



City of Nedlands

Minutes

Special Council Meeting

5 November 2019

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 a special meeting of Council held in the Council chambers, Nedlands on Tuesday 5 November 2019 at 5.30 pm for the purpose of considering membership and terms of reference of committees and advisory groups.

Declaration of Opening

The Presiding Member declared the meeting open at 5.30 pm and drew attention to the disclaimer below.

(NOTE: Council at its meeting on 24 August 2004 resolved that should the meeting time reach 11.00 p.m. the meeting is to consider an adjournment motion to reconvene the next day).

Present and Apologies and Leave of Absence (Previously Approved)

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

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

Public There were 4 members of the public present.

Press The Post Newspaper representative.

Leave of Absence (Previously Approved) Nil.

Apologies Nil.

Disclaimer

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

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1. Public Question Time

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

1.1 Mr Martin Stuckey, 26 Kingsway, Nedlands

Question

How does the narrowing of Elizabeth Street make it safer for cyclists?

Answer

The Safe Active Streets Program is a Department of Transport and City initiative designed to allow vehicles, cyclists and pedestrians to share the road in a safer manner. It is intended that cyclists and vehicles can safely share the trafficable lanes through the suite of measures outlined below:



Safe Active Street Methods

- Lowering of the speed limit to 30 km/hr
- Introduction of a number of physical changes within the road pavement to influence driver behaviour.
- Narrowing of the carriageway to 4.5m trafficable 2-way road
- Construction of road nibs to reinforce the sensation of narrowing and encourage a reduced speed environment
- Construction of raised plateaus at every intersection to reduce driver speed

- Construction of road humps at key locations to reduce driver speed
- The introduction of red traffic lanes to show a prominent change to the road environment
- Installation of new landscaping to provide shade in addition to creating a sense of enclosure for drivers
- Creation of a shared road environment (both cyclists and traffic have the same priority)

The Department of Transport have adopted the above suite of treatments as a standard for their Safe Active Streets projects and this has operated effectively in a number of locations.

1.2 Mrs Bronwyn Stuckey, 26 Kingsway, Nedlands

Question 1

How many development applications has the City received for Broadway since the gazetting of LPS3?

Answer 1

One.

Question 2

Does the City intend to develop a Local Development Plan for Broadway?

Answer 2

Administration is seeking funding from Council to prepare a Precinct Plan for Broadway - Council's decision will be known at the November Council meeting.

Question 3

If so, what is the timeline for development of this Plan?

Answer 3

It is intended to present a draft Precinct Plan to Council in March 2020.

Question 4

Can the City impose a moratorium on development submissions to allow for development of a Plan?

Answer 4

No.

2. Addresses by Members of the Public

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

Nil.

3. Disclosures of Financial Interest

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

There were no disclosures of financial interest.

4. Disclosures of Interests Affecting Impartiality

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

There were no disclosures affecting impartiality.

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

Nil.

5.1 Audit & Risk Committee

Council	5 November 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Mark Goodlet
Attachments	Nil.

Regulation 11(da) – Not Applicable – Minor change the Council agreed to appoint Deputy Members so that there was always a member available for meetings.

Moved – Councillor Hassell

Seconded – Councillor Wetherall

Council Resolution

Council:

1. **appoints the Mayor and Councillors McManus, Senathirajah, Hodsdon and Mangano to the Audit & Risk Committee for the period ending immediately prior to the next Local Government elections in 2021;**
2. **notes the CEO has called for expressions of interest from the Community for the Community Member;**
3. **adopts the Terms of Reference of the Audit & Risk Committee as below; and**
4. **appoints Councillors Smyth, Bennett, Wetherall and Hay as deputy delegates to the Audit & Risk Committee for the period ending immediately prior to the next Local Government elections in 2021 and amends the terms of reference to reflect this.**

CARRIED UNANIMOUSLY 12/-

Recommendation to Council

Council:

1. appoints the Mayor and Councillors (four - one from each Ward) to the Audit & Risk Committee for the period ending immediately prior to the next Local Government elections in 2021;
2. notes the CEO has called for expressions of interest from the Community for the Community Member; and
3. adopts the Terms of Reference of the Audit & Risk Committee as below.

ABSOLUTE MAJORITY VOTE REQUIRED

Executive Summary

The purpose of this report is to appoint Council members of the Audit and Risk Committee and adopt the terms of reference. Nominations for Community Members have been advertised and close on 28 October 2019 and will be presented to the Committee and Council for consideration.

Discussion/Overview

Background

The Audit & Risk Committee meets from time to time on an as required basis. Previous members for the period ending October 2019 were the Mayor and Councillors Argyle, McManus, Hodsdon and Hay.

Mr Paul Setchell and Mr Rajah Senathirajah were appointed as Community Members.

Terms of Reference of Audit & Risk Management Committee

Purpose

This Committee is established by Council in accordance with the Local Government Act 1995, part 7, to assist the Council under Regulation 16 of the Local Government (Audit) Regulations 1995 to discharge its responsibilities with regard to the exercise of due care, diligence and skill in relation to:

- The reporting of financial information, the application of accounting policies, and the management of the financial affairs of the City,
- The assessment of the adequacy of the management of Risk.

Scope

Local Government (Audit) Regulations 1995

Regulation 16 - Functions of audit committee

An audit committee has the following functions —

- (a) to guide and assist the local government in carrying out —
 - (i) its functions under Part 6 of the Act; and
 - (ii) its functions relating to other audits and other matters related to financial management;
- (b) to guide and assist the local government in carrying out the local government's functions in relation to audits conducted under Part 7 of the Act;
- (c) to review a report given to it by the CEO under regulation 17(3) (the **CEO's report**) and is to —
 - (i) report to the council the results of that review; and
 - (ii) give a copy of the CEO's report to the council;
- (d) to monitor and advise the CEO when the CEO is carrying out functions in relation to a review under —
 - (i) regulation 17(1); and
 - (ii) the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c);
- (e) to support the auditor of the local government to conduct an audit and carry out the auditor's other duties under the Act in respect of the local government;
- (f) to oversee the implementation of any action that the local government —
 - (i) is required to take by section 7.12A(3); and
 - (ii) has stated it has taken or intends to take in a report prepared under section 7.12A(4)(a); and
 - (iii) has accepted should be taken following receipt of a report of a review conducted under regulation 17(1); and
 - (iv) has accepted should be taken following receipt of a report of a review conducted under the *Local Government (Financial Management) Regulations 1996* regulation 5(2)(c);
- (g) to perform any other function conferred on the audit committee by these regulations or another written law.

The committee shall have as its primary duties and responsibilities the following tasks:

Audit

1. To consider and approve the brief for the provision of audit services;
2. To evaluate the responses to the request for the provision of audit services and to make a recommendation to Council on the appointment of an auditor;
3. To meet with Council's external auditors and review the Audit Plan prior to the conduct of the interim audit each year;
4. To ensure that the audit is being conducted in accordance with the brief and the terms of appointment and that matters of concern to the Council and/or the Committee are being addressed;
5. Ensure that the Council's financial affairs and systems and processes are being managed and reported in accordance with statutory requirements and Australian Accounting Standards;
6. Ensure that relevant financial information is reported to Council in a form that meets the needs and expectations of Council, clearly setting out the key relevant financial data, such that the Council can confidently understand the financial performance of the Council's affairs;
7. Review the audit report and make appropriate recommendations to Council; and
8. Where appropriate and with the approval of Council seek advice and/or assistance in relation to matters pertaining to the audit or financial affairs of the City.
9. Monitor the implementation of the Audit Management Plan.

Risk Management

1. At least once every year consider a report in relation to the management of risk within the City of Nedlands and satisfy itself that appropriate controls and processes are in operation and are adequate for dealing with the risks that impact on the City.
2. To address any specific requests referred to it from Council in relation to issues of risk and risk management.
3. Monitor the implementation of the Strategic Risk Management Plan.

Membership

1. The membership of the committee shall comprise the Mayor and one Councillor from each ward with the Councillors being determined by nomination and if necessary, a ballot conducted at a Council Meeting and up to two non-Councillor Members, being residents of The City of Nedlands.
2. Council will appoint one Councillor from each ward as deputy members of the committee.
3. If a vacancy on the committee occurs for whatever reason, then Council shall appoint a replacement in accordance with the same arrangements as for the original appointment.
4. The term of the presiding member and committee members will expire immediately prior to the next ordinary Council election.
5. The presiding member shall be determined by election amongst the members of the committee. The election will take place at the first meeting following the reconstitution of the committee after each ordinary Council election. The Mayor is eligible to vote for a presiding member but is not eligible to sit as the presiding member.
6. Should the elected presiding member not be present during a meeting of the committee then a temporary presiding member shall be elected in accordance with 5 above.
7. Community members shall have appropriate qualifications in Audit and/or Risk.

Staff

The following staff will attend committee meetings to provide technical support and advice:

- Chief Executive Officer
- Director of Corporate & Strategy
- Manager Financial Services

Other staff may attend committee meetings when requested by the Committee through the Chief Executive Officer.

Invitees/Attendees

The Committee may invite relevant persons to attend and address or advise the committee, within the ambit of its scope and where necessary with the approval of Council (eg if authorisation of funding is required), as it sees fit including but not limited to:

- The external auditor or his/her representative
- Internal auditors
- Relevant consultants

Meetings

1. The Council Committee operates under the Council's Standing Orders Local Law.
2. The Committee shall have flexibility in relation to when it needs to meet, but as a minimum shall meet twice a year. It is the responsibility of the presiding member to call the meetings of the committee. As a minimum the following business shall be conducted either at each or collectively over the two meetings:
 - Meet with the internal auditor with regards to the Audit Plan
 - Consider a report in relation to the management of risk and review the insurance requirements of the City of Nedlands
 - Meet with the auditor with regards to the Annual Audit and the issue of the interim and/or final Audit Report
3. The quorum for a meeting will be 50% of the offices of the Audit & Risk Committee as per section 5.19 of the Local Government Act 1995.

Delegated Authority

The Audit and Risk Committee will have delegated authority to meet with the auditor in accordance with Section 7.12A(2) of the Local Government Act 1995.

5.2 Chief Executive Officer's Performance Review Committee

Council	5 November 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Mark Goodlet
Attachments	Nil.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Smyth

Seconded – Councillor Hodsdon

Council Resolution**Council:**

- 1. appoints the Mayor and Councillors Horley, Wetherall, Coghlan and Hassell to the Chief Executive Officer's Performance Review Committee for the period ending immediately prior to the next Local Government Elections in 2021; and**
- 2. adopts the Terms of Reference of the Chief Executive Officer's Performance Review Committee as below.**

CARRIED UNANIMOUSLY 12/-

Recommendation to Council**Council:**

1. appoints the Mayor and Councillors (four – one from each Ward) to the Chief Executive Officer's Performance Review Committee for the period ending immediately prior to the next Local Government Elections in 2021; and
2. adopts the Terms of Reference of the Chief Executive Officer's Performance Review Committee as below.

ABSOLUTE MAJORITY REQUIRED

Executive Summary

The purpose of this report is to appoint members of the Chief Executive Officer's Performance Review Committee and adopt the terms of reference.

Discussion/Overview

Background

The Chief Executive Officer's Performance Review Committee meets from time to time on an as required basis. Previous members for the period ending October 2019 were the Mayor and Councillors, McManus, Horley, Argyle, Wetherall, de Lacy and James.

Terms of Reference for Chief Executive Officer's Performance Review Committee

Purpose

Under delegated authority to manage the performance appraisal process of the Chief Executive Officer in order to meet both Council's statutory obligations in accordance with the provisions of Section 5.38(1) of the Local Government Act 1995 and any terms and conditions of the employment contract of the Chief Executive Officer.

Scope

In managing the performance appraisal process, the Committee:

- (a) May recommend an independent consultant to Council for the purposes of conducting the performance appraisal;
- (b) Is to determine and set in place, an appropriate performance appraisal process;
- (c) Is to make recommendations to Council regarding:
 - a. The setting of goals and objectives
 - b. The measurement of key performance indicators (KPIs); and
 - c. Changes to the remuneration package within the terms of the Chief Executive Officer's contract; and
- (d) May draw on the resources and professional advice of the Manager Human Resources and any additional assistance that the Manager Human Resources may recommend to determine the process and plan and conduct the appraisal.

Any goals, objectives, KPI measurement or remuneration package changes approved by Council must be acknowledged in writing by both the Mayor and the Chief Executive Officer.

All Elected Members are to be briefed of the outcomes of the appraisal prior to any decision by Council.

Membership

1. The membership of the committee shall comprise the Mayor and one Councillor from each ward with the Councillors being determined by nomination and if necessary, a ballot conducted at a Council Meeting.
2. Council may if it considers it appropriate appoint deputies to the members of the committee.
3. If a vacancy on the committee occurs for whatever reason, then Council shall appoint a replacement in accordance with the same arrangements as for the original appointment.
4. The term of the presiding member and committee members will expire immediately prior to the next ordinary Council election.
5. The presiding member shall be determined by election amongst the members of the committee. The election will take place at the first meeting following the reconstitution of the committee after each ordinary Council election. The Mayor is eligible to vote for a presiding member but is not eligible to sit as the presiding member.
6. Should the elected presiding member not be present during a meeting of the committee then a temporary presiding member shall be elected in accordance with 5 above.

Meetings

1. The Council Committee operates under the Council's Standing Orders Local Law.
2. The quorum for a meeting will be 50% of the offices of the Chief Executive Officer's Performance Review Committee as per section 5.19 of the Local Government Act 1995.

Staff

The following staff will attend committee meetings to provide technical support and advice:

- Manager Human Resources
- Chief Executive Officer; (when invited)
- Other staff may attend committee meetings when requested by the Committee through the Chief Executive Officer.

5.3 Arts Committee

Council	5 November 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Mark Goodlet
Attachments	1. Public Art Council Policy

Regulation 11(da) – Not Applicable – Minor change to Terms of Reference

Moved – Councillor Hodsdon

Seconded – Councillor Wetherall

Council Resolution

Council:

1. appoints the Mayor and four (4) (one from each ward) Councillors Hodsdon, Hassell, Smyth and Hay to the Arts Committee;
2. notes the CEO has called for expressions of interest from the Community for the Community Member;
3. adopts the Public Art Council Policy as per attachment 1; and
4. adopts the Terms of Reference of the Arts Committee as below with the following change:

Under the heading Membership clause 1 be replaced with “Mayor and four (4) Councillors (one from each Ward) with the Councillors being determined by nomination and if necessary, a ballot conducted at a Council Meeting.”

CARRIED 9/3
(Against: Mayor de Lacy Crs. Mangano & Coghlan)

Recommendation to Council

Council:

1. appoints the Mayor and four (4) councillors to the Arts Committee;
2. notes the CEO has called for expressions of interest from the Community for the Community Member;
3. adopts the Public Art Council Policy as per attachment 1; and
4. adopts the Terms of Reference of the Arts Committee as below.

Executive Summary

The purpose of this report is to appoint Councillor members of the Arts Committee, adopt the Public Art Council Policy and adopt the terms of reference. A call for Expressions of Interest from Community Members has been advertised and will close on 28 October 2019, and then presented to the Arts Committee and Council for consideration.

Background

The Arts Committee was established in 2014 and meets from time to time. Current Councillor members for the period ending October 2019 are the Mayor and four Councillors, one from each ward being Councillors James, Hassell, Hodsdon and Wetherall.

The Public Art Council Policy was reviewed by the Arts Committee as per the Terms of Reference on the 7 October 2019 and is now presented as per attachment one with track changes showing the recommended changes. The changes recommended include the Selection Criteria for Public Art as previously developed and adopted by the Arts Committee.

Terms of Reference for the Art Committee

Purpose

The Arts Committee will be established under the Local Government Act 1995 to implement public art projects within the City of Nedlands.

Aim

To ensure that the City of Nedlands includes artworks of a high standard in the public domain.

Scope

The Committee will undertake the following within the City of Nedlands:

1. Initiate, consider and decide on proposals for public artworks.
2. Oversee the implementation of public artworks.
3. Consider external proposals for public artworks to be donated to the City of Nedlands.
4. Promote awareness of the City's existing public artworks.
5. Review the City's art collection and make recommendations to Council on its conservation.
6. Review Council's Public Art Policy as required and make recommendations to Council on any proposed changes.
7. Develop a draft Percent for Art Policy and make recommendation to Council on its adoption.

Procedure

After adoption of the City's budget by Council each year and before commencing its work for the ensuing year the Committee shall:

- Consider the budget and any other available funds for art works to be acquired in the ensuing year.
- Formulate a plan of priorities and objectives for the year including the proposed siting of any public art works.
- Present that plan for review and amendment or approval by the Council.

Delegated Authority

The Committee has delegated authority to implement public artworks of not more than \$10,000 each to the value of up to, in all, the budget allocation approved by Council within the current financial year's budget. Artworks over \$10,000 shall be recommended to Council for approval.

Membership

1. Mayor and four Councillors, appointed by Council.
2. Two community representatives with professional expertise in public art, who are residents of the City.
3. One youth representative with an interest in public art, aged 12 – 25 years, who is a resident of the City.

4. Non-residents of the City of Nedlands may be appointed as non-voting members.

Meetings

1. The Council Committee operates under the Council's Standing Orders Local Law.
2. The quorum for a meeting will be 50% of the offices of the Arts Committee as per section 5.19 of the Local Government Act 1995.
3. Meetings are open to community and Councillors.
4. Voting members are listed under Membership above.
5. Non-voting members may participate in all aspects of the meeting other than voting.
6. Non-voting attendees (as distinct from non-voting members) will have observer status.
7. Meetings will be held quarterly or as required.

Staff

The following staff will attend meetings to provide support and advice:

- Manager Community Development, as required.
- Tresillian Arts Centre Coordinator, as required.
- Any other officer, as required.

Terms of Reference

The Terms of Reference will be reviewed annually.

5.4 Captain Stirling Hub Committee

Council	5 November 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Mark Goodlet
Attachments	Nil.

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

Moved – Mayor de Lacy
Seconded – Councillor Wetherall

Council Resolution

Council instructs the Chief Executive Officer to provide a report to Council in November 2019 as part of the Resourcing Plan to deliver a policy framework for LPS3, which considers options for appropriate Council governance (including a formal Committee, advisory group or other mechanisms), and proposed Terms of Reference.

CARRIED UNANIMOUSLY 12/-

Recommendation to Council

Council:

1. Disbands the Captain Stirling Hub Committee;
2. Establishes the Town Centre Precinct Advisory Group;
3. Appoints the following elected member (insert names) to the Captain Stirling Hub Advisory Group for the period ending immediately prior to the next Local Government elections in 2021;
4. instructs the CEO to call for expressions of interest from the Community for two Community Members; and
5. adopts the Terms of Reference of the Captain Stirling Hub Advisory Group as below.

ABSOLUTE MAJORITY REQUIRED

Alternate Recommendation

Council instructs the Chief Executive Officer to provide a report to Council in December 2019 which considers appropriate Council representation for Strategic Planning matters including options of a formal committee, advisory group or other mechanisms, and proposed Terms of Reference.

Executive Summary

The purpose of this Report is to appoint members of the Stirling Hub Committee and adopt the terms of reference. An alternative recommendation is provided to allow Council to consider the most expedient Council mechanism for dealing with strategic matters relating to precincts.

Background

The Captain Stirling Hub Committee was established by Council on 25 May 2015. It has operated as an advisory group rather than a Committee since then.

There are a number of precincts that require expedited strategic planning work. It is proposed that the Chief Executive Officer provide consideration of mechanisms for elected member participation in the engagement process for this work and report to Council in December 2019.

Matters to be considered included:

- Agility. With the City prioritizing the development of the precinct policy work and the need for quick engagement, elected member engagement mechanism needs to be agile and responsive to the developing strategic planning work;
- The ability for all elected members to participate in the engagement process at a level of their choosing; and
- Whether the mechanism is the same for each precinct or area varies depending on the location or the nature of the strategic planning matter.

It is vital to Council decision making and for efficient and effective development of the strategic planning processes that there are not two disconnected strategic planning processes occurring concurrently.

The alternative recommendation is provided for Council to consider the best mechanism for it to progress the broader strategic planning issues across the City of Nedlands.

Previous Council Decisions

At the Council Meeting of 26th May 2015 Council resolved the following:
“Council Resolution

1. The City establishes a Steering Committee for the purpose of the Captain Stirling Local Hub Study, comprising of 2 Melvista Ward members; 2 Community members and the Mayor, ex-officio plus a Councillor from the Hollywood ward;
2. That the establishment of the Steering Committee, development of its terms of reference and its activation will occur at a time that best fits with the processes around the completion of the Local Planning Strategy and Town Planning Scheme No.3; and
3. That the Steering Committee comprise of Mayor Hipkins; Councillors James, Hay and Wetherall and the Committee appoint Community Members.”

Terms of Reference

The current Captain Stirling Hub Committee terms of reference have not been endorsed by Council. However, they have been agreed by the Committee, as follows:

“Status

As an informal advisory committee, the committee can determine its own terms of reference and *modus operandi*, without the need to comply with the Council Standing Orders or other requirements of the Local Government Act 1995.

Purpose

To provide advice to Council with regard to the planning of the Captain Stirling Local Hub.

Scope

1. The committee shall determine the boundaries of the study area, which may include a core and outer study area.
2. The committee shall consider appropriate design parameters for development within the study area, which may include:
 - a. Access
 - b. Land Use
 - c. Character and Built Form, including building height and setbacks
 - d. Heritage Protection
 - e. Car Parking
 - f. Landscaping
3. The committee may prepare a preferred structure plan for the study area, illustrating major elements to be included in any detailed plans.

4. The committee shall give priority to the protection of the quality of the adjoining residential environment.

Membership

1. The membership of the committee shall comprise the Mayor, two Councillors from the Melvista Ward (being Councillors James and Hay), one Councillor from the Hollywood Ward (being Councillor Wetherall) and two non-Councillor Members, being residents of the City of Nedlands, appointed by the committee.
2. The committee may if it considers it appropriate allow deputies to the members of the committee.
3. If a vacancy on the committee occurs for whatever reason, then the committee may appoint a replacement in accordance with the same arrangements as for the original appointment.
4. The quorum for a meeting shall be four.”

There are several issues with the Terms of Reference, as agreed by the committee.

1. It is considered best practice for Council to approve all terms of reference, including those of Advisory Groups, as it currently does with all its committees.
2. There are fundamental principles relating to accountability and transparency that are in the Standing Orders and the Local Government Act 1995, which make the reference to determining its own modus operandi and dispensing with the need to comply with the standing orders and Local Government Act 1995 ill-advisable and potentially in breach of the Local Government Act 1995. An example is declarations of interest.
3. In terms of Scope
 - a. the Town Centre precinct area is the preferred boundary of the study area;
 - b. the ability for the committee to prepare its own structure plan can only be **by delegation of Council**. This work is operational in nature and there is no budgetary or administrative support determined by Council. Running an administrative process alongside this process would be inefficient and potentially extremely confusing for the community.
 - c. The priority in the Scope is to the protection of the quality of the adjoining residential environment. Any scope priorities should be considered and endorsed by Council.

The above-mentioned issues relating to the existing Terms of Reference are of sufficient consequence to provide the alternative recommendation with the inclusion of development of appropriate Terms of Reference. It is noted that a policy on Advisory Group is due to come before the elected members within a month.

6. Appointment of Members to External Committees & Internal Working Groups

6.1 Lake Claremont Committee

Council	5 November 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Mark Goodlet
Attachments	Nil.

Regulation 11(da) – Not Applicable Recommendation Adopted

Moved – Councillor McManus
 Seconded – Councillor Hassell

Council Resolution

Council appoints Councillor Smyth as delegate and Councillor Bennett be appointed as deputy delegate to the Lake Claremont Committee for a period ending immediately prior to the next Local Government Elections 2021.

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

Recommendation to Council

Council appoints one (1) Councillor as delegate and one (1) Councillor be appointed as deputy delegate to the Lake Claremont Committee for a period ending immediately prior to the next Local Government Elections 2021.

ABSOLUTE MAJORITY VOTE REQUIRED

Executive Summary

The purpose of this report is to appoint members of the Lake Claremont Committee. Previously, Council resolved to appoint Councillor Smyth as the Delegate and Councillor de Lacy as Deputy Delegate.

Discussion/Overview

Background

The Committee was established to prepare and implement a Management Plan for the Lake. Lake Claremont Committee, with community participation, ensures that the Lake is Managed by the Town of Claremont, as a healthy natural seasonal lake for both conservation and recreational purposes.

6.2 Development Assessment Panels – City of Nedlands Nomination of Members

Council	5 November 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Mark Goodlet
Attachments	Nil.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hodsdon
 Seconded – Councillor Hassell

Council Resolution

Council:

- 1. Pursuant to Regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011, nominates the following local members to sit on the City of Nedlands Development Assessment Panel:**

Local member:

- a) Mayor de Lacy**
- b) Councillor Smyth**

Alternate local member:

- a) Councillor Bennett**
- b) Councillor Wetherall**

- 2. Approves this nomination to be submitted to the Department of Planning.**

CARRIED UNANIMOUSLY 12/-

Recommendation to Council

Council:

1. Pursuant to Regulation 26 of the Planning and Development (Development Assessment Panels) Regulations 2011, nominates the following local members to sit on the City of Nedlands Development Assessment Panel:

Local member:

- c) (insert nominee)
- d) (insert nominee)

Alternate local member:

- c) (insert nominee)
- d) (insert nominee)

2. Approves this nomination to be submitted to the Department of Planning.

Executive Summary

The Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations) requires Council to nominate four elected members of the Council, comprising two local members and two alternate local members to sit on the Joint Development Assessment Panel (JDAP).

The purpose of this report is for Council to nominate replacement nominees in the event that one or more of the current nominees are no longer elected members following the local government election on 19 October 2019. The replacement nominees are required to be submitted to the Department of Planning, Lands and Heritage by 8 November 2019. Confirmation is required if there is no change to the nominees.

Any new nominees will be considered by the Minister and will be appointed local government DAP members for the term ending 26 January 2022.

Background

Key Relevant Previous Council Decisions:

In 2011, Council nominated Councillors Tan and Negus as local members and Mayor Frose and Cr Hodson as alternate members.

In 2013, Council nominated Mayor Hipkins and Councillor Shaw as local members and Councillor Hassell and Councillor Somerville-Brown as alternative members.

In 2015, Council nominated Mayor Hipkins and Councillor Shaw as local members and Councillor Hassell and Councillor Smyth as alternative members.

In 2017, Council nominated Mayor Hipkins and Councillor Shaw as local members and Councillor Smyth and Councillor Wetherall as alternative members.

Consultation

Required by legislation: Yes No
Required by City of Nedlands policy: Yes No

Legislation / Policy

- Planning and Development (Development Assessment Panels) Regulations 2011 (DAP Regulations)
- Planning and Development (Development Assessment Panels) Amendment Regulations 2016 (DAP Amendment Regulations)

Budget/Financial Implications

Within current approved budget: Yes No
Requires further budget consideration: Yes No

Risk Management

If the Council fails to nominate members and submit nominations to the Department of Planning, the Minister has the power to appoint non-councillors from the community.

Discussion

Development Assessment Panels (DAP) were introduced by the (then) Department of Planning during 2011 to assist with decision making involved with complex development applications.

Each DAP consists of three specialist members, one of which is the presiding member, and two local government members.

Appointment of the City's current DAP members, (Mayor Max Hipkins and Councillor Nigel Shaw as local members, and Councillor Smyth and Councillor Wetherall as alternate local members), expires on 26 January 2020.

The Council is being requested to nominate replacement and alternate replacement nominees in the event that current DAP members are no longer Councillors following the local government election.

DAP members are entitled to be paid for their attendance at DAP meetings and training, unless they fall within a class of persons excluded from payment.

If Council nominates new members and new alternate members, the nominees will be submitted to the Department of Planning and the Minister of Planning will consider and appoint the nominee for the remainder of the term ending 26 January 2020 and the next term ending 26 January 2022. All appointed members will be placed on the local government member register and advised of DAP training dates and times. Training is only required for those who have not had training already.

The Department of Planning, Lands and Heritage has noted in their letter of advice that:

“The McGowan Government has recently launched OnBoardWA as part of its commitment to increase the total number of women appointed to Government board and committees to 50 percent by 2019.

I encourage you to consider diversity of representation when putting forward your local government nominations in supporting this important election commitment.”

Conclusion

It is recommended that, as requested, Council nominate replacement and alternate DAP members for the consideration of the Minister.

6.3 Metropolitan Regional Road Group West Sub-Group

Council	5 November 2019
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Mark Goodlet
Attachments	Nil.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hodsdon
 Seconded – Councillor Hassell

Council Resolution

Council approves Councillor Hodsdon to be the appointed Council representative to the Metropolitan Regional Road Group West Sub-Group.

CARRIED UNANIMOUSLY 12/-

Recommendation to Council

Council approves (insert name) to be the appointed Council representative to the Metropolitan Regional Road Group West Sub-Group.

Executive Summary

The Metropolitan Regional Road Group (MRRG) – West Sub-Group requires one Elected Member and one Technical Officer Representative from each Local Government. The purpose of this report is for Council to nominate an Elected Member to replace former Mayor Max Hipkins as the representative for the City of Nedlands.

Discussion

State Road Funds to Local Government Agreement

The State Road Funds to Local Government Agreement 2018/19 to 2022/23 provides the framework for distribution of State funds available from State Government for local roads. The State Road Funds to Local Government

Advisory Committee (SAC) oversees, monitors and recommends to the Minister for Transport the distribution of State funds under the Agreement.

Regional Road Groups, under the Agreement, are responsible for developing regional specific policies and procedures within the overarching framework to suit local circumstances. Membership of Regional Road Groups is to comprise elected Local Government representatives (Councillors and Commissioners as appointed under the Local Government Act) with all local governments being represented.

In some Regions it is necessary for logistical reasons to form Sub-Groups. These Sub-Groups will also be made up of Local Government elected representatives and will provide delegates to represent the Sub-Groups at the Regional Road Groups.

The Regional Road Groups will make recommendations to SAC in relation to the Annual Local Government Roads Program for their region. This may include advice in relation to State and Federal Black Spot Programs, amendments to Roads 2030 Strategy or its updated equivalent document, the Functional Road Hierarchy and three-year work projections.

Local Government Managed Programs

Local Government Managed Programs comprise the following:

- Direct Grants
- Road Project Grants
- State and Federal Black Spot
- Strategic and Technical Support

Sub-Groups

The Metropolitan Regional Road Group Policies and Practices provides information on the structure of Sub-Groups. The Metropolitan Local Governments are divided into 6 Sub-Groups comprising:

- North West
- West
- Central
- East
- South East and
- South West

The City of Nedlands is included in the West Sub-Group which also comprises:

- Town of Cambridge
- Town of Claremont
- Town of Cottesloe
- Town of Mosman Park and
- Shire of Peppermint Grove

Each Sub-Group shall consist of an Elected Member and Technical Officer Representative from each attending Local Government.

The Sub-Groups shall meet regularly and at least twice yearly. The Agenda should include an item to review all current funded projects. Quarterly Expenditure Reports are distributed by MRWA to each Local Government and the respective Sub-Group Technical Representatives to assist with the review. Local Governments shall provide an update on projects and report any projects that are at risk.

Technical Group

The Technical Group is made up of nominated Local Government Technical Officers appointed by each of the Metropolitan Sub-Groups.

The role of the Technical Group is to review the annual rate of expenditure; assist in the development and review of future year Programs prior to endorsement by the Elected Members; review the MRRG Policies and Practices document and the Improvement and Rehabilitation Road Project Submission Guidelines; and provide advice to Sub-Group members on MRRG matters.

The Group shall meet prior to the elected member meetings.

The Chair and Deputy Chair are elected for a two-year term in line with Local Government Elections.

Elected Members

Elected members are the decision-making body for the MRRG. Elected Member representatives are appointed by each of the Sub-Groups to attend the Elected Member meeting.

The MRRG Elected Members shall meet at least twice yearly, with Technical Representatives also attending. Only the Elected Members have voting rights.

The Chair and Deputy Chair are elected for a two-year term in line with Local Government Elections.

Meetings

The Technical Committee and Elected Members meetings shall meet at least twice yearly, generally in March/ April and October/November.

Sub-Group meetings are held prior to the Technical and Elected Members Meetings with Minutes forwarded to MRWA for inclusion in the Agenda Papers for the Technical and Elected Members meetings.

Background

Key Relevant Previous Council Decisions:

Nil.

Consultation

Required by legislation: Yes No
Required by City of Nedlands policy: Yes No

Legislation / Policy

- State Road Funds to Local Government Agreement 2018/19 to 2022/23
- Metropolitan Regional Road Group Policies and Practices

Budget/Financial Implications

Within current approved budget: Yes No
Requires further budget consideration: Yes No

Risk Management

If the Council fails to nominate Elected Member the City of Nedlands will be not be sufficiently represented in the assessment of MRRG funding applications.

7. Elected Members Notices of Motions of Which Previous Notice Has Been Given

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to a Councillor who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by Administration to the Council meeting considering the motion.

7.1 Councillor Smyth - Proposal for a Smart City Committee

On the 22 October 2019 Councillor Smyth gave notice of her intention to move the following at this meeting.

Moved – Councillor Smyth

Seconded – Councillor Horley

Council Resolution

Council instructs the Chief Executive Officer to provide a report to Council in December 2019 which considers appropriate Council and community representation for Smart City matters including options of a formal committee, advisory group or other mechanisms, and proposed Terms of Reference.

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

Justification

The primary purpose is to develop a strategic and collaborative approach to:

1. accessing Commonwealth funding that is available through the Department of Infrastructure, Transport, Cities and Regional Development Grants;
2. initiating community-based projects that have proven track records, shared on the Australian Smart Cities Platform; and
3. engaging the diverse skills and capacity of our community to shape the dynamics of artificial intelligence and machine learning.

Administration Comment

This is supported at an administrative level and allows options to be researched and further considered by Council.

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 6.54 pm.