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City of Nedlands

Minutes of a meeting of the Council Committee held online on Tuesday 9 February 2021 at 7 pm.

Declaration of Opening

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

Present and Apologies and Leave of Absence (Previously Approved)

Councillors	Her Worship the Mayor, C M de Lacy (Presiding Member)	
	Councillor F J O Bennett	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor N R Youngman	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor P N Poliwka (from 7.15 pm)	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Vacant	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward

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

Public There were 3 members of the public present online.

Leave of Absence (Previously Approved) Nil.

Apologies Nil.

Disclaimer

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

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1. Public Question Time

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

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

Nil.

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

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

Nil.

3. Disclosures of Financial and/or Proximity Interest

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

There were no disclosures of financial interest.

4. Disclosures of Interests Affecting Impartiality

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

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

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

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

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

Councillor Poliwka joined the meeting at 7.15 pm.

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

Nil.

6. Confirmation of Minutes

6.1 Committee Meeting 1 December 2020

Moved – Councillor Hodsdon
Seconded – Councillor Senathirajah

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

CARRIED UNANIMOUSLY 12/-

7. Matters for Which the Meeting May Be Closed

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

Nil.

8. Divisional Reports

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

8.1 Planning & Development Report No's PD01.21 to PD04.21

Planning & Development Report No's PD55.20 to PD57.20 to be dealt with at this point (copy attached yellow cover sheet).

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

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

Moved – Councillor Senathirajah

Seconded – Councillor Wetherall

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

Amendment

Moved - Councillor Smyth

Seconded - Councillor Coghlan

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

The AMENDMENT was PUT and was

CARRIED UNANIMOUSLY 12/-

The Substantive Motion was PUT and was

CARRIED 9/3

(Against: Crs. Bennett Mangano & Coghlan)

Committee Recommendation

Council:

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

Recommendation to Committee

Council:

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

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

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

Moved – Councillor Youngman
Seconded – Councillor McManus

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

Closure of Meeting to the Public

Moved – Councillor Youngman

Seconded - Councillor Hodsdon

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

CARRIED 7/5

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

The meeting was closed to the public at 7.50 pm.

Moved – Councillor Smyth

Seconded – Councillor Senathirajah

That the meeting proceed to the next item of business.

CARRIED 7/5

(Against: Mayor Crs. McManus Bennett Mangano Coghlan)

Moved - Councillor Coghlan

Seconded - Councillor Wetherall

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

CARRIED UNANIMOUSLY 12/-

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

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

Recommendation to Committee

Council:

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

PD03.21	Local Planning Policy, Primary Controls and Community Benefits for Apartment Developments
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Committee	9 February 2021
Council	23 February 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995 and section 10 of the City of Nedlands Code of Conduct for Impartiality.	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.
Director	Tony Free – Director Planning & Development
CEO	Mark Goodlet
Attachments	1. Draft Local Planning Policy, Primary Controls and Community Benefit for Apartment Developments
Confidential Attachments	1. Legal Advice dated 11 January 2021

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

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

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

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

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

Moved – Councillor Wetherall

Seconded – Councillor Senathirajah

Committee Recommendation

Council:

1. prepares and advertises for a period of 21 days, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, Part 2, Clause 4, Local Planning Policy – Primary Controls and Community Benefits for Apartment Developments.

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

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

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

Recommendation to Committee

Council:

1. prepares and advertises for a period of 21 days, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, Schedule 2, Part 2, Clause 4, Local Planning Policy – Primary Controls and Community Benefits for Apartment Developments; and
2. makes the legal advice attached to this report non-confidential.

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

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Poliwka

Seconded – Councillor Senathirajah

That the Recommendation to Committee be adopted.

(Printed below for ease of reference)

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

Committee Recommendation / Recommendation to Committee

Council:

- 1. prepares, and advertises for a period of 21 days, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4, the:**
 - a. Draft Broadway Precinct Context and Character Local Planning Policy;**

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

8.2 Technical Services Report No's TS01.21 to TS02.21

Technical Services Report No's TS01.21 to TS02.21 to be dealt with at this point (copy attached blue cover sheet).

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

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Youngman
 Seconded – Councillor Wetherall

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

CARRIED UNANIMOUSLY 12/-

Committee Recommendation / Recommendation to Council

Council:

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

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

Councillor Mangano – Impartiality Interest

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

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Poliwka
Seconded – Councillor Coghlan

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

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

CARRIED 11/1
(Against: Cr. Bennett)

Committee Recommendation / Recommendation to Committee

Council:

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

8.3 Community Development No's CM01.21

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

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

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Youngman
 Seconded – Councillor Hodsdon

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

CARRIED 7/5

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

Committee Recommendation / Recommendation to Committee

Council:

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

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

8.4 Corporate & Strategy Report No's CPS01.21 to CPS04.21

Report No's CPS01.21 to CS04.21 to be dealt with at this point (copy attached green cover sheet).

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

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall
 Seconded – Councillor Hodsdon

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

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

Committee Recommendation / Recommendation to Committee

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

CPS02.21	Alteration of Permitted Use – Sublease to Sand Volley Australia Pty Ltd
-----------------	--

Committee	9 February 2021
Council	23 February 2021
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Ed Herne – Director Corporate & Strategy
Attachments	1. Letter of Request – Sand Volley Australia Pty Ltd
Confidential Attachments	Nil.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall
 Seconded – Councillor Youngman

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

CARRIED UNANIMOUSLY 12/-

Committee Recommendation / Recommendation to Committee

Council:

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

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

CPS03.21	New Lease to Allen Park Tennis Club
-----------------	--

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

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

Moved – Councillor McManus

Seconded – Councillor Horley

Committee Recommendation

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

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

Recommendation to Committee

Council:

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

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

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

Councillor Senathirajah – Impartiality Interest

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

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

Moved – Councillor Senathirajah
Seconded – Councillor Wetherall

That the meeting proceed to the next item of business.

CARRIED UNANIMOUSLY 12/-

Recommendation to Committee

Council:

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

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

9. Reports by the Chief Executive Officer

9.1 Council Policy Reviews

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

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

Moved – Councillor Horley
Seconded – Councillor Coghlan

Committee Recommendation

That these Policies be referred to a Councillor Briefing session.

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

Recommendation to Council

Council:

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

Executive Summary

All Council policies are required to be reviewed regularly and approved by Council. This report contains policies that have been reviewed and require formal Council adoption.

Discussion/Overview

Council policies are reviewed periodically to ensure they reflect the strategic direction and responsibilities of Council and are kept up to date.

The procedure for policy reviews is as follows:

- Policies will be reviewed and updated by staff with any amendments due to changes in any Legislation, Local Laws, Regulations etc. and recommendations made to the Executive Management Team;
- Staff recommendations are reviewed by the Executive Management Team or CEO and amended as required and recommendations made to Council;
- Where there are major amendments to existing policies these policies are then presented at a Councillor Briefing for discussion prior to presentation to Council;
- Where a number of policies have common themes, these policies may be combined to establish a new policy. Redundant and old policies will be revoked where they are substantially changed, and a new replacement policy will be presented at a Councillor Briefing for discussion prior to presentation to Council; and
- Administration may at times recommend a policy be revoked with no Council Policy to replace it. This may occur when it has been identified that the policy is operational or covered under legislation and/or the responsibility of the Chief Executive Officer.

Policy statements should provide guidance for decision-making by Council and demonstrate the transparency of the decision-making process.

Elected Member Expenses and Equipment Council Policy

This policy has been reviewed by the Chief Executive Officer and it is recommended the policy be renamed - Elected Member Fees, Expenses, Allowances and Other Provisions as per attachment 1.

A significant change is a proposal to pay elected members in arrears, not in advance. Payment in advance of work performed is not in keeping with modern accepted business practice. Payment in arrears, while possible, creates

problems after an election or resignation of an elected member, since the local government is required to seek reimbursement of unused advanced payment.

This policy was reviewed with Councillors at a briefing session and is now presented to Council for adoption.

Interstate and International Travel Council Policy renamed Council Member and Employee Training and Conference Attendance Policy

This policy has been reviewed by the Chief Executive Officer and it is recommended the policy to be renamed – “Council Member and Employee Training and Conference Attendance Policy” as per attachment 4.

Under the annual SAT pay determination for Councillors and CEOs, travel and accommodation reimbursements are required to be as per schedule I of the Public Service Award 1992 - The extent to which a Council member can be reimbursed for intrastate or interstate travel and accommodation costs incurred in any of the circumstances referred to in regulation 32(1) of the LG Regulations is at the same rate applicable to the reimbursement of travel and accommodation costs in the same or similar circumstances under the Public Service Award 1992 issued by the Western Australian Industrial Relations Commission as at the date of this determination.

Council reviewed this policy at a Councillor Briefing and is now presented to Council for adoption.

Council Policies with minor changes

All of the policies listed below have been reviewed by administration, with only minor changes recommended to bring the policy up to date which are shown in track changes as per the attachments and are now presented to Council for review and adoption.

- Management of Information for Elected Members Council Policy
- Community Notice Boards in Council Operated Facilities Council Policy
- Application of Grant Funding Council Policy
- Community Signage Council Policy
- Bulk Waste Collection and Waste Receptacles on Nature Strips Council Policy
- Unauthorised Damage of Vegetation Council Policy
- Trading in Public Places Council Policy
- Natural Area Path Network Council Policy
- Assessment Management Council Policy
- Legal Representation for Elected Members and Employees Council Policy
- Use of Council Facilities for Community Purposes Council Policy
- Nature Strip (Verge) Parking adjacent to Vacant Lots Council Policy
- Operation of Bank Accounts Council Policy

Key Relevant Previous Council Decisions:

Council Resolution – 15 December 2020

That this item be deferred to the Council Committee Meeting on 9 February 2021.

Consultation

New Policies or those policies with major changes were presented to Councillors and discussed at Councillor Briefings as per the list below prior to presentation to Council for adoption.

1 October 2019

- Elected Member Expenses and Equipment Council Policy renamed Elected Members Expenses, Allowances and Other Provisions
- Interstate and International Travel Council Policy renamed Council Member and Employee Training and Conference Attendance Council Policy

10 December 2019

- Natural Areas Management Council Policy

21 July 2020

- Advisory & Working Groups Policy
- Professional Development Council Policy
- Elected Member Expenses and Equipment Council Policy renamed Elected Members Expenses, Allowances and Other Provisions

Council Policies with only minor changes were reviewed by staff followed by the Executive Management Team and are now presented to Council for review and adoption.

Budget/Financial Implications

Nil.

Conclusion

The Council Policies listed in this report have been reviewed and are now presented to Council for review in accordance with the Review of Policies Council Policy and recommended for adoption.

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

Nil.

11. Confidential Items

Nil.

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 11.13 pm.