



City of Nedlands

# NOTES

## Council Meeting Agenda Forum

Tuesday, 12 November 2024



## Information

Council Meeting Agenda are run in accordance with the City of Nedlands Standing Orders 2016. If you have any questions in relation to the agenda, procedural matters, addressing the Council or attending these meetings please contact the Governance Officer on 9273 3500 or [council@nedlands.wa.gov.au](mailto:council@nedlands.wa.gov.au)

## Public Question Time

Public Questions are dealt with at the Ordinary Council Meeting.

## Deputations

Members of the public may make presentations or ask questions on items contained within the agenda. Presentations are limited to 3 minutes. Members of the public must complete the online registration form available on the City's website: [Public Address Registration Form | City of Nedlands](#)

## 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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## Present Attendees

<b>Councillors</b>	Councillor K A Smyth	(Presiding Member)
	Councillor R A Coghlan	Melvista Ward
	Councillor Brackenridge	Melvista Ward
	Councillor F J O Bennett	Dalkeith Ward
	Councillor H Amiry	Coastal Ward
	Councillor B G Hodsdon (Online)	Hollywood Ward

<b>Staff</b>	Ms K Shannon	Chief Executive Officer
	Ms A Alderson	Director Corporate Services
	Mr M K MacPherson	Director Technical Services
	Mr T G Free	Director Planning & Development
	Ms S Mapleton	Executive Officer

**Public** There were 2 members of the public present and 3 online.

**Press** 0

### 1. Declaration of Opening

The Presiding Member will declare the meeting open at 7:00 pm and acknowledge the Whadjuk Nyoongar people, Traditional Custodians of the land on which we meet, and pay respect to Elders past, present and emerging. The Presiding Member will draw attention to the disclaimer on page 2 and advise the meeting is being livestreamed.

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

**Leave of Absence (Previously Approved)** Nil.

<b>Apologies</b>	Mayor F E M Argyle	
	Councillor N R Youngman	Dalkeith Ward
	Councillor M Pollard	Hollywood Ward

### 3. Public Question Time

Public questions will be dealt with at the Ordinary Council Meeting.



#### **4. Deputations**

Deputations by members of the public who have completed Public Address Registration Forms.

##### **Item 16.1 – PD68.11.24 Consideration of Development Application – Change of Use – “Office” to “Small Bar” – 136 Stirling Highway, Nedlands**

- Speaking FOR: Tania from Project Solutions WA
- Speaking AGAINST: Liam GALLAGHER (Resident)

#### **5. Requests for Leave of Absence**

Any requests from Council Members for leave of absence will be dealt with at the Ordinary Council Meeting.

#### **6. Petitions**

Petitions will be dealt with at the Ordinary Council Meeting.

#### **7. Disclosures of Financial Interest**

There were no disclosures of financial interest.

#### **8. Disclosures of Interests Affecting Impartiality**

There were no disclosures of impartiality.

#### **9. Declarations by Members That They Have Not Given Due Consideration to Papers**

This item will be dealt with at the Ordinary Council Meeting.

#### **10. Confirmation of Minutes**

This item will be dealt with at the Ordinary Council Meeting.

#### **11. Announcements of the Presiding Member without discussion**

This item will be dealt with at the Ordinary Council Meeting.



**12. Members Announcements without discussion**

This item will be dealt with at the Ordinary Council Meeting.

**13. Matters for Which the Meeting May Be Closed**

No Confidential items are to be discussed at this meeting.

**14. Minutes of Council Committees and Administrative Liaison Working Groups**

**14.1 Minutes of the following Committee Meetings (in date order) are to be received**

This item will be dealt with at the Ordinary Council Meeting.

**15. Audit Committee Reports**

None to be discussed or received.



**16. Divisional Reports - Planning & Development**

**16.1 PD68.11.24 Consideration of Development Application – Change of Use – “Office” to “Small Bar” – 136 Stirling Highway, Nedlands**

<b>Meeting &amp; Date</b>	Council Meeting – 26 November 2024
<b>Applicant</b>	Sky Lounge Pty Ltd
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	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 involved in the preparation of this report and the proponents or their consultants.
<b>Report Author</b>	Chantel Weerasekera – A/Coordinator Planning Approvals
<b>Director</b>	Tony Free – Director Planning and Development
<b>Attachments</b>	1. Aerial Image and Zoning Map 2. Development Plans dated 4 June 2024 3. Management Plan dated 11 October 2024 4. Acoustic Report dated 8 August 2024 5. Traffic Impact Statement dated 19 August 2024 6. Main Roads WA Referral Advice dated 19 September 2024 7. CONFIDENTIAL - Schedule of Submissions

**Purpose**

The purpose of this report is for Council to consider a development application for a partial change of use to ‘small bar’ at 136 Stirling Highway, Nedlands. The small bar space will occupy the top floor of the existing office building on site. This application is being presented to Council for consideration as objections have been received.

**ADMINISTRATION RECOMMENDATION**

That Council in accordance with Clause 68(2)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, **APPROVES** the development application in accordance with the plans date stamped 11 October 2024 for a partial change of use to a “Small Bar” at 136 Stirling Highway, Nedlands, subject to the following conditions:

1. This approval is for the use of the portion of the development outlined in blue on the approved plans, being the entirety of the third storey, as a “Small Bar”, as defined in the City of Nedlands Local Planning Scheme No.3. Any alternative use of the premises may require development approval.
2. This approval is for a maximum of 50 patrons.





3. All sound attenuation measures and stipulations contained within the Acoustic Report prepared by Stantec, date stamped 8 August 2024, shall be implemented and undertaken in perpetuity to the satisfaction of the City of Nedlands.
4. The “Management Plan” documents date stamped 11 October 2024 form part of this approval and shall be complied with at all times to the satisfaction of the City of Nedlands.

#### Main Roads

5. No compensation will be sought by the landowner / applicant in respect to the loss, removal or relocation of any improvements arising out of this approval that are within the portion of land reserved for road purposes under the Metropolitan Region Scheme, if and when the identified portion of the land is acquired for any works consistent with the purpose of that reservation (including, without limitation, the upgrading of Stirling Highway or intersection improvements).
6. All signs must be placed on private property and must not overhang or encroach the Primary Regional Road Reservation.
7. The maximum luminance level of the signs shall be in accordance with the requirements below at all times:
  - a. During daytime, the maximum luminance levels shall be 300 cd/m<sup>2</sup>.
  - b. During the night, the maximum luminance levels shall be 150 cd/m<sup>2</sup>.
8. The sign must not flash, pulsate or chase.
9. The device must not contain fluorescent, reflective or retro-reflective colours or materials.

#### Further Information

##### **Question from Councillor Bennett**

Does this have a noise management plan?

##### **Question from Councillor Amiry**

What are the advantages of having a bar in this building when there are other bars in the area and whether the hours of operation are 4-9pm Thursday to Saturday or longer than that.

##### **Question from Councillor Coghlan**

Can you step through to the Councillors how this came about?

##### **Question from Deputy Smyth**

What has happened since it went out for comment and how the comments have been calculated into the parking figures?



## 16.2 PD69.11.24 Consent to Advertise draft Local Planning Policy 7.9: Percent for Art

<b>Meeting &amp; Date</b>	Council Meeting – 26 November 2024
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest in this matter.
<b>Report Author</b>	Tony Free – Director Planning and Development
<b>Director</b>	Tony Free – Director Planning and Development
<b>Attachments</b>	1. Draft Local Planning Policy 7.9 Percent for Art

### Purpose

The purpose of this report is for Council to consider adoption of the draft Local Planning Policy 7.9: Percent for Art (the Policy), found at **Attachment 1**, for the purpose of advertising.

### ADMINISTRATION RECOMMENDATION

That Council:

- ADOPTS** the draft Local Planning Policy 7.9 Percent for Art (Attachment 1) for the purpose of advertising in accordance with Clause 4 of the Deemed Provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.
- NOTES** that the upon conclusion of advertising, the Policy will be presented to Council for determination and will be accompanied by draft Guidelines outlining the procedures to be followed in satisfying the requirements of the Policy.

### Further Information

#### Question from Deputy Smyth

What is the possibility of expanding the functional art component?



### 16.3 PD70.11.24 Consent to Advertise Mt Claremont Master Plan

<b>Meeting &amp; Date</b>	Council Meeting – 26 November 2024
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.
<b>Report Author</b>	Tony Free – Director Planning and Development
<b>Director/CEO</b>	Tony Free – Director Planning and Development
<b>Attachments</b>	1. Greenways Plan – Figure 11 from the Master Plan 2. Draft Mt Claremont Master Plan

#### Purpose

The purpose of this report is for Council to consider the endorsement of a Master Plan for the wider Mt Claremont area (Attachment 2) for the purpose of community consultation. The Master Plan includes eastern areas of Mt Claremont and smaller sections of Shenton Park, Karrakatta and Floreat.

The Master Plan is a non-statutory document which outlines the City's vision for the area and provides a platform for advocacy associated with elements of the Plan.

#### ADMINISTRATION RECOMMENDATION

That Council:

1. **ENDORSES** the Draft Mt Claremont Master Plan (Attachment 2) for the purpose of advertising.
2. **NOTES** that the advertising period will be for a minimum of 28 days.

#### Further Information

##### Questions from Deputy Smyth

What will the timing of this advertising be and what will the most appropriate timing be for Councillors to comment and make any suggestions?

Is there any reason why Bold Park has not been included?

##### Questions from Councillor Coghlan

Have we made any progress on speaking to the Department of Defence?

Have you been able to make contact with the Town of Claremont and the City of Subiaco to alert them as well as the State Members of Parliament?



### 16.4 PD71.11.24 Consent to Advertise draft Local Planning Policy 3.4: Tree Retention - R25 to R80

<b>Meeting &amp; Date</b>	Council Meeting – 26 November 2024
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest in this matter.
<b>Report Author</b>	Tony Free – Director Planning and Development and Keri Shannon – Chief Executive Officer
<b>Director</b>	Tony Free – Director Planning and Development
<b>Attachments</b>	1. Draft Local Planning Policy 3.4: Tree Retention – R25 to R80

#### Purpose

The purpose of this report is for Council to adopt for advertising the draft Local Planning Policy 3.4: Tree Retention – R25 to R80 (the policy), found at Attachment 1.

#### ADMINISTRATION RECOMMENDATION

**That Council ADOPTS the draft Local Planning Policy 3.4: Tree Retention – R25 to R80 (Attachment 1) for the purpose of advertising in accordance with Clause 4 of the Deemed Provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.**

#### Further Information

##### Questions from Councillor Bennett

What about all other land types that don't fit into R20 or R80 that are not public realm?

What about schools?



## 16.5 PD72.11.24 Consideration of draft Local Planning Policy 7.8: Natural Ground Level

<b>Meeting &amp; Date</b>	Council Meeting – 26 November 2024
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest in this matter.
<b>Report Author</b>	Tony Free – Director Planning and Development
<b>Director</b>	Tony Free – Director Planning and Development
<b>Attachments</b>	1. Draft Local Planning Policy – Natural Ground Level

### Purpose

The purpose of this report is for Council to consider the draft Local Planning Policy 7.8 – Natural Ground Level (the Policy), found at **Attachment 1** and the officer Recommendation not to proceed.

### ADMINISTRATION RECOMMENDATION

That Council **DOES NOT PROCEED** with the Local Planning Policy 7.8 – Natural Ground Level as it is contrary to the definitions within Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

### Further Information

#### Question from Deputy Smyth

Can you please clarify alternatives please and how that might play out?



## 16.6 PD73.11.24 Consideration of amendments to Local Planning Policy 4.1: Parking for the purpose of advertising

<b>Meeting &amp; Date</b>	Council Meeting – 26 November 2024
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Employee disclosure required where there is an interest in any matter of which the employee is providing advice or a report.
<b>Report Author</b>	Tony Free – Director Planning & Development
<b>Director</b>	Tony Free – Director Planning & Development
<b>Attachments</b>	1. Draft Local Planning Policy 4.1: Non-residential Parking Tracked changes – LPP 4.1: Parking

### Purpose

The purpose of this report is for Council to adopt for advertising the draft Local Planning Policy 4.1: Non-residential Parking (the policy), found at **Attachment 1**.

### ADMINISTRATION RECOMMENDATION

That Council **ADOPT** the draft Local Planning Policy 4.1: Non-residential Parking (Attachment 1) for the purpose of advertising in accordance with Clause 4 of the Deemed Provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

### Further Information

#### Question from Councillor Bennett

Can the title of the report item and policy be changed to make more sense?



### 16.7 PD74.11.24 Schedule of Strategic Planning Projects

<b>Meeting &amp; Date</b>	Council Meeting – 26 November 2024
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.
<b>Report Author</b>	Tony Free – Director Planning & Development
<b>Director</b>	Tony Free – Director Planning & Development
<b>Attachments</b>	Nil.

#### Purpose

This report is presented to Council to outline the current and future strategic planning projects.

#### ADMINISTRATION RECOMMENDATION

That Council RECEIVES the Schedule of Strategic Planning Projects dated November 2024.

#### Further Information

Nil.



**16.8 PD75.11.24 LATE REPORT - Consideration of Responsible Authority Report for 95 Broadway, Nedlands**

This item will be dealt with at the Council Meeting.

**16.9 PD76.11.24 LATE REPORT – Deed of Variation, 22 Jutland Parade, Dalkeith**

This item will be dealt with at the Council Meeting.





## 17. Divisional Reports - Technical Services

### 17.1 TS33.11.24 Hackett Hall – Demolition

<b>Meeting &amp; Date</b>	Council Meeting – 26 November 2024
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Report Author</b>	Matthew MacPherson, Director Technical Services
<b>Director</b>	Matthew MacPherson, Director Technical Services
<b>Attachments</b>	1. CONFIDENTIAL – Indicative Quotations Received 2. Hackett Hall Photo Deck

#### Purpose

Hackett Hall, Lawler Park, has been dilapidated for a number of years, and was closed to access and full use in January 2023.

A report was presented to the Ordinary Council meeting on Tuesday 22 October 2024, where no position was resolved, hence the report is before Council to reconsider a suitable position.

A decision from Council is required for action regarding Hackett Hall in the short term while long term preparations are made. After recent inspection of the Hall, the dilapidation is such that the building is in worse condition than what was expected after such time, and a immediate decision is advised.

#### ADMINISTRATION RECOMMENDATION

That Council Request the CEO:

1. **NOTIFY** the community regarding the proposed demolition of Hackett Hall, Lawler Park; and
2. **INCLUDE** as part of the 2024/25 mid-year financial review, a capital budget provision for approximately \$68,500 the demolition of Hackett Hall, Lawler Park.

#### Further Information

##### Question from Deputy Smyth

Can a summary of what happened since last meeting please be provided?



**Question from Councillor Amiry**

Can we notify the residents and ask for feedback on their ideas to inform our next discussions?

**Questions from Councillor Hodsdon**

Does it include something going there in the future?

Will the equipment inside the Hall be collected by the owners?



## 17.2 TS34.11.24 Parking Management Policy

<b>Meeting &amp; Date</b>	Council Meeting – 26 November 2024
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Report Author</b>	Jana Jegathesan – Acting Coordinator Transport and Development Tina Le - Administration & Business Support Officer
<b>Director</b>	Matthew MacPherson, Director Technical Services
<b>Attachments</b>	1. Public Parking Management Policy

### Purpose

For Council to consider adopting a “Public Parking Management Policy,” to balance the needs and benefits of residents, businesses, visitors, and other stakeholders. The purpose of this Policy is to create a clear guideline to be able to regulate, control and manage parking throughout the City of Nedlands.

### ADMINISTRATION RECOMMENDATION

That Council:

1. **ENDORSE** the draft “Public Parking Management Policy” as proposed in Attachment 1 to proceed to city wide community consultation.
2. **REQUEST** the CEO report comments received on the Public Parking Management Policy following community consultation for further consideration.

### Further Information

Nil.



### **17.3 TS35.11.24 RFT Monash Avenue Roadway Rehabilitation**

This item will be dealt with at the Council Meeting.



## 18. Divisional Reports – Community Services & Development

### 18.1 CSD09.11.24 Proposed expansion of Tresillian services to Mt Claremont Community Centre

<b>Meeting &amp; Date</b>	Council Meeting - 26 November 2024
<b>Applicant</b>	City of Nedlands (unless otherwise)
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil
<b>Report Author</b>	Lisa Macfarlane Reid, Coordinator Tresillian Arts Centre
<b>Director/CEO</b>	Keri Shannon, CEO
<b>Attachments</b>	Nil.

#### Purpose

This report is being presented to Council in response to NOM44.10.24 which requested the CEO to develop a plan to expand Tresillian services to Mt Claremont Community Centre.

#### ADMINISTRATION RECOMMENDATION

That Council **APPROVE** the plan and associated costs to run a trial program of School Holiday workshops at Mount Claremont Community Centre, to commence in the 2025 July School Holidays.

#### Further Information

Nil.



## **19. Divisional Reports – Corporate Services**

### **19.1 CPS47.10.24 Monthly Financial Report – September 2024**

This item was deferred from October to November and will be dealt with at the Council Meeting.

### **19.2 CPS53.11.24 Monthly Financial Report – October 2024**

This item will be dealt with at the Council Meeting.

### **19.3 CPS54.11.24 Monthly Investment Report – October 2024**

This item will be dealt with at the Council Meeting.

### **19.4 CPS55.11.24 List of Accounts Paid – October 2024**

This item will be dealt with at the Council Meeting.



### 19.5 CPS56.11.24 Report to Adopt Integrity Framework

<b>Meeting &amp; Date</b>	Council Meeting – 26 November 2024
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	No officer involved in the preparation of this report has a declarable interest.
<b>Report Author</b>	Keri Shannon – Chief Executive Officer
<b>Director/CEO</b>	Keri Shannon – Chief Executive Officer
<b>Attachments</b>	1. Integrity Framework

#### Purpose

For Council to consider endorsement of the City of Nedlands Integrity Framework.

#### ADMINISTRATION RECOMMENDATION

That Council **ENDORSES** the Integrity Framework as contained in Attachment 1.

#### Further Information

##### Question from Deputy Smyth

Can the CEO please say a few words about the Integrity Framework?



## 20. Reports by the Chief Executive Officer

### 20.1 CEO46.11.24 Register of Outstanding Council Resolutions

<b>Meeting &amp; Date</b>	Council Meeting – 26 November 2024
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	No officer involved in the preparation of this report has a declarable interest.
<b>Report Author</b>	Sara Bloomfield – Governance Officer (Council Support)
<b>Director/CEO</b>	Keri Shannon – Chief Executive Officer
<b>Attachments</b>	1. Register of Outstanding Council Resolutions

#### Purpose

For Council to consider the Register of Outstanding Council Resolutions (OCR) and the actions taken by Administration in progressing these items.

#### ADMINISTRATION RECOMMENDATION

That Council **RECEIVES** the Register of Outstanding Council Resolutions dated October 2024.

#### Further Information

Nil.





## **20.2 CEO47.11.24 Elected Members Information Bulletin**

This item will be dealt with at the Council Meeting.



**21. Council Members Notice of Motions of Which Previous Notice Has Been Given**

This item will be dealt with at the Council Meeting.

**22. Urgent Business Approved by the Presiding Member or By Decision**

This item will be dealt with at the Council Meeting.

**23. Confidential Items**

There were no confidential items at distribution of this agenda.

**24. Declaration of Closure**

There being no further business, the Presiding Member declare the meeting closed at 8:06pm.