

**NOTES**

**Council Meeting Agenda Forum**

**Tuesday, 8 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

 **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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#### Present Attendees

**Councillors** Mayor F E M Argyl (Presiding Member)

 Councillor R A Coghlan Melvista Ward

 Councillor F J O Bennett Dalkeith Ward

 Councillor H Amiry (Online) Coastal Ward

 Councillor K A Smyth Coastal Ward

**Staff** Ms K Shannon Chief Executive Officer

 Ms A Alderson Director Corporate Services

 Mr M K MacPherson Director Technical Services

 Mr T G Free Director Planning & Development

 Ms S Mapleton Executive Officer

**Public** There were 1 members of the public present and 2 online.

**Press** 0

# 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.

# Apologies and Leave of Absence (Previously Approved)

**Leave of Absence** Nil.

**(Previously Approved)**

**Apologies** Councillor B Brackenridge Melvista Ward

 Councillor B G Hodsdon Hollywood Ward

 Councillor M Pollard Hollywood Ward

 Councillor N Youngman Dalkeith Ward

# Public Question Time

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

# Deputations

No deputations were submitted by members of the public.

# 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

There were no disclosures of financial interest.

# Disclosures of Interests Affecting Impartiality

## Councillor Smyth - Item 19.6 - CPS52.10.24 Nedlands Yacht Club Extended Liquor Licence

Councillor Smyth disclosed an impartiality interest in Item 19.6 - CPS52.10.24 Nedlands Yacht Club Extended Liquor Licence. Councillor Smyth disclosed that her husband is a member of the Nedlands Yacht Club, and as a consequence, there may be a perception that his/her impartiality on the matter may be affected. Councillor Smyth declared that she would consider this matter on its merits and vote accordingly.

## Mayor Argyle - Item 19.6 - CPS52.10.24 Nedlands Yacht Club Extended Liquor Licence

Mayor Argyle disclosed an impartiality interest in Item 19.6 - CPS52.10.24 Nedlands Yacht Club Extended Liquor Licence. Mayor Argyle disclosed that she is a member of the Nedlands Yacht Club, and as a consequence, there may be a perception that his/her impartiality on the matter may be affected. Councillor Smyth declared that she would consider this matter on its merits and vote accordingly.

# 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

No Confidential items are to be discussed 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 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.

**Administration 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).**

**Further Information**

**Question from Councillor Smyth**

Councillor Smyth received an email from the Mellon Hill Group concerning the signage, they felt there was not enough signage to stop the dog activity in the bush land and people were let off leash into the bush land and they are wanting to have some better signage rather than just on the notice boards.

Councillor Smyth will send through the email from the Mellon Hill Bush Group that outlines their concerns.

## 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.

**Administration Recommendation**

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

**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.

**Administration Recommendation**

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

**Further Information**

**Questions from Councillor Bennett to Director Technical Services**

Do these policies have an effect on planning designs to ensure that waste is collected in an orderly manner because recent developments show that waste is not collected in an orderly manner? Will this policy actually make developments abide by our policies?

**Question from Councillor Smyth to Director Technical Services**

I want some clarity on the changes to waste receptacles on the nature strip. I can see there are some edit changes, but I am not sure if I have got this correctly that previously they should not be placed on the nature strip. Should not has been crossed out and it seems like they are saying they may be placed on the nature strip. Is that correct for up to 7 days?

**Question from Councillor Smyth to Director Technical Services**

So, we are still referring to the private deals not starting to morph away from bulk pick up. My concern about this particular aspect is that I think there needs to be some more guidance in respect to places that have got group driveways. So those like 20R 30, where they are not apartment but they are either battle axe or group driveways because what can happen is the people that live in the back part that haven’t got verges can then put their bulk bins out the front of the houses that have got a verge and then it can become that if you are the one with the verge you get repeated inconvenience and can get everyone else’s bins or skips can end up being on the verges that remain. I think there needs to be more of a treatment or more guidance as to what happens in those cases, e.g. 6 villas and/or similar not necessarily apartments as people can arrange for a skip bin to be put on someone else’s front lawn. Is there any way that can be better handled or more specifically handled?

**Question from Councillor Coghlan to Director Technical Services**

The Waste Management Guidelines and the Waste Management Policy was reviewed in March 2020 and we reviewed the Waste Management Policy very quickly after I got into Council in 2019, because the smaller trucks and there were are a lot of large openings. What I am trying to say that there is a lot of large openings spoiling the street scapes so we reviewed the policy very quickly, which will be on YourVoice. We are allowing a lot more bins on corners so if you have got group dwellings like Councillor Smyth is allowing talking about, we are actually allowing all of the green bins to go on multiple corners so you don’t have to have onsite collection. Is it timely that we have a small briefing to refresh us on the Waste Management Guidelines – is there any time in our meetings before the end of the year? I think it is really important as you can see there are three of us very engaged in it right now and we need to understand exactly what is happening with group dwellings now being occupied and how the waste is going and how compliant people are – how can we do that?

**Question from Councillor Smyth to Director of Technical Services**

It is worthwhile to review the Waste Management Guidelines and Policy along with the second green bin lids notion of motion that was put up at the Ordinary Council Meeting on 24 September 2024? A review of that in line with the apartments needing a different type of bin service as reviewed together rather than separately.

## 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.

**Administration 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.**

**Further Information**

**Questions from Councillor Bennett to Director of Technical Services**

The policy seems to be quite dry and unsympathetic to trees. We are allowed to have a 1 metre gap so a utility box or a 1 metre gap to a bus stop, but you have to have a 2 metre gap for a street tree. The problem with that is first of all there are many different kinds of trees and all kinds of different sizes, some of them uproot driveways and some of them just go straight down and don’t uproot anything at all. So, just this blanket 2 metre restriction for a planting of a tree next to a driveway, that’s kind of counter to what we have been trying to do to actually, in all of these sub divided areas, with millions of driveways and no street trees, we were trying to find a way to get some street trees in there and this policy is actually restricting that so it is actually counter to our efforts to try and get some shading over these areas where all of these street trees have been chopped down the driveways. I foreshadowing and moving an amendment to change that distance and I understand why it is there, my question is can you amend that to make it smaller and just put some wording around the restriction of the type of tree so that it doesn’t damage the infrastructure?

**Questions from Councillor Bennett to Director of Technical Services**

Some developments in my end of Broadway chopped down trees to sub-divide they put in their driveways and they haven’t been required to plant a new street tree to make up for the ones that they have removed. I am not sure if the City does actually have an enforceable policy that requires people to plant a tree when they remove one, but I think perhaps that should be in this policy, that if you remove a tree to put a cross over in you should be replacing it with quite a substantial mature tree. Can that be put into the policy?

**Questions from Councillor Bennett to Director of Technical Services**

Will this policy be applied retrospectively in the case where someone moves into a new house and there is a mature tree close to their driveway, can they say the Policy says it should be 2 metres, we want the street tree removed? Can this policy be used in that situation?

**Question from Councillor Smyth to Director of Technical Services**

Referring to Figure 3 and Figure 4 in the report – It is quite troublesome, when looking at the distance why that it is showing and the sight lines and it appears that there is a significant loss of tree opportunity due to those sight lines, however the table does say if the road speed is 50km/hour, the sight lines is 40 metres. But, if you drop the speed of the road down then the requirement for the sight line is less. So, could we also help solve this situation by dropping our road speeds down so we have less danger from trees blocking site lines? Does that mean tree infill means you need to drive slower?

**Question from Councillor Smyth to Director of Technical Services**

So, in the areas where there are school zones and sporting periods, does if you live in a 40km/hour zone have you got more flexibility with the trees? This is going to give a whole lot of reasons to get rid of and excuses not to put new trees in. I also, wanted to say that when Councillor Coghlan and I went on the WALGA bus tour there was the Mayor of Bassendean and she was highly enthusiastic about their new policy on cross overs and sent it around to everyone to show all this initiative that they had done. Did you receive anything from the Town of Bassendean, because it was being circulated?

**Questions from Councillor Coghlan to Director of Technical Services**

Could you explain exactly what the width of a crossover is that a new house on an R12.5 is legally to be provided by the City of Nedlands – is it 8m now according to what this says?

**Questions from Councillor Coghlan to Director of Technical Services**

What is the minimum – is it 3.6m width for a single cross over?

**Questions from Councillor Coghlan to Director of Technical Services**

Is there any way we can make them more permeable, more environmentally aware rather than aggregate or bitumen?

**Questions from Councillor Coghlan to Director of Technical Services**

What percentage of their verge are they allowed to have hard cross over?

**Question from Mayor Argyle**

I have a few major concerns about this policy, which I believe are echoed by the Councillors this evening. I think it is a really important policy and I feel we are rushing this. It is extremely dry as Councillor Bennett said and there is the concern over the trees, there is concern over the road speeds, there is a concern that it should be mandatory permeable paving and it should be single width cross over only because this reduces the amount of puddles and mosquitos and allows the water to not flood houses. So, I feel even though the policy is dated October 2024 it is already extremely dated and there is no amendments to the changes in the smaller block size up to 7.5 metres. I was going to recommend an alternate recommendation, but I feel we either need the recommendations or it needs to go back to a Concept Forum. What do you think Director of Technical Services?

**Question from Mayor Argyle**

So how would we tackle that given it is due to come to Council before the end of the month and there are a lot of question.

**Comment from Councillor Coghlan**

Is there something together with the waste that we could bring to a policy committee as well, like a Policy and Laws and Policy Committee where even if we do have it at a Forum and we don’t have the chance to work on it that we can actually work through it and problem solve it because that is what we need to do and we need to look at previous iterations and superimpose them on each other and see where the changes are, it is that important because we are setting the guidelines for the next 20 years and we have enough built form as it is and I looked at every rental in WA the other day and what we need to do is stop the dominance of driveways and cross overs because when you add in other hard surfaces on the driveway on the front of the property you spoil the street scape so this is our opportunity to do the street scape for our City. That is what we are looking at is our street scape which ties in with our precincts plans and the way we are going so I hope that we do that and bring it to the Policy Committee.

# 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

|  |  |
| --- | --- |
| **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.

**Administration Recommendation**

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

**Further Information**

**Relevance to Underground Power Projects**

**Question 1 from Councillor Smyth**

If Mainswest is a Western Power Contractor involved in the delivery of the City’s underground power projects, why is Western Power not providing storage space at their own 9.65ha landholding adjoining?

**Question from Councillor Smyth**

We’ve got the Mt Claremont mater plan coming to us next month, so I think that it should be contained. We shouldn’t be putting more things into the area we are trying to get out of that area because it attracts more things when what we want to do is improve it for the recreation. UWA are saying what they are going to do in that area and they want grants etc. so there is so much more positive things going on in the area yet we seem to be still harking back to what it used to be instead of looking at what we could do potentially, what it could be and there is plenty of sporting people that are after more opportunities. Rather than just continuing to contaminate, perceive it as contaminated, I think that there is a lot more to be done in line with our master plan. I would like to know when the master plan is coming and when the proposal to build the road is likely to be before us as well.

**Comment from Councillor Smyth**

If we could have more about what is going on there as it seems that we are the last to know.

**Comment from Councillor Chief Executive Officer**

We will certainly circulate the information and taken on board your comments.

## 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.

**Administration 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.**

**Further Information**

**Question from Councillor Bennett**

Could the Directors actually explain what the red and yellow boxes are on the Nedlands Yacht Club extended Liquor Licence area diagram?

**Comment from Councillor Bennett**

How does this respect the river or the community’s right to walk along the river foreshore?

**Questions from Councillor Smyth**

If there is a river bed lease they are paying $33,000 for what is the piece of land between the river bed lease an the yacht club lease and is this the piece of land that Councillor Bennett is referring to as the access way for everyone and is that what the liquor licence is over as it is a piece of information that is not well understood that they are leasing the river bed to get where their boats are going in and out.

I understand that the profit of the Nedlands Yacht Club is their annual report was $3,500 – if anyone thinks they are making a huge amount of money that is what was reported. I would like to get some clarity on some of those issues that are being thrown around as to whether they are fact or fiction.

# 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.

**Administration Recommendation**

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

**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.

**Administration Recommendation**

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

**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** | 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.

**Administration 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

**Further Information**

**Question from Councillor Smyth**

How will we arrive at our combined position – will we have a Forum or a questionnaire circulated?

## 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 at 7:54pm.