

**AGENDA**

**Council Meeting Agenda Forum**

**Tuesday, 9 July 2024**

**Notice of Meeting**

Mayor & Councillors

A Council Meeting Agenda Forum of the City of Nedlands is to be held on Tuesday, 9 July 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 July 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 5 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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# 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** Nil.

**(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

## ARC19.07.24 Update from Independent Consultant Report 7

|  |  |
| --- | --- |
| Meeting & Date | Council Meeting – 23 July 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Craig Ross – Independent Consultant |
| **CEO** | Keri Shannon |
| **Attachments** | 1. Progress Report - 7 2. Report 7 Appendix 3. Confidential attachment (available for viewing) Discussed at 9.2 |

**Purpose**

The Independent Consultant will verbally present a report to the Audit Committee.

**Recommendation**

**That the Audit Committee receives the report from the Independent Consultant.**

**Voting Requirement**

Simple Majority.

**Background**

N/A

**Discussion**

N/A

**Consultation**

Not applicable.

**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**

There are no budget or financial implications in this report.

**Legislative and Policy Implications**

Not applicable.

**Decision Implications**

The Committee will be presented with a report from Mr. Ross.

**Conclusion**

Mr Ross will present his report to the Committee.

**Further Information**

Nil.

## ARC21.07.24 Update from Independent Consultant – Root Cause Report

|  |  |
| --- | --- |
| Meeting & Date | Council Meeting – 23 July 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Craig Ross – Independent Consultant |
| **CEO** | Keri Shannon |
| **Attachments** | Confidential Attachment - Analysis of factors leading to the disclaimer of opinion on the financial report for the year ended 30 June 2023 (Root Cause Report) – Independent Consultant |

**Purpose**

The Independent Consultant will verbally present an Analysis of factors leading to the disclaimer of opinion on the financial report for the year ended 30 June 2023 (Root Cause Report) to the Audit Committee.

**Recommendation**

**That the Council**

1. receives the Report from the Independent Consultant; and
2. considers the implications of the report for ongoing operations.

**Voting Requirement**

Simple Majority.

**Background**

N/A

**Discussion**

N/A

**Consultation**

Not applicable.

**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**

There are no budget or financial implications in this report.

**Legislative and Policy Implications**

Not applicable.

**Decision Implications**

The Committee will be presented with Analysis of factors leading to the disclaimer of opinion on the financial report for the year ended 30 June 2023 (Root Cause Report) from Mr. Ross.

**Conclusion**

Mr Ross will present his report to the Committee.

**Further Information**

Nil.

# Divisional Reports - Planning & Development

## PD48.07.24 Adoption of draft Local Planning Policy 5.13 – St Johns Wood Estate Fencing

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 23 July 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 in this matter. |
| **Report Author** | Nathan Blumenthal – Acting Manager Urban Planning |
| **Director** | Tony Free – Director Planning and Development |
| **Attachments** | 1. Draft Local Planning Policy 5.13: St Johns Wood Estate Fencing 2. Summary of Submissions |

**Purpose**

The purpose of this report is for Council to consider modifications to the draft Local Planning Policy 5.13: St Johns Wood Estate Fencing (the Policy) post advertising and proceed to adoption.

**Recommendation**

**That Council Proceeds with modifications to the Local Planning Policy 5.13: St Johns Wood Estate Fencing (Attachment 1) in accordance with Clause 4 of the Deemed Provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.**

**Voting Requirement**

Simple Majority.

**Background**

The draft St Johns Wood Estate Fencing Policy has been developed to maintain the character of the streets within the Estate by providing design guidelines for fencing in key zones. Uniform fencing along a number of streets, which was established with the initial subdivision of the Estate, are at risk of falling into disrepair or being altered. This would affect the uniform appearance and character of the Estate. The intent of the Policy is to generally maintain the fencing standards and streetscapes established during the initial creation of the Estate.

The Policy was adopted for advertising at the 26 March 2024 Ordinary Council Meeting and was subsequently advertised.

**Discussion**

Following community consultation, a number of modifications have been made to the draft Policy. These include:

**Fencing Location Maps**

The map at Figure 1 has been modified to be easier to interpret. Several zones have been modified to reflect areas of fencing which have been replaced since creation of the subdivision or to clarify fencing locations. Subsequently, the location maps at Figures 4, 15 and 17 have been modified.

**General Provisions**

The existing General Provisions have been strengthened and include an additional 3 provisions. General Provision 6.5 of the advertised policy stated that screening extending above the fence line was not permitted. To reflect comments submitted by the community, which value the green, bushland feel of the estate, as well as additional privacy, the provision has been amended. The provision now permits vegetative screening above the maximum fence height subject to the use of natural materials (i.e. timber lattice or trellis) and reasonable maintenance of vegetation. The following provisions have been added:

6.6 Limestone retaining installed as part of the initial subdivision of the estate is to be maintained and, if required, replaced on a like for like basis.

6.7 Fencing visible from the public realm is to be maintained by the landowner to a standard acceptable to the City.

6.8 To maintain the open streetscape of the Estate, fencing within the primary street setback area is not permitted, including the side boundaries forward of the dwelling.

**Street walls and fences**

Section 8 of the advertised Policy prohibiting street walls and fences within the primary street setback has been reworded and relocated in General Provision 6.8. The provision still does not permit front fencing.

Whilst several comments from the community during the consultation period expressed the desire to have the option to construct front fences, the intent of the Policy is to maintain the Estate in the condition of original subdivision. Restrictive Covenants were placed on the Certificate of Titles for the original subdivision of the Estate, which prohibited the construction of fencing within the front setback area in order to create an open feel of the streetscape. Whist it is acknowledged the Covenants have expired, the open, bushland feel of the Estate should be preserved.

**Consultation**

The Policy was advertised through the Post newspaper, the City’s Your Voice page and letters to affected landowners. During the consultation period, 12 April 2024 to 2 May 2024, 25 submissions were received. Of these, 11 were objections to the Policy, 12 in support and two comments.

The table below contains a summary of comments and Officers responses.

|  |  |
| --- | --- |
| **Comment** | **Officer Response** |
| Against the prohibition of front fencing  **6 submissions** | The prohibition of front fencing is to remain in the Policy to reflect the intent of the Estate. |
| Support the prohibition of front fencing  **3 submissions** | Provision relating to front fencing remains in the Policy to reflect the intent of the Estate. |
| Against prohibition of screening above fence line  **2 submissions** | General provision 6.5 has been amended to permit vegetative screening above the maximum fence height subject to the use of natural materials (i.e. timber lattice or trellis) and reasonable maintenance of vegetation. |
| Against the continuation of the use of pine lap fencing  **2 submissions** | The timber pine lap fencing contributes to the natural bush feel of the estate and it still remains in significant stretches where visible from the public realm. |
| Against the use of Colorbond fencing  **1 submission** | Colorbond is the required material for one zone. A significant number of panels of the original pine lap fencing have already been replaced by Colorbond in this zone. Specifying the colour and material will ensure the fencing is uniform as the panels are replaced. |
| Would like to see the inclusion of provisions for the retention of limestone retaining  **2 submissions** | General provision added – Limestone retaining walls installed as part of the original subdivision of the estate are to be maintained and, if required, replaced on a like for like basis. |

The full submissions and officer responses are at **Attachment 2** of this report.

**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** | 7. Attractive and welcoming places. |

**Budget/Financial Implications**

Nil

**Legislative and Policy Implications**

Clause 3(1) of the Deemed Provisions of Schedule 2 of the [Planning and Development (Local Planning Schemes) Regulations 2015](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_45565.pdf/$FILE/Planning%20and%20Development%20(Local%20Planning%20Schemes)%20Regulations%202015%20-%20%5B00-m0-00%5D.pdf?OpenElement) allows the City to prepare a Local Planning Policy in respect to any matter related to the planning and development of the Scheme area.

Council must consider any submissions received and resolve to:

* Proceed with the Policy without modification;
* Proceed with the Policy with modification; or
* Not proceed with the Policy.

**Decision Implications**

If Council resolves to proceed with the Policy it will be adopted and take effect once a notice has been placed on the City’s website.

If Council resolves not to proceed, the Policy will not come into effect.

**Conclusion**

It is recommended that Council proceed with modifications to the draft Local Planning Policy 5.13: St Johns Wood Estate Fencing and formally adopt.

**Further Information**

Nil

## PD49.07.24 Adoption of draft Local Planning Policy 3.3 - Tree Retention

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 23 July 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 in this matter. |
| **Report Author** | Nathan Blumenthal – Acting Manager Urban Planning |
| **Director** | Tony Free – Director Planning and Development |
| **Attachments** | 1. Draft Local Planning Policy 3.3 - Tree Retention 2. Schedule of Submissions |

**Purpose**

The purpose of this report is for Council to consider the draft Local Planning Policy 3.3 – Tree Retention (the Policy), found at **Attachment 1**,for adoption.

**Recommendation**

**That Council adopts the draft Local Planning Policy 3.3 – Tree Retention (Attachment 1) in accordance with Clause 4 of the Deemed Provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.**

**Voting Requirement**

Simple Majority.

**Background**

The Policy seeks to provide the City with a planning mechanism to protect mature trees on private property and the canopy they provide. In March 2024 the Western Australian Local Government Association (WALGA) released a Tree Retention Model Local Planning Policy (LPP). City Officers referred to this document in the preparation of the Policy. The Policy was adopted for advertising at the April 2024 Ordinary Council Meeting.

**Discussion**

The Policy aims to encourage and facilitate the retention of trees and as a result enhance the tree canopy to:

* Preserve and improve the neighbourhood amenity and character
* Mitigate the heat island effect
* Reduce air pollution
* Improve groundwater quality
* Contribute to biodiversity.

The Policy seeks to achieve these outcomes by:

* Providing objectives to guide the City and applicants to encourage and facilitate the protection of trees at all stages of development.
* Defining what constitutes tree damaging activities and regulated trees (i.e. trees subject to the Policy).
* Outlining when a development application is required and circumstances where tree damaging activities are exempt from requiring approval from the City, such as pruning.
* Setting out the information to be provided by applicants for development applications associated with tree damaging activities, including an arborist report.
* Providing the considerations and elements the City will give due regard to when assessing development applications.
* Providing criteria for any new trees required as replacements for regulated trees.

**Amendments after advertising**

With consideration of submissions received during the consultation period, one change has been made to the Policy. Appendix 1 has been amended to reflect comments which expressed that the Lemon Scented Gum be removed from the unwanted tree species list. As the species is not a weed species or susceptible to any pests or diseases currently in Western Australia it does not qualify for inclusion on the list.

**Consultation**

Community consultation was undertaken for a period of 21 days, from 7 May to 28 May 2024. An information session was held on the 22 May 2024 which was attended by 8 people. During this period 175 submissions were received. The table below illustrates the spread of submissions.

|  |  |  |  |
| --- | --- | --- | --- |
|  | **Objection** | **Support** | **Comment Only** |
| R20 lots and below within City of Nedlands | 73 (41.7%) | 64 (36.6%) | 4 (2.3%) |
| Lots above R20 within City of Nedlands | 6 (3.4%) | 13 (7.4%) | 1 (0.6%) |
| Not within City of Nedlands or unknown address | 6 (3.4%) | 8 (4.6%) | 0 (0%) |
| **Total** | **85** (48.6%) | **85** (48.6%) | **5** (2.8%) |

Of the objections received, 6 objected based on the grounds that the Policy did not go far enough and should protect trees across all densities within the City.

Below are the most common comments made during the submission period along with officer responses.

|  |  |
| --- | --- |
| Comment | Officer Response |
| The Policy is an overreach by the local government on the rights of the private landowner.  **35 submissions** | The Planning and Development Act 2005 at Schedule 7 – Matters which may be dealt with by a planning scheme, includes at cl. 4(2) – the conservation of the natural environment of the scheme area including the protection of natural resources, the preservation of trees, vegetation and other flora and fauna, and the maintenance of ecological processes and genetic diversity. This indicates that tree preservation is a matter that can be dealt with via a Local Planning Policy. |
| Concerns regarding safety of retaining regulated trees and the time to apply for a development approval  **19 submissions** | Tree damaging activity necessary for public safety are exempt from requiring a development approval. |
| The City should focus on building up and maintaining trees on the verges and other City land.  **16 submissions** | The City has recently reviewed and updated its Street Trees Council Policy and is currently reviewing its Urban Forest Strategy. In order to grow urban canopy, both private and public land must contribute. |
| The Policy should apply to all lots within the City.  **12 submissions** | The City determined that there is a need to balance the broader sustainability benefits of urban infill with the retention of vegetation. |
| Greater guidance is needed around pruning and maintenance  **10 submissions** | Policy provisions relating to maintenance pruning remains unchanged, as attempting to add further criteria complicates the process and catches up proponents pruning a tree in good faith. The intention of the Policy is primarily to capture removal of trees where they could otherwise be retained, not to create legislation governing all aspects of tree maintenance. |
| The City should incentivise tree retention  **10 submissions** | The benefits of tree retention to broader sustainability goals and amenity of the locality is considered an incentive. |
| The policy should apply to Lemon Scented Gums that meet the requirement of a regulated tree. It should be removed from Appendix 1.  **9 submissions** | Lemon Scented Gum has been removed from Appendix 1 after advertising. |
| The Policy removes the right of a landowner to trim trees which overhang fences  **8 submissions** | The Policy does not remove the right of a landowner to perform maintenance pruning for trees overhanging a fence. |
| The City should keep a register of endorsed arborists  **7 submissions** | The City does not keep a register of endorsed arborists as this could lead to conflict of interest. The Policy states the use of an arborist with a minimum qualification of a Diploma of Horticulture (Arboriculture) Australian Qualification Framework (AQF 5). |
| No tree should be exempt from the Policy  **6 submissions** | A number of trees are exempt from the Policy due to their susceptibility to disease or pests or as they are an environmental weed. |
| The Policy should only apply to lots greater than R20  **5 submissions** | The City determined that there is a need to balance the broader sustainability benefits of urban infill with the retention of vegetation. |
| The City should assist with the cost of arborist fees and maintenance  **2 submissions** | The City does not have operational expenditure allocated in its Budget to private tree maintenance. This would require consideration by Council. |

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

|  |  |
| --- | --- |
| **Pillar** | **Place** |
| **Outcome** | 6. Sustainable population growth with responsible urban planning. |
|  | 7. Attractive and welcoming places. |

**Budget/Financial Implications**

If the City proceeds with the Policy, there may be instances when the City will need to seek third-party advice on proponents’ arborist reports, but these will be handled on a case-by-case basis and are expected to be infrequent.

**Legislative and Policy Implications**

Clause 3(1) of the Deemed Provisions of Schedule 2 of the [Planning and Development (Local Planning Schemes) Regulations 2015](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_47069.pdf/$FILE/Planning%20and%20Development%20(Local%20Planning%20Schemes)%20Regulations%202015%20-%20%5B00-p0-00%5D.pdf?OpenElement) allows the City to prepare a Local Planning Policy in respect to any matter related to the planning and development of the Scheme area.

Following the advertising period, Council is to consider any submissions received and resolve to:

1. Proceed with the Policy without modification; or
2. Proceed with the Policy with modification; or
3. Not proceed with the Policy.

**Decision Implications**

If Council resolves to adopt the Policy, it will be in effect upon a public notice.

If Council resolves not to adopt the Policy it will not be progressed. Doing so will mean City Officers are without a planning mechanism which would see the protection of trees and the enhancement of the tree canopy on low-density residential lots within the City.

**Conclusion**

The Policy has been developed to provide City Officers a mechanism with which to facilitate the protection of the City’s tree canopy provided by mature trees on low-density private land. It is recommended that Council adopts the Policy.

**Further Information**

Nil.

## PD50.07.24 Dog Exercise Area – Montario Quarter

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting - 23 July 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** | Nil |

**Purpose**

This report is presented to seek approval from Council to give local public notice for at least 28 days as per the *Local Government Act 1995* section 1.7, of its intention to specific a public place as a dog exercise area under the *Dog Act 1976* Section 31(3A).

Development WA have constructed two parks located within Montario Quarter Shenton Park, as dog exercise areas and are now requesting for them to be designated as dog exercise areas under the *Dog Act 1976.*

**Recommendation**

**That Council:**

1. approve ‘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).
2. approve to give local public notice for at least 28 days as per the Local Government Act 1995 Section 1.7 of its intention to designate Montario Quarter Dog Parks as dog exercise areas.

**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.



Map: Location of dog exercise area

These two spaces have been further designed to accommodate different types of dogs depending on their activity level and how they want to interact with other dogs. One of the parks is smaller, with a size of approximately 440 square metres, that includes a surrounding chain mesh fencing, double gate system to allow dogs and people to enter safely, natural shade from the remnant mature bushland trees, dog bag stations, a recycling and waste receptacle, a park bench, drinking fountain with dog bowl, and interaction zones around trees. This smaller park is designed for passive and smaller dogs, lacking the large space enabling dogs to gather momentum, making it an ideal environment for gentle play and socialisation among these types of dogs.

A view of a park with trees and a fence

Description automatically generated

Picture: Passive dog park (looking East)

*A fenced area with a tree and a plant

Description automatically generated with medium confidence*

Picture: Facilities in the Passive dog park (looking North)

The second fenced exercise area has been designed to accommodate larger and more active dogs. It is approximately 1140 square metres park that includes a surrounding chain mesh fencing, double gate system on the western and eastern end of the park to allow dogs and people to enter safely, natural shade from the remnant mature bushland trees, dog bag stations, a recycling and waste receptacle at each entry point, several park benches, drinking fountains with dog bowls, agility equipment, and sensory areas.

*A park with a bench and a fence

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Picture: Facilities in the Active dog park (looking North)

A bench in a park with Guayabo National Monument in the background

Description automatically generated A green grass field with trees and a fence

Description automatically generated

Picture: Active dog park (looking West)Picture: Active dog park (looking East)

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**

The Dogs in Public Places Council Policy (Policy) was formally presented to Council in the meeting held 28 March 2023 Item 19.2 CEO04.03.23 Proposed Dogs Local Law alongside the proposed *Dogs Local Law 2023*. Council resolved to give public notice as per the requirements of the *Local Government Act 1995* and *Dog Act 1976*, provide the results of the public consultation to Council for consideration, and the ‘Places where dog are Prohibited Absolutely’ to be modified to include “a theatre, picture gardens, playground or public toilet area”.

Public Notice was given and consultation on the Policy was open from the 28 April 2023 and closed on 30 June 2023.

The results of the consultation and adoption of the *Dog Local Law 2023* were presented in the Ordinary Council Meeting held on 12 December 2023 Ordinary Item 19.4 CEO39.12.23 Adoption of City of Nedlands Local Law 2023. This report only included a list of ‘Dog Exercise Areas’ and ‘Places where dogs are Prohibited Absolutely’ not the entire Policy. Only the list was adopted by Council.

**Consultation**

Nil. The purpose of this report is to seek Council’s approval to consult on the intention to specify these dog parks as dog exercise areas.

**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. |

|  |  |
| --- | --- |
| **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 the City to give 28 days notice to specific these two sections of Montario Quarter 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.

The 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 which will conflict with the purpose of the specifically designed off lead parks as intended by Development WA.

**Conclusion**

The two Montario Quarter fenced dog parks should be placed out for public notice for at least 28 days as defined by the *Local Government Act 1995* Section 1.7 of its intention to specify it as a dog exercise area under Section 31(3A) of the *Dog Act 1976*. These ensures the correct process for specifying a dog exercise area. A report to Council will be presented in September 2024 de-identifying the submissions lodged for the local public notice.

**Further Information**

Nil.

## PD51.07.24 Public Health Plan

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 23 July 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Employee disclosure required where there is an interest in any matter of which the employee is providing advice or a report. |
| **Report Author** | Andrew Melville – Manager Health and Compliance |
| **Director** | Tony Free – Director Planning and Development |
| **Attachments** | 1. City of Nedlands Public Health Plan |

**Purpose**

The purpose of this report is for Council to consider adopting the City of Nedlands Public Health Plan 2024-28 as required by the *Public Health Act 2016* and in accordance with the City’s Council Plan 2023-33.

**Recommendation**

**That Council adopts the City of Nedlands Public Health Plan 2024-28 as required by the *Public Health Act 2016* and in accordance with City’s Council Plan 2023-33.**

**Voting Requirement**

Simple Majority.

**Background**

In 2016, the *Public Health Act 2016* (Act) was introduced to replace the *Health Act 1911*. It is currently in a transition phase. There are two aspects of the new Act which are currently pertinent and opportunistic for the City. Firstly, the Act is outcome based, which allows more flexibility for the City in achieving effective public health outcomes.

The second aspect is that the public health duties undertaken by a local government can be varied based on the unique needs of that local government area. Public health planning provides the City with a significant opportunity to tailor its services directly to the areas identified of most need.

Part 5 of the Act will require the preparation of two types of public health plans:

1. A state public health plan prepared by the state’s Chief Health Officer, and
2. A local public health plan prepared by each local government district.

The Chief Health Officer published the StatePublic Health Plan for Western Australia Objectives and Priorities for 2019-2024 in 2019, to support local governments and ensure consistency with the objectives and policy priorities of the state.

A local public health plan must be consistent with the state public health plan whilst responding to local public health risks. It must;

* identify the public health needs of the local government district,
* include an examination of data relating to health status and health determinants in the local government district,
* establish objectives and policy priorities for the promotion and protection of public health in the local government district, and
* describe the development and delivery of public health services in the local government district.

The local government must also report on the performance of its functions under the Act to WA Department of Health annually.

The requirement for each local government to have a public health plan is in Part 5 of the Act which recently commenced on 4 June 2024. Local governments are required to finalise their public health plans by no later than 4 June 2026.

**Discussion**

The City’s draft public health plan had been developed and was presented at the Council Meeting on 26 March 2024, where it was resolved that the draft Plan be released for the purposes of public consultation for a period of six weeks on Your Voice Nedlands platform and at the City’s administration building.

A total of 13 submissions were received via Your Voice Nedlands and email during the six-week consultation period. The submissions received, were made by local residents, rate payers, visitors, volunteers, people who use services or work within the City’s district, and a state government agency.

The table below shows feedback the submissions provided about the draft plan.

|  | **Feedback received** | **City of Nedlands response** |
| --- | --- | --- |
|  | I'd like to provide feedback from a community perspective. | Refer to Item 3. |
|  | Good to know that there is ongoing oversight of important facets of community health and wellbeing. There is a big impact at local level as to all aspects of health and wellness - the environment we live in, the air we breathe, the food we eat, health aspects. | Positive commentary feedback noted. |
|  | Feedback from a Community perspective. Relative to the Draft Public Health Plan specific, Figure 4 notes GOLD plan and CCTV which are not relevant to the City of Nedlands specific.  The Community Health and wellbeing profile from the Department of Health 2021 displays data that 1 in 4 get less than 150minutes of physical activity a week, this is a staggering statistic and I am wondering what we can do as a City to promote physical activity (walking) within our community. Perhaps we could leverage the Whadjuk Trail in some way? | Noted. Figure 4 aims to provide information to the public about the relationship between the social determinants of health and the work of typical local governments. Figure description amended for better clarification.  The City promotes a healthy and active lifestyle, as part of Action 1.1.1, to benefit from the facilities situated throughout the city. These include the City’s natural areas and managed parklands, footpath networks, the Whadjuk Trail Network, Swanbourne Beach and the Nedlands Foreshore. |
|  | The first and best thing the Council can do for Public Health is to return its Red Bin collection to a WEEKLY collection instead of fortnightly. Retaining red bins for two weeks means they will be inevitably overfilled, stink, and attract and retain rodents. We are fast becoming the filthy stinking suburb, receiving less service for higher rates. | The WA State Government has set a target to divert 65 percent of waste materials from landfill by 2025. To address this, the City introduced the FOGO bin service, a standardised waste service recommended by the State Government which has resulted in the changed bin collection regime.  The City offers an expanded service at an additional cost, that residents can request, where a larger bin is provided and collected fortnightly. |
|  | Injury Matters would like to congratulate the City of Nedlands on your Draft Public Health Plan 2024-2028.  The following recommendations have been provided based on our expertise.  1. Suggest including injury as an outcome within pillar one. Inspiring, empowering and enabling healthy living. This pillar focuses on the significant opportunities to improve the health and wellbeing of our community by improving the surrounding environment to create vibrant, liveable neighbourhoods that offer a sense of belonging, culture and spirit, and by facilitating behaviour change to support people to lead healthier lifestyles and reduce injury.  2. Outcome 1 – Improved health and wellbeing of our community Injury Matters would suggest the addition of an activity here similar to that within 1.2.1, 1.3.2 & 6.1.2. Promote local, state, and federal campaigns to increase awareness among community members to lead active lifestyles and reduce injury.  3. Outcome 1 – Improved health and wellbeing of our communityGiven falls are the leading cause of injury hospitalisation and fatalities in the City of Nedlands, Injury Matters recommends that the actions take this into consideration when provisioning health and wellbeing programs. 1323 falls hospitalisations between 2017-2021 with > 71% being in people aged 65+. This should be considered within activities 1.1.2 and the grant opportunities that are provided to supporting clubs to engage older people and support falls prevention and health ageing as part of the City’s Positive Ageing Plan. 4. Outcome 1 - Improved health and wellbeing of our community Given the City of Nedlands health profile has identified that ¼ residents drink alcohol at harmful levels, Injury Matters suggest there is opportunity for further action within objective 1.3. Injury Matters suggests the addition of an action focused on alcohol. There are a variety of actions that Local government can take in this area including:Reducing the availability of alcohol in The City of Nedlands. This could be achieved through:  • Develop or amend existing local government schemes and policies to limit the number and location and opening hours of liquor outlets in your community.  • Ensure safe consumption limits are enforced at licensed venues using a Liquor Accord or other agreement between your local Council, licensed premises and the police.  • Lead by example by adopting an alcohol-free policy for local government staff and elected members to prevent alcohol from being served at Council events and on Council property  5. Injury Matters is pleased to see the injury included in the explanatory blurb for pillar two. Given the way in which these objectives and activities are written, Injury Matters is unable to provide much feedback; however, assume that the actions taken in this area will encompass injury.  6. Injury Matters is pleased to see the inclusion of objectives and actions addressing the built environment and pillar addressing climate change within the plan as these are both cross cutting risk factors for injury in the community. Injury Matters suggest that within 6.1.5 and or 6.1.6 the City could consider the potential inclusion of the trial of innovative road surfaces, building materials and external finishes to support sustainability and reduce urban heat.  At Injury Matters, we work with people and organisations across WA to innovate and deliver injury prevention and recovery solutions. Solutions that keep people safer and healthier at home, at work and on the go. Solutions that save lives and make our community stronger.Our approach is as expansive and inclusive as our remit, which spans everything from road safety to trauma recovery and falls to substance-related harm. As a not-for-profit organisation, we work with local communities, industry, government and our health, emergency, and social services partners, drawing on the latest research, evidence and lived experience here in WA to:   * Raise awareness of injury risks, consequences, and solutions.Prevent injuries through a range of education and support programs. * Support the recovery of people, families and communities impacted by injury and trauma.   Advise and enable local and national agencies and policymakers to make smarter, safer, more informed policy decisions to support the needs of the community we work alongside.Together, we find and share injury prevention, recovery and policy solutions that keep everyone safer and healthier – solutions that reduce the far-reaching physical, emotional, and financial impact caused by injuries and trauma.Injury Matters would be pleased to support the City of Nedlands to deliver on the actions outlined within the Public Health Plan (through our existing funding) to support outcomes related to improving the health and wellbeing of residents. If you have any questions in relation to this submission please do not hesitate to contact our team on info@knowinjury.org.au.Injurymatters.org.au https://www.injurymatters.org.au/wp-content/uploads/2021/05/InjuryMatters-LocalGovernmentDL.pdf | Positive feedback noted.  Agreed. The wording “... and reduce injury.” added to the pillar commentary for ‘Inspiring empowering and enabling healthy living’ on page 19.  Many specific activities related to community health and wellbeing, including injury prevention, fall outside the role and capacity of local government. The City does, however, ensure that when delivering services and projects to the community, injury prevention considerations are included. To reinforce this, the pillar commentary for ‘Inspiring empowering and enabling healthy living’ on page 19has been amended to include ‘… and reduce injury’.  The City is currently reviewing its Positive Ageing Program with the aim to develop a new Seniors Program (55+). This review seeks to analyse current resources and gaps, to develop a future proof suite of activities and supporting services inclusive of seniors’ needs and circumstances.  Liquor consumption and control of premises licenced for alcohol are regulated and overseen by the Department of Local Government, Sport and Cultural Industries (DLGSC). The City works with the DLGSC to ensure that the consumption and service of alcohol is consumed in accordance with the legislated requirements.  The City works with WA Police and DLGSC to manage compliance related behaviours at licensed premises. The suggested approach may be considered if this service delivery model were to change.  The City has existing alcohol policies that affect both City employees and the hiring and use of Council managed facilities.  Commentary noted.  This will be considered as part of the implementation of Action 5.1.1 of the City of Nedlands Council Plan 2023-33 requires the City to “Prepare a Sustainabiltiy Strategy to guide the City’s adoption of sustainable practices, improve community awareness and adoption of sustainable practices, and report on progress against key performance indicators via a Sustainability Dashboard Report”. The strategy is scheduled for development the 2024-25 and 2025-26 financial years.  Commentary noted. |
|  | Photo on page 9 shows (a) dog not on lead (b) Ranger in contact with dog without PPE (gloves) (c) standing water on paving, indicative of poor drainage and potential health issues. | This photo is considered appropriate for inclusion in the plan. |
|  | I would like to see fair and equitable distribution of service delivery across the LGA area included in this plan. In accordance with the LGA1995 requirement. Specific examples include pedestrian corridors and park maintenance levels of service.  There is also no metric or goal around management of noise, antisocial behaviour, contamination, asbestos and other carcinogenic dusts, heavy metals, pfas and related forever chemicals, odour, feral animals. | Existing services provided by the City are in accordance with legislative requirements, and scope of the City’s service plans and capital works program. Any changes to service delivery would need to be considered by Council.  There is existing legislation that regulates noise, antisocial behaviour, contamination, asbestos and other carcinogenic dusts, heavy metals, per- and polyfluoroalkyl substances and related forever chemicals, odour and feral animals. The City and other enforcement agencies undertake investigative and compliance activities where appropriate to address concerns with these matters. |
|  | I think Council is spreading itself far too thinly in trying to address all the issues in the Plan. Traditional areas such as infant and child health and support for seniors in the community as well as support for the City’s recreational facilities should be prioritised rather than trying to address a wide range of buzzwords such as sustainability and indigenous issues. Council has limited funds and these should be directed at areas which impact on local residents. | Although it is a legislative requirement to have the plan, many specific activities related to public health, fall outside the role and capacity of local government. However, actions within the plan integrate public health considerations either directly or indirectly as part of business-as-usual services such as through the Positive Ageing Program for seniors. |
|  | Section 3.1.   Would be good to see the inclusion of a solid plan to manage the environmental nuisance caused by the odour coming from the waste water treatment Center. It is sometimes difficult to aerate the home due to limitations caused by the odour which engulfs the air for extended periods of time. | The Wastewater Treatment Facility is not operated by the City. The City however, is in contact with, and aware that the facility is currently experiencing odour issues resulting from necessary works being undertaken by the Water Corporation. These works are expected to be completed in July 2024. The City understands that the Water Corporation are liaising with the community with regards to this odour issue. |
|  | Couldn’t see this detail in there but...although Tresillian and Library are there, compared to Kuringai Council NSW and other places lot more can be done!  More detail for online classes exercises like other Councils in WA would be great.  Bulk billing GP in Dalkeith and Mobile dental services would be great for aged living at home.  Better security CCTV around parks and Dalkeith, lot of areas not well lit.  Primary care centres out of Waratah Centre staffed by paramedic or nurse - in person or phone triage would be good.  Online transport bookings would be helpful for transport and other services. Monash Uni has Telehealth programme, may be worth screening. | The City is currently reviewing its Positive Ageing Program with the aim to develop a new Seniors Program (55+). This new program will encompass services provided at Tresillian Arts Centre and the libraries and seek to increase these in-line with the needs to the community.  There is no planning approval required for a mobile dentist or doctor to operate within the local area. The City does not directly provide these services but would support their operation withing the local area.  This will be considered as part of the implementation of Action 2.5.3 of the City of Nedlands Council Plan 2023-33 requires the City to “Audit City-owned lights along the foreshore and in parks, sports facilities and other public places to determine how to deliver safer and more sustainable lighting and incorporate recommendations into the Capital Works Program”. This audit is scheduled to take place in the 2025-26 financial year.  These activities fall outside the scope of the existing services provided by the City. However, the City will remain engaged with WA local governments and the community through the Council Plan process to further understand the service needs of the local community. |
|  | 'Yes. 3.1 Manage environmental hazards to protect community health.  3.1.1 Investigate a range of environmental parameters that manage risk to the public including animals, noise, pest control, air quality, litter/dumping and environmental nuisance.  I would like to see more emphasis placed on air quality and propose solutions such as sealing laneways.  1. Seal laneways Road dust may be associated with health implications (literature review attached) including deficits in neurobehavioural and cognitive development in childhood, increased cardiovascular related hospital admissions, low birth weight, asthma and cancer risk. Our children's backyard backs on to our unsealed laneway which has a high traffic load as well as a lot of dust due to some of our neighbours using leaf blowers in the laneway. Fiona Argyle mentioned that Hollywood Private Hospital is the city's biggest rate payer and largest private hospital in Australia, yet there are unsealed lanes less than a block away from the hospital's entrance. I have also attached a summary below of points from literature review on Road dust and its effect on human health. The Mount Alexander Council in Victoria, also discusses options of what can be done for road dust, and states that "sealing of unsealed roads provides the best solution to dust issues."  2.2 Provide and facilitate events, workshops and programs that bring community together.  2.2.2 Support the health and wellbeing of families and children.I would like to see more sustainable children's playground equipment and more shade offered in playgrounds such as Leura Street park.  1.1.1 Provide and maintain environments and opportunities to enable the community to lead active lifestyles.  2. Sustainable use of playground equipmentWith the proposed upgrade of the playground at Swanbourne beach we would like to see the council implement sustainable practices and consider recycling this equipment to other smaller parks around Nedlands Council, such as the Leura Street playground and to offer more trees to these parks surrounding the play equipment.  Summary of points from literature review on Road dust and its effect on human health - Potgieter-Vermaak et al. found that lead and chromium compounds in road dust were present in human body fluids, indicating that exposure to road dust carries certain risks. Lead is known to be responsible for deficits in neurobehavioral and cognitive development in childhood. Reports have also found lead exposure to result in dysfunction of the reproductive system, as well as microcytic anemia resulting in conditions such as hypertension and chronic renal failure- Kioumourt-zoglou et al. found an association between increased cardiovascular-related hospital admissions and PM2.5 in road dust. Mar et al. found a strong association between respiratory symptoms in children and PM2.5. Pun et al. determined that PM10 from vehicle emissions, nitrate-rich soils, and sea salt was associated with higher rates of hospitalization due to ischemic heart disease in Hong Kong. - Bell et al. found that elements of PM2.5 road dust particles such as aluminum and silicon were associated with low birth weight (LBW). - Li et al. measured the health risks of road dust and found that a higher risk was associated with the presence of lead, chromium, and copper in children living near industrial areas. They also found ingestion to be the main route of road dust exposure in humans. Liu et al. found that non-carcinogenic health risks were associated with the presence of higher concentration of barium, lead, and copper in road dust in high-traffic areas. Chromium is known to be carcinogenic. In human subjects, chromium has been found to cause allergic reactions and respiratory distress after short-term exposure. Long-term exposure to chromium has been proven to be associated with lung cancer.- Xu et al. found arsenic to have a higher concentration than other components in road dust near an industrial area, as well as in commercial areas. Additionally, the risk of cancer associated with arsenic exposure via road dust was high in the children.- Jiang et al. found higher levels of polycyclic aromatic hydrocarbons (PAHs) than of other compounds in road dust. Their estimated cancer risk of PAH in road dust was higher through the dermal and ingestion routes than through inhalation. They found that children were more susceptible to the hazard than adults due to their greater engagement in hand-to-mouth activities outdoors and lower body weight. Yu et al. found that PAH-contaminated road dust in urban areas was associated with an elevated risk of cancer. Soltani et al. reported high PAH concentrations in road dust near high-traffic roads. They concluded that both adults and children are vulnerable to the potential carcinogenic risk of road dust. In a meta-analysis, evidence was found of an association between PAHs and lung cancer. Ramesh et al. found PAHs to be related to colon cancer and breast cancer in humans, and to show high mutagenicity in laboratory animals.- 17 studies, including review articles, that reported that exposure to road dust had adverse health effects on the respiratory system. These effects included asthma, as well as forms of respiratory carcinoma such as mesothelioma. Four articles specifically mentioned mesothelioma as one of the effects of road dust on the respiratory system | There is existing legislation that regulates these matters and the City undertakes compliance activities where it has the authority. The City and other enforcement agencies undertake investigative and compliance activities where appropriate, to address concerns related to these matters. Existing services provided by the City are in accordance with legislative requirements, and scope of the City’s service plans and capital works program. Any changes to service delivery would need to be considered by Council.  The City is currently reviewing the sealing of laneways and the broad suite of options available. This includes a review of the policy, service levels and the financial implications related to this activity. Current service levels as approved by Council is that: “Council will maintain laneways to a minimum standard to provide a safe environment for pedestrians, a trafficable surface for motorists and will be drained to contain a 1 in 5 year storm event.”  The City is currently investigating the shade needs of the City’s playgrounds. Playground equipment when replaced is generally not suitable for reuse as it is at the end of its useful life.  The Swanbourne Beach playground equipment has been assessed and determined to be at the end of its lifespan and is not appropriate for reuse.  The City has a program of tree planting and continually seeks to find a balance between tree shade and the risk to equipment.  Commentary noted. The City recognises that there are a number of factors impacting human health within the metropolitan area. The City’s activities and upgrades undertaken as required and as budgetary priorities permit. Existing services provided by the City are in accordance with legislative requirements, and scope of the City’s service plans and capital works program. Any changes to service delivery would need to be considered by Council. |
|  | ADDITIONAL FUNDING TO COMPLETE THE ALL ABILITIES PLAY SPACE. | The Jo Wheatley All Abilities Play Space has been completed and is now in the maintenance and renewal phase. |
|  | * 1. SUGGESTION Images - add a description of where and what is in the image o e.g. Bin image on page 25 – describe the strategy depicted in the image to clarify why a bin is the focus point. | Agreed. Contextual commentary added to all key images throughout the plan. |
|  | * 1. SUGGESTION Links - it may be helpful in the live document to have links to the documents that are mentioned within the PHP to allow readers to follow and gain a deeper understanding if they wish to do so. | The City’s strategic document templates do not currently include this option however, the City can consider this for future updates. All documents referred to in the plan will be listed within the location on the website. |
|  | * 1. SUGGESTION Executive Message (Page 4) - replace the word ‘abuse’ with ‘misuse’ (this is important for destigmatising substance misuse rather than the punitive language of substance abuse). See relevant article, [Words Matter - Terms to Use and Avoid When Talking About Addiction | National Institute on Drug Abuse (NIDA) (nih.gov)](https://nida.nih.gov/nidamed-medical-health-professionals/health-professions-education/words-matter-terms-to-use-avoid-when-talking-about-addiction) and [Mindframe\_AOD\_Guidelines.pdf (imgix.net)](https://mindframemedia.imgix.net/assets/src/uploads/Mindframe_AOD_Guidelines.pdf). | Agreed, wording amended to replace ‘abuse’ with ‘misuse’. |
|  | * 1. SUGGESTION Page 4 - an acknowledgement of lived and living experience is also recommended, particularly when the plan speaks to alcohol and other drugs and Mental Health issues. | This is currently not a practice of the City but the City can note for consideration for in future strategic document templates. |
|  | * 1. SUGGESTION Page 7- this image appears a little confusing and quite busy, many community members may struggle to understand this image’s meaning. | The City is limited with this infographic as it shows the existing State Government legislative framework. Some additional text has been added to the commentary on page 7 to assist with contextualising the infographic. |
|  | * 1. GENERAL Pages 8 and 9 - again great background and integration information for the reader. | Positive commentary noted. |
|  | * 1. GENERAL Page 11 - great visual tool for the reader to understand the determinants of health. | Positive commentary noted. |
|  | * 1. GENERAL Page 13 - Publicly highlighting existing work acknowledges the great work the local government is doing which can increases job satisfaction for staff. Additionally, this also shows the community what great work is happening too, as they may not be aware. | Positive commentary noted. |
|  | * 1. GENERAL Page 15 - this diagram of the process that was undertaken is also very important as it provides transparency and builds trust within the community for the work the local government is doing. | Positive commentary noted. |
| 1. , | * 1. SUGGESTION Page 17 - Round the percentages to whole numbers. | Agreed, percentage figures on page 17 rounded to whole numbers. |
|  | * 1. SUGGESTION Page 17 - community health and wellbeing profile: o There is some context missing (eg. injury). Is this lifetime/annual, is it permanent/temporary? | Agreed, additional commentary added to injury statistic “In the last 12 months requiring treatment from a health professional.” on page 17. |
|  | * 1. SUGGESTION Page 19 - the Key may need further clarity, there is a little bit of ‘government speak’ in there and the average reader ay not understanding the meaning of some of the items, e.g. OP – Operating Project. | Agreed. The commentary prior to the Key on page 18 has been amended to provide clarity on the meaning of “Operation Project”. |
|  | * 1. SUGGESTION Page 20 - Objective 1.2 Replace “....community to incorporate healthy food and drink options into their diet” with “....community to consume a healthy diet consistent with national guidelines”. | Agreed. Objective 1.2 amened to: “Support opportunities available for the community to consume a healthy diet consistent with national guidelines”. |
|  | * 1. SUGGESTION Page 20 - Objective 1.2.3 Replace “....guidance on healthy food and drink options into event funding guidelines” with “....guidance to encourage healthy eating at activities delivered, funded [and/or supported] by the City”. | Noted however the City is satisfied that Action 1.2.3. “Provide guidance on healthy food and drink options into event funding guidelines.” as currently worded is satisfactory. |
|  | * 1. SUGGESTION Include one or more case studies e.g. Act Belong Commit; Walking program. | This is currently a practice but the City can note this for consideration for in future strategic templates. |
|  | REQUEST Include an acknowledgement of NMHS contribution to the public health planning process, for example, “We would like to acknowledge North Metropolitan Health Service for your contributions on the Public Health Plan Working Group.” | Agreed. Acknowledgement included on page 5 of the plan. |

**Consultation**

The draft Plan was advised for public consultation for six weeks between 15 April 2024 and 24 May 2024 on Your Voice Nedlands and at the City’s administration building.

**Strategic Implications**

This item is strategically aligned to the City of Nedlands Council Plan 2023-33 Vision and Outcomes as follows:

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

|  |  |
| --- | --- |
| **Pillar** | **People** |
| **Outcomes** | 2. A healthy, active and safe community.  3. A caring and supportive community for all ages and abilities. |

**Budget/Financial Implications**

A budget allocation was allocated across the 2022-23 and 2023-24 financial years for the development of the Plan.

Actions identified in the Plan are funded or planned in alignment with the City’s Council Plan 2023-33. Expenditure associated with the Plan has been planned for and will be subject to further consideration by Council during annual budget processes for the life of the plan.

**Legislative and Policy Implications**

Section 45, Part 5 of the *Public Health Act 2016*. Each local government is required to have a public health plan finalised by no later than 4 June 2026.

**Decision Implications**

If Council resolves to approve the recommendation, the Public Health Plan will form an issue-specific plan to accompany the Council Plan. It will be made publicly available on the City’s website. The City will provide an annual report to Council and WA Chief Health Officer, demonstrating the extent to which the City has successfully implemented the Public Health Plan in accordance with requirements under the *Public Health Act 2016*.

Should the recommendation not be adopted, the City will be required to have a Council approved Public Health Plan by no later than 4 June 2026 as required by the *Public Health Act 2016*.

**Conclusion**

Each Western Australian local government is required to have a public health plan and have its plan finalised and in place by 4 June 2026 as per the *Public Health Act 2016*.

The City’s draft public health plan was presented at the Council Meeting held on 26 March 2024 where it was resolved to advertise the draft plan for six weeks on Your Voice Nedlands Platform and at the City’s administration building.

It is recommended that the draft Plan be adopted as required by the *Public Health Act 2016* and an issue-specific plan of City’s Council Plan 2023-33.

**Further Information**

Nil

# Divisional Reports - Technical Services

## TS22.07.24 Removal of Hazardous Tree – 88 Victoria Avenue, Dalkeith

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 23rd July 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Jac Scott, Manager Urban Landscape and Conservation |
| **Director** | Matthew MacPherson, Director Technical Services |
| **Attachments** | Nil |

**Purpose**

A verge tree at 88 Victoria Avenue, Dalkeith recently dropped a significant branch on or around 29th May 2024. The tree is proposed for removal due to presenting a hazard because of the significant impact of the branch drop on the main leader, reducing the cross section by approximately 50%.

Approval of a tree of this size for removal is no longer an administrative decision following a Notice of Motion passed at the Ordinary Council Meeting held on 28th November 2023, and further confirmed in the Street Trees Council Policy update approved at the Ordinary Council Meeting on 23rd April 2024.

**Recommendation**

**That Council:**

1. approves the removal of a *Jacaranda mimisifolia* (Jacaranda) from the verge of 88 Victoria due to it presenting a hazard following storm damage.

**Voting Requirement**

Simple Majority.

**Background**

The current Street Tree policy, approved at the April 2024 Council Meeting, requires:

*“Any verge tree above 5 metres in height which is not dead, diseased or dying must be presented to Council for decision.”*

**Discussion**

The *Jacaranda mimisifolia*, Asset ID 568, located on the verge of 88 Victoria Ave dropped a large limb on or around 29th May 2024. This has impacted on the structural integrity of the tree such that it now presents a hazard. At this point the tree is not dead or dying.





Figure1: Damage to leader is evident Figure 2: Damage point demonstrating loss of

cross section and resultant structural integrity

The main leader (trunk) at the point of damage has been significantly damaged (Figure 1).

As a result of the significant loss of cross section, and the damage to the main leader (*Figure* 2), the prognosis for the tree is poor in the mid to long term. The tree now presents a hazard and increased risk of failure at the point of damage.

The Council Street Trees Policy does not allow officers to approve tree removals in these circumstances, as the tree is not dead or in decline.

**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** | **Planet** |
| **Outcome** | 4. Healthy and sustainable ecosystems. |

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

**Budget/Financial Implications**

This tree is of a suitable size to be removed by the internal arboriculture team. Stump grinding would be in the region of $500.

**Legislative and Policy Implications**

The Council Street Trees Policy requires Council authorisation for removal.

**Decision Implications**

Should Council not endorse the removal the City will retain liability.

**Conclusion**

That Council should support the removal of one *Jacaranda mimisifolia* due to it presenting an unacceptable hazard.

**Further Information**

Nil

## TS23.06.2024 Removal of Hazardous Tree – 2A Tyrell Street, Nedlands

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 23rd July 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Jac Scott, Manager Urban Landscape and Conservation |
| **Director** | Matthew MacPherson, Director Technical Services |
| **Attachments** | Nil |

**Purpose**

A verge tree at 2A Tyrell Street, Nedlands dropped a significant branch on or around 5th June 2024 and has since been confirmed to be breaching statutory clearances. The tree is proposed for removal due to presenting a hazard to large vehicles and subsequent potential for ongoing branch drop following physical damage.

Approval of a tree of this size for removal is no longer an administrative decision following a Notice of Motion passed at the Ordinary Council Meeting held on 28th November 2023, further confirmed in the Street Trees Council Policy update approved at the Ordinary Council Meeting on 23rd April 2024.

**Recommendation**

**That Council approves the removal and subsequent stump grinding of a *Eucalyptus nicholii* (Narrow-Leaved Black Peppermint) from the verge of 2A Tyrell Street due to it presenting a hazard and breaching statutory clearance zones.**

**Voting Requirement**

Simple Majority.

**Background**

The current Street Tree policy, approved at the April 2024 Council Meeting, requires:

*“Any verge tree above 5 metres in height which is not dead, diseased or dying must be presented to Council for decision.”*

**Discussion**

The *Eucalyptus nicolii*, Asset ID 9715, located on the verge of 2A Tyrell Street dropped a large limb on or around 5th June 2024. The tree impinges on the statutory clearance zones and has evidently been struck multiple times by vehicles. The branch failure point on this occasion was too high to have been likely to be as a direct result of these impacts, though may have been a result of related deleterious impacts. Despite having been struck several times, and the loss of the significant branch, the tree appears to remain in good health.

|  |  |  |
| --- | --- | --- |
| A street with trees and cars  Description automatically generatedFigure 3: Historic view of the roadway (Google Street View) with the lean, and resultant impingement of statutory clearance zones, evident. | A car on the road  Description automatically generatedFigure 4: Tree following branch loss, showing the continued impingement of the roadway | A tree with a sign on it  Description automatically generatedFigure 5: Evidence of ongoing damage to the leader resulting from multiple vehicular impacts |

The main leader (trunk), as well as the first order branch that subsequently fell, exhibit(ed) a pronounced “lean” into and over the roadway (*Figure 1*) that impinged on the statutory clearance zone. This requires a vertical clearance of 4.5m over carriageways used by cars and trucks and 2.4m over footpaths used by cyclists and pedestrians. This lean appears to be photo-tropic in nature, as the tree seeks light away from the adjacent tree canopy. The tree is not planted on the planting line, hence being limited in clear growing space, and is potentially privately planted or self-sown.

This main leader continues to contravene the required clearance of 4m above the roadway by approximately 2m at the kerbline, with impingement of statutory clearance areas reducing as the tree continues into the roadway *(Figure 2).*

It is expected that the tree will continue to receive vehicular damage (*Figure 3*). Given the continuing impingement on statutory clearances, it is incumbent on the City to remove the tree. Given the limited space on the verge to appropriately accommodate a replacement it is not recommended to plant a replacement, give the likelihood of continuing phototropic growth of any replacement tree into the statutory clearance zone.

The Council Street Trees Policy does not allow officers to approve tree removals in these circumstances, as the tree is not dead or in decline.

**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** | **Planet** |
| **Outcome** | 4. Healthy and sustainable ecosystems. |

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

**Budget/Financial Implications**

Tree Removal costs are generally in the region of $2000-$4000.

**Legislative and Policy Implications**

The Council Street Trees Policy requires Council authorisation for removal. The tree is impinging into statutory clearance zones that are required to be kept clear of vegetation.

**Decision Implications**

Should Council not endorse the removal the tree will remain and continue to impinge on statutory clearance requirements. The City will retain liability.

**Conclusion**

That Council should support the removal of one *Eucalyptus nicholii* due to it presenting a hazard and breaching statutory clearance zones.

**Further Information**

Nil

# Divisional Reports – Community Services & Development

## CSD04.07.24 Acquisition of Tim Macfarlane Reid Sculpture

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 23 July 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Employee disclosure required where there is an interest in any matter of which the employee is providing advice or a report. |
| **Report Author** | Amanda Cronin – Coordinator Community Development |
| **Director/CEO** | Keri Shannon – Chief Executive Officer |
| **Attachments** | Attach only documents that have been referred to in the report.   1. Image Sheet 2. Location options |

**Purpose**

For Council to consider the lease or purchase of the Tim Macfarlane Reid Sculpture, ‘Mantle’, for the Norn Bidi trail.

**Recommendation**

**That Council:**

1. approves an amount of $65,700 for consideration in the 2024/2025 draft budget process to facilitate the purchase of ‘Mantle’ by Tim Macfarlane Reid; and
2. approves installation of ‘Mantle’ at Swanbourne Beach Reserve pending budget allocation.

**Voting Requirement**

Simple Majority.

**Background**

Following a notice of motion from Mayor Fiona Argyle, Council resolved at its Ordinary Meeting on 27 February 2024 as follows:

“That Council requested the Acting CEO to investigate the lease, and purchase of the Tim Macfarlane Reid Sculpture for the Norn Bidi trail and report back to Council”.

This report has been prepared in response to the notice of motion.

**Discussion**

“Mantle” is an artwork by West Australian artist Tim Macfarlane Reid who works from his art practice in Fremantle. He has been a full time sculptor for the past 17 years, with five solo exhibitions and numerous group exhibitions. The artwork is an exploration of unforeseen forces beneath the earths surface. Slowly undulating physical forces move and shift, impacting the landscape we experience. See image at Attachment 1.

The artwork is available for purchase for $65,700 (ex GST) including interstate freight, local delivery and installation, footings and signage costs. Alternatively, the artwork is available on a 3-year lease for $46,824 (ex GST) including interstate freight, local delivery and installation, /deinstallation, footings and signage costs. The purchase option represents better value for money. As the artowork is aliminium, it is completely suitable for outdoor display and there is no upkeep other than to keep it clean, as with any outdoor sculpture.

The Sculptures by the Sea team have suggested Swanbourne Beach Reserve as a possible location for installing the artwork, rather than the Norn Bidi trail. A location at Swanbourne Beach Reserve would compliment the artwork and achieve more visibility. An overview of site options can be seen at Attachment 2.

**Consultation**

No consultation has taken place. This has not been considered by the City’s Arts committee.

**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** | **People** |
| **Outcome** | 1. Art, culture and heritage are valued and celebrated. |

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

**Budget/Financial Implications**

**Table 1: Lease – v – Purchase Cost Comparison**

|  |  |  |
| --- | --- | --- |
|  | **3 year Lease**  **(ex GST)** | **Purchase**  **(ex GST)** |
| Sale Price | - | $58,500 |
| Annual Artist Lease Fee | $15,000 | N/A |
| Annual Artist Agent Fee | $9,000 | N/A |
| Annual Marketing and Management Fee | $9,000 | N/A |
| Shipping (NSW – WA) | $5,400 | $5,400 |
| Local delivery & installation | $3,312 | Inc sale price |
| Footings/Engineering | $1,000 | $1,000 |
| Signage | $800 | $800 |
| Deinstallation & return local delivery | $3,312 | N/A |
| Return freight | N/A | N/A |
|  | **$46,824** | **$65,700** |

A cost comparison is available at Table 1, which details the total estimated costs around the acquisition of ‘Mantle’. The City’s public art reserve currently has a balance of $45,461 available for expenditure. This leaves a shortfall in funding which is detailed in Table 2. Further funding would need to be considered as part of the 2024/2025 budget deliberations for either option.

**Table 2: Budget Information**

|  |  |  |
| --- | --- | --- |
|  | **Lease** | **Purchase** |
| Available funds | $45,461 | $45,461 |
| Less proposed expenditure | $46,824 | $65,700 |
| Funding shortfall | **($1,363)** | **($20,239)** |

**Legislative and Policy Implications**

Public Art Policy

**Decision Implications**

If Council endorses the recommendation, Council can consider budget allocation for the acquisition of ‘Mantle’ through the 2024/2025 draft budget process.

If Council doesn’t endorse the recommendation or pursues an alternative option, the City may miss out on the acquisition of ‘Mantle’.

**Conclusion**

It is recommended Council consider purchasing ‘Mantle’ and allocating funding through the 2024/2025 draft budget process. The sculpture represents good value for money being unsold following the 2023 Sculptures by the Sea exhibition. Further artworks will become available following the 2024 Sculptures by the Sea exhibition. However, acquisition of these, is less likely to achieve such value for money.

**Further Information**

Nil

# Divisional Reports - Corporate Services

## CPS32.07.24 LGIS Annual Insurance Renewal 2024-25

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 23 July 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Employee disclosure required where there is an interest in any matter of which the employee is providing advice or a report. |
| **Report Author** | Michael Cole Director Corporate Services |
| **CEO** | Keri Shannon |
| **Attachments** | 1. Confidential Attachment - LGISWA Scheme Membership Renewals 2024-25 |

**Purpose**

The purpose of this report is for Council to note the renewal of insurances through LGISWA for the 2024/25 financial year.

**Recommendation**

**That Council notes the renewal of insurances as per the attachment - LGISWA Scheme Renewals 2024/25.**

**Voting Requirement**

Simple Majority.

**Background**

The City has sought renewal of insurance cover for the 2024-25 financial year through LGISWA.  Insurance cover limits any financial loss due to loss or damage to property and other assets.  Cover is also required for public liability, professional indemnity and workers' compensation.

**Discussion**

In the attached summary, the total cost of renewal of insurance for the City is $669,794.40.  This is an overall decrease of $13,632.71 on the total cost of insurance premiums for 2023/24.

While there has been a significant increase (6%) in LGIS Liability and (10%) in LGIS Management Liability, this increase cost has been offset by an overall reduction in LGIS Property cover.   LGIS Property cover increased by 2.5% but there has been a reduction due to an overall decrease in the insured value of assets.

LGIS have provided the following comments in relation to LGIS Liability, LGIS Property and LGIS Management Liability.

“LGIS Liability

Capacity has come under pressure with several reinsurance partners looking to reduce their exposures. LGIS’ long-term and strong relationships across the market have allowed us to negotiate positive terms and find new partners for the Liability portfolio.”

“LGIS Property

Despite moving through a relatively positive bushfire and cyclone season, claims costs were still up on average due to ongoing inflationary pressure and supply chain bottlenecks.”

“LGIS Management Liability

It’s taken a few years, but we are now seeing the impact of work, health and safety (WHS) legislative changes. Notifications to WorkSafe WA have increased and the corresponding potential for investigation. There are several significant matters that will fall within the new legislation and will develop in the years ahead, as investigations conclude and decisions to prosecute are made.”

A confidential summary comparing from 2023/24 to 2024/25 is as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Scheme Fund** | **2023/24 (Inc GST)** | **2024/25 (Inc GST)** | **Comments** |
| LGIS Liability | $235,821.17 | $249,970.60 | 6% increase applied across the sector |
| LGIS Commercial Crime and Cyber Liability \* increased to $2m | $22,957.78 | $26,328 | Rollover rate negotiated. |
| LGIS Management Liability | $35,798.55 | $39,592.30 | 10% increase |
| LGIS Property | $152,637.60 | $120,106.80 | Minor rate increase of 2.5%. Overall reduction due to decrease in assets |
| LGIS M/V Fleet | $52,554.70 | $53,289.50 | Rollover rate |
| LGIS Workcare | $181,209.60 | $181,209.60 | Rollover rate |
| LGIS Corporate Travel | $939.51 | $1,024.10 | Minor increase |
| LGIS Volunteer Workers | $1,508.20 | $1,643.40 | Minor Increase |
| **Total** | **$683,427.11** | **$673,164.30** |  |

**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**

The overall cost to renew insurance cover for 2024/25 financial year will be included in the draft 2024/25 Annual Budget.

By way of comparison, the total premiums for 2024/25 are $669,794.40 (Inc GST) whereas the total premiums for 2023/24 were $683,427.11 (Inc GST).

**Further Information**

Nil.

## CPS33.07.24 Monthly Financial Report – June 2024

This item will be dealt with at the Council Meeting.

## CPS34.07.24 - Monthly Investment Report - June 2024

This item will be dealt with at the Council Meeting.

## CPS35.07.24 - List of Accounts Paid - June 2024

This item will be dealt with at the Council Meeting.

# Reports by the Chief Executive Officer

## CEO22.07.24 Proposed Establishment of Policy and Legislation Committee

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 23 July 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Keri Shannon – Chief Executive Officer |
| **CEO** | Keri Shannon – Chief Executive Officer |
| **Attachments** | 1. Terms of Reference Policy and Legislation Committee |

**Purpose**

It is recommended that the City establish a Policy, Delegation and Legislation Committee to deal with the formulation of policy, delegations and legislation.

**Recommendation**

**That Council approves by an absolute majority -**

**1. Pursuant to section 5.8 and 5.9(2)(b) of the *Local Government Act 1995* to**

**ESTABLISH a ‘City of Nedlands Policy and Legislation Committee’ to support Council in fulfilling its responsibility under section 2.7(2)(b) of the *Local Government Act 1995*, and to assist the Council in considering the Register of Delegations and in carrying out its legislative functions to manage local laws.**

**2. To ADOPT the Terms of Reference for the Policy and Legislation Committee as contained in Attachment 1.**

**3. Appoints the Mayor and four (4) Councillors (insert names) (one Councillor from each ward) to the City of Nedlands Policy and Legislation Committee for the period ending immediately prior to the next Local Government elections in 2025.**

**4. Appoints the Deputy Mayor and four (4) Councillors (insert names) (one Councillor from each ward) as Deputy Members of the Committee**

**Voting Requirement**

Absolute Majority.

**Background**

Under s. 2.7 of the *Local Government Act 1995* the Role of Council is defined as:

2.7 (1) The council:

1. governs the local government’s affairs; and
2. is responsible for the performance of the local government’s functions.

(2) without limiting subsection (1), the council is to –

(a) oversee the allocation of the local government’s finances and resources; and

(b) determine the local government’s policies.

 A Policy and Legislation Committee will deal with the formulation of policy, review delegations and subsidiary legislation.

**Discussion**

The establishment of the Committee is consistent with the City’s focus on its strategic governance role. A Policy and Legislative Committee will provide valuable support and assistance to the Council in fulfilling its responsibility under section 2.7(2)(b) under the *Local Government Act 1995*.

In order to accommodate the proposed Committee, it is suggested the Agenda Briefing Forums be moved to the third Monday of the month commencing at 6:00pm and the Audit and Risk Committee be moved to the third Tuesday of the month. The Governance Framework will need to be amended to reflect these changes and should Council establish the Committee and agree to the proposed changes to the meeting cycle, the Framework will be brought to the August Ordinary Council Meeting for adoption.

**Consultation**

Not applicable.

**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**

There are no budget or financial implications in this report.

**Legislative and Policy Implications**

*Local Government Act 1995*.

City of Nedlands Governance Framework.

**Decision Implications**

The establishment of the proposed Committee will provide a forum for Council to deal with the formulation of policy and the review of statutory delegations and subsidiary legislation in an efficient manner. Should Council not adopt the Committee, the current system of tabling new or significantly amended policies to a Concept Forum will continue. It is noted that the Concept Forum is not the most effective forum to deal with policies and legislation as it does not allow for in-depth consideration and discussion by Council and may lead to delay in policy progression.

**Conclusion**

It is recommended that Council establish the Committee.

**Further Information**

Nil.

## 20.2 CEO23.07.24 Workforce Agreements

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 23 July 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. City of Nedlands Outside Workforce Agreement 2023 dated 14 February 2024; 2. City of Nedlands Inside Workers Industrial Agreement 2023 dated 8 March 2024. |

**Purpose**

To advise the Council regarding the registration of Enterprise Bargaining Agreements (EBAs) for the City of Nedlands Outside Workforce Agreement 2023 and City of Nedlands Inside Workers Industrial Agreement 2023.

**Recommendation**

**That Council receives the City of Nedlands Outside Workforce Agreement 2023 dated 14 February 2024 and City of Nedlands Inside Workers Industrial Agreement 2023 dated 8 March 2024.**

**Voting Requirement**

Simple Majority.

**Background**

The City initially commenced EBA discussions in 2022 however the WA state government decided as of 1 January 2023 all WA local governments were to be covered by the state industrial relations system. Local government employers previously operating under the national *Fair Work Act 2009* transferred to the state system on this date.

**Discussion**

The negotiation meetings for both the inside and outside workforce agreements took place between June 2023 and 20 October 2023. The proposed agreements were not brought before the council for approval despite the financial impact of the agreements.

The final agreements were agreed and signed on 21 December 2023 by the Director of Corporate Services. The Director of Corporate Services had a delegation up to a threshold of $100,000. The CEO had a delegation up to a threshold of $249,999. Under the City’s Procurement of Goods and Services Policy all requests for tender RFT and contracts over $250,000 must be brought to Council for approval. It is submitted that in accordance with these governance protocols the Workforce Agreements should have been brought to Council for endorsement.

The agreements were lodged with the Commission for approval. The agreements were not registered with the WA Industrial Relations Commission until 14 February 2024 and 8 March 2024 which means the financial impact was not budgeted in the 2023/24 budget.

The agreements provided for pay increases as follows:

|  |  |  |  |
| --- | --- | --- | --- |
|  | 2023/24 | 2024/25 | 2025/26 |
| Pay increase | 5% | 3.5% or CPI, whichever is higher | 3.5% or CPI, whichever is higher |
| Total Cash Salary increase | $621,795 | $457,019 | $473,015 |
| Total Salary (incl super) increase | $752,372 | $574,865 | $597,351 |

The total salary impact of the salary pay increases are shown in the table above.

In 2022/23 the superannuation guarantee (SG) contribution was 10.5%. On 1 July 2024 the superannuation guarantee contribution increased from 11% to 11.5%. The superannuation guarantee rate is legislated to rise incrementally each year until it reaches 12% on 1 July 2025.

The total financial impact of the two workforce agreements was $1,551,831. The total financial impact of the workforce agreements plus the increases in superannuation guarantee from 11% to 12% will be $1,924,590 based on the current workforce over three (3) years.

**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**

The total financial impact of the two workforce agreements over the term of 3 years is $1,551,831. The total financial impact of the EBAs plus the increases in superannuation guarantee to 12% will be $1,924,590 based on the current workforce.

**Legislative and Policy Implications**

*Local Government Act 1995*.

**Decision Implications**

 Nil

**Conclusion**

That the Council receives City of Nedlands Inside Workers Industrial Agreement 2023 and City of Nedlands Outside Workforce Agreement 2023 for noting.

**Further Information**

Nil.

## CEO24.07.24 Elected Members Information Bulletin

|  |  |
| --- | --- |
| Meeting & Date | Council Meeting – 23 July 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Keri Shannon – Chief Executive Officer |
| **CEO** | Keri Shannon – Chief Executive Officer |
| **Attachments** | Nil |

**Purpose**

An Elected Member Information Bulletin has been introduced to replace the weekly CEO Updates provided in order to ensure an efficient and effective means of communication of Information between the City’s Administration and Elected Members.

**Recommendation**

**That Council RECEIVES the Information Bulletin dated 25 June 2024.**

**Voting Requirement**

Simple Majority.

**Background**

For a number of years, the CEO has circulated a weekly CEO Update which contained a substantial amount of information collated across a number of service departments.

The CEO has suggested that in order to increase efficiency and effectiveness of staff time tree updates will be provided on a fortnightly basis and CIBNs will be provided as required, to elected members on the Councillor Portal by Friday 4pm with an elected member information bulletin included in the council agenda each month.

**Consultation**

Not applicable.

**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**

There are no budget or financial implications in this report.

**Legislative and Policy Implications**

Not applicable.

**Decision Implications**

N/A

**Conclusion**

The discussion points will be noted.

**Further Information**

Nil.

## CEO25.07.24 Outstanding Council Resolutions

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 23 July 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** | Libby Kania – Coordinator Governance and Risk |
| **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 July 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.

## CEO 26.07.24 Integrated Transport Strategy Committee Membership

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 23 July 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** | Libby Kania – Coordinator Governance and Risk |
| **Director/CEO** | Keri Shannon – Chief Executive Officer |
| **Attachments** | 1. Terms of Reference |

**Purpose**

The purpose of this report is for Council to consider disbanding the Integrated Transport Strategy (ITS) Steering Committee in accordance with the *Local Government Act 1995*.

**Recommendation**

**That Council approves by absolute majority, to disband the Integrated Transport Strategy (ITS) Steering Committee.**

**Voting Requirement**

Absolute Majority.

**Background**

On 28 November 2023, Council resolved the membership of the Committee.

The Committee’s project has now been completed and the Integrated Transport Strategy was adopted by Council at the Ordinary Council Meeting of 23rd April 2024.

**Discussion**

**Committee and discontinuance**

The project has reached completion with the adoption by Council of the Integrated Transport Strategy at the Ordinary Council Meeting of 23rd April 2024.

The scope of the ITS Steering Committee was the following:

1. Provide guidance to the Consultant on the Community Consultation Plan and process;

1. Approve the Community Consultation Plan;

1. Provide guidance to the Consultant on the Community Consultation results;.

1. Provide guidance and input to each iteration of the draft Integrated Transport Strategy; and
2. Consider the draft Integrated Transport Strategy and make a recommendation to Council on the adoption of the Integrated Transport Strategy.

It is therefore open to Council to disband the Committee if they choose by an absolute majority resolution. City officers recommend the Steering Committee be disbanded.

**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**

Section 5.8 of the [Local Government Act 1995](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_43454.pdf/$FILE/Local%20Government%20Act%201995%20-%20%5B07-t0-00%5D.pdf?OpenElement) allows Council to establish Committees to assist the Council to exercise the power and discharge the duties of the Local Government.

**Decision Implications**

Council may consider disbanding the Committee in accordance with the Act. If it chooses to continue with the Committee, Council will need to consider the appointment of Cr Pollard as the Deputy Member Hollywood Ward in accordance with the Committee’s Terms of Reference. The appointment of a Deputy Member would ensure that all wards are represented equally at Committee meetings in the event of a member being absent.

**Conclusion**

It is recommended that Council disband the Committee now that it has completed the task it was established to perform.

**Further Information**

Nil.

## CEO27.07.24 Foreshore Management Steering Committee Membership - Hollywood Ward

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 23 July 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** | Libby Kania – Coordinator Governance and Risk |
| **Director/CEO** | Keri Shannon – Chief Executive Officer |
| **Attachments** | 1. Terms of Reference |

**Purpose**

The purpose of this report is for Council to appoint the member and deputy member to the Foreshore Management Steering Committee in accordance with the Committee’s Terms of Reference.

**Recommendation**

**That Council**

1. appoints Councillor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as the Committee Member for the Hollywood Ward to the Foreshore Management Steering Committee; and
2. appoints Councillor \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as the Deputy Member for the Hollywood Ward to the Foreshore Management Steering Committee.

**Voting Requirement**

Absolute Majority.

**Background**

With the resignation of Councillor McManus from Council effective 1 June 2024, the position of Member of the Committee was left vacant. Cr McManus had been appointed as the Hollywood Ward Committee Member at the Special Council Meeting held in October 2023. Cr Hodsdon was appointed the Deputy Member to the Committee.

**Discussion**

Under the Committee’s Terms of Reference, the membership of the committee shall comprise the Mayor and one Councillor from each ward with the Councillors being determined by nomination and if necessary, a ballot conducted at a Council Meeting and up to one non-Councillor Member, being a representative from the Department of Biodiversity, Conservation and Attractions (DBCA) as voting members.

Council will also appoint one Councillor from each ward as deputy members of the committee. If a vacancy on the committee occurs for whatever reason, then Council shall appoint a replacement in accordance with the same arrangements as for the original appointment. Deputy members are only required to attend and vote if the primary member is absent, an apology or on leave or has resigned.

To ensure that the Committee is properly constituted, Council is required to appoint a member and a deputy member to the Foreshore Management Steering Committee in accordance with the Committee’s Terms of Reference.

**Consultation**

Nil.

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

**Budget/Financial Implications**

Not applicable.

**Legislative and Policy Implications**

Section 5.8 of the [Local Government Act 1995](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_43454.pdf/$FILE/Local%20Government%20Act%201995%20-%20%5B07-t0-00%5D.pdf?OpenElement) allows Council to establish Committees to assist the Council to exercise the power and discharge the duties of the Local Government.

Section 5.10 of the Local Government Act 1995 allows for the appointment of committee members.

Section 5.11A of the Local Government Act 1995 allows for the appointment of a deputy of a member of a committee.

**Decision Implications**

Council is required to appoint the members to the Committee in accordance with the Terms of Reference. The appointment of a Member and Deputy Member ensures that all wards are represented equally at Committee meetings even when a member is absent.

**Conclusion**

The Foreshore Management Plan project is a unique opportunity for the City of Nedlands to undertake community consultation to inform the City on how residents want to use the Foreshore over the coming decades, and to develop a long-term strategic plan to manage and improve the Foreshore.

The Foreshore Management Steering Committee will ensure Council has the opportunity to provide strategic guidance to the project and is involved in the development process. Appointment of a Hollywood Ward Member and deputy member will ensure all wards are equally represented on the Committee.

**Further Information**

Nil.

## CEO 28.07.24 Public Art Committee Membership - Hollywood Ward

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 23 July 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** | Libby Kania – Coordinator Governance and Risk |
| **Director/CEO** | Keri Shannon – Chief Executive Officer |
| **Attachments** | 1. Terms of Reference |

**Purpose**

The purpose of this report is for Council to appoint the deputy member to the Public Art Committee in accordance with the Committee’s Terms of Reference.

**Recommendation**

**That Council appoints Councillor Pollard as the Hollywood Ward Deputy Member to the Public Art Committee for the period ending immediately prior to the next Local Government elections in 2025.**

**Voting Requirement**

Absolute Majority.

**Background**

On 12 December 2023, Council resolved the membership of the Committee. Cr Hodsdon was appointed as the Hollywood Ward member in accordance with the Terms of Reference. Cr McManus was appointed as the Deputy Member.

*CEO40.12.23 – Establishment & Appointment of Members – Public Art Committee*

*That Council:*

*1. appoints the Mayor and Councillors Hodsdon, Brackenridge, Smyth and Youngman (four - one from each Ward) to the Public Art Committee for the period ending immediately prior to the next Local Government elections in 2025;*

*2. appoints the Deputy Mayor and Councillors McManus, Coghlan, Amiry and Bennett (four - one from each Ward) as Deputy Members to the Public Art Committee for the period ending immediately prior to the next Local Government elections in 2025.*

With the resignation of Councillor McManus from Council on 29 May 2024 (effective 1 June 2024), the position of Deputy Member of the Committee was left vacant.

**Discussion**

The Public Arts Committee was established in 2014 with the aim of the Committee beingto ensure that the City of Nedlands includes artworks of a high standard in the public domain. The scope of the Committee is outlined within the attached Terms of Reference.

With the resignation of Cr McManus as the Deputy Member, the position is vacant and it is open for Council to appoint Cr Pollard as the Hollywood Ward Deputy Member to the Committee in accordance with the terms of reference.

The Terms of Reference state –

1. The membership of the committee shall comprise the Mayor and one Councillor from each ward with the Councillors being determined by nomination and if necessary, a ballot conducted at a Council Meeting.
2. The membership of the Committee shall comprise of one Councillor from each ward as deputy members with voting rights with the Councillors being determined by nomination and if necessary, a ballot conducted at a Council Meeting.
3. Deputy members are only required to attend and vote if the primary member is absent, an apology or on leave or has resigned.
4. If a vacancy on the committee occurs for whatever reason, then Council shall appoint a replacement in accordance with the same arrangements as for the original appointment.

It is therefore open to Council to appoint Cr Pollard to the position of Deputy Member on the Committee.

**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**

Section 5.8 of the [Local Government Act 1995](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_43454.pdf/$FILE/Local%20Government%20Act%201995%20-%20%5B07-t0-00%5D.pdf?OpenElement) allows Council to establish Committees to assist the Council to exercise the power and discharge the duties of the Local Government.

Section 5.11A of the Local Government Act 1995 allows for the appointment of a deputy of a member of a committee.

**Decision Implications**

Council is required to appoint the members to the Public Arts Committee in accordance with the Terms of Reference. The appointment of a Deputy Member ensures that all wards are represented equally at Committee meetings in the event of a member being absent.

**Conclusion**

It is recommended that Council appoints Cr Pollard as the Deputy Member.

**Further Information**

Nil.

## CEO 29.07.24 Adoption of Council Member Request and Provision of Information Policy

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 23 July 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. Draft Council Member Request and Provision of Information Policy |

**Purpose**

For Council to consider and adopt the draft Council Member Request and Provision of Information Policy.

**Recommendation**

**That Council adopts the Council Member Request and Provision of Information Policy as contained in Attachment 1.**

**Voting Requirement**

Simple Majority.

**Background**

The draft Council Member Request and Provision of Information Policy has been developed and presented to Council to establish an agreed procedure for Council members to submit their requests or enquiries to the City’s Administration. The outlined procedure determines a central point for tracking, monitoring and responding to such requests, and provides a coordinated and efficient approach to their management. It is considered best practice for a local government to have a documented process to deal with Council Member requests. This ensures that requests are actioned appropriately and in a timely manner.

**Discussion**

The proposed Policy determines that the Chief Executive Officer is the pivotal point for Council Member Requests. Council Members can contact the City’s Administration via an established Outlook Mailbox, from which the request will be received, acknowledged and registered. The Council Member Requests Register will then provide for the management and coordination of such requests.

Council Members should note that under the *Local Government Amendment Act 2023*, a local government is to establish a communications agreement between the Council and the CEO to regulate access to information held by the local government under s. 5.92 of the Act and other requests for information, including the steps that a council member who wants to request information must take and the steps the CEO must take if the a council member requests information. It must also include the way in which dealings may be had and communications may be made between a council member and an employee. It is intended that the draft policy form the initial basis for this agreement which will be built upon when regulations come into effect, and/or the default communications agreement commences.

**Consultation**

The draft policy has been provided to Council in the Agenda for their consideration prior to the July Council meeting.

**Strategic Implications**

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

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

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

**Budget/Financial Implications**

There are no budgetary costs associated with the proposed policy.

**Legislative and Policy Implications**

*Local Government Act 1995*.

*City of Nedlands Code of Conduct for Council Members, Committee Members and Candidates*.

**Decision Implications**

The draft policy codifies the Administrative practise that has commenced at the City. Failure to adopt the draft policy or a similar policy will impact the administrative efficiency of dealing with Council Member requests. The draft policy also provides for the effective capture of records and workflow of Council Member requests.

**Conclusion**

The policy codifies the accepted administrative communication channels between Council and the Administration.

**Further Information**

Nil.

## CEO30.07.24 Audit Committee Membership

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 23 July 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Libby Kania – Coordinator Governance and Risk |
| **CEO** | Keri Shannon - Chief Executive Officer |
| **Attachments** | Nil |

**Purpose**

The purpose of this report is to provide the opportunity to Cr Pollard to be a member of

the Audit Committee.

**Recommendation**

**Council appoints Councillor Melanie Pollard Hollywood Ward to the Audit**

**Committee.**

**Voting Requirement**

Absolute Majority.

**Background**

At the Ordinary Meeting of Council on 23 April 2024, Council resolved to appoint all Elected Members of the City of Nedlands to a whole of Council Audit Committee, subject to any Elected Member indicating they do not wish to be appointed to the Audit Committee. At the Ordinary Council Meeting held on 28 May 2024, Council subsequently confirmed the appointment of eight of the then nine Council members to the Audit Committee. Cr L McManus confirmed that he did not wish to be a member of the Audit Committee.

**Discussion**

To assist with Governance arrangements such as agenda preparation, minutes and establishing a quorum, it is necessary to clarify membership of the Audit Committee by resolution of Council.

With the resignation of Cr McManus from Council effective 1 June 2024 and the election of Cr Pollard, it is necessary to affirm the Councillor’s membership of the Audit Committee.

**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**

There are no budget or financial implications in the report.

**Legislative and Policy Implications**

[Local Government Act 1995](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_47138.pdf/$FILE/Local%20Government%20Act%201995%20-%20%5B07-ak0-00%5D.pdf?OpenElement)

**Decision Implications**

Confirmation of membership of the Audit Committee is required for governance purposes. This will assist with agenda and minute preparation and determination of a quorum for meetings. Under the adopted terms of reference a quorum will be 50% of the offices of the Audit Committee as per Section 5.19 of the *Local Government Act 1995*.

**Conclusion**

It is recommended that Council endorse this recommendation.

**Further Information**

Nil.

## 20.10 CEO20.06.24 Establishment & Appointment of Members – CEO Performance Review Committee

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 23 July 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Libby Kania – Coordinator Governance and Risk |
| **CEO** | Keri Shannon - Chief Executive Officer |
| **Attachments** | 1. Proposed CEO Performance Review Committee Terms of Reference. 2. Chief Executive Officer Performance Review Policy |

**Recommendation**

**That Council:**

1. appoints the Mayor and all Councillors to the CEO Performance Review Committee for the period ending immediately prior to the next Local Government Ordinary elections in 2025;

1. requests the CEO to call for expressions of interest for an independent Consultant;
2. requests the CEO to call for expressions of interest and appoints an independent community member in accordance with Local Government (Administration) Regulations 1996 and the Local Government (Administration) Amendment) Regulations 2021. The independent community member is to have voting rights on the Committee;
3. adopts the Terms of Reference of the CEO Performance Review Committee as

contained in Attachment 1; and

1. amends the Chief Executive Officer Performance Review Policy as contained in

**Attachment 2.**

**Purpose**

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

**Voting Requirement**

Absolute Majority.

**Background**

Following the October 2023 Ordinary Local Government Elections, the CEO Performance Committee was not established. A CEO Recruitment committee was established to recruit and appoint a new CEO for the City.

With the commencement of the new CEO in May 2024, it is now required that the Council reconstitute the CEO Performance Review Committee in accordance with the *Local Government Act 1995*, policy and guidelines.

The item was considered by Council at the Ordinary Council Meeting held on 25 June 2024. At that meeting Council resolved to defer the item to the July Ordinary Council Meeting. The item is therefore being brought back to Council for consideration in accordance with the resolution.

**Discussion**

**5.38. Annual review of employees’ performance**

* 1. A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.
  2. The CEO must ensure that the performance of each other employee who is employed for more than 1 year is reviewed.
  3. A review under subsection (1) or (2) must be conducted at least once in relation to each year of the person’s employment.

The Chief Executive Officer’s Performance Review Committee meets from time to time on an as required basis.

Council needs to be aware that the *Local Government Amendment Act 2023* will see the deletion of s. 5.38 above and the following included –

**5.38. Annual review of CEO’s performance**

(1) A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.

(2) A review under subsection (1) must be conducted at least once in relation to each year of the CEO’s employment.

(3) If a local government reviews the performance of the CEO under subsection (1), the local government must —

(a) prepare a report of the review; and

(b) provide a copy of the report to the CEO; and

(c) give the CEO a reasonable opportunity to respond to the report.

(4) The report under subsection (3)(a) must include, for publication under section 5.39AA(1)(b), a statement that —

(a) sets out each performance criterion against which the CEO’s performance was reviewed; and

(b) for each performance criterion, summarises the outcome of the review; and

(c) includes any prescribed information.

(5) The CEO’s response under subsection (3)(c) may include, for publication under section 5.39AA(1)(c), a statement responding to the statement under subsection (4).

(6) A report or response under subsection (3)(a) or (c), including any statement under subsection (4) or (5), must comply with any prescribed requirements relating to its form or content.

As a consequence, it is deemed prudent to update the Terms of Reference to ensure alignment with the new provisions. The proposed Terms of Reference have been amended to provide greater clarity around the process. Council may make any amendment to the Terms of Reference and policy if it requires, but should do so in consultation and agreement with the CEO.

The Chief Executive Officer Performance Review Policy has also been updated to take into account the City’s Council Plan 2023 – 2033 (Attachment 2). Minor amendments have been made to the Policy to align it with the new Plan.

**Consultation**

N/A.

**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](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_43454.pdf/$FILE/Local%20Government%20Act%201995%20-%20%5B07-t0-00%5D.pdf?OpenElement)

**Decision Implications**

If the Council establishes this Committee and endorses the Terms of Reference, then Council will be able to fulfil its responsibilities and review the performance of the CEO annually.

If Council does not establish this Committee, it will be unable to review the performance of the CEO annually and will be in breach of the *Local Government Act 1995*.

**Conclusion**

It is recommended that Council establish the CEO Performance Review Committee, appoint members and deputy members and adopt the Terms of Reference to enable to review of the CEO’s performance and ensure compliance with the *Local Government Act 1995*.

**Further Information**

Nil.

## 20.11 CEO31.07.24 Exercise of Delegation

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.

Report to be provided prior to the Ordinary Council Meeting

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

This item will be dealt with at the Council Meeting.

## 20.1 NOM30.07.24 – Cr Hodsdon - Council Meetings to Adjourn at 11.00pm

|  |  |
| --- | --- |
| **Date of submission** | 3 July 2024 |
| **Meeting date** | 23 July 2024 |
| **Item title** | Council Meetings to Adjourn at 11.00pm |
| **Name of elected member** | Cr. Hodsdon |

|  |
| --- |
| **Notice of motion** |
| That Council Meetings must be adjourned via a vote at 11.00pm. |

Reason / Justification

1. Completely unfair on staff and councillors  
2. Councillors who work for a living will have capacity impeded via unreasonable hours.  
3. Bad decisions are more likely when we are tired. It is like being drunk at the wheel.

**Administration Comment**

To be provided with the Council Agenda.

# Urgent Business Approved By the Presiding Member or By Decision

This item will be dealt with at the Council Meeting.

# Confidential Items

## CONFIDENTIAL CSD05.07.24 Point Resolution Childcare Centre (PRCC)

A CONFIDENTIAL report has been circulated to Council Members separately.

# Declaration of Closure

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