

**AGENDA**

**Council Meeting Agenda Forum**

**Tuesday, 8 October 2024**

**Notice of Meeting**

Mayor & Councillors

A Council Meeting Agenda Forum of the City of Nedlands is to be held on Tuesday, 10 September 2024 in the Council chambers at 71 Stirling Highway Nedlands commencing at 7pm.

This meeting will be livestreamed [Livestreaming Council & Committee Meetings » City of Nedlands](https://www.nedlands.wa.gov.au/council/council-meetings/livestreaming-council-committee-meetings.aspx)

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Description automatically generated

**Keri Shannon | Chief Executive Officer**

**4 October 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](https://www.nedlands.wa.gov.au/public-address-registration-form)

**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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**Table of Contents**

[1. Declaration of Opening 5](#_Toc179281116)

[2. Present and Apologies and Leave of Absence (Previously Approved) 5](#_Toc179281117)

[3. Public Question Time 5](#_Toc179281118)

[4. Deputations 5](#_Toc179281119)

[5. Requests for Leave of Absence 5](#_Toc179281120)

[6. Petitions 5](#_Toc179281121)

[7. Disclosures of Financial Interest 6](#_Toc179281122)

[8. Disclosures of Interests Affecting Impartiality 6](#_Toc179281123)

[9. Declarations by Members That They Have Not Given Due Consideration to Papers 6](#_Toc179281124)

[10. Confirmation of Minutes 6](#_Toc179281125)

[11. Announcements of the Presiding Member without discussion 7](#_Toc179281126)

[12. Members Announcements without discussion 7](#_Toc179281127)

[13. Matters for Which the Meeting May Be Closed 7](#_Toc179281128)

[14. Minutes of Council Committees and Administrative Liaison Working Groups 7](#_Toc179281129)

[14.1 Minutes of the following Committee Meetings (in date order) are to be received 7](#_Toc179281130)

[15. Audit Committee Reports 7](#_Toc179281131)

[16. Divisional Reports - Planning & Development 8](#_Toc179281132)

[16.1 PD64.10.24 Draft Dogs in Public Places Policy 8](#_Toc179281133)

[16.2 PD65.10.24 Schedule of Strategic Planning Projects 13](#_Toc179281134)

[17. Divisional Reports - Technical Services 19](#_Toc179281135)

[17.1 TS30.10.24 Policy Update – Bulk Waste Collection and Waste Receptacles on Nature Strips 19](#_Toc179281136)

[17.2 TS31.10.24 Updated Vehicle Crossover Construction and Maintenance Policy and Guidelines 23](#_Toc179281137)

[18. Divisional Reports – Community Services & Development 40](#_Toc179281138)

[19. Divisional Reports – Corporate Services 41](#_Toc179281139)

[19.1 CPS47.10.24 Monthly Financial Report – September 2024 41](#_Toc179281140)

[19.2 CPS48.10.24 Monthly Investment Report – September 2024 41](#_Toc179281141)

[19.3 CPS49.10.24 List of Accounts Paid – September 2024 41](#_Toc179281142)

[19.4 CPS50.10.24 Monthly Financial Report – August 2024 41](#_Toc179281143)

[19.5 CPS51.10.24 Mainswest Mt Claremont Depot Lease 42](#_Toc179281144)

[19.6 CPS52.10.24 Nedlands Yacht Club Extended Liquor Licence 46](#_Toc179281145)

[20. Reports by the Chief Executive Officer 54](#_Toc179281146)

[20.1 CEO40.10.24 Register of Outstanding Council Resolutions 54](#_Toc179281147)

[20.2 CEO41.10.24 Elected Members Information Bulletin 57](#_Toc179281148)

[20.3 CEO42.10.24 Exercise of Delegation 58](#_Toc179281149)

[20.4 CEO43.10.24 WALGA – Local Government Elections – Advocacy Position 60](#_Toc179281150)

[20.5 CEO44.10.24 Bushcare Volunteer Advisory Committee 66](#_Toc179281151)

[20.6 CEO45.10.24 Governance Committee 66](#_Toc179281152)

[21. Council Members Notice of Motions of Which Previous Notice Has Been Given 67](#_Toc179281153)

[22. Urgent Business Approved By the Presiding Member or By Decision 67](#_Toc179281154)

[23. Confidential Items 67](#_Toc179281155)

[24. Declaration of Closure 67](#_Toc179281156)

# 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.

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

**Leave of Absence** Councillor Hodsdon (Hollywood Ward).

**(Previously Approved)**

**Apologies** None as at distribution of this agenda.

# Public Question Time

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

# Deputations

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

# Requests for Leave of Absence

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

# Petitions

Petitions will be dealt with at the Ordinary Council Meeting.

# Disclosures of Financial Interest

The Presiding Member to remind Council Members 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.

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

However, other members may allow participation of the declarant if the member further discloses the extent of the interest. Any such declarant who wishes to participate in the meeting on the matter, shall leave the meeting, after making their declaration and request to participate, while other members consider and decide upon whether the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

# Disclosures of Interests Affecting Impartiality

The Presiding Member to remind Council Members and Staff of the requirements of Council’s Code of Conduct in accordance with Section 5.103 of the Local Government Act.

Council Members and staff are required, in addition to declaring any financial interests to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making procedure.

The following pro forma declaration is provided to assist in making the disclosure.

"With regard to the matter in item x ….. I disclose that I have an association with the applicant (or person seeking a decision). This association is ….. (nature of the interest).

As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

The member or employee is encouraged to disclose the nature of the association.

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

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

# Confirmation of Minutes

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

# Announcements of the Presiding Member without discussion

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

# Members Announcements without discussion

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

# Matters for Which the Meeting May Be Closed

For the convenience of the public, the following Confidential items are identified to be discussed behind closed doors, as the last items of business at this meeting.

# Minutes of Council Committees and Administrative Liaison Working Groups

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

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

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

# Audit Committee Reports

None to be discussed or received.

# Divisional Reports - Planning & Development

## PD64.10.24 Draft Dogs in Public Places Policy

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 22 October 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Andrew Melville – Manager Health and Compliance |
| **Director** | Tony Free – Director Planning and Development |
| **Attachments** | 1. Draft Dogs in Public Places Council Policy |

**Purpose**

This report is presented to seek approval from Council to adopt the Dogs in Public Places Council Policy (Policy) which outlines places where dogs are prohibited absolutely, and places which are dog exercise areas. This Policy has been updated to include two parks within Montario Quarter as dog exercise areas.

Development WA constructed two parks located within Montario Quarter Shenton Park, as intended dog exercise areas and are now requesting for them to be designated as dog exercise areas in accordance with the *Dog Act 1976.* The City has given public notice for at least 28 days in accordance with Section 31 of the *Dog Act 1976*.

This public notice was published in the local newspaper and the City’s YourVoice page, encouraging submissions on the City’s intention to have two specific parks within Montario Quarter as designated dog exercise areas. The period for public submissions was from Friday 16 August 2024, closing 5pm Monday 16 September.

**Recommendation**

**That Council:**

* APPROVE the Dogs in Public Places Council Policy (Attachment 1) including ‘MONTARIO QUARTER DOG PARKS being two portions of Lot 8006 that are enclosed by a fence and signposted located on the corner of Lemnos Street & Guttman Approach Shenton Park’ as a dog exercise area under the *Dog Act 1976* Section 31(3A).

**Voting Requirement**

Absolute Majority.

**Background**

Development WA has recently completed the construction of two dog exercise areas within Montario Quarter, Shenton Park. These two fenced, off-leash areas, are located on the southern end of the Montario Quarter development, situated on the corner of Lemnos Street and Guttmann Approach. These two areas have been designed to create positive interactions between dogs while prioritising usability and convenience for dog owners.

The *Dog Act 1976* Section 31 allows public places under the care, control, and management of the local government, to be designated as dog exercise areas or dog prohibited areas subject to a Council Resolution by Absolute Majority. Having a designated list of dog exercise areas and prohibited areas removes the legislative burden of having to update a local law if there is a requirement to add or remove dog parks.

**Discussion**

At the Ordinary Council Meeting on 23 July 2024 Item 16.3 PD50.07.24 Dog Exercise Area – Montario Quarter, the Council approved to give public notice for at least 28 days as per the *Local Government Act 1995* Section 1.7 of its intentions to designate Montario Quarter dog parks as dog exercise areas.

The Policy is now before Council for consideration, with the inclusion of the two new Montario Quarter dog parks listed under ‘Places Which are Dog Exercise Areas’ numbered 31 of 55 parks listed.

This Policy also provides a purpose to guide Council to:

1. Clarify and define levels of dog access in public areas that are under the care, control or management of the City;
2. Create welcome, safe and functional areas for exercising and socialising of dogs to achieve the following objectives:
   1. Promote active recreation areas that are valued and well utilised by dogs and their handlers;
   2. Align with Council’s Strategic Community Plan and *City of Nedlands Dogs Local Law 2022;*
   3. Respond to community needs and aspirations;
   4. Reduce any negative impact on the community, including non-dog owners and neighbouring residents;
   5. Ensure dog behaviour does not have a negative impact on the environment; and
   6. Assist to maintain and regulate the City’ parks and reserves to an acceptable standard.
3. Inform and educate the community relating to dog ownership responsibilities, the location of dog exercise areas and areas where dogs are prohibited.
4. Comply with the requirements of the *Dog Act 1976, Local Government Act 1995, Disability Discrimination Act 1992, Equal Opportunity Act 1984, Public Health Act 2016* and *Environmental Protection Act 1986* and other relevant legislation.
5. Monitor compliance and respond to matters relating to legislative requirements that pertain to dogs.

**Consultation**

The City of Nedlands gave public notice for at least 28 days and was published on the City’s YourVoice website and in local newspaper. The public notice welcomed submissions on the City’s intention to designate Montario Quarter dog parks as dog exercise areas from Friday 16 August 2024 closing 5pm Monday 16 September.

The City received the following submissions:

| **Comment** | **Response** |
| --- | --- |
| Supported: Yes  “Urgently needed to support a growing canine population, particularly in light of increased housing density in the area.” | Noted |
| Supported: Yes  “It is common sense to adopt the proposal.  It makes no sense to require dog owners to keep their dogs on a lead in a fenced dog exercise area that has been purpose built for dogs to get some exercise.” | Dog owners will still be required to have effective control and recall of their dogs in off lead areas. |
| Supported: Yes  “All for it.” | Noted |
| Supported: Yes  “its good have some fence area.” | Noted |
| Supported: No  “As shown by Carrington Road Dog Park, small enclosed areas suffer under the effects of dogs. This parks will be ruined by dogs to the detriment of other residents and park users.” | Parks services will monitor and maintain the condition of the park, take measures to rectify or prevent further damage. |
| Supported: Yes  “Fantastic idea, necessary and beneficial for the entire community and residents in the Montario Quarter area and surrounding streets.” | Noted |

**Strategic Implications**

This item is strategically aligned to the City of Nedlands Council Plan 2022-23 vision and desired outcomes as follows:

|  |  |
| --- | --- |
| **Vision** | **Sustainable and responsible for a bright future** |

|  |  |
| --- | --- |
| **Pillar** | **People** |
| **Outcome** | 2. A healthy, active and safe community. |

|  |  |
| --- | --- |
| **Pillar** | **Place** |
| **Outcome** | 7. Attractive and welcoming places. |

|  |  |
| --- | --- |
| **Pillar** | **Performance** |
| **Outcome** | 11. Effective leadership and governance. |

**Budget/Financial Implications**

There are no financial implications associated with the adoption of the Dogs in Public Places Council Policy. Update to an exercise area dog map can be accommodated within the 2024/25 Financial Year operational budget.

**Legislative and Policy Implications**

[*Dog Act 1976*](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_45453.pdf/$FILE/Dog%20Act%201976%20-%20%5B06-j0-00%5D.pdf?OpenElement) – Section 31

[Places where dogs are prohibited absolutely and places which are dog exercise areas under S31(3a) of the *Dog Act 1976.*](https://www.nedlands.wa.gov.au/documents/915/list-of-places-where-dogs-are-prohibited-and-places-that-are-dog-exercise-areas)

**Decision Implications**

If Council do not approve for these two sections of Montario Quarter to be included in the Policy as a dog exercise area, the decision of Council made on 12 December 2023 item 19.4 to approve the list of places ‘Where Dogs are Prohibited Absolutely’, and ‘Places Which are Dog Exercise Areas’, under section 31(3a) of the *Dog Act 1976* will remain in effect.

Further to this, two dog parks at Montario Quarter will not be designated as off lead dog exercise areas. Users of this park will be required to have their dogs on lead, conflicting with the purpose of the specifically designed off lead parks as intended by Development WA.

**Conclusion**

Public notice has been given on the City of Nedlands intentions to specify two Montario Quarter fenced dog parks for at least 28 days as defined by the *Local Government Act 1995* Section 1.7. The City recommends for the Dogs in Public Places Council Policy to be updated to reflect these two new parks as dog exercise areas.

**Further Information**

Nil.

## PD65.10.24 Schedule of Strategic Planning Projects

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 22 October 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. |
| **Report Author** | Tony Free – Director Planning & Development |
| **Director** | Tony Free – Director Planning & Development |
| **Attachments** | Nil. |

**Purpose**

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

**Recommendation**

**That Council:**

* RECEIVES the Schedule of Strategic Planning Projects dated October 2024.

**Voting Requirement**

Simple Majority.

**Background**

Council resolved at the 27 August 2024 Ordinary Council Meeting that the strategic projects be listed at every ordinary Council meeting.

**Discussion**

The current schedule of strategic planning projects is found as an attachment to this report.

The schedule has been updated to reflect the August 2024 Council resolution and the ongoing progress of projects.

**Schedule of Strategic Planning projects – October 2024**

| **Project** | **Summary** | **Status / Council resolution of August 2024** | **Update** |
| --- | --- | --- | --- |
| LPP 4.1 Parking | Collection of cash-in-lieu requires a parking plan/strategy setting out where the money is to be spent.  Policy would update non-residential car parking standards to contemporary ratios | Council resolution of August 2024 for policy to be presented to Council September 2024. | Policy being prepared, expected to be presented to Council November 2024. |
| New LPP – Percent for Public Art | Policy to promote public art within development or through developer contributions. | Council resolution of August 2024 for policy to be presented to Council September 2024. | Policy being prepared, expected to be presented to Council November 2024. |
| Scheme Amendment 14: Vehicle Access | Restricts vehicle access to a single crossover for corner lots in the R60 areas within the NSHAC Residential precinct. | Advertised for community comment from 6 September to 18 October 2024.  Council resolution of August 2024 for policy to be presented to Council October 2024. | Community consultation concludes 18 October 2024. Expected to be presented to Council in December 2024, to allow for consideration of community feedback. |
| New LPP - Natural Ground Level Policy | To clarify natural ground level | Council resolution of August 2024 for policy to be presented to Council September 2024. | Report expected to be presented to Council November 2024. |
| New LPP – Verges and Street Trees | Setting out protection of verges and street trees. | Council resolution of August 2024 for policy to be presented to Council October 2024. | Expected to be presented to Council in early 2025 for approval to advertise. |
| Mount Claremont Master Plan\* | Sets out the vision for the future land use, transportation and green networks for the Brockway Road area and surrounds once the Waste Water Treatment Plant is capped. | Council resolution of August 2024 for master plan to be presented to Council October 2024. | Master Plan is being finalised, expected to be presented to Council November 2024. |
| Heritage Areas |  | Completed. Council resolution of September 2024. | n/a |
| Local Planning Strategy and Scheme Review\* | The Strategy and Scheme are to be reviewed every 5 years as per State legislation. Substantial background reports will be required to research housing needs and estimating housing projections. | Council resolution of August 2024 for strategy to commence in February 2025. | Not yet commenced.  Important to commence in 2024/25 if desire is to avoid a new scheme. |
| UWA-QEII Improvement Plan\* | Working with the DPLH and City of Perth to create an Improvement Scheme for the area. | Not yet commenced | n/a |
| New LPP – Construction Management Plans | New policy setting out requirements and processes for construction of new development. | Policy being prepared. | Expected to be presented to Council in early 2025 for approval to advertise. |
| LPP 3.2: Waste Management | Existing policy sets out waste criteria but is already covered by existing legislation. Policy will not be supported by the WAPC and is redundant. Policy will be revoked with technical specifications for development provided as a publicly available administrative document. | In progress. | Expected to ne presented to Council in late 2024 to revoke. |
| Public Open Space Strategy\* | Expand the strategy to include the whole of the City as per the Council resolution. | Commencement dependant on budget. | Estimated cost to undertake the work is $65,000 |
| New LPP: Commercial | New policy setting out built form and other criteria for non-residential development. | Not yet commenced. | Expected to be presented to Council in first half 2025 |
| Scheme Amendment 16: Fast Food | Scheme Amendment making Fast Food an ‘X’ use within the City. | Will require a Council resolution, which should be considered in conjunction with the commercial policy. | Expected to be presented to Council in first half 2025 |
| Local Heritage Survey and Heritage List\* | The LHS and the Heritage List are required to be periodically reviewed. | Not yet commenced | Expected to be presented to Council in first half of 2025. |
| New LPP: Broadway Public Realm | Establish guidelines for the public realm. | Not yet commenced | n/a |
| LPP 1.1: Residential Development\* | Amended policy reflecting recently gazetted R-Codes changes. Sets out built form criteria for areas not covered by LPP 5.14: Precincts. | Advertised for community comment from 20 September –to11 October 2024. | Expected to be presented to Council late 2024. |
| Scheme Amendment:  Short-term rental accommodation | Update scheme text to introduce new and revised land use classes and general definitions to facilitate State Government reforms for short-term rental accommodation. | Yet to commence. |  |

\*Denotes Council Plan Items

**Consultation**

Nil.

**Strategic Implications**

This item is strategically aligned to the City of Nedlands Council Plan 2023-33 vision and desired outcomes as follows:

|  |  |
| --- | --- |
| Vision | Sustainable and responsible for a bright future |

|  |  |
| --- | --- |
| **Pillar** | Place |
| **Outcome** | 6. Sustainable population growth with responsible urban planning. |
|  | 7. Attractive and welcoming places. |
|  | 8. A city that is easy to get around safely and sustainably. |

|  |  |
| --- | --- |
| **Pillar** | Performance |
| **Outcome** | 12. A happy, well-informed and engaged community. |
|  |  |

**Budget/Financial Implications**

Some items, particularly the scheme review, will require consultancy work. These items have been included in the draft 24/25 FY budget contingent on Council approval. Should the budget change, the schedule of upcoming projects will need to be modified.

**Legislative and Policy Implications**

The [Planning and Development Act 2005](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_47508.pdf/$FILE/Planning%20and%20Development%20Act%202005%20-%20%5B04-aa0-00%5D.pdf?OpenElement) requires that the scheme and strategy be reviewed every 5 years, and that local planning policies be regularly reviewed.

**Decision Implications**

The resolution simply noted the proposed schedule of works but does not bind Council or City Officers to maintain the proposed order of work should other priorities arise.

**Conclusion**

That Council notes the current and future schedule of strategic planning projects.

**Further Information**

Nil.

# Divisional Reports - Technical Services

## TS30.10.24 Policy Update – Bulk Waste Collection and Waste Receptacles on Nature Strips

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 22 October 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Chaminda Mendis, Waste Minimisation Coordinator |
| **Director** | Matthew MacPherson, Director Technical Services |
| **Attachments** | 1. Clean draft proposed copy - Bulk Waste Collection and Waste Receptacles on Nature Strips Policy 2. Current policy copy - Bulk Waste Collection and Waste Receptacles on Nature Strips Policy 3. Marked up change copy - Bulk Waste Collection and Waste Receptacles on Nature Strips Policy |

**Purpose**

This report proposes updating the City's Bulk Waste Collection and Waste Receptacles on Nature Strip policy to address the recommendations made by the audit of the City’s waste services.

**Recommendation**

**That Council:**

* APPROVES the updated Bulk Waste Collection and Waste Receptacles on Nature Strip Policy.

**Voting Requirement**

Simple Majority.

**Background**

The current policy for waste bulk collection and placement of receptacles on nature strips requires improvement in several areas and may lack clarity, as identified by the auditor's recommendations.

These key recommendations include:

* Defining Nature Strip:
* FOGO Bin service provision: and
* Skip Bin and Bulk Bin Authorisations:

Further the Council previously established guidelines for skip bin placement on nature strips for residential waste collection. The Notice of Motion item number 14.10 listed in the Ordinary Council Meeting held 28 April 2020 confirms the following resolution in relation to verge permits:

*“That Council instructs the CEO to alter the relevant Council policies and procedures, so that residents and ratepayers who rent a verge-side skip bin up to the size of 2 cubic metres or less, for a maximum of 7 days for residential waste collection (no construction or demolition materials) are not required to apply for a City of Nedlands permit, under normal*

*residential circumstances.”*

This policy update incorporates and aligns this resolution.

**Discussion**

Moore Australia Pty Ltd., an independent auditor, conducted an internal audit of the City's waste management practices in accordance with international professional practice frameworks and their internal methodology. Their audit identified the need for policy revisions in the following areas:

**Revised Policy Components**

Definition of "Nature Strip": The updated policy will provide a clear definition of "nature strip" to eliminate ambiguity regarding permissible locations for waste receptacles.

FOGO Waste Service Provision: The revised policy will address the City’s FOGO bin services collection implementation.

Skip Bin and Bulk Bin Placement: The policy will be updated to clarify the process for obtaining permits for skip bin and bulk bin placement on nature strips. It will also define the City's authority regarding such placements under the local law framework.

Definition table: the key terms used in the policy.

Please refer to Attachment 1 for the revised Bulk Waste Collection and Waste Receptacles on Nature Strip Policy. The tracked changes are shown in the original policy, along with the proposed charges in red text.

**Benefits of the Revised Policy**

* Improved clarity and consistency in waste management practices
* Enhanced compliance with legislation and local laws regarding waste disposal
* Increased resident awareness of FOGO services and proper waste disposal methods
* Streamlined process for obtaining permits for skip bin and bulk bin placemen

**Consultation**

Nil.

**Strategic Implications**

This item relates to the following elements from the City’s Strategic Community Plan.

**Vision**  Our city will be an environmentally sensitive, beautiful and inclusive place.

**Values** Healthy and Safe

Our City has clean, safe neighbourhoods where public health is protected and promoted.

**High standard of services**

We have local services delivered to a high standard that take the needs of our diverse community into account.

**Great Governance and Civic Leadership**

We value our Council’s quality decision-making, effective and innovative leadership, transparency, accountability, equity, integrity and wise stewardship of the community's assets and resources. We have an involved community and collaborate with others, valuing respectful debate and deliberation.

**Priority Area**

* Urban form - protecting our quality living environment

**Budget/Financial Implications**

Nil

**Legislative and Policy Implications**

The revised policy on waste bulk collection and receptacles on nature strips will be aligned with the following legislative and policy frameworks:

* Waste Avoidance and Resource Recovery Act (WARR Act):
* City's Waste Local Law 2016 :
* Health Local Law 1997: and
* Thoroughfares Local Law

**Decision Implications**

This policy amendment primarily serves as an informational update and clarification of existing regulations. Adopting this policy amendment aligns with good governance principles by establishing a clear, legally compliant framework for waste management in the City. This framework benefits the overall community by providing clear communication on waste disposal expectations and promoting responsible practices.

**Conclusion**

The audit identified specific areas for improvement, particularly regarding the definition of "nature strip," FOGO service provision, and the permitting process for skip bin and bulk bin placement on nature strips. Alignment with relevant legislation and policies will ensure a more efficient and compliant waste management system for the City. Therefore, it is recommended that the Council approve the proposed revisions.

**Further Information**

Nil.

## TS31.10.24 Updated Vehicle Crossover Construction and Maintenance Policy and Guidelines

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 22 October 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Jana Jegathesan, Acting Transport and Development Coordinator |
| **Director** | Matthew MacPherson, Director Technical Services |
| **Attachments** | 1. Existing Vehicle Crossover Guidelines 2. Vehicle Crossover Construction and Maintenance Policy 3. Proposed Vehicle Crossover Guidelines 4. Proposed Vehicle Crossover Specification 5. Proposed Driveway Crossover Policy |

**Purpose**

This report is in response to a Council Resolution that required the Chief Executive Officer to review the City’s Crossover Specification.

**Recommendation**

**That Council:**

1. **ADOPTS the proposed Driveway Crossover Policy and,**
2. **RECEIVES the proposed Vehicle Crossover Guidelines, and**
3. **RECEIVES the proposed Vehicle Crossover Specification.**

**Voting Requirement**

Simple Majority.

**Background**

At the Ordinary Council meeting held 22nd March 2022, Council passed the following resolution, part 6 of which pertained to crossover, being:

**That Council:**

1. **directs the Chief Executive Officer to Review the City’s Crossover Specification.**

A review of the current Crossover Construction and Maintenance Policy and Guidelines was undertaken by Technical Services in response to the resolution. Crossovers, are conflict points where a vehicle entering to or existing from a property may conflict with road or footpath users. The revised Crossover Construction and Maintenance Policy and Guidelines aims to preserve pedestrian and road user safety by ensuring a uniform and minimum standard for crossovers.

The State Government has indicated desire and effort to implement a statewide position by late 2023, which had delayed this update occurring in anticipation of that industry wide approach. As this did not occur when targeted and given there is no indication of a revised date and therefore a City review of its own policy and guidelines is justified.

The Western Australia Planning Commission endorsed Local Planning Scheme 3 (LPS3) in February 2019. LPS3 targets an additional 2,540 dwellings by the Year 2031 and 6,500 dwellings by the Year 2050. Following the introduction of LPS3, an increased number of lots have been re-zoned under the increased density coding.

The City is receiving more crossover applications than in previous years due to this re-zoning and increased construction works.

While reviewing the specification as directed, it became clear to staff that the current policy is unclear about the acceptable number of crossover(s) per lot, maintenance responsibility and does not consider the safety of footpath users.

**Discussion**

The City is revising its current driveway crossover guidelines and policy to streamline the application process and provide clear direction on location, construction, maintenance responsibilities and the allowable number of driveways per property. The existing guidelines lack sufficient information for applicants upfront, often leading to application revisions and extended processing times.

The proposed guidelines clearly outline the City’s expectations for driveway crossover proposals. They detail the necessary requirements and standards that must be met and maintained for project approval. The proposed guidelines align with the current industry standards and practices with some sections tailor-made to cater for the topography of the City.

The approval process will clarify City expectations and provide residents with a clear understanding of their roles and responsibilities of that of the City’s regarding vehicle crossover construction and maintenance.

**Crossover Policy**

The following table discusses the existing crossover policy and newly proposed policy positions and clauses, along with an explanation (please review table below):

| **EXISTING STATEMENT POLICY** | **PROPOSED STATEMENT POLICY** | **REASONING/ EXPLANATION** |
| --- | --- | --- |
| The City of Nedlands will ensure that all new and modified crossovers are safe to the public. | The City of Nedlands will ensure that all new and modified crossovers are built and maintained per relevant Australian Standards and industry best practises. | The existing policy leaves the City vulnerable as we should not guarantee safety as issues may arise however, certainty can be provided that the construction and maintenance of the crossover is to industry standard. |
| The City of Nedlands has crossover standards which are to be implemented for all new or modified crossovers. | The City of Nedlands has guidelines and specifications for crossovers which are to be followed and implemented for new or modified crossovers. Please refer to the City of Nedlands Guidelines and Specifications for further details. | Essentially the same statement as the existing policy with further details. The City intends to provide separate documents for guidelines and specifications to allow for changes to materials and standards across the industry to be adapted without a policy review formally occurring. |
| The maximum combined crossover width (one or two driveways) is 9m and the width requirements of the Nature Strip Development policy also apply. | The proposed combined crossover will now be 8m as per the new proposed guidelines which aligns with current standards and the WALGA guidelines. | The maximum combined driveway of 9m is to change to 8m to align with the proposed guidelines above. The proposed 8m aligns with the WALGA guidelines. However, this should not be included in the policy and applicants should be directed to the guidelines and specification for such details. I would suggest this being removed from the policy document. |
| The City of Nedlands provides the guidelines and specifications for vehicle crossover construction and maintenance. These documents are to be referred too when proposing a crossover in the City. | Remove | In the City of Nedlands, the property owners are responsible for the maintenance, repairs and ownership of vehicle crossovers. The owner is to ensure that the safety standards and compliance of the vehicle crossover are maintained. |
| Nil. | In the City of Nedlands, the property owners are responsible for the maintenance, repairs and ownership of vehicle crossovers.   The owner is to ensure that the safety standards and compliance of the vehicle crossover are maintained. | This is a brand-new statement and relevant to the City’s policy. |
| Council will provide a subsidy for the construction of a crossover where:   * 1. The crossover is the primary crossover to a new development.   2. Approval is obtained prior to the construction of the crossover; and   3. The crossover conforms to the specifications provided in the procedure associated with this policy. | In accordance with the City’s policy and Under Regulation 15 of the Local Government (Uniform Local Provisions) Regulations 1996 it states that where a crossing is constructed:   * To the first crossover constructed to the private land and * A standard crossover or a type that is superior to a standard crossing.   The City is obliged to bear 50% of the cost, as estimated by the Local Government, of a standard grey concrete crossover. The City of Nedlands defines a standard crossover as:   * A minimum of 3.0m wide at the property boundary line * Constructed in concrete to the City’s specifications * A crossover that is for a residential property   To be eligible to claim the Crossover subsidy you must submit a Crossover Subsidy application form and meet the following criteria:   * The crossover is the first crossover to the property * Approval is obtained prior to the construction of the crossover; and * The crossover conforms to the City’s specifications provided in the procedure associated with the policy. * Documented evidence (contractors’ invoice/receipt) is attached to the Crossover Subsidy application form which clearly states the applicant’s address.   Irregular shaped lots, steep grades or other irregularities may mean that it is not always practicable or the safest option to achieve exactly the specifications required by the Vehicle Crossover Specifications and Design Plans. In this case, discretion to approve a non-compliant crossover will remain with the City. | The new proposal provides more insight and details into the subsidy claims in comparison to the existing policy.  It is proposed to amend the above statements from the existing crossover policy and the other statements to remain as per the current policy.   The intent to provide a brief description on the City’s requirements for a crossover and direct applicants to the newly proposed guidelines and specifications. |

**Crossover Design Guidelines – Modifications**

The City is revising its current driveway crossover guidelines and policy to streamline the application process and provide clear direction on location, construction, maintenance responsibilities, and the allowable number of driveways per property. The existing guidelines lack sufficient information for applicants upfront, often leading to application revisions and extended processing times.

The proposed guidelines clearly outline the City's expectations for driveway crossover proposals. They detail the necessary requirements and standards that must be met and maintained for project approval. The proposed guidelines align with the current industry standards and practices with some sections tailor made to cater for the topography of the City.

The key changes to the guidelines follow – with details of the reasoning for the proposed inclusion.

**Approval**

The approval process will clarify City expectations and provide residents will a clear understanding of their roles and responsibilities of that of the City’s regarding vehicle crossover construction and maintenance.

In accordance with [Schedule 9.1, Clause 7 of the Local Government Act 1995 and Regulation 12 of the Local Government (Uniform Local Provisions) Regulations 1996](https://www.bing.com/ck/a?!&&p=ebc8f5798d351dd7JmltdHM9MTcyNjcwNDAwMCZpZ3VpZD0yZGZjNjIzYS05ZDZlLTZiNjUtMDIyOC03NmJmOWNmMjZhYmYmaW5zaWQ9NTE5Mw&ptn=3&ver=2&hsh=3&fclid=2dfc623a-9d6e-6b65-0228-76bf9cf26abf&psq=Schedule+9.1%2c+Clause+7+of+the+Local+Government+Act+1995+and+Regulation+12+of+the+Local+Government+(Uniform+Local+Provisions)+Regulations+1996&u=a1aHR0cDovL3d3dzUuYXVzdGxpaS5lZHUuYXUvYXUvbGVnaXMvd2EvY29uc29sX2FjdC9sZ2ExOTk1MTgyL3NjaDkuMS5odG1s&ntb=1), an application to the Local Government must be made by the landowners to request approval to construct a crossover. The City’s expectation is clear and direct that a vehicle crossover must allow for vehicle access from the road onto a private property. Hardstands in the verge, that do not allow for property access, are not considered a vehicle crossover and will not be approved as “Crossovers”. i.e. paved or concreted verge for vehicle parking.

**Density**

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| **New Proposal** |
| An objective of the guidelines for designing crossovers in the City of Nedlands is to limit the number of crossovers in each area where possible as per Residential Design Codes (R-Codes). This improves the safety of path users and reduces costs associated with constructing and maintaining crossovers. Minimising the number of crossovers reduces conflict and friction on roadways and creates additional space for street trees, pedestrian crossing and on-street parking. |

The *R-Codes* specify a maximum density of 1 crossover per 20m of frontage, where housing density is greater than R40. A single crossover per property is to be provided where required for housing density less than R40. Narrow lots should be constructed with paired crossovers to minimise conflict and retain verge space for street trees, lighting, overhead power and on-street parking.

All residential lots are entitled to access irrespective of the constraints of location (AS2890.1: Clause 3.2.3a).

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| **Reasoning** |
| The City aims to adopt an overall consistent practise of 1 crossover per 20m frontage. This would align with other local government areas and is consistent with the Western Australian Local Government Association (WALGA). Any additional crossovers will be reviewed and assessed based on specific circumstances and requirements of the development. Currently, the City’s Crossover Construction and Maintenance Policy encourages applicants to consider a single crossover to double garage. |

The change to the current policy provides a detailed parameter in which the City will accept, review and assess driveway crossovers for existing and proposed developments.

**Crossover Location and Position**

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| **New Proposal** |
| Australian Standards (*AS2890.1*) sets out exclusion zones for access driveways related to the proximity of adjacent intersections (see Figure 1 below). This exclusion zone may be increased if necessary for signalised intersections to ensure that the driveway is not within the influence of traffic queues. This requirement does not apply to any access driveway serving a property which would otherwise be denied access due to the physical impossibility of meeting the requirement. Additional restrictions are placed on non-domestic driveways and should be discussed with City of Nedlands. |

A crossroad with cars on it

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**Figure 1 - Prohibited Locations - Picture: WALGA Guidelines**

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| **Reasoning** |
| There is no current policy/guideline that provides details of exclusion zones as per AS2890.1. This would provide applicants with an understanding and expectation relating to driveway location, specifically at intersections and it aligns with the Australian Standards. |

**Sightline to Path Users**

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| **New Proposal** |
| Crossovers are to be positioned such that sight lines between path users (pedestrians and cyclists) and vehicles are unobstructed by permanent fixtures (fences, trees, etc.). |

*AS2890.1*: Figure 3.3 (see Figure 2 below) defines a sight triangle of 2.0m x 2.5m at the intersection of the driveway and path edge, within which walls, fences and other structures are to be truncated or reduced to no higher than 0.75m (R-Codes 6.2.3 C3). Fencing to apply with Dividing Fences Act, Local Laws and Local Planning Policies.

Where path infrastructure is located further from the lot boundary truncations may be reduced, to a minimum of 1.5mx1.5m, maintaining sightlines as described above.

**Figure 2 - Minimum Pedestrian Sightlines - Picture – WALGA Guidelines**

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| **Reasoning** |
| The existing guidelines and driveway policy does not provide a clear direction to achieve satisfactory sightlines to path users. This is an important component to the location and construction of driveways. Currently, the City allows 1.5mx1.5m however it’s not in accordance with Australian Standards. Main issue has been that applicants are not willing to cater for the 2.0mx2.5m per Australian Standards. |

It enables the applicant to assess suitable locations for the driveway and achieve safety for both the driver and pedestrians. The current City guidelines and policy provides limited information regarding obstruction of public utilities and verge trees however, the proposed guideline policy provides clarity, dimensions and expectations to achieve reasonable sightlines for e.g. AS2890.1 sight triangle and truncation.

**Distance to Obstructions**

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| **New Proposal** | |
| All elements of new crossovers shall be located at a minimum distance to obstructions (including wings/radii) as follows: | |
| * Side-entry pits – 1.0m * Street trees – 2.0m * Utility boxes – 1.0m * Bus Shelters – 1.5m * Pram Ramps – 1.0m * Bus Stops – 1.0m | * Streetlights/Power poles – 1.0m (as required by Western Power’s Guidelines for Placement of Power Poles within Road Reserves in Built-Up Areas, 2006*)* |

If crossovers must be constructed within this distance, the obstruction shall be relocated wherever possible. In special cases (e.g. development at brownfield sites, narrow battle-axe driveways and/or paired crossovers) where relocation of obstructions is not feasible, justification should be provided to City of Nedlands and a decision to be made on a case-by-case basis.

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| **Reasoning** |
| The existing guidelines provide limited information regarding minimum clearance for e.g. 0.6m for any existing pole on the verge and 2m for a tree within a crossover. The proposal provides additional minimum clearance to obstructions that are generally in the vicinity and challenges that are faced when a new crossover is being proposed. |

These minimum clearances are consistent with the WALGA guidelines and general practice. The advantage of providing these details and dimensions will allow the applicant to assess the proposal against the required criteria and raise any issues in advance. This will also help reduce, mitigate and reduce the City’s need to address any safety concerns and issues post construction of the crossover where it would be quite difficult to address the above elements.

**Sight Distance to Roadway Traffic**

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| **New Proposal** |
| The requirements for minimum sight distance at the road interface are defined by Australian Standards (AS2890.1: Figure 3.2), see Figure 3. |

A diagram of a road with a car and a parking lot

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**Figure 3 - Sight Distance Geometry - Picture – WALGA Guidelines**

Distance Y is determined according to the prevailing speed along the adjoining roadway, chosen as the greater of posted speed limit or observed 85th percentile speed, as shown in Figure 4 (as per *AS2890:1* Figure 3.2).

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**Figure 4 - Minimum Sight Distance Requirements**

Where possible, domestic property access shall satisfy the Desirable 5 Second Gap or Minimum SSD (Stopping Sight Distance) values defined above.

All fixtures within the truncation shall not exceed a height of 0.75m, except a 0.5m-wide column that can reach a maximum height of 1.8m. Any infill panel above 0.75m shall be visually permeable (preferably 80%) up to a height of 1.8m measured from the ground. This is in accordance with the City of Nedlands LPP 1.1: Residential Development).

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| **Reasoning** |
| The existing guidelines do not provide any information relating to minimum sight distance requirements at the road interface. This is an important factor to be considered when constructing a driveway and in conjunction a driver’s visibility of the road. |

As mentioned above, these requirements are as per Australian Standards and provides the applicant a guidance on the requirements to achieve minimum sight distance and safety when entering the road.

This standard will be in conjunction with assessing any obstructions in the vicinity to achieve the adequate sight distance and mitigate any issues the City faces post construction of the vehicle crossover where it would be difficult to rectify the problem.

The LPP does not indicate how visually permeable an infill panel should be so the proposal is 80%. This is because currently some panels allow some visibility but still cause reduced visibility.

**Geometric Design**

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| **New Proposal** |
| Crossovers shall be aligned at right angles to the street alignment for the whole length, where possible (*R Codes*). |

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| **Reasoning** |
| The new proposal doesn’t deviate from the current guidelines however, an issue the City faces is related to the crossover being constructed at right angle at street alignment, however, the length eventually tapers off, similar, to a wing at either side of the crossover. The City should ensure that the driveway is at right angle at street alignment and straight for the entire length. Cul-de-sacs are examples of where these provisions may not be possible. |

**Crossover Assessment Criteria**

* The visual and physical continuity of the footpath is to be maintained (or reinstated through the crossover. The City requires the footpath to be maintained and continued through the driveway giving pedestrians priority over vehicles. The footpath is to be reinstated to its original form and material to ensure consistency.
* Crossovers shall be adequately paved and drained in accordance with the City of Nedlands requirements
* Crossovers shall provide unobstructed vehicle access to the individual lots and motorists must be able to enter or reverse from the lot in a single movement. (For roads with more than 5,000 vpd, all vehicles must be able to exit in forward gear).
* If the frontage road is two-way and has more than two lanes and there is a provision for right turns either into or out from the crossover, then additional consultation with City of Nedlands is required which involves, but not limited to, various factors such as road hierarchy, traffic volumes, traffic speeds or road function.

Examples of good designs in shown in Figure 5 which illustrates consistent crossover designs with priority pedestrian access:

An aerial view of a street

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**Figure 5 - Example of Design Showing Path Priority - Picture – WALGA Guidelines**

**Width**

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| **New Proposal** |
| Sufficient width and adequate splay or ‘wing’ of a minimum 0.6m and a maximum of 1m configuration must be provided for the safe turning movement of vehicles both from and onto the carriageway. |

AS2890.1 sets the precedence with respect to minimum design requirements. Crossover width is defined in AS2890.1 as follows:

* A minimum of 3.0m for all developments.
* A maximum of 3.0m for lots with a frontage of less than 15m, except where the *R-Codes* allow the construction of a double garage, in which cases a maximum width of 4.8m applies.
* A maximum width of 6.0m for lots with a frontage 15m or greater.
* Non-residential crossovers should be indicative of Table 3.1 and 3.2 of AS2890.1

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Where paired driveways are provided, the minimum combined driveway width shall be 6m (Liveable Neighbourhoods 2009: Element 2 – Clause R51). The maximum combined driveway width shall be 8m with a 1m separation, excluding apron widening ‘wings’.

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| **Reasoning** |
| The design guidelines are consistent with the Australian Standards and the City practices the standards when assessing and approving crossovers. The City intends to allow a minimum of 0.6m and a maximum of 1m splay/wings for developments. |

There haven’t been any known issues with this practice, however WALGA standards do state a minimum of 1m.

The City allows a maximum of 9m when paired driveways are provided, however, WALGA guidelines state 8m is sufficient for a maximum combined driveway. Again, there have been no known issues, however provided a consistent standard undertaken area wide may prove beneficial. The City has proposed a 1m separation to reduce the perception of these locations looking like an intersection.

**Length**

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| **New Proposal** |
| Sufficient storage length must be provided (crossover and/or driveway length) for a vehicle to stand clear of the roadway. Where the entrance has a gate, the setback from the road edge to the gate shall be a minimum of 6m to allow for this (Main Roads Driveways Design). Physical limitation such as verge depth will affect this value. A length less than 6m requires justification and is subject to City of Nedlands approval. |

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| **Reasoning** |
| This proposal within the Australian Standards and would require the applicant to review the Australian Standards separately however, including this in the guidelines will be beneficial with the information present in one document. |

**Grades and Levels**

Path construction guidelines define a maximum crossfall of 2.5% to cater for people who have a disability (Austroads Guide to Road Design 6A, Clause 5.6). To allow the path to shed water and to avoid ponding, a crossfall of 2.0-2.5% is recommended.

The maximum longitudinal gradient of a crossover at the property boundary is defined by Australian Standards to be 5% (AS2890.1:2004, Clause 2.6.2 and Clause 3.3a). This allows safe disability access from the path to the property boundary.

The maximum gradient of a crossover is defined in Section 2.2.1.2 in IPWEA’s Subdivision Guidelines is 1 in 8 (12.5%). The longitudinal cross-section of the crossover shall be in accordance with Australian Standards AS2890.1.

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| **Reasoning** |
| The City’s Crossover Specification requires a lip of 25mm and rear of the apron to be 125mm above the road level. This results in a vertical transition from the road surface to the end of the apron is approximately 16.7% which is greater than the allowable grade change of 12.5% as specified in AS2890.1. As such there is a chance that vehicles would bottom out while entering and exiting the driveway. |

In areas of steep grades, the IPWEA Subdivision Guidelines Section 3.3.4: verge and property grades states that the verge on the high side may be graded at 2.0% for three meters and then battered to suit the finished contours at a maximum of 16%.

A 25mm kerb lip shall be provided at 1.5m into a driveway there must be a vertical height of at least 125mm above the gutter or crown level whichever is higher. The grade change between the rear of the apron and the top of the kerb is 6.7% which is within recommended grade change of 12.5% by Australian Standard.

Austroads Guide to Road Design – Part 6A: Pedestrian and Cyclists Paths recommends that shared paths (i.e. paths intended to be used by both cyclists and pedestrians) be an absolute minimum of 2.0m and a desirable minimum of 2.5m in width. They should be located at least 500mm and preferably 1.0m from any significant obstruction or hazard, including the roadway, to provide sufficient separation and safety.

If the grades and levels cannot be achieved in accordance with Australian Standards, the applicant is to contact the City of Nedlands early in the process to discuss.

**Existing Paths**

The path shall be always kept in a safe condition, with appropriate signage and traffic management implemented in accordance with Traffic Management for Works on Roads Code of Practice (Main Roads WA), warning pedestrian of construction works until reinstatement work is completed.

Paths identified for removal are to be assessed beforehand by the City of Nedlands.

**Redundant Crossovers**

Vehicle crossovers that are no longer required and/or no longer connect with an internal driveway shall be removed and the verge, footpath and kerbing shall be reinstated to fit in with the surrounding form/development pattern and in accordance with the City’s Nature Strip Improvement Guidelines. The cost associated with these works shall be borne by the applicant.

**Materials**

Permeable paving is gradually gaining popularity as a sustainable alternative solution of urban pavement infrastructure and can contribute to cooler surfaces reducing heat island effects. Permeable paving surfaces are made of either a porous material that allows stormwater to flow through it or nonporous blocks spaced so that water can flow between the gaps. Permeable pavers can be made from open-graded asphalt, or permeable concrete. The City is supportive of permeable crossovers subject to its constructability, durability, stability, safety and amenity requirements. The durability and stability should be comparable with concrete or brick-paved crossovers.

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| **Reasoning** |
| The City is proposing to add “permeable paving” as an acceptable material in the revised guidelines and policy. |

**Consultation**

Community consultation was not undertaken by the City, however, a concept forum was held with Councillors in August 2024 to present the draft version of the updated Driveway Crossover Guidelines. Feedback from the concept forum has been taken into consideration and incorporated where applicable.

**Strategic Implications**

This item is strategically aligned to the City of Nedlands Council Plan 2022-33 vision and desired outcomes as follows:

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| --- | --- |
| **Vision** | **Sustainable and responsible for a bright future** |

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| --- | --- |
| **Pillar** | **People** |
| **Outcome** | 2. A healthy, active and safe community. |

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| --- | --- |
| **Pillar** | **Planet** |
| **Outcome** | 4. Healthy and sustainable ecosystems. |
|  | 5. Climate resilience. |

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| **Pillar** | **Place** |
| **Outcome** | 8. A city that is easy to get around safely and sustainably. |
|  | 6. Sustainable population growth with responsible urban planning. |
| **Pillar** | **Prosperity** |
| **Outcome** | 9. A vibrant local economy. |
|  |  |
| **Pillar** | **Performance** |
| **Outcome** | 12. A happy, well-informed and engaged community. |

**Budget/Financial Implications**

Nil.

**Legislative and Policy Implications**

The proposed Driveway Crossover Policy, Vehicle Crossover Guidelines and Vehicle Crossover Specifications take into consideration the gaps in the existing [Vehicle Crossover Construction and Maintenance Policy](https://www.nedlands.wa.gov.au/documents/268/crossover-construction-and-maintenance) and [Vehicle Crossover Guidelines](https://www.nedlands.wa.gov.au/documents/583/vehicle-crossover-guidelines) which will help streamline the application process and provide a clear direction on the location, construction, maintenance responsibilities and the allowable number of crossovers per property. Further, the policy outlines the City’s expectations for the construction of a crossover and the standards and requirements to be maintained. The proposed policy aligns with current industry standards and practices.

Some of the key notable changes involve either additions or changes to:

* Density limitations to the number of driveway crossovers
* Crossover location and position
* Sight distance to roadway, pedestrians and objects.
* Gradients in relation to the construction of a driveway crossover.

**Decision Implications**

Council endorsing the proposed Driveway Crossover Policy will allow overall consistency and uniformity across the City in the implementation of crossovers. Further, it would streamline the process as applicants are provided with all the necessary details upfront, reducing approval times which are currently experienced. Most importantly, the proposal aligns with the existing standards.

If the Council does not endorse the new policy, the City will be absent from having documentation relating to the latest standards for applicants, resulting in inadequate guidance for driveway crossover applications. This will leave the City relying on an outdated policy.

**Conclusion**

The City revised its current driveway crossover guidelines and policy to streamline the application process and provide clear directions on location, construction, maintenance responsibilities and the allowable number of driveways per property. The existing guidelines lack sufficient information for applicants upfront, often leading to application revisions and extended processing times.

The proposed guidelines clearly outline the City’s expectations for driveway crossover proposals. They detail the necessary requirements and standards that must be met and maintained for project approval. The proposed guidelines align with the current industry standards and practices with some sections tailor-made to cater for the topography of the City.

**Further Information**

Nil.

# Divisional Reports – Community Services & Development

There are no items to be dealt with at the Council Meeting.

# Divisional Reports – Corporate Services

## CPS47.10.24 Monthly Financial Report – September 2024

This item will be dealt with at the Council Meeting.

## CPS48.10.24 Monthly Investment Report – September 2024

This item will be dealt with at the Council Meeting.

## CPS49.10.24 List of Accounts Paid – September 2024

This item will be dealt with at the Council Meeting.

## CPS50.10.24 Monthly Financial Report – August 2024

This item will be dealt with at the Council Meeting.

## CPS51.10.24 Mainswest Mt Claremont Depot Lease

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| **Meeting & Date** | Council Meeting – 22 October 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Aleisha Smit – Land and Property Officer |
| **Director/CEO** | Amanda Alderson – Director Corporate Services |
| **Attachments** | 1. Lease sketch area |

**Purpose**

The purpose of this report is to seek in principle support for the lease of a portion of Lot 502 the John XXIII Depot to Mainswest.

**Recommendation**

**That Council:**

* PROVIDE in Principle support to a lease of a portion of the John XXIII Depot to Mainswest.

**Voting Requirement**

Absolute Majority.

**Background**

Mainswest are a contractor assisting the City with the underground power project who seek to hold lease over portion of the City’s satellite depot (John XXIII depot), located at lot 502 John XXIII Avenue Mount Claremont. The lease period will be for a period between 18-24 months.

Should Council endorse this proposal, the lease would involve a defined fenced compound for Mainswest including a crib hut, toilet, office and sea containers.

**Discussion**

Mainswest are looking to hold lease over portion of the John XXIII Depot site, located at lot 502 John XXIII Avenue for a period between 18-24 months, subject to negotiation. The purpose of the leased area is ‘depot for storage purposes’.

Proposed key terms are:

1. This proposal relates to Portion of Reserve 45054 (Lot 502 on Deposited Plan 73830).
2. The area to be leased to Mainswest (lessee) is 1,099 square metres.
3. The purpose of the Lease is for “The establishment and operation of a local government depot for the storage of plant, equipment and other materials typically stored in such a depot”.
4. The rate of rentals a set at $33,262.90 per annum inc. GST, being market rental valuation as per assessment of 29 May 2024 via Burgess Rawson.
5. Reviews of the rate of rental are to be completed each year on the anniversary of the date of commencement of the Lease. The method of review is CPI annually and replaced by a market review every 5 years throughout the term if applicable.
6. Outgoings: Proportionate outgoings payable by Mainswest (water and electricity).
7. The Lease has an initial term of 18 months with one further terms of 6 months.
8. The Commencement Date will be the date the Deed of Lease is signed by the parties as the Premises are now ready for possession by the lessee.
9. The Operating/Access hours are 05.30am to 17.30pm Monday to Friday and between 05.30am to 14.30pm Saturday. There may also be times where the depot site is required to be accessed during the night for nightworks.
10. The lessee is required to maintain public liability insurance in the amount of at least $20,000,000.
11. The Indemnity provision remains. As such Mainswest will indemnify the City of Nedlands against any liability in connection with the lease.
12. All maintenance obligations within the lease area to be undertaken by Mainswest.
13. With prior written consent from the City of Nedlands - Operational signs will be required for speed limit and entry conditions.
14. Vehicle movement within the depot site (outside the lease area) will be in accordance with the City of Nedlands conditions. One way traffic is required.
15. Subject to City of Nedlands Council approval – Lease will require advertising in accordance with s3.58 of the *Local Government Act 1995* (2-week submission period).
16. Subject to the Minister for Lands consent.
17. Subject to the construction design being approved by the City of Nedlands Engineering Team.
18. Mainswest to arrange for contractors to attend safety induction training before accessing the site.
19. Annexures:
    1. Dust management plan for the lease area to be provided by Health/Technical Services and annexed to the lease.
    2. Section 18 Minister for Lands consent.
    3. Contaminated Site Disclosure.
20. Contributions:
    1. The Town of Claremont has approval for the installation of a septic tank for their toilet facility.  This has not been installed. Mainswest would instal that unit as part of this lease agreement.

**Consultation**

Consultation with Mainswest, has occurred to ensure the proposed key terms of the lease are suitable to their requirements. In addition, the City’s Coordinator of Civil Maintenance and Workplace Health and Safety Coordinator have also been consulted regarding the proposed key terms for this lease agreement. Multiple site visits have occurred to ensure the traffic management, emergency evacuation exit route and site layout are suitable.

**Strategic Implications**

This item is strategically aligned to the City of Nedlands Council Plan 2023-33 vision and desired outcomes as follows:

|  |  |
| --- | --- |
| **Vision** | Sustainable and responsible for a bright future |

|  |  |
| --- | --- |
| **Pillar** | **Place** |
| **Outcome** | 6. Sustainable population growth with responsible urban planning. |
| **Pillar** | **Performance** |
| **Outcome** | 11. Effective leadership and governance. |

**Budget/Financial Implications**

If Mainswest enter into a lease agreement with the City additional income is expected to be generated over the period of the lease.

**Legislative and Policy Implications**

The City is bound by specific conditions under the *Local Government Act 1995* with regard to the disposal of property. Section 3.58 of the Act enables a local government to dispose of a property to the highest bidder at a public auction, by way of a public tender process or by giving local public notice of the proposed disposition and following the public consultation process as prescribed by sub-section section 3.58 (3) of the Act. In this context, disposing of a property means to ‘sell, lease or otherwise dispose of, whether absolutely or not’.

Mainswest are not eligible for an exemption to section 3.58 of the *Local Government Act 1995* pursuant to Regulation 30 of the *Local Government (Functions and General) Regulations 199*6, therefore the proposed disposal of land is required to be advertised.

**Decision Implications**

If Council provide in Principle support to a lease agreement, Administration will work with the Mainswest to develop a lease and bring this to Council for approval.

If Council do not provide in Principle support to a lease agreement, Administration will not progress this arrangement any further.

**Conclusion**

Mainswest have requested the use of a section of the John XXIII Depot for the storage of plant, equipment and other materials typically stored in such a depot, as well as a single 12m x 3m demountable office building, one 6m x 3m lunch room, one toilet (either single pan or self-contained unit), one or possibly two 6m sea containers, and one 3m sea container. This request can be accommodated with minimal impact on the City’s operations and present an opportunity to increase revenue generation form this site.

**Further Information**

Nil.

## CPS52.10.24 Nedlands Yacht Club Extended Liquor Licence

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 22 October 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Aleisha Smit – Land and Property Officer |
| **Director/CEO** | Amanda Alderson – Director Corporate Services |
| **Attachments** | Nil. |

**Purpose**

The Nedlands Yacht Club (Club) are seeking approval from the City of Nedlands (the City), as landowner, to apply for an ‘ongoing’ liquor license to extend outside of their leased boundary as shown in the attached diagram. The purpose of this is to reduce application costs for the club and mitigate the chance of approval delays with the Department of Local Government, Sport and Cultural Industries (DLGSC) for short notice events such as wakes for funerals. The extended trading area extends into the City land for activation with approved events only.

**Recommendation**

**That Council APPROVE the Club’s request, with the following conditions:**

1. **The City supports the application to DLGSC for an ongoing extended trading permit to extend the liquor licenced area, for an initial trial period of 12 months;**
2. **The extended liquor licenced trading area is only to be utilised in conjunction with an approval from the City under the *Health (Public Buildings) Regulations* *1992* which covers the day and hours of use;**
3. **The hours of operation for the ongoing extended trading area is to be restricted to the hours of operation as per the tenants lease agreement with the City; and**
4. **The City reserves the right to review this approval where it is found the continuance of events on the foreshore is not appropriate.**

**Voting Requirement**

Simple Majority.

**Background**

The Club hold a liquor licence that covers the clubrooms and area within the leased boundary and allows the club to operate within the following hours:

The ‘consumption of Alcohol and ‘Liquor Licence’ requirements are detailed within the Club’s existing lease with the City, and will remain as extracted below:

Clause 43.1; *‘The lessee covenants and agrees that the leased premises will not be used for the consumption or sale of alcohol without first obtaining the written consent of the City, and that it shall not make an application for a licence or permit under the Liquor Control Act 1988 for the Premises, or apply for an amendment to a licence or permit it has been granted, without first obtaining the written consent of the City.’*

And Clause 43.2 *‘The lessee covenants and agrees that if a licence or permit is granted under the Liquor Control Act 1988 for the Premises it must:*

1. *Comply with any requirement attaching to the licence or permit at its cost and where any alteration is required to the Premises clause 12 shall apply.*
2. *Comply with the requirements of the Harm Minimisation Policy (as amended from time to time) of the Department of Racing, Gaming & Liquor, which will require without limitation the following:*
3. *The development and implementation for a House Management Policy and Code of Conduct (as defined by the Harm Minimisation Policy) for the Premises, as such policies must be displayed in a prominent position on the Premise at all times; and*
4. *The development and implementation of a Management Plan (as defined by the Harm Minimisation Policy) for the Premises.*
5. *Provide a copy of the licence or permit (as well as a copy of any document referred to in the liquor licence or permit, including without limitation a copy of the House Management Policy, Code of Conduct Management Plan (as defined by the Harm Minimisation Policy)) to the City as soon as practicable after the date of grant; and*
6. *Indemnify and keep indemnified the City from and against any breach of the Liquor Control Act 1988, Health (Food Hygiene) Regulations 1993, Liquor Control Regulations 1989 or the licence or permit or any conditions imposed thereupon for which it may be liable as the owner of the Premises.’*

An agreement between the City and the Club was signed in 2018 for the approved use of the public access reserve between the Club’s north-eastern lease boundary and the river for events

This agreement allows the Club to utilise a portion of the 20 metre wide strip of public access reserve on the river foreshore between the Club’s eastern lease boundary and the river for approved events. This agreement stipulates the following:

* The Club indemnifies the City against any claims for compensation and costs and maintains an insurance policy for a minimum of $20 000 000 which lists the City as an interested Party;
* The Club must obtain statutory approval from the City’s Environmental Health Services under the *Health (Public Buildings) Regulations 1992* for each event;
* The Club provide the City with a schedule of dates for the events at the beginning of each calendar year;
* The Club provided the City with an Acoustic Report outlining how noise was to be managed at the events in order to comply with the *Environmental Protection (Noise) Regulations 1997;*
* The City reserves it’s right to review this approval where it is found the continuance of such events is no longer appropriate.

In addition to the above, the Club has been required to obtain an extended trading permit under the *Liquor Control Act 1988* from DLGSC for each event.

During the 2023-2024 financial year, the Club applied to the City’s Environmental Health Services for approval under the *Health (Public Buildings) Regulations 1992* of sixty-nine (69) events within the extended trading area.

The Club has since approached the City, requesting the City’s approval as landowner for an application to be made to DLGSC for an ongoing extended trading permit to extend the liquor licenced area in accordance with the attached diagram.

The justification behind the Club’s request is to:

1. Reduce costs for the community by not having to on charge clients for each DLGSC permit application fee.
2. Reduce time and stress burdens associated with submitting the applications frequently throughout the year, particularly in the busy season.
3. Mitigate the difficulties and potential delays associated with the processing of applications by DLGSC for events booked at short notice.
   1. Applications are required to be submitted to DLGSC prior to the event, and whilst there are exceptions available for a short notice event such as a wake this can be stressful to coordinate.
   2. Approvals are reported to be inconsistent in their processing time, with some approvals being provided by DLGSC the day prior to the event.

**Discussion**

The grassed area between the lease boundary and the Swan River foreshore is a public access reserve, the Club are aware that functions cannot be held in these areas as it would restrict the public access thoroughfare. As such, all event approvals contain the following condition from Environmental Health Services: ‘*a public access thoroughfare (minimum 2 meters in width) is to be maintained at the river front during the event’*. The sand would not be included within the public thoroughfare.

Alfresco dining areas adjacent to restaurants can be covered by an annual Outdoor Dining licence under the *Local Law Relating to Trading in Public Places 2000* and in association with such a licence some have liquor licences covering the approved area. Such a process is typically associated with restaurants, and not for events of the scale and nature that the Club hold. As such, in this instance such a licence is not applicable.

The City is not in support of extending the lease boundary to cover the extended trading area.

Whilst no fees are currently charged for the use of the City’s land at this time, the City is currently reviewing the potential for changes to hire costs associated with the use of City land such as this which may allow for a fee to be charged for the use of the reserve.

Currently consenting to an ongoing liquor licence, with conditions, is determined to be the most appropriate avenue to assist the Club with their request. Providing the Club with an ‘ongoing’ liquor licence which extends past the Clubs leased boundary will minimize the Club’s administration time and costs, and as fees are passed onto the hire will reduce costs to community members in applying for individual permits as currently required

Typically a liquor licence can have conditions restricting aspects such as hours and days of operation. The Department of Local Government, Sport and Cultural Industries (DLGSC) has confirmed the City can request a condition stating that the trading area is to only be utilised in conjunction with an approval from the City under the *Health (Public Buildings) Regulations* *1992* which covers the day and hours of use. The Club would then still be required to apply to the City’s Environmental Health Services for approval under *the Health (Public Buildings) Regulations 1992* for each event and has demonstrated a consistent track record in completing these applications since the implementation of the agreement in 2018.

Should the City change its mind and decide to revoke the ongoing extended liquor licence within the trial period or any time thereafter, the City must provide reasonable justification to the Nedlands Yacht Club in writing. The City is also then required to inform DLGSC in writing and save correspondence to the Club’s lease register as a record.

Should the Council be in support of this decision, the City is required to provide written consent as Landlord to the Club, on a City letterhead for lodgement alongside the Club’s application to the DLGSC.

The City would like to grant approval for the Club to apply to the DLGSC for an ‘ongoing’ liquor licence which extends past the Clubs leased boundary. Allowing ongoing use of this extended area will alleviate delays for community function applications and approvals. Extended area can be viewed in the attached diagram.

A map of a building and a map of a lake

Description automatically generated

***Nedlands Yacht Club - Extended Liquor Licence area diagram***

**Consultation**

With ease of community bookings at the Club in mind, the following departments have been consulted; Environmental Health Services regarding event application and requirements;

and Ranger Servies regarding the public thoroughfare requirements along the reserve.

In addition, consultation has also occurred with the Perth Flying Squadron Yacht Club who also lease a Club from the City further down the foreshore, and who have also had a similar request.

All departments at the City are in support, in principal, provided the public thoroughfare is not restricted between the Club and the Swan River foreshore, and provided also that the Club adheres to the conditions of their existing lease agreement with the City and those of the conditions outlined in this Council report.

**Strategic Implications**

This item relates to the following elements from the City’s Strategic Community Plan.

**Vision** Our city will be an environmentally-sensitive, beautiful and inclusive place.

**Values** **Great Communities**

We enjoy places, events and facilities that bring people together. We are inclusive and connected, caring and support volunteers. We are strong for culture, arts, sport and recreation. We have protected amenity, respect our history and have strong community leadership.

**Priority Area**

* Working with neighboring Councils to achieve the best outcomes for the western suburbs as a whole

**Budget/Financial Implications**

Should the City accommodate this request, there is no anticipated loss of revenue or additional expenditure for the City.

As the portion of reserve in query abuts an existing lease that the City holds, the future implications for the City’s long-term financial position have been considered. Extended trading permit applications under the *Liqour Control Act 1988* are made directly to DLGSC for each event and not to the City. As the Club will still be required to apply to the City’s Environmental Health Services for approval for each event, the current application fees received by the City in association with these events and the event processing resources will remain the same.

The Club will hold an ‘ongoing’ liquor licence which extends past the Clubs leased boundary with the Department of Local Government, Sport and Cultural Industries.

**Legislative and Policy Implications**

*Referring to the Liquor Control Act 1988 Part 3 Section 31 (4) and (5).*

**Decision Implications**

Should Council endorse the recommendation to allow the Club to apply to DLGSC for an ongoing extended trading permit outside of their lease boundary, this will reduce the Club’s application requirements associated with events occurring on the extended area. This will result in reduced costs for booking community members, reduced time burdens on the Club in completing the required paperwork for each event and will alleviate potential stress associated with application processing times especially for events booked with limited notice, such as parties, weddings, wakes or funerals. The application process and notification requirements to the City remains the same.

This will provide the community members, Club the satisfaction of a swift and certain booking experience.

Alternatively, if Council deicide against endorsement of the recommendation, the existing application requirements with DLGSC would remain.

**Conclusion**

The City recommends that Council endorse the Clubs request for landowners support to apply to the DLGSC for an ‘ongoing’ liquor licence which extends past the Clubs leased boundary to provide a swift and certain booking experience for community members, particularly in the case of wakes for funerals.

Specific conditions by which the City would support the extended trading permit are as follows:

Any private events will require insurance to be taken out by the tenant due to the Trading in Public Places Local Laws 2000 as this will be on City Land outside of the lease boundary. Public Liability insurance is also required to be taken out by the Club and extended to cover the extended trading boundary. Public Liability insurance is also required for food vendors at the Nedlands Yacht Club operating outside of the lease boundary on the City’s land.

These insurances would also be required for any amusements. Annual Inspection Certificate, a copy of WorkSafe Plan Registration (or Class 1 Certification) and a copy of a recent set up/log in checklist would be required.

**Further Information**

Nil.

[Extended trading permits | DLGSC](https://www.dlgsc.wa.gov.au/racing-gaming-and-liquor/liquor/liquor-licensing/extended-trading-permits#Area)

# Reports by the Chief Executive Officer

## CEO40.10.24 Register of Outstanding Council Resolutions

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 22 October 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | No officer involved in the preparation of this report has a declarable interest. |
| **Report Author** | Sara Bloomfield – Governance Officer (Council Support) |
| **Director/CEO** | Keri Shannon – Chief Executive Officer |
| **Attachments** | 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.

**Recommendation**

**That Council:**

* RECEIVES the Register of Outstanding Council Resolutions dated September 2024.

**Voting Requirement**

Simple Majority.

**Background**

Council has requested that all Outstanding Council Resolutions be tabled on a monthly basis at the OCM.

**Discussion**

Attached to the Council report is the register of OCRs for Council’s noting and consideration.

The report has been updated by officers when required.

Information will be periodically provided to Councillors on previous resolutions of Council that:

1. have been completed since the last update and
2. have not yet been fully implemented. Reasons for any delays or unforeseen challenges are included.

Councillors are able to seek an update on any particular project or resolution outside of the reporting period, by contacting the CEO directly for information or by referring to the information on the Councillor portal.

**Consultation**

Nil.

**Strategic Implications**

This item is strategically aligned to the City of Nedlands Council Plan 2023-33 vision and desired outcomes as follows:

|  |  |
| --- | --- |
| Vision | Sustainable and responsible for a bright future |

|  |  |
| --- | --- |
| Pillar | Performance |
| Outcome | 11. Effective leadership and governance. |

**Budget/Financial Implications**

Nil.

**Legislative and Policy Implications**

*Local Government Act 1995*.

**Decision Implications**

Councillors have oversight of the implementation of previous Council decisions, through access to the Register and the Councillor portal. Information on decisions may be provided through the CEO Weekly update, and direct request to the CEO. The City may include the register on the website to provide transparency to the community, although the community is able to access the document through the Council agenda.

**Conclusion**

That the Council receives the Register of Outstanding Council Resolutions for noting.

**Further Information**

Nil.

## CEO41.10.24 Elected Members Information Bulletin

This item will be dealt with at the Council Meeting.

## CEO42.10.24 Exercise of Delegation

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 22 October 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | No officer involved in the preparation of this report has a declarable interest. |
| **Report Author** | Keri Shannon – Chief Executive Officer |
| **Director/CEO** | Keri Shannon – Chief Executive Officer |
| **Attachments** | 1. Table of delegations (to be distributed before the council meeting) |

**Purpose**

To provide Council with details of the delegations exercised for the period 1 July to 30 September 2024.

**Recommendation**

**That Council:**

* RECEIVES the record of delegations exercised for the period 1 July to 30 September 2024 as contained in the report.

**Voting Requirement**

Simple Majority.

**Background**

In accordance with the City’s obligations under Regulation 19 of the *Local Government (Administration) Regulations 1996* which requires the person to whom the power or duty has been delegated to keep a written record of:

1. how the person exercised the power or discharged the duty;
2. when the person exercised the power or discharged the duty; and
3. the person or classes of person directly affected by the exercise of the power or the discharge of the duty.

Consistent with the City’s values and in order to ensure transparency and accountability the CEO will report the exercise of these delegations every 3 months.

**Discussion**

This report provides Council with a record of the exercise of delegations by the CEO and City officers for the period 1 July to 30 September 2024.

**Consultation**

Nil.

**Strategic Implications**

This item is strategically aligned to the City of Nedlands Council Plan 2023-33 vision and desired outcomes as follows:

|  |  |
| --- | --- |
| Vision | Sustainable and responsible for a bright future |

|  |  |
| --- | --- |
| Pillar | Performance |
| Outcome | 11. Effective leadership and governance. |

**Budget/Financial Implications**

Nil.

**Legislative and Policy Implications**

*Local Government Act 1995* s. 5.

**Decision Implications**

To ensure transparency, accountabiltiy and inform the Council as to the exercise of the power delegated by Council to officers.

**Conclusion**

That Council receives the exercise of delegation from1 July to 30 September 2024 for noting.

**Further Information**

Nil.

## CEO43.10.24 WALGA – Local Government Elections – Advocacy Position

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 22 October 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | No officer involved in the preparation of this report has a declarable interest. |
| **Report Author** | Keri Shannon – Chief Executive Officer |
| **Director/CEO** | Keri Shannon – Chief Executive Officer |
| **Attachments** | 1. Nil. |

**Purpose**

To provide Council with WALGAs current and alternative advocacy positions as they relate to to Local Government Elections, to see if the positions are still current.

**Recommendation**

**The Council:**

* RECOMMENDS that WALGA adopt the following Local Government Election Advocay Positions:
  1. PARTICIPATION – Council support advocacy position XX
  2. TERMS OF OFFICE - Council support advocacy position XX
  3. VOTING METHODS - Council support advocacy position XX
  4. INTERNAL ELECTIONS - Council support advocacy position XX
  5. VOTING ACCESSIBLITY - Council support advocacy position XX
  6. METHOLD OF ELECTION OF MAYOR - Council support advocacy position XX

**Voting Requirement**

Simple Majority.

**Background**

WALGA recently undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of legislative reforms to the Local Government electoral process.

**Discussion**

The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost of conducting Local Government elections in Western Australia.

The report was presented to State Council 4 September 2024, with State Council supporting a review of WALGA’s Local Government Elections Advocacy Positions. All Local Governments are now being asked to provide a Council decision on WALGAs advocacy positions as they relate to Local Government Elections, to see if the positions are still current.

Council decisions are to be submitted to WALGA no later than Monday 28 October 2024, to inform an item for the December meeting of State Council. Local Governments will also be able to provide feedback through the November round of Zone meetings.

**Consultation**

Nil.

**Strategic Implications**

This item is strategically aligned to the City of Nedlands Council Plan 2023-33 vision and desired outcomes as follows:

|  |  |
| --- | --- |
| **Vision** | Sustainable and responsible for a bright future |

|  |  |
| --- | --- |
| **Pillar** | Performance |
| **Outcome** | 11. Effective leadership and governance. |

**Budget/Financial Implications**

Nil.

**Legislative and Policy Implications**

*Local Government Act 1995* s. 5.

**Decision Implications**

Nil.

**Conclusion**

That Council recommends that WALGA adopt the following Local Government Election Advocacy Positions.

**Further Information**

**LOCAL GOVERNMENT ELECTIONS – REVIEW OF WALGA ADVOCACY POSITIONS**

**Background**

The *Local Government Amendment Act 2023* introduced a range of electoral reforms that came into effect prior to the 2023 Local Government ordinary elections:

* the introduction of Optional Preferential Voting (OPV);
* extending the election period to account for delays in postal services;
* changes to the publication of information about candidates;
* backfilling provisions for extraordinary vacancies after the 2023 election;
* public election of the Mayor or President for larger Local Governments;
* abolishing wards for smaller Local Governments; and
* aligning the size of councils with the size of populations of each Local Government (change to representation)

Following requests from several Zone’s, WALGA undertook a comprehensive review and analysis of 5 ordinary election cycles up to and including the 2023 Local Government election against the backdrop of these legislative reforms. The review and report focused on postal elections conducted exclusively by the Western Australian Electoral Commission (WAEC), with the analysis finding evidence of the rising cost and a reduction in service of conducting Local Government elections in Western Australia.

**Comment**

The Elections Analysis Review and Report was presented to State Council 4 September 2024, with State Council supporting a review of WALGA’s Local Government Elections Advocacy Positions.

WALGA is requesting Councils consider the current and alternative Elections Advocacy Positions and provide a response back to WALGA for the December 2024 State Council meeting.

*WALGA State Council current advocacy positions:*

The following is a summary of WALGA’s current Advocacy Positions in relation to Local Government Elections:

**2.5.15 ELECTIONS**

|  |  |
| --- | --- |
| Position Statement | The Local Government sector supports:   1. Four year terms with a two year spill 2. Greater participation in Local Government elections 3. The option to hold elections through:  * Online voting * Postal voting, and * In-person voting  1. Voting at Local Government elections to be voluntary 2. The first past the post method of counting votes   The Local Government sector opposes the introduction of preferential voting, however if ‘first past the post’ voting is not retained then optional preferential voting is preferred. |
| Background | The first past the post (FPTP) method is simple, allows an expression of the electorate’s wishes and does not encourage tickets and alliances to be formed to allocate preferences. |
| State Council Resolution | February 2022 – 312.1/2022  December 2020 – 142.6/2020  March 2019 – 06.3/2019  December 2017 – 121.6/2017  October 2008 – 427.5/2008 |
| Supporting Documents | [Advocacy Positions for a New Local Government Act](https://walga.asn.au/getmedia/944813b4-1b94-45d8-8041-635586a741b5/Advocacy-Positions-for-a-New-Local-Government-Act-(Final).pdf)  [WALGA submission: Local Government Reform Proposal (February 2022)](https://walga.asn.au/getmedia/d4e2fbb1-4811-4a5a-ad34-7481d890dbc2/Local-Government-Reform-Proposal-Submission-(February-2022).pdf) |

* + 1. **METHOD OF ELECTION OF MAYOR**

|  |  |
| --- | --- |
| Position Statement | Local Governments should determine whether their Mayor or President will be elected by the Council or elected by the community. |
| State Council Resolution | February 2022 – 312.1/2022  March 2019 – 06.3/2019  December 2017 – 121.6/2017 |

**2.5.18 CONDUCT OF POSTAL ELECTIONS**

|  |  |
| --- | --- |
| Position Statement | The *Local Government Act 1995* should be amended to allow the Australian Electoral Commission (AEC) and any other third party provider including Local Governments to conduct postal elections. |
| Background | Currently, the WAEC has a legislatively enshrined monopoly on the conduct of postal elections that has not been tested by the market. |
| State Council Resolution | May 2023 – 452.2/2023  March 2019 – 06.3/2019  December 2017 – 121.6/2017  March 2012 – 24.2/2012 |

**WALGA has requested the following advocacy positions be considered by Councils:**

1. **PARTICIPATION**

(a) The sector continues to support voluntary voting at Local Government elections.

OR

(b) The sector supports compulsory voting at Local Governments elections.

1. **TERMS OF OFFICE**

(a) The sector continues to support four-year terms with a two year spill;   
  
OR

(b) The sector supports four-year terms on an all in/all out basis.

1. **VOTING METHODS**
2. The sector supports First Past the Post (FPTP) as the preferred voting method for general elections. If Optional Preferential Voting (OPV) remains as the primary method of voting, the sector supports the removal of the ‘proportional’ part of the voting method for general elections

OR

1. The sector supports Optional Preferential Voting (OPV) as the preferred voting method for general elections.
2. **INTERNAL ELECTIONS**
3. The sector supports First Past the Post (FPTP) as the preferred voting method for all internal elections.  
     
   OR
4. The sector supports Optional Preferential Voting (OPV) as the preferred voting method for all internal elections.
5. **VOTING ACCESSIBLITY**

* The sector supports the option to hold general elections through:

1. Electronic voting; and/or
2. Postal voting; and/or
3. In-Person voting.
4. **METHOD OF ELECTION OF MAYOR**

* The sector supports:

1. As per the current legislation with no change – Class 1 and 2 local governments directly elect the Mayor or President (election by electors method), with regulations preventing a change in this method.
2. Return to previous legislated provisions – all classes of local governments can decide, by absolute majority, the method for electing their Mayor or President.
3. Apply current provisions to all Bands of Local Governments – apply the election by electors method to all classes of local governments.

## CEO44.10.24 Bushcare Volunteer Advisory Committee

This item will be dealt with at the Council Meeting.

## CEO45.10.24 Governance Committee

This item will be dealt with at the Council Meeting.

# Council Members Notice of Motions of Which Previous Notice Has Been Given

This item will be dealt with at the Council Meeting.

# Urgent Business Approved By the Presiding Member or By Decision

This item will be dealt with at the Council Meeting.

# Confidential Items

There were no confidential items at distribution of this agenda.

# Declaration of Closure

There being no further business, the Presiding Member will declare the meeting closed.