit to Undertake Private Works On, Over or Under a Thoroughfare which was only valid until 15th March 2021 and only specified limited works;
2. to remove Delegated Authority to approve any Permit to Undertake Private Works On, Over or Under a Thoroughfare, or any other freehold and public lands controlled by the City so that authority and negotiations must first be approved by the Council; and
3. to place any payment received for the expired permit of 15 March 2021, any back dated payments for the following 5 months of access taken without permit, and any future payments for continued access to the Dalkeith Hall site, into a sinking fund to be used for the benefit of the Waratah Village area such as the provision of public car parking, completion of the Waratah Village Laneway and improvement of the Waratah Avenue public realm.

Justification

The continued unpermitted access to the Dalkeith Hall site has posed a danger, loss of amenity and public nuisance to the local community.

The permit only specified "Traffic management and fenced work zone using 12 parking bays at Nedlands Community Care" however numerous heavy vehicles have been frequently accessing the 95A Waratah Avenue Construction site through the Dalkeith Hall site daily.

The permit expired on the 15 March 2021 which is more than 4 months ago so the continued access through the Dalkeith Hall site without a permit and negotiated payment is not permitted nor approved by Council.

The Delegated Authority must be removed because any Permit to Undertake Private Works On, Over or Under a Thoroughfare, as well as any agreements to use freehold and public lands controlled by the City should require the permission of the Council to ensure protection of the public interest and proper oversight so that funds received are used for the benefit of the impacted community.

The Dalkeith Hall site is freehold land held by the City and it must not be assumed that it can be used to access neighbouring properties without a valid permit and negotiated agreement.

If the City receives payment for access regarding public thoroughfares and other lands controlled by the City then the Council must first be consulted and then decide on approval.

Administration Comment

1. The Acting CEO met with Pyramid Constructions on Tuesday 20 July to outline the issues regarding the builder’s ongoing use of the Dalkeith Hall carpark.  Following the meeting Pyramid Constructions have proposed to the City the following:
2. Stage 1 – While the 12 x parking bays are being used for Site Sheds and deliveries, a payment to the City of $30 per day per parking bay.
3. Stage 2 – After Site Sheds are moved from the parking bays, the 12 x parking bays would be used for 8 hours per day with the fence being pulled back to open the parking bays after the daily 8 hours. A payment of $15 per parking bay is proposed for this stage.
4. A Bond circa $16K has been paid to the City of the previous permit issued 18 February 2021, which has yet to be returned and Pyramid Constructions have proposed to make good any damage to the carpark caused by them.

The Administration recommends that Council reject the offer being presented for reasons that the offer does not adequately compensate:

1. The City for the expected impact that the use of the parking bays and the broader use of the site by haulage vehicles will have on surrounding residents and vendors.
2. For the noise and traffic impact on the Nedlands Community Care services and other Dalkeith Hall users.
3. For the replacement of the whole of the carpark surface, likely resulting in patched repairs, reducing carpark amenity.

**The Administration recommends that:**

**Council resolves that:**

1. **Pyramid Constructions be directed to vacate the Dalkeith Hall carpark within 14 days and in accordance with the Private Works On, Over or Under a Thoroughfare Permit dated 18 February 2021; and**
2. **Pyramid Constructions be invoiced by the City for their ongoing use of the 12 parking bays situated at the Dalkeith Hall carpark following the expiration of the Private Works On, Over or Under a Thoroughfare Permit dated 18 February 2021 that expired on 15 March 2021.  The invoice should be issued for the carpark use following the expiration of the Permit, being 16 March to the date vacated, at the rate of $30 per bay per day as per the City of Nedlands Fees and Charges.**

1. There are significant organisational implications for the effective operation of the City, if Administration’s delegated authority to approve these permits is rescinded. In the 2020/2021 Financial Year, there were up to 233 applications associated with matters covered by this Notice of Motion.

If Council were to agree to this Notice of Motion, there would then be a requirement for staff to prepare, and the Council to consider an additional 233 reports (approx.) per year based on the statistics from last financial year.  These applications included:

* 68 applications for Private works on thoroughfares
* 95 crossover applications
* 70 contractors engaged for City of Nedlands capital works.

An additional, on average, 21 reports per month (based on 11 Meeting cycles per year) both through the Committee Meeting and Council Meeting process.  This is in addition to the existing workload on staff and Council Members.

Each Council report would require additional officer time across all management levels of the organisation, in addition to the current administrative processes that will still need to be undertaken.  It is only the decision-making element that would change under this Notice of Motion, the remainder of the approvals process will remain in place.

Further, any application or decision will be delayed due to the need to fit into the meeting cycle along with the need for staff to develop the report and have it approved at all operational levels.  This can be a 6 week wait from the time that the report is written to when it is considered by Council.  Notwithstanding any background work that will need to be completed prior to the report being finalised.  Current applications turnaround times are usually from 1 to 2 weeks.

Administration does not recommend that Council support Part 2 of the Notice of Motion for the reasons that:

1. Rescinding of delegated authority for the issuing of these permits will result in poor outco mes for customer service timeframes.
2. It will limit our community’s ability to undertake lawful activities in relation to their properties, through administrative delays.

1. Administration does not recommend that Council support Part 3 of the Notice of Motion for the reasons that:
2. The City is not expecting to receive any funds if Council does not agree to Pyramid Constructions offer as described in Part 1.

Any funds paid in the 2020/2021 Financial Year cannot be allocated retrospectively as they have already been allocated through general revenue within the 2021/2022 draft Budget.

## Councillor Coghlan – Local Planning Policy - Signs

On 16 July 2021 Councillor Coghlan gave notice of her intention to move the following at this meeting.

Moved – Councillor Coghlan

Seconded – Councillor Tyson

**Council Resolution**

**That Council:**

1. **By absolute majority amends the Register of Delegated Authority – Section 9. Delegations under the City of Nedlands Local Planning Scheme 3 to include the following condition:**
   1. **All Construction Site, Property Transactions and Hoarding Signs 5 square metres or larger are required to be presented to Council for determination.**
2. **requests the Chief Executive Officer ensure that any sub delegations to other employees in relation to this matter reflect the amended delegation accordingly; and**

1. **requests the CEO to present to Council by the Ordinary Council Meeting of 28 September 2021, a report outlining a modified Local Planning Policy for signs, to reflect the development pressure which Nedlands is currently facing, with particular attention to be given to construction sites, property transactions (i.e. oversized For Sale signs) and hoarding signs.**

**CARRIED 9/3**

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

 Justification

Council require development approval in order to assess the amenity impact of ‘Development Signs’.

These types of signs (development signs) are becoming common place adjacent to proposed and/or approved development sites particularly given the high level of development occurring in the City of Nedlands. These signs have a significant impact on the streetscape amenity and the amenity of the nearby residents particularly given the size and scale of the signage within a residential context. Therefore, these signs require stringent development assessment as part of planning assessment and report to Council for determination.

These signs could be in location for long periods of time and there are already a number along e.g., Broadway and Jenkins Avenue.

We have long-term ratepayers who are negatively impacted by these large advertising signs. They have requested that Council revisit our Local Planning Policy Signs.

Background

City of Nedlands, Local Planning Policy – Signs

The signage on Broadway is deemed ‘Development’ signage as per the City of Nedlands Local Planning Policy Signs.

“A sign that provides details or promotional material of the project, professional consultants, contractors and/or builders; displayed during construction of a building, development or subdivision.”

The development standards include –

1. Shall have a maximum of one sign per street frontage;
2. (Shall have a maximum height of 2.0m above natural ground level;
3. Shall be removed within 14 days from date of practical completion of the development; and
4. Must be located wholly within the property boundary, where the development is occurring.

Provided that existing and or any future proposed ‘Development Signs’ comply with the above provisions of the LPP, under the *Planning and Development (Local Planning Schemes) Regulations 2015* then the signage is exempt from requiring development approval and can progress to building permit approval.

In the event, it is of Council’s interest to require development approval in order to assess the amenity impact of ‘Development Signs’ the LPP – Signs needs to be amended to require stringent development standards and/or designate this type of signage as not exempt under the policy and therefore requiring development application to be lodged. In addition to this, the instrument of delegation is proposed to be amended to require Council to approval development of this nature rather than it be determined under delegated authority.

Administration Comment

The current Local Planning Policy – Sign was adopted by Council in July 2019. The policy does not consider the development pressure which Nedlands is currently experiencing and thus a review and update of the policy would be considered appropriate. Amendments introduced to the Planning and Development Regulations in February 2021 would also need to be included in any review of the policy. Signage policy development is often problematic as the balance between allowing a business to advertise its presence, allowing customers to be able to locate the business while ensuring that the amenity of the area is protected and signage does not dominate.

When areas are undergoing significant development pressure, a further sign challenge arises and land owners wish to sell their product – be that land or dwellings (or both). This form of signage can be considered to be temporary as it will be replaced once the development proceeds. However, this temporary period is almost impossible to quantify the “temporary” period can feel like a permanent situation. The development pressure in Nedlands does not appear likely to be letting up any time soon, thus this will be a challenge that will be with us for some time. Therefore, it is considered appropriate to do a full review of the signage policy be undertaken.

To ensure that the review of the policy is comprehensive it is appropriate that officers present to Council a modified policy with an accompanying officer report to explain the policy. The policy will need to be advertised to allow for community input before being presented back to Council after the consultation period.  The advertising period for the draft policy would need to be at least 21 days. Officers could present to Council the draft policy in the first quarter of 2022.

More immediate action can be undertaken by amending the delegated authority register to require all Construction Site, Property Transaction and Hoarding signs 5 square metres or larger to be presented to Council for determination. This is expected to be an effective and efficient way to reduce large signs being legally erected within Nedlands and will allow Council appropriate control over the most problematic signs ahead of the policy being finalised. This can be accommodated by adding to the existing exceptions as outlines in the delegation, being:

1. objections received
2. 5 or more Group and Multiple dwellings
3. refusals

The suggestion is that the following be added to the delegation:

* 1. Construction Site, Property Transactions and Hoarding signs 5 square metres or larger be presented to Council for determination.

This will require these signs to be presented to Council for determination.

# Council Members notices of motion given at the meeting for consideration at the following ordinary meeting on 24 August 2021

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to a Council Member 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 24 August 2021 to be tabled at this point in accordance with Clause 3.9(2) of Council’s Local Law Relating to Standing Orders.

## Councillor Smyth - Request for Drainage Infrastructure Remedial Works Program

Councillor Smyth gave notice of her intention to raise the following at the Ordinary Council Meeting of 24 August 2021

Council in acknowledging recent winter storm events, requests the CEO to assess the impact on the City, and recovery measures required including:

1. a City-wide report of damage, including but not limited to;

* Flooding from water draining from public land into private land with lots identifies,
* Flooding and storm damage to City buildings and assets
* River, ocean and wetland inundation of shorelines and assets
* Call out assistance received from State Emergency Services;

1. a program of works for the remedial draining infrastructure required (if any); and
2. a cost projection for any remedial work and impact on Budget in out years.

Justification

1. Recent heavy winter rain across Perth has caused an unprecedented amount of flooding across the City of Nedlands, that has overloaded the City’s drainage networks.
2. Run-off from the public lands, such as roads, paths and verges has been beyond the capacity of parts of the drainage network, resulting in flooding of private property, requiring the City to examine its drainage responsibilities.
3. There are many sites across the City that have suffered degrees of storm damage, including City owned assets. An inventory of impact is required and insurance claim recovery plan.
4. Facilitates forward planning and future budget allocations.
5. State Emergency Services levy constitutes approximately a quarter of our Rates bill, this is an appropriate opportunity to spotlight the value that the rate payers are receiving from this levy.

At the Council Committee Meeting on 13th July 2021 an Urgent Motion was passed to address the recent flooding specifically pertaining to the Jenkins Avenue Safe Active Street area. However, although supporting the immediacy of this situation, there was also concerned to review the City-wide drainage issues. This Notice of Motion is intended to raise the Drainage Infrastructure Remedial Works Program to a strategic level in line with Council’s responsibilities across the whole City.

# Urgent Business Approved By the Presiding Member or By Decision

Nil.

# Confidential Items

Nil.

# Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 9.16pm.