

AGENDA

Special Council Meeting

Thursday 29 August 2024

Notice of Meeting

Mayor & Councillors

A Special Council Meeting Agenda Forum of the City of Nedlands is to be held on Thursday 29 August 2024 in the Council chambers at 71 Stirling Highway Nedlands commencing at 6pm.

This meeting will be livestreamed [Livestreaming Council & Committee Meetings » City of Nedlands](#)



Keri Shannon | Chief Executive Officer
29 August 2024



Information

Special Council Meetings are run in accordance with the City of Nedlands Standing Orders Local Law. If you have any questions in relation to items on the agenda, procedural matters, public question time, addressing Council or attending meetings please contact the Executive Officer on 9273 3500 or council@nedlands.wa.gov.au

Public Question Time

Public question time at a Special Council Meeting is available for members of the public to ask a question about items on the agenda. Questions asked by members of the public are not to be accompanied by any statement reflecting adversely upon any Council Member or Employee.

Questions should be submitted as early as possible via the online form available on the City's website: [Public question time | City of Nedlands](#)

Questions may be taken on notice to allow adequate time to prepare a response and all answers will be published in the minutes of the meeting.

Addresses by Members of the Public

Members of the public wishing to address Council in relation to an item on the agenda must complete the online registration form available on the City's website: [Public Address Registration Form | City of Nedlands](#)

The Presiding Member will determine the order of speakers to address the Council and the number of speakers is to be limited to 2 in support and 2 against any particular item on a Special Council Meeting Agenda. The Public address session will be restricted to 15 minutes unless the Council, by resolution decides otherwise.

Disclaimer

Members of the public who attend Council Meetings Agenda Forum 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.

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.



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1. Declaration of Opening

The Presiding Member will declare the meeting open at 6.00pm and will draw attention to the disclaimer on page 2 and will advise that the meeting is being livestreamed and recorded.

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

Leave of Absence (Previously Approved)

Apologies

Councillor B G Hodsdon

Hollywood Ward

3. Public Question Time

Public questions submitted to be read at this point.

4. Address by Members of the Public

Addresses by members of the public who have completed Public Address Registration Forms to be made at this point.

5. 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.



6. Disclosures of Interest 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.

7. Declaration by Members That They Have Not Given Due Consideration to Papers

Members who have not read the business papers to make declarations at this point.



8. Reviewing the adoption of the Budget and amending the rate in the dollar

Meeting & Date	Special Council Meeting – 29 August 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 <i>Local Government Act 1995</i>	Nil.
Report Author	Keri Shannon – Chief Executive Officer
Director/CEO	Keri Shannon – Chief Executive Officer
Attachments	1. Request for Special council Meeting – Cr Amiry 2. Revocation/Change of council decision dated 19 August 2024

Purpose

To review the adoption of the Budget and amend the rate in the dollar.

Recommendation

That Council:

1. Pursuant to s5.25(1)(e) of the *Local Government Act* and Regulation 10 of the *Local Government (Administration) Regulations 1996* the council decision of 19 August 2024 is changed as follows:

“That Council:

1. adopts the statutory Annual Budget for 2024/25, pursuant to the provisions of section 6.2 of the *Local Government Act 1995*, and Part 3 of the *Local Government (Financial Management) Regulations 1996*, for the City of Nedlands, as contained in Attachment 1, inclusive of the following:

- a. Statement of Comprehensive Income (by Nature & Type)
- b. Statement of Cash Flows
- c. Statement of Financial Activity (by Nature & Type)
- d. Capital Expenditure Program
- e. Transfers to and from Reserves
- f. Notes to and forming part of the 2024/25 Statutory Annual Budget

2. adopts the following Rates in the Dollar:

- a. Residential (GRV) 6.15452 ~~6.0550~~ cents in the dollar
- b. Non-Residential (GRV) 7.59401 ~~7.4712~~ cents in the dollar



c. Residential Vacant Land (GRV) 8.14306 ~~8.0114~~ cents in the dollar

3. adopts, pursuant to Section 6.35 of the Local Government Act 1995 minimum rates payments to be imposed as follows:

a. Residential (GRV)	<u>\$1,602</u>	\$1,576
b. Non-Residential (GRV)	<u>\$2,112</u>	\$2,078
c. Residential Vacant Land (GRV)	<u>\$1,947</u>	\$1,916

4. approves the options of one or four instalments for the payment of rates, with interest and administration fees applicable as follows:

- a. An amount of 5.5% per annum interest to be charged if a four-instalment option is selected;
- b. An administration charge of \$48 (3 instalments at \$16 each, 1st instalment no charge) is to be applied to four instalment options if selected; and
- c. Nominates the following due dates for rate payment in full and by instalments, pursuant to Section 6.45 of the Local Government Act 1995 and Regulation 64(2) of the Local Government (Financial Management) Regulations 1996:

- i. Full payment and first instalment - 04 October 2024
- ii. Second quarterly instalment - 06 December 2024
- iii. Third quarterly instalment - 14 February 2025
- iv. Fourth quarterly instalment - 18 April 2025

5. approves late payment interest rate of 11% for rates and costs of proceedings to recover charges that remain unpaid after becoming due and payable;

6. adopts, pursuant to the provisions of Section 6.16 of the Local Government Act 1995, Section 67 of the Waste Avoidance and Resources Recovery Act 2007, and Regulation 53(2) of the Building Regulations 2012, the 2024/25 Fees and Charges, as per Attachment 2;

7. adopts the following annual fees for payment of Elected Members in lieu of individual meeting attendance fees, pursuant to Section 5.98 of the Local Government Act 1995 and Regulation 30 of the Local Government (Administration) Regulations 1996:

a. Mayor	\$33,706
b. Councillors	\$25,137

8. adopts the annual local government allowance of \$68,552 to be paid to the Mayor in addition to the annual meeting allowance, pursuant to Section 5.98(5) of the Local Government Act 1995;

9. adopts the annual local government allowance of \$17,138 to be paid to the Deputy Mayor in addition to the annual meeting allowance, pursuant to Section 5.98A(1) of the Local Government Act 1995;



10. adopts the Information and Communication Technology (ICT) allowance of \$3,500 for Elected Members, pursuant to Section 5.99A(a) of the Local Government Act 1995 and Regulations 31(1)(a) and 32(1) of the Local Government (Administration) Regulations 1996;
11. adopts the annual travel and accommodation allowance of \$100 for Elected Members, pursuant to Section 5.99A(a) of the Local Government Act 1995 and Regulation 32(1) of the Local Government (Administration) Regulations 1996;
12. approves the proposed transfers to and from Reserves as detailed in the 2024/25 Annual Budget;
13. receives the Forward Capital Works Program 2024/25;
14. adopts pursuant to Regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and Australian Accountings Standard AASB 1031 Materiality, the following thresholds for the reporting of material financial variances in the monthly statement of financial activity reports:
 - a. Operating items – Greater than 10% and a value greater than \$20,000
 - b. Capital items – Greater than 10% and a value greater than \$50,000.
15. That Council instructs the CEO to allocate \$20,000 of proposed tree planting budget to the eradication of Caster Oil Bush and mass planting of significant eucalyptus trees in R4863, this being the sump located at Lot 38 Blenheim Lane Mt Claremont (3,567m²) R48631 has been the subject of previous budget submissions, land access licences and easement arrangements, and a Petition to Council.
16. That Council Includes \$600,000 towards Kennedia Lane and an amount of \$450,000 for the engagement of contractors to maintain the bushland in the City of Nedlands.
17. Notes this budget includes
 1. 3.25% of total rates to be deposited in a reserve account to fund the underground power project
 2. 3% of total rates to be deposited in a reserve account to fund stormwater drainage renewal program
 3. 1% of total rates to be deposited in a reserve account to fund building renewal program.”

Voting Requirement

Absolute Majority



Background

On 29 August 2024 at 10:39am the CEO was provided with a motion from Cr Amiry that was titled Urgent Special Council meeting – Thursday 29 August 29.

The CEO advised that in accordance with s5.4 of the *Local Government Act* that Cr Amiry was not able to call a special council meeting and the requirements for councillors who wish to call a special council meeting required the support of three (3) councillors.

At 11:17am Cr Youngman and at 3.21pm Cr Bennett provided support for a special council meeting to be called. The CEO advised that as the motion proposed changing a council decision, a motion to revoke was also required which required wet signatures. The document stated:

Request for the Special Council Meeting

Time & Date: 6pm Thursday 29 August 2024

Place: City of Nedlands Council chambers

Business of the meeting: The Council review the adoption of the Budget and amend the rate in the dollar to incorporate the following additions:

1. \$600,000 for the drainage repair and resurfacing of Kennedia Lane in Mount Claremont.
2. \$450,000 for the engagement of contractors to maintain the bushland in the City of Nedlands.

Justification

1. The omission of funds for the resurfacing and drainage repair of Kennedia Lane contravenes Council resolution NOM25.06.24, which was passed on 25 June 2024.
2. The decision to eliminate funding for contractors to maintain urban bushland, with the assumption that this work could be undertaken by volunteers, was made without prior testing, Council discussion, or consultation with the relevant volunteer groups.
3. The budget was not adequately presented to Council at Concept Forums, contrary to usual process.
4. Budget corresponding to 3.5%, 5.5% and 9.5% rate rise were not prepared for Council consideration as previously requested. This is significant as Council had advertised a 9.5% rate rise.
5. A meeting convened at short notice at 4pm Friday before the Monday Special Council Meeting and attended by only three Councillors did not provide sufficient detail or insight for a comprehensive assessment of the budget's implications.
6. Budget figures were provided during the Friday meeting and questions submitted were not answered in time for the Special Council Meeting held the following Monday.



- 7. Additional budget papers were presented just 15 minutes before the Special Council Meeting, and four Councillors informed the Presiding Member that they had insufficient time to review the proposed budget. Subsequently errors were identified in the summary tables at the Special Council Meeting.
- 8. During the Special Council Meeting, Administration was unable to confirm or explain some \$3.5 million shortfall between rate revenue and anticipated costs, which would have alerted Council to the impact on the City's reserve funds, a point critical to informing the Council's vote.
- 9. The amendments passed were not accurately reflected in the substantive motion, as expected by several Councillors and the CEO and evidenced by her email of 3.14pm 20 August 2024.
- 10. The omission of approved amendments in the substantive motion has significant implications in depleting the City's small reserves, an issue that was not recognized or debated during the Special Council Meeting.
- 11. The Presiding Member did not invite Council to debate the substantive motion before calling for a vote.

Discussion

The additional amount of \$450,000 in the budget means a 5.3% rate increase.

Scenario 5: 5.3% increase
Revenue: \$28,309,667 - Gain: + \$1,425,931

Differential Rate	Minimum Rate Proposed	Rate in the Dollar (\$) Proposed
Residential	\$ 1,602	6.15452
Non-Residential	\$ 2,112	7.59401
Residential Vacant	\$ 1,947	8.14306
Retirement Village	-	6.15452

Consultation

Nil



Budget/Financial Implications

The proposed budget amendment is an additional \$450,000 which represents a rate increase of 5.3%.

Legislative and Policy Implications

Nil

Decision Implications

The rates notices have already been printed and are due to be issued on 30 August 2024. The implication of this decision is that the rates will have to be recalculated and the rates notices will have to be re-printed which is likely to take a number of weeks. This will result in a delay in the City receiving the rate revenue and the commencement of projects may be delayed.

Conclusion

The City can reissue amended rates notices based on an amended budget if the council decides to amend the rates in accordance with Cr Amiry's motion.

Further Information

Nil.

9. Declaration of Closure

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

Request for Special Council Meeting

Time & Date : 6pm, Thursday 29 August 2024

Place : City of Nedlands Council Chambers at 71 Sterling Highway Nedlands WA 6009

Business of the meeting : The Council to review the adoption of the Budget and amend the rate in the dollar to incorporate the following additions:

1. \$600,000 for the drainage repair and resurfacing of Kennedia Lane in Mount Claremont.
2. \$450,000 for the engagement of contractors to maintain the bushland in the City of Nedlands.

Justification:

- a. The omission of funds for the resurfacing and drainage repair of Kennedia Lane contravenes Council resolution NOM25.06.24, which was passed on 25 June 2024.
- b. The decision to eliminate funding for contractors to maintain urban bushland, with the assumption that this work could be undertaken by volunteers, was made without prior testing, Council discussion, or consultation with the relevant volunteer groups.
- c. The budget was not adequately presented to Council at Concept Forums, contrary to usual process.
- d. Budget corresponding to 3.5%, 5.5% and 9.5% rate rise were not prepared for Council consideration as previously requested. This is significant as Council had advertised a 9.5% rate rise.
- e. A meeting convened at short notice at 4pm Friday before the Monday Special Council Meeting and attended by only three Councillors did not provide sufficient detail or insight for a comprehensive assessment of the budget's implications.
- f. Budget figures were provided during the Friday meeting and questions submitted were not answered in time for the Special Council Meeting held the following Monday.
- g. Additional budget papers were presented just 15 minutes before the Special Council Meeting, and four Councillors informed the Presiding Member that they had insufficient time to review the proposed budget. Subsequently errors were identified in the summary tables at the Special Council Meeting.
- h. During the Special Council Meeting, Administration was unable to confirm or explain some \$3.5 million shortfall between rate revenue and anticipated costs, which would have alerted Council to the impact on the City's reserve funds, a point critical to informing the Council's vote.
- i. The amendments passed were not accurately reflected in the substantive motion, as expected by several Councillors and the CEO and evidenced by her email of 3.14pm 20 August 2024.
- j. The omission of approved amendments in the substantive motion has significant implications in depleting the City's small reserves, an issue that was not recognized or debated during the Special Council Meeting.
- k. The Presiding Member did not invite Council to debate the substantive motion before calling for a vote.



Cr. Amiry.



Cr. Youngman



Cr. Bennett