

# AGENDA

## Council Meeting Agenda Forum

**8 August 2023**

### Notice of Meeting

#### To Mayor & Councillors

A Council Meeting Agenda Forum of the City of Nedlands is to be held on Tuesday 8 August 2023 in the Council chambers at 71 Stirling Highway Nedlands commencing at 6pm.

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



Bill Parker  
Chief Executive Officer  
3 August 2023

## Information

Council Meeting Agenda Forum are run in accordance with the City of Nedlands Governance Framework Policy. If you have any questions in relation to the agenda, procedural matters, addressing the Council or attending these meetings please contact the Executive 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](#)

## 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.

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## 1. Declaration of Opening

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

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

<b>Leave of Absence (Previously Approved)</b>	Councillor B G Hodsdon	Hollywood Ward
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<b>Apologies</b>	None as at distribution of this agenda.	
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## 3. Public Question Time

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

## 4. Deputations

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

## 5. Requests for Leave of Absence

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

## 6. Petitions

Petitions will be dealt with at the Ordinary Council Meeting.

## 7. Disclosures of Financial Interest

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.

## **8. 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.

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

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

## **10. Confirmation of Minutes**

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

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

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

## **12. Members Announcements without discussion**

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

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

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.

Nil.

### **14. En Bloc Items**

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

### **15. Minutes of Council Committees and Administrative Liaison Working Groups**

#### **15.1 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.

**16. Divisional Reports - Planning & Development Report No's PD37.08.23 to PD40.08.23**

**16.1 PD37.08.23 – Adoption for advertising – Local Planning Policy 7.1 - Public Open Space Contributions and Local Planning Strategy Amendments**

<b>Meeting &amp; Date</b>	Council – 22 August 2023
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest in this matter. There is no financial or personal relationship between City staff involved in the preparation of this report and the proponents or their consultants.
<b>Report Author</b>	Roy Winslow – Manager Urban Planning
<b>Director</b>	Tony Free – Director Planning and Development
<b>Attachments</b>	1. Draft Local Planning Policy 7.7: Public Open Space Contributions 2. Draft Amendments to the Local Planning Strategy (Excerpts)

**Purpose**

This report is being presented to Council for adoption to commence advertising the draft Local Planning Policy 7.7: Public Open Space Contributions (the Policy) and amendments to the City of Nedlands Local Planning Strategy (LPS). The Western Australian Planning Commission (WAPC) has advised that for the public open space contributions to be approved the relevant information is to be incorporated into the LPS, which what is reflected in this report. The proposal is not nor is it recommended that the LPS in its entirety be updated.

**Recommendation**

**That Council:**

- 1. amends the City of Nedlands Local Planning Strategy as shown in Attachment 2;**
- 2. refers the Local Planning Strategy amendments to the Western Australian Planning Commission in accordance with regulation 12 of the Planning and Development (Local Planning Schemes) Regulations 2015;**
- 3. upon receipt of the Commission's confirmation to advertise, advertises the amendments to the Local Planning Strategy in accordance with regulation 13 of the Planning and Development (Local Planning Schemes) Regulations 2015 for a period of not less than 21 days;**

4. **adopts the draft Local Planning Policy 7.7: Public Open Space Contributions (Attachment 2) for the purposes of advertising in accordance with Clause 4 of the Deemed Provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015; and**
5. **advertises the Local Planning Policy 7.7: Public Open Space Contributions concurrently with the Local Planning Strategy amendments for 21 days in accordance with the City of Nedlands Local Planning Policy – Consultation of Planning Proposals.**

## **Voting Requirement**

Simple Majority.

## **Background**

At the 27 October 2020 Ordinary Council Meeting, Council resolved to commence the preparation of an Infrastructure Contributions Framework, and allocated funds to allow for this work.

At the 22 March 2022 OCM, Council considered a Community Benefits and Infrastructure Contributions research project (Item 16.5). It was resolved in part that Council:

2. selects the Cash-in-lieu of land for Public Open Space developer contribution model, with effect as follows:
  - a. For all affected developments (i.e. 6 lots/units or more) with a building permit issued on or before 30 June 2022, no contribution for public open space will be requested at the time of subdivision;
  - b. For all affected developments (i.e. 6 lots/units or more) that have a building permit issued between 1 July 2022 and 30 September 2022, 50% of the normal public open space contribution, as calculated in accordance with the Planning and Development Act 2005 will be requested at the time of subdivision; and
  - c. For all affected developments (i.e. 6 lots/units or more) that have a building permit issued on or after 1 October 2022, 100% of the normal public open space contribution, as calculated in accordance with the Planning and Development Act 2005 will be required at the time of subdivision; and
3. supports the development of a Public Open Space Strategy and associated Local Planning Policy.

The public open space (POS) strategy work has been carried out and is discussed below.

The Western Australian Planning Commission's (WAPC) Development Control Policy 2.3 – Public Open Space in Residential Areas (DC2.3) sets out the following contribution criteria:

- 10% of the gross subdivisible value for creation of 6 lots or more is to be ceded to the local government for public open space.
- Where the land is too small to be practical for use as POS, or not in a suitable location for the local government, a cash-in-lieu contribution of 10% may be accepted.

On 9 June 2023, the WAPC released a draft revision of DC2.3 that proposed the following changes:

- For infill areas, a maximum 5% cash-in-lieu contribution may be collected.
- The draft DC2.3 implies, but does not specifically state, that contributions may be collected on creation of 3 lots or more.

The 5% contribution maximum may be increased, and extended to development creating 3 lots or more, with the approval of the WAPC through the amendment of the LPS.

## Discussion

Any expenditure of POS cash-in-lieu funds must be directly related to the use or development of land for POS purposes.

Research on the amount, type and distribution of existing POS and its capacity to accommodate envisaged population growth has been carried out. This background research includes information on any POS shortfalls and the amount attributable to dwelling and population growth. The work has been compiled into a draft Policy (**Attachment 1**) and amendments to the LPS (**Attachment 2**).

The LPS amendment provides the rationale for the POS contribution criteria and broadly sets out where and on what the contributions are proposed to be spent. Importantly, any attempts to spend the contributions must be approved by the Minister for Planning beforehand as part of a separate process and must be consistent with the LPS. Creating LPS amendments that have a strong foundation in evidence-based reasoning will strengthen the City's position relating to future investment in POS.

The Policy provides a statutory basis for collection of funds and sets out criteria that the City uses to determine whether a land contribution or cash-in-lieu contribution is preferable.

As per the draft DC2.3, in order to request a contribution exceeding 5%, the Local Planning Strategy must be amended to include the specified percentage of POS that the local government intends to collect from each subdivision as well as the number of lots to which the contribution will apply. These amendments then must be endorsed by the WAPC before they can take effect.

## **Amendment to the LPS**

The amendment:

- includes a review of the City's expected future population growth and how it correlates with the existing public open space provision;
- maps out existing public open space assets and audits them based on their level of amenity;
- identifies general locations where future public open space will be required based on anticipated population density;
- estimates the cost of such upgrades and land acquisitions against the expected population growth to arrive at an amount of funds needed in the long-term; and
- uses the cost estimate along with the population estimate to come to a cash-in-lieu figure of 7% of the open space for new developments that create three or more lots. The cash will be used to purchase land for public open space and upgrade/develop public open space.

The monetary contributions are the direct result of the population increase due to densification and will be used to improve POS in the locality.

The LPS amendment broadly describes that a number of local, neighbourhood and district parks will need to be upgraded to accommodate the future population. It also identifies that a high percentage of residential lots are not within the recommended 400m catchment area of a local park, and many are not in the 400m catchment area of any park (see Figure 1 below). To that end, a key recommendation is that 11 new parks be created to alleviate this shortfall and fill identified gaps.

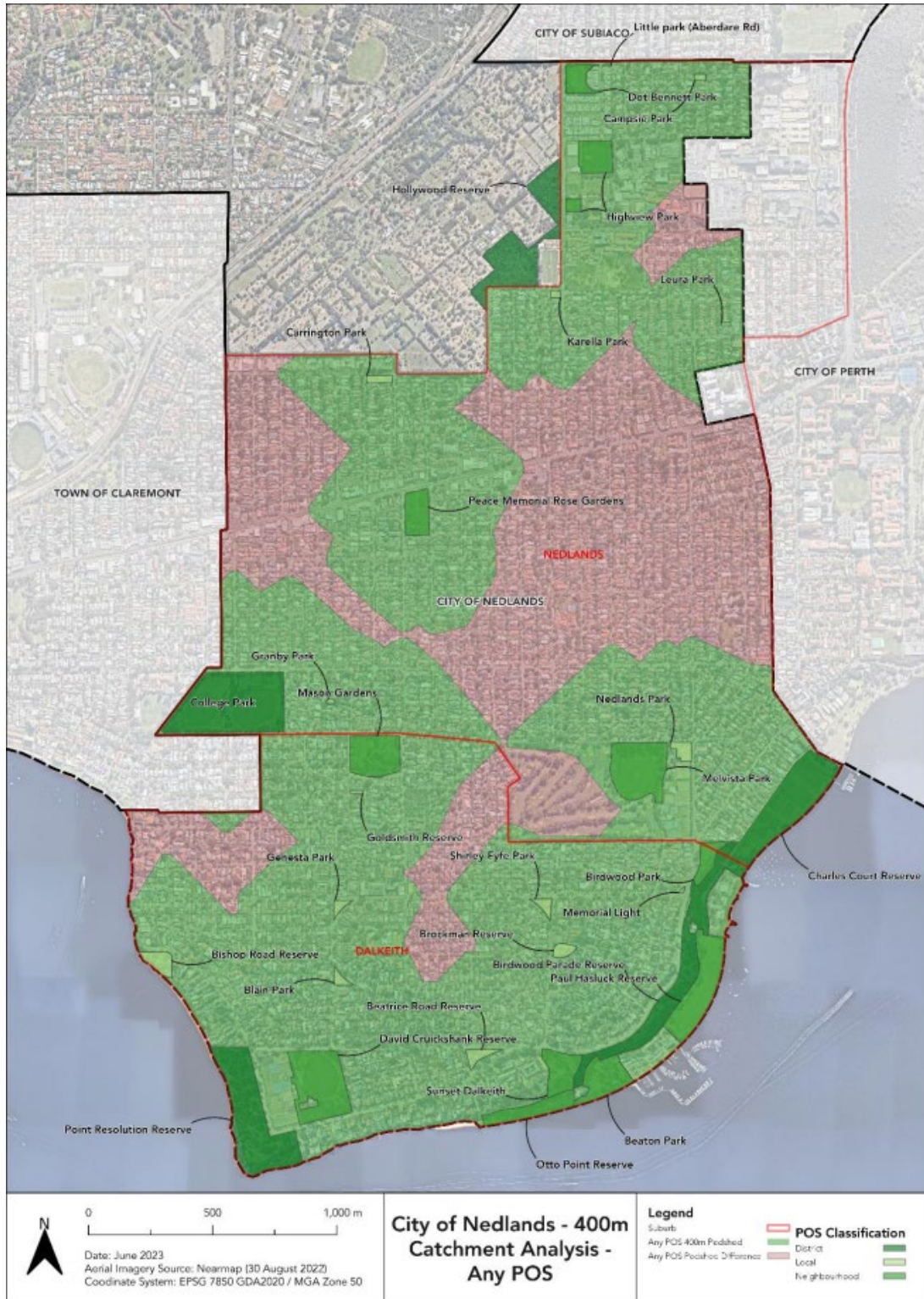


Figure 1: Areas in red are not within a walkable catchment of 400m of any public open space.

### The Policy

The Policy encodes the contribution structure into a formal framework and is based on the LPS amendments. The draft Policy proposes that a POS contribution of land equal to 10% of the lot value be provided for each development proposing the creation of 3 dwellings or

more. This contribution is reduced to 7% where cash-in-lieu of POS is provided. The reduction provides an incentive to developers to provide cash in lieu rather than land, as land contributions may result in a number of small pocket parks within each developer's lot that have little utility to the wider community.

The Policy also reflects the City's above resolution on a reduction in the amount of contribution required based on issue date of a building permit for creation of 6 lots or more. It is reasonable to carry this expectation forward to demonstrate that the City is consistent in decision-making. It is also a fair approach to developers that are already a long way into the building process and have costed their development based on past City resolutions and existing legislation.

For similar reasons, the Policy exempts or reduces development contributions for creation of 3 to 5 lots as follows:

- where a building permit has been issued or a subdivision application received from the WAPC by 31 March 2024, no POS contribution is requested;
- where a building permit has been issued or a subdivision application received from the WAPC between 1 April 2024 and 31 July 2024, a 50% reduction in the POS contribution (ie: 3.5%) is requested; and
- where a building permit has been issued or a subdivision application received from the WAPC on or after 1 August 2024, 100% of the POS contribution (ie: 7%) is requested.

It is noted that WAPC approval is required to implement POS contributions on 3 to 5 lots, so the above dates in the Policy may need to be amended depending on when or if WAPC approval is received.

### **Contribution criteria**

Given the public attention around this issue, some version of the draft DC2.3 that reduces the 10% cash-in-lieu contribution in infill areas such as Nedlands is likely to be approved by the Department of Planning, Lands and Heritage in the near to midterm. The LPS amendment includes a strong argument for why cash-in-lieu contributions should be 7% in the City of Nedlands. Should the WAPC approve the proposed amendments, the City would be able to require a cash-in-lieu contribution of 7% on creation of 3 lots or more rather than 5% on creation of 6 lots or more.

The City will retain the option to require a 10% public open space land contribution in locations where a public open space shortfall has been identified. Reducing the cash-in-lieu levy will incentivise development to provide cash for upgrading and procurement of new public open space rather than ceding land. Ceding of land has the potential to create small pocket parks that do not serve community needs and are not located in areas with an identified public open space shortfall.

The LPS amendment has been researched in-depth to provide a strong basis for the 7% rate and a reduction in the lot creation threshold to 3 lots or more. The expected contributions will allow the City to procure and upgrade open space commensurate with the increased

density. Because the ability to spend funds is limited to only those upgrades that can be linked to the increase in population (ie: it excludes standard maintenance and general replacement of assets), accruing substantial additional funds will be of little benefit to the City. Setting a cash-in-lieu threshold beyond this amount will have limited rationale should a decision be appealed.

## Consultation

Should Council adopt the Policy and LPS amendments for advertising, they will be advertised for not less than 21 days.

Following the Concept Forum of 18 July reference has been incorporated into the LPS to foreshore areas the need to ensure that these areas remain useable and accessible to the community, notwithstanding the threat of sea level rise. The LPS also acknowledges that regional parks serve a large catchment area and contain sporting, recreational and environmental opportunities beyond that of local parks, and thus it is reasonable to factor identified costs with such parks notwithstanding them being located in other suburbs within the City of Nedlands.

## Strategic Implications

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

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

**Values** **Great Natural and Built Environment**  
We protect our enhanced, engaging community spaces, heritage, the natural environment and our biodiversity through well-planned and managed development.

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

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

## Priority Area

- Urban form - protecting our quality living environment
- Renewal of community infrastructure such as roads, footpaths, community and sports facilities

## Budget/Financial Implications

The LPS amendment includes some assumptions on development takeup, density and land values to arrive at a figure of almost \$64 million in developer contributions to the City by the year 2050. This figure can be broken down as follows:

\$42.48 million	Purchase of 11 new parks (averaging 1,816 sqm per park)
\$4 million	Upgrading of new parks after purchase
\$9.7 million	Sports and Recreation Facilities on existing public open space
\$6.2 million	Upgrades to 31 existing parks
\$1.5 million	Converting drainage sumps to parks

As per the Planning and Development Act 2005 and DC2.3, such money can only be spent on certain items related to public open space and only with approval of the Minister for Planning. The figures above are based on what City Officers believe can reasonably be paid for with cash-in-lieu funds.

## Legislative and Policy Implications

The [Planning and Development Act 2005](#) provides the head of power for local governments to require a public open space or cash in lieu contribution for new development of not less than 3 lots. The Western Australian Planning Commission's [Development Control Policy 2.3: Public Open Space in Residential Areas](#) and the [draft DC2.3](#) allows the Commission to impose a public open space contribution on 3 lots or more where the local government has identified an existing or potential deficiency of public open space and has an adopted strategy to improve or provide open space by land acquisition in the locality of the subdivision.

Clause 3(1) of the Deemed Provisions of Schedule 2 of the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#) allows the City to prepare a local planning policy in respect to any matter related to the planning and development of the Scheme area.

## Decision Implications

Council may resolve to:

- a) Proceed with the Policy and amendments to the Local Planning Strategy without modification; or
- b) Proceed with the Policy and amendments to the Local Planning Strategy with modification; or
- c) Not to proceed with the Policy and amendments to the Local Planning Strategy.

If Council resolves to proceed with or without modification, the amendments to the Local Planning Strategy will be referred to the Commission for review. Following that, the Policy and amendments to the Local Planning Strategy will be advertised for 21 days before being referred back to Council for a final recommendation.

If Council resolves not to proceed, the Policy and amendments to the Local Planning Strategy will not be adopted and the City will have a legislative deficiency for enforcement of public open space contributions. The contribution rates and lot creation thresholds will default to those in DC 2.3. Without the necessary legislative framework such contributions will be more difficult to require and spend, as well as more open to appeal.

## **Conclusion**

The draft DC2.3 sets out a 5% cash-in-lieu public open space contribution for subdivisions creating 6 lots or more. The City's proposal seeks to amend this to be a 7% contribution for subdivisions creating 3 lots or more. Before the City can enforce this proposal, the WAPC will need to endorse the proposal through approval of the proposed amendments to the Local Planning Strategy.

It is recommended that Council adopt for advertising the Draft Local Planning Policy 7.7: Public Open Space Contributions and the amendments to the Local Planning Strategy.

## **Further Information**

Nil.

**LOCAL PLANNING POLICY 7.7: PUBLIC OPEN SPACE CONTRIBUTIONS**

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## 1 PURPOSE

1.1 The purpose of this Local Planning Policy is to guide:

- a) The Local Government's responses to the Western Australian Planning Commission (WAPC) in respect of subdivision applications resulting in the creation of three (3) or more residential lots (as defined by the Planning and Development Act (2005)); and
- b) The Local Government's determination of Built Strata (Form 15) applications resulting in the creation of three (3) or more residential built strata lots.

## 2 BACKGROUND

2.1 The WAPC's Development Control Policy 2.3: Public Open Space in Residential Areas (DC 2.3) embodies a long-established requirement for 10% of the gross subdivisible area of residential land to be given up and vested in the Crown as a reserve for recreation, generally where the subdivision results in the creation of more than five lots.

2.2 DC 2.3 recognises that it may be preferable to provide cash-in-lieu of land for Public Open Space (POS) in some circumstances, including where:

- i. The land area is such that a 10% contribution would be too small to be of practical use;
- ii. There may be sufficient POS already in the locality; or
- iii. POS is planned in another location.

2.3 Where ceding 10% of land for POS is not desirable, Sections 153 – 156 of the Planning and Development Act 2005 facilitate the payment of money to the Local Government in lieu of giving up land (free of charge) for POS.

2.4 The requirement to cede land for POS is imposed as a standard condition of approval on applications to subdivide land into residential lots. This condition may then be satisfied by the payment of cash-in-lieu of ceding the required land.

## 3 APPLICATION

3.1 This Local Planning Policy –

- a) Applies to the whole of the City of Nedlands.
- b) Establishes the Local Government's position on the ceding of land for POS and the payment of cash-in-lieu thereof, for subdivision and strata applications resulting in the creation of new residential lots.
- c) Applies to all subdivision applications resulting in the creation of three (3) or more residential lots, and all Built Strata (Form 15) applications resulting in the creation of three (3) or more residential built strata lots.
- d) Gives effect to the provisions of Sections 152 – 156 of the Planning and Development Act 2005 and the WAPC's DC 2.3, as informed by the WAPC's Position Statement: Expenditure of Cash-in-Lieu of Public Open Space (September 2021).



#### 4 RELATIONSHIP TO OTHER POLICIES AND LEGISLATION

**4.1** This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

- a) Sections 152 – 156 of the Planning and Development Act 2005
- b) WAPC Policy DC 2.3 – Public Open Space in Residential Areas
- c) WAPC Position Statement: Expenditure of Cash-in-Lieu of Public Open Space (September 2021)
- d) City of Nedlands Local Planning Scheme No. 3

#### 5 OBJECTIVES

- 5.1** To ensure infill residential development makes a fair and proportionate contribution towards the cost to deliver and upgrade public open space, commensurate with the demand from population growth generated by such developments.
- 5.2** To clearly articulate the Local Government's position on the ceding of land for POS and the payment of cash-in-lieu thereof, for the benefit of landowners, applicants, and the community alike.
- 5.3** To ensure the amount of cash paid by an applicant in lieu of ceding land for POS does not compromise the quality of new residential development or the Local Government's capacity to meet its infill dwelling targets.

#### 6 POLICY MEASURES

- 6.1** When responding to a subdivision application resulting in the creation of three (3) or more residential lots, the Local Government will recommend that the WAPC imposes on any approval granted for that subdivision:
  - a) A condition requiring 10% of the gross subdivisible area of the residential land to be given up free of cost and vested in the Crown as a reserve for recreation; and
  - b) An advice note, in accordance with Section 153(4) of the *Planning and Development Act (2005)*, stating that the abovementioned condition may be satisfied by the payment of cash to the Local Government equivalent to 7% of the value of the gross subdivisible area of the residential land.
- 6.2** When determining a Built Strata (Form 15) application resulting in the creation of three (3) or more residential built strata lots, the Local Government will on any approval granted for that application:
  - a) A condition requiring 10% of the gross subdivisible area of the residential land to be given up free of cost and vested in the Crown as a reserve for recreation; and
  - b) An advice note stating that the abovementioned condition may be satisfied by the payment of cash to the Local Government equivalent to 7% of the value of the gross subdivisible area of the residential land.
- 6.3** In regard to applications where development has been approved and substantially commenced, the valuation and payment shall be based on the unimproved value of the



land.

- 6.4** Receipt and expenditure of POS cash-in-lieu funds paid to the Local Government shall be in accordance with Section 154 of the *Planning and Development Act (2005)*.

## **7 EXEMPTIONS AND REDUCTIONS**

- 7.1** In accordance with Council's resolution of 22 March 2022, the following exemptions and reductions apply:
- a) For all affected developments with a building permit issued on or before 30 June 2022, no contribution for public open space will be requested at the time of subdivision.
  - b) For all affected developments that have a building permit issued between 1 July 2022 and 30 September 2022, 50% of the normal public open space contribution, as calculated in accordance with the Planning and Development Act 2005 will be requested at the time of subdivision.
- 7.2** For all affected developments that have a building permit issued on or after 1 October 2022, 100% of the normal public open space contribution, as calculated in accordance with the Planning and Development Act 2005 and set out in this Policy, will be required at the time of subdivision.

Council Resolution Number	
Adoption Date	
Date Reviewed/Modified	

Delete the first dot point under Part 1, Clause 5.4 Recreation and Open Space and replace with:

- Use the adopted Public Open Space Strategy to guide and manage the City's recreation and open space assets.
- Provide for future community needs to accommodate population growth, including purchasing additional public open space and increasing the amenity of existing open space, through a 7% cash-in-lieu of public open space developer contribution on creation of 3 or more lots (including strata lots).

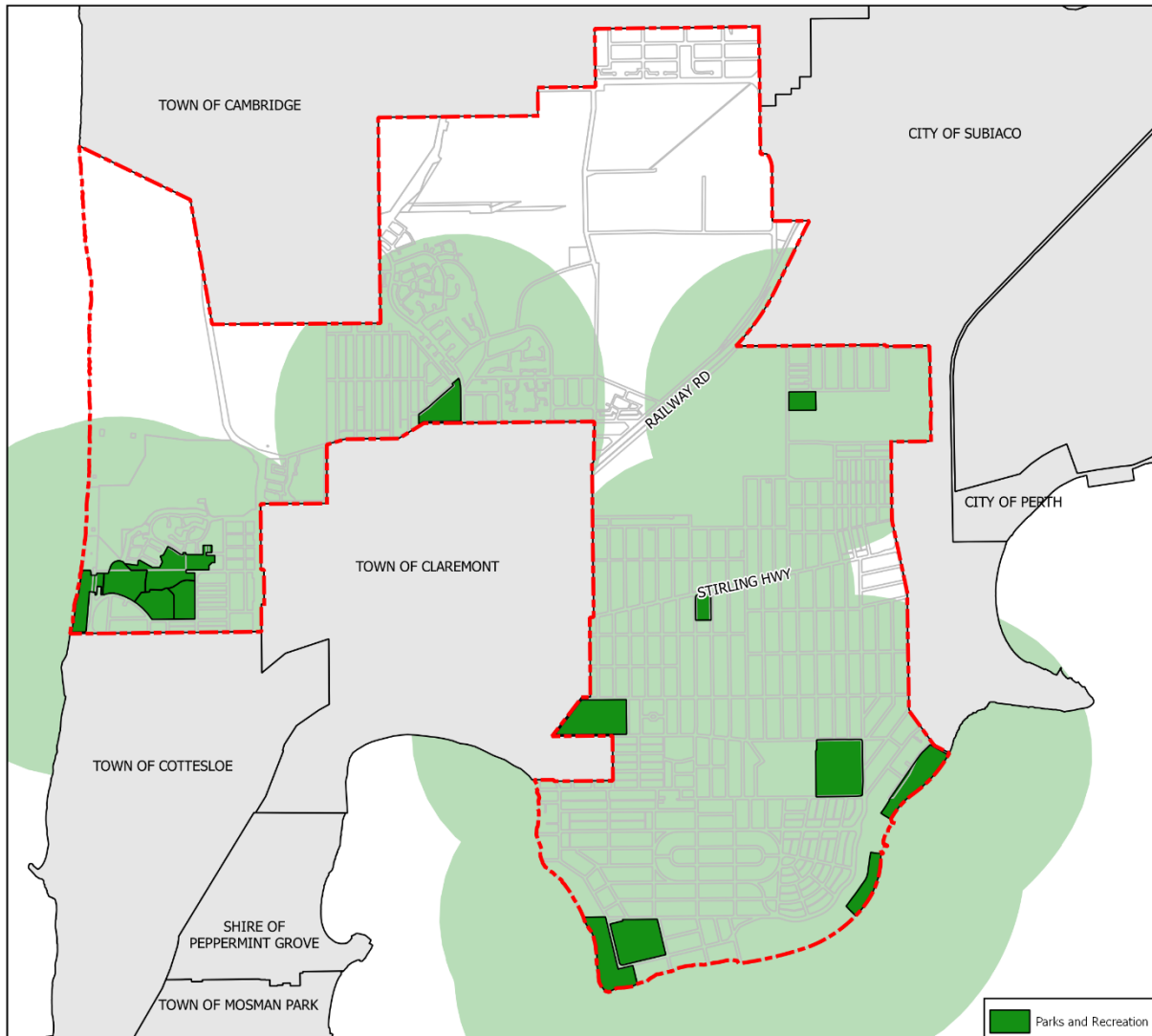
Insert the following changes (in red) to Part 2, Clause 9.6.1, and amend map and table numbers accordingly:

### Regional Parks

These parks are major recreation, sports and/or significant bushland parks that offer a wide variety of opportunities to the broad cross section of residents within the City as well as those visiting the City. Generally large in size, these parks are a major destination within the City. In addition to those listed below, some narrow areas of Regional Open Space exist along the Swan River.

**Table 1 Regional Parks**

Ref.	Park	Primary Uses
R1	Allen Park	Rugby, football, cricket, playground, BBQs, dog exercise, playgroups, nature walking, nature conservation.
R2	Charles Court Reserve	Rugby, T-ball, soccer, playground, skate park, walking.
R3	College Park	Football, cricket, walking, BMX riding, sports carnivals, playgroups, dog exercise.
R4	David Cruickshank Reserve	Football, cricket, tennis, lawn bowls, playground, dog walking, childcare, kindergarten.
R5	Highview Park	Hockey, gridiron, beach volleyball, lawn bowls, childcare, kindergarten, playground, Girl Guides.
R6	Melvista Park	Cricket, football, hockey, tennis, bridge club, kindergarten, playgroup, dog exercise.
R7	Mt Claremont Oval	Soccer, cricket, school sports, BBQs, playground, nature walking, nature conservation, dog exercise.
R8	Paul Hasluck Reserve	Soccer, walking, dog exercise.
R9	Peace Memorial Rose Gardens	Heritage memorial, playground, picnics, walking.
R10	Pt Resolution Reserve	Weddings, nature walking, nature conservation, playgrounds, picnics.
R11	Swanbourne Beach Reserve	Surfing, swimming, BBQs, surf lifesaving, nature conservation.



### Map 1 Regional Parks

Regional parks are well distributed throughout the City of Nedlands. The majority of residential areas are within one kilometre of a regional park. With the exception of the Peace Memorial Rose Gardens (R9), these areas are either foreshores or used for organised sports.

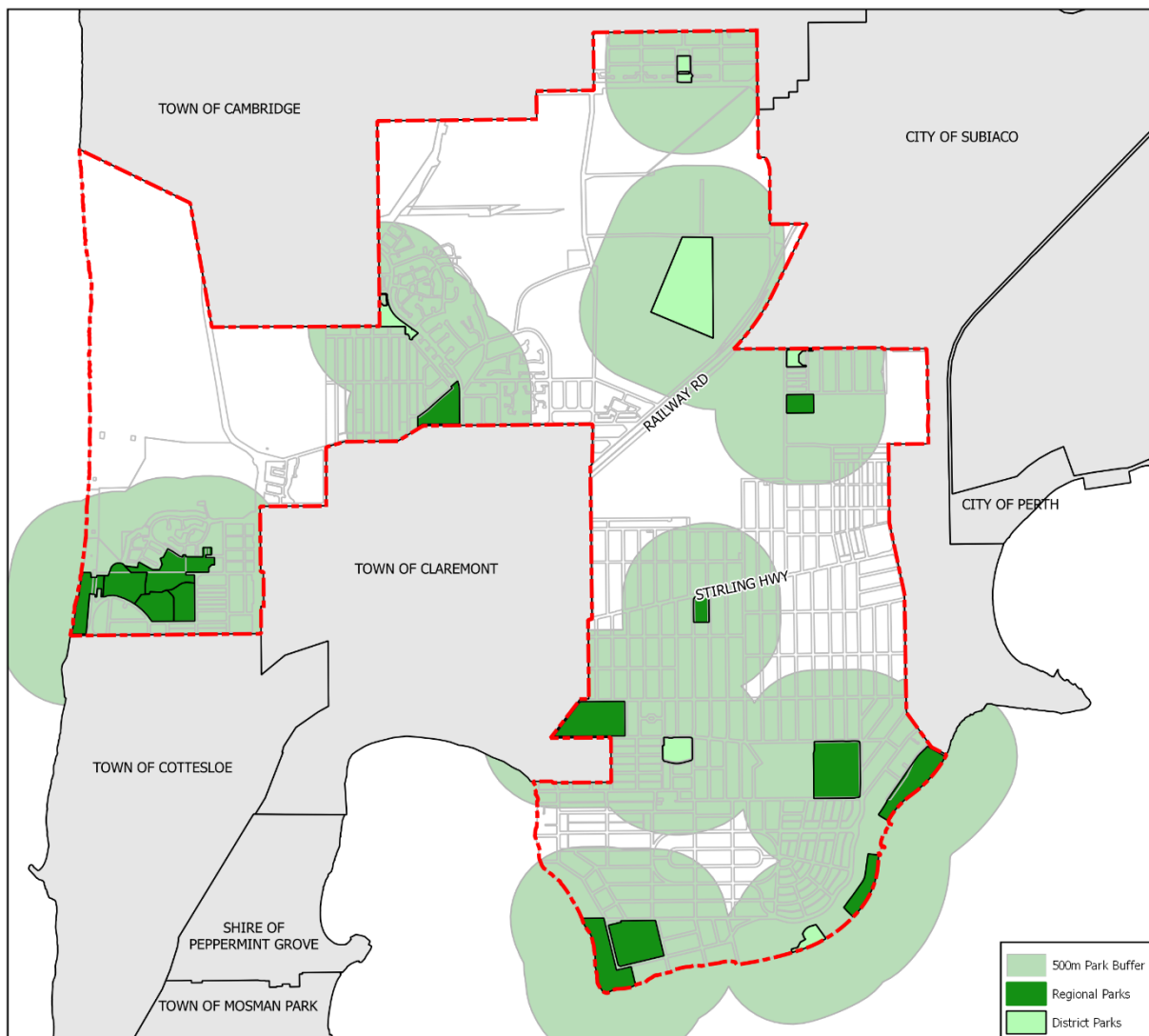
Regional parks, and Allen Park in particular, serve a large catchment area and are a key draw of visitors from future high density development, particularly along Stirling Highway. They contain sporting, recreation and environmental opportunities beyond that of local parks. Regional parks have catchment areas that, in many cases, extend beyond the boundaries of the City of Nedlands.

### District Parks

These parks can provide active and/or passive recreation opportunities to the broad cross section of residents within the City. These parks are mid-sized and well known to residents of the City.

**Table 2 District Parks**

Ref.	Park	Primary Uses
D1	Beaton Park	Function centre, BBQs, weddings, walking, playground.
D2	Dot Bennett Park	Casual football, BBQs, walking, dog exercise.
D3	Lawler Park	Casual football, BBQs, playgroups, community hall, Scout hall, tennis.
D4	Masons Gardens	Walking, dog exercise, playground, natural habitat.
D5	Mt Claremont Reserve	Tennis, library, community centre, respite centre, BBQs, half-court basketball.
D6	Nedlands Library Surrounds	Library.
D7	Shenton Bushland	Nature walking, nature conservation.



**Map 2 District Parks**

District parks are well distributed throughout the City of Nedlands. A large portion of residential areas are within 500 metres of a district (or regional) park space. It is important to support legible, easy access to these spaces.

The effects of sea level rise are a unique threat to the foreshore areas, and sufficient responses need to be implemented to ensure that they remain usable and accessible to the community.

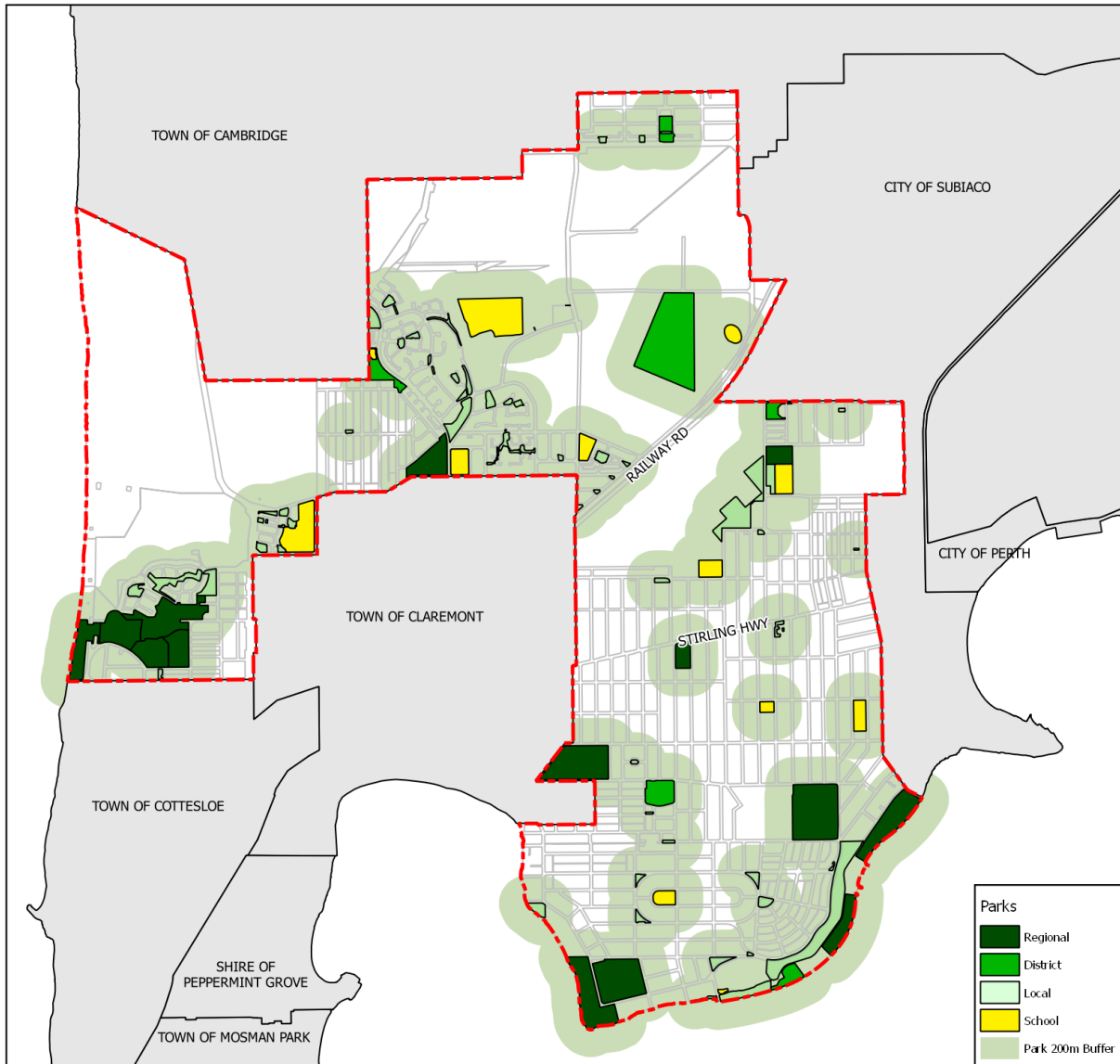
### Local Parks

These are minor parks and provide limited opportunity for recreation within the City. These parks are generally known to the residents living within the immediate locality.

**Table 3 Local Parks**

Park	Primary Uses
Asquith Park	Passive recreation.
Baines Park	BBQs, informal cricket, walking, dog exercise.
Beatrice Road Reserve	Half-court basketball, passive recreation.
Birdwood Parade	Passive recreation, local war memorial, nature conservation, nature walking.
Bishop Rd Reserve	Passive recreation.
Blain Park	Passive recreation, playground.
Brockman Reserve	Passive recreation, playground.
Campsie Park	Passive recreation, playground.
Carrington Park	Passive recreation, playground, half-court basketball, dog exercise.
Cavendish Gardens	Passive recreation.
College Green	Passive recreation.
Dalkeith Mews	Road reserve.
Daran Park	Passive recreation.
Directors Gardens	Passive recreation.
Sunset Foreshore	Passive recreation, walking.
Genesta Park	Passive recreation.
Goldsmith Reserve	Passive recreation.
Grainger Reserve	Passive recreation, playground, half-court basketball.
Granby Park	Passive recreation.
Hamilton Park	Passive recreation, playground.
Harris Park	Passive recreation, playground.
Hollywood Reserve	Nature walking, nature conservation, passive recreation.
Hollywood Tennis Court Reserve	Tennis, passive recreation, playground.
Jones Park	Nature conservation, playground, passive recreation.
Karella Park	Passive recreation, playground.
Lesley Graham Reserve	Passive recreation, playground.
Leura Park	Passive recreation, playground.
Limekiln Field	Passive recreation.
Memorial Light Reserve	Local war memorial.
Mooro Park	Passive recreation, nature conservation.
Mossvale Gardens	Passive recreation.
Nardina Crescent Reserve	Passive recreation.
New Court Gardens	Passive recreation, playground, BBQs.
Paiera Park	Passive recreation, playground.
Pine Tree Park	Passive recreation, playground, nature conservation.

Poplar Gardens	Passive recreation.
Rogerson Gardens	Passive recreation.
Shirley Fyfe Park	Passive recreation.
St Johns Wood Boulevard	Passive recreation.
St Peters Square Gardens	Passive recreation, playground.
Strickland Street Reserve	Passive recreation, child care centre.
Stubbs Terrace Reserve	Passive recreation.
Terrace Gardens	Passive recreation.
Zamia Park	Passive recreation, playground.



### Map 3 Local Parks

Local parks are scattered throughout the City of Nedlands, with a high number occurring in the western portion of Mt Claremont. A portion of residential lots are within 200 metres of a local (or district, or regional) park space. In particular the suburb of Nedlands is not well serviced by park spaces at this fine grain.

School ovals are also shown in Map 20 and Map 21. These spaces are not managed by the City but can offer local residents suitable areas for both passive and active recreation outside of scheduled school hours.

### **Audit of Nedlands and Dalkeith Local Public Open Space**

In 2023 a comprehensive audit was taken of the quantity and quality of public open space in and around the neighbourhoods of Nedlands and Dalkeith. These higher density areas were determined to be most at risk of not achieving minimum open space provisions. A number of parks (local, neighbourhood and district) were determined to provide poor amenity (anything below 50 in Table 20) and will need improvements to provide for the estimated increase in population. These improvements may include bins, toilets, clubrooms, drinking fountains, etc. to cater for the increased use of the space.

Public Open Space	Classification	Total area (ha)	Amenity Score
Goldsmith Reserve	Local	0.0660	4
Granby Park	Local	0.0580	6
Little Park (Aberdare Rd)	Local	0.017	7
Memorial Light	Local	0.038	9
Shirley Fyfe Park	Local	0.327	16
Nedlands Park	Local	0.506	16
Birdwood Parade Reserve	District	7.137	17
Karella Park	Local	0.104	18
Campsie Park	Local	0.110	26
Leura Park	Local	0.046	29
Brockman Reserve	Local	0.395	30
Genesta Park	Local	0.251	32
Otto Point Reserve	Neighbourhood	2.115	33
Beatrice Road Reserve	Local	0.482	38
Birdwood Park	Neighbourhood	1.010	38
Paul Hasluck Reserve	Neighbourhood	4.725	39
Blain Park	Local	0.250	42
Hollywood Reserve	District	6.411	43
Bishop Road Reserve	Local	0.881	49
Dot Bennett Park	Neighbourhood	1.139	56
Carrington Park	Local	0.315	71
Peace Memorial Rose Gardens	Neighbourhood	1.670	72
Melvista Park	Neighbourhood	4.740	84
Point Resolution Reserve	District	8.332	87
Sunset Dalkeith	Neighbourhood	2.022	95
Highview Park	Neighbourhood	2.043	100
David Cruickshank Reserve	Neighbourhood	5.426	112
Mason Gardens	Neighbourhood	3.159	117
Charles Court Reserve	District	7.700	169
College Park	District	9.744	172
Beaton Park	Neighbourhood	2.614	187

**Table 40 Amenity Score for Each Park in Nedlands and Dalkeith**

Table 21 demonstrates that there are more neighbourhood parks in Dalkeith and more district-size parks in Nedlands. However, Nedlands is larger than Dalkeith, with a larger population, and contains substantially more growth areas than Dalkeith. Additionally, while the amount of publicly accessible POS accounts for 9.52% of the gross area of both suburbs, Dalkeith benefits from almost double the proportion of POS than Nedlands.

Suburb	Local	Neighbourhood	District	Total
Nedlands	7	4	3	14
Dalkeith	8	7	2	17
Total	15	11	5	31

**Table 51 Number of Parks by Suburb**

Table 22 identifies an imbalance of POS within Dalkeith and within the suburb of Nedlands itself, with more POS provided south of Stirling Highway than north of Stirling Highway – which is a major physical barrier that affects access to POS located south of the highway for residents located north of the highway and vice versa. However, the catchment demonstrates that while land south of the highway technically has more POS, it also has lower accessibility to POS than land north of the highway due to the consolidation of POS in College Park.

Suburb	Local (ha)	Neighbourhood (ha)	District (ha)	Total (ha)
Nedlands (north)	0.5918	3.182	6.411	10.1848
Nedlands (south)	0.564	6.41	17.445	24.4185
Dalkeith	2.6904	21.071	15.469	39.2304
Total	3.8462	30.663	39.3245	73.8337

**Table 62 Distribution of POS Including Division of Nedlands by Stirling Highway**

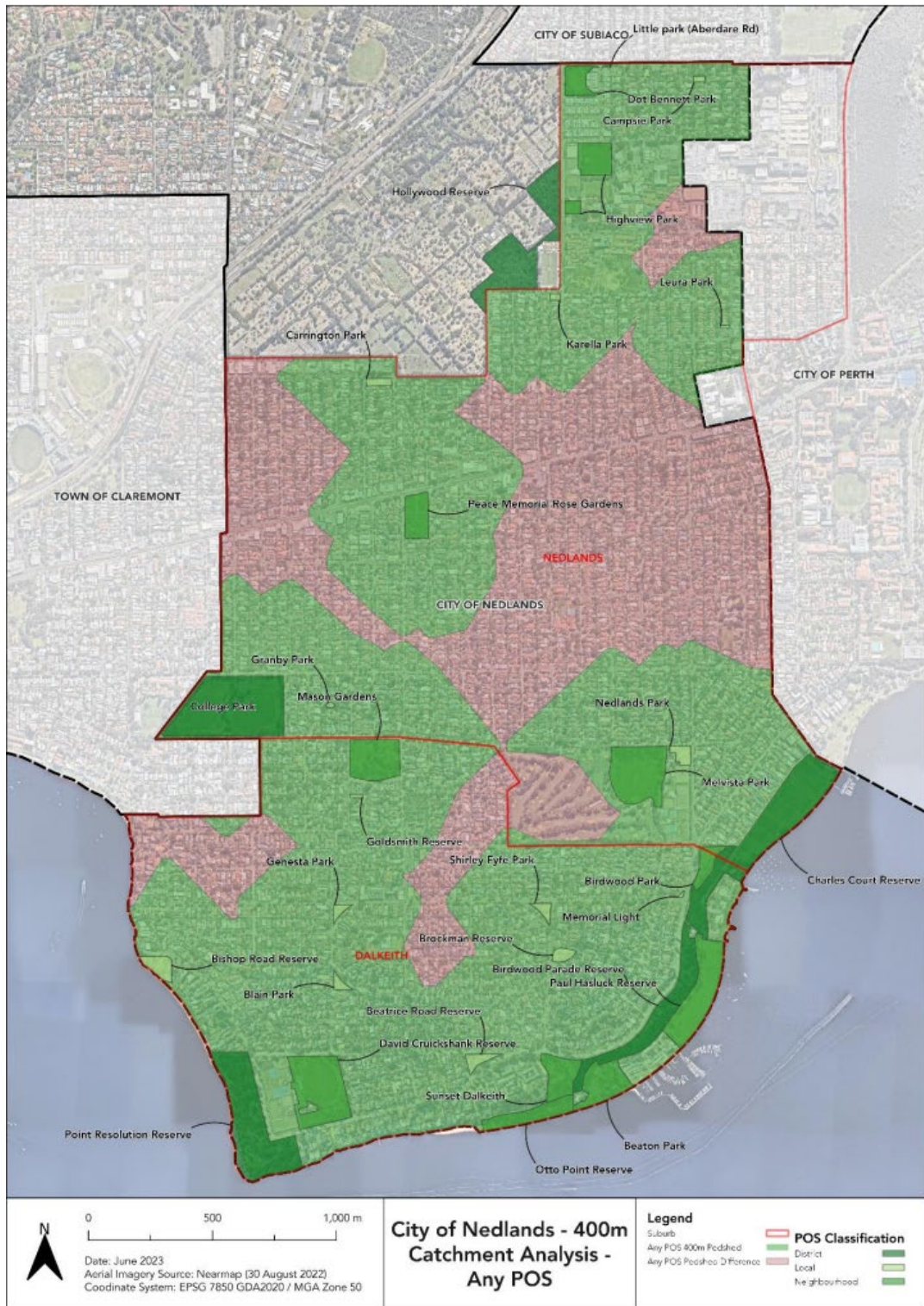
Table 23 shows the area of POS per person in Nedlands and Dalkeith.

POS Classification	Nedlands (9,886)	Dalkeith (4,219)	Total (14,105)
Local	1.17m <sup>2</sup>	6.38m <sup>2</sup>	2.73m <sup>2</sup>
Neighbourhood	9.70m <sup>2</sup>	49.94m <sup>2</sup>	21.74m <sup>2</sup>
District	24.13m <sup>2</sup>	36.67m <sup>2</sup>	27.88m <sup>2</sup>
Total	35.00m <sup>2</sup>	92.99m <sup>2</sup>	52.35m <sup>2</sup>

**Table 73 sqm of POS Classification per Person by Suburb**

Nedlands currently has 3.5 hectares of POS per 1,000 persons. Abundant population growth in Nedlands will significantly reduce the amount of POS per 1,000 persons if no additional POS is provided. This highlights the importance of not only improving the quality of POS in Nedlands but also increasing its quantity and distribution.

Further, based on a 400m walkable catchment area around each local-sized park, 69.3% of Nedlands and 40.9% of Dalkeith are not within a walkable catchment of a local park. 40.5% of Nedlands and 11.44% of Dalekith are not within a 400m walkable catchment of any POS. The land around Stirling Highway, particularly south of Stirling Highway, is most affected, which also coincides with the areas that are most affected by population growth.



**Map 4 400m Catchment Analysis of Any Public Open Space**

**Gaps Analysis**

The standard ratios in the Parks and Leisure Australia Community Facility Guidelines 2020 (PLA Guidelines) enable a POS gap analysis under a variety of growth assumption scenarios to be undertaken for Nedlands and Dalkeith. Under a likely growth scenario, 11 new local parks are required to cater for the additional population directly associated with development areas in Nedlands. These local parks are to be

strategically located to ensure that as many properties as possible are within a walkable catchment area of a local park. Areas outside of a 400m catchment of any POS should be prioritised, though it is noted that feasibility and opportunity may change priorities. The provision of new parks can be undertaken through land acquisition, on or off-market, and through the conversion of one or more well-located drainage sumps to underground storage with POS landscaping on the surface, or even the conversion of some road segments to POS. This POS is additional to the improvements to existing POS discussed above.

In addition to new local parks, the regional and district parks need to be upgraded to maintain a minimum level of amenity. These parks supplement the role of local parks and provide enhanced opportunities for sport, leisure, community facilities and recreation. Improvements to regional and district parks will be necessary to maintain an expected level of amenity in the face of future population growth. Open space near the foreshore faces added pressure of erosion from river level rise. Works such as sea walls may be necessary to ensure significant areas of the foreshore are not lost and that foreshore areas can sustain their existing functions.

### **Ceding of Land and Cash-In-Lieu of Public Open Space**

The City has the ability to require ceding of land where a development application or subdivision creates three or more lots. Where the City considers that ceding 10% of the land is insufficient to be of practical use and/or where such ceding of land is not in an area identified as lacking sufficient open space, the City may accept a cash-in-lieu contribution as set out below.

To implement the necessary improvements, the City needs to collect approximately \$64 million dollars from cash-in-lieu funding over the coming three decades to 2050, broken down as follows:

\$42.5 million	Purchase of 11 new parks
\$4 million	Upgrading of new parks
\$9.7 million	Sports and Recreation Facilities upgrades
\$6.2 million	Upgrades to existing parks
\$1.5 million	Converting sumps to parks

The actual number of development approvals over the past two years (2021/22) was used as starting point to determine projected development uptake to 2050 (Table 24) based on zoning introduced in the 2019 scheme.

Suburb	Precinct	Adjusted take-up rate	Additional dwellings to 2050	Total
Nedlands	Broadway	80%	1,144	3,947
	NorthR60	40%	540	
	Other	10%	149	
	SouthR60	60%	872	
	Stirling	10%	1,242 <sup>11</sup>	
Dalkeith	Waratah	40%	375	375
<b>Total</b>			4,322	

**Table 84 Adjusted take up rates**

Assuming that a typical household size of an infill development is 2.2 persons, the 4,322 new dwellings by 2050 would yield an additional 9,508 persons in Nedlands and Dalkeith alone, with most being located within Nedlands and relatively remote from existing POS. Based on current land values and an estimate of 41.35 hectares of land required to produce 4,322 additional dwellings by 2050, the City needs to collect 6.6% of the total value of the land to reach the \$64 million in needed improvements. This money is to be used to service the needs of the growing population with additional and higher amenity POS, particularly in Nedlands and Dalkeith, but also for upgrades to district and regional level parks that provide services used by the City-wide catchment area.

Based on projected population density, expenditures, and housing targets, this equates to a 7% cash-in-lieu contribution (rounded up from 6.6% to provide a fair and reasonable buffer accounting for assumptions relied upon) for the creation of new lots. Since proposals to create five lots or less are likely to eventuate in Nedlands and Dalkeith due to an abundance of R40 and R60 coded land, the public open space contribution will be collected on the creation of three or more lots.

## 16.2 PD38.08.23 – Adoption for Advertising of Draft Local Planning Policy 3.3 – Sustainable Design - Residential

<b>Meeting &amp; Date</b>	Council Meeting – 22 August 2023
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.
<b>Report Author</b>	Roy Winslow – Manager Urban Planning
<b>Director</b>	Tony Free – Director Planning & Development
<b>Attachments</b>	1. Draft Local Planning Policy – Sustainable Design - Residential

### Purpose

The purpose of this report is for Council to adopt for advertising the draft Local Planning Policy 3.3: Sustainable Design - Residential (the Policy).

### Recommendation

That Council:

1. adopts the draft Local Planning Policy 3.3: Sustainable Design - Residential (Attachment 1) for the purpose of advertising in accordance with Clause 4 of the Deemed Provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015; and
2. notes that the advertising period will be for a minimum of 21 days.

### Voting Requirement

Simple Majority.

### Background

At its meeting on 23 November 2021 Council resolved:

That the Chief Executive Officer:

1. prepares a report for Council's consideration that details:

- The existing and proposed energy efficiency provisions for residential and mixed-use development under the Residential Design Codes Volume 1 and 2.
- The various planning instruments that are available to Council to reduce non-renewable energy use via development approvals.

The recently adopted precinct policies contain some sustainability criteria. However, the criteria only affected certain types of development and targeted the specific precincts. The draft Policy aims to address energy efficiency across the City. It is intended that the sustainability criteria within the existing precinct policies will be relocated to this draft Policy.

## Discussion

### Existing energy efficiency provisions

The current planning framework at the City as it relates to residential development is split into three documents:

1. The Residential Design Codes (R-Codes) Volume 1 (Parts B and C);
2. The R-Codes Volume 2; and
3. Local Planning Policies (LPPs).

Volume 1 of the R-Codes is the assessment tool for all single houses and grouped dwellings, and (as of 1 September 2023) all development on land zoned less than R60. The R-Codes coming into effect in September 2023 further splits Volume 1 into Parts B and C. Part B contains the current version of the R-Codes, but modified such that they only apply to development on land coded R25 and below. Part C introduces new criteria for medium density development on land coded R30 to R60 (for multiple dwellings) and land coded R30 and above (for single houses and grouped dwellings).

Volume 1 has no existing or proposed criteria that directly addresses energy efficiency. Indirectly, Volume 1 does address concepts of energy efficient design such as identifying the importance of north facing living areas, and (in Part C) sufficient openings to allow for sunlight and ventilation, but these are not directly linked to specific deemed-to-comply sustainability criteria.

Volume 2 of the R-Codes is the assessment tool for development of apartments (multiple dwellings) on land zoned greater than R60. This volume of the R-Codes has significant assessment criteria for energy efficiency, adaptive reuse, water management, waste management and focuses more on the siting and location of apartment dwellings for energy efficiency and cross ventilation. Volume 2 provides a pathway for apartments to exceed the minimum Nationwide Housing Energy Rating Scheme (NatHERS) requirements for all dwellings by 0.5 of a star or provide energy efficient initiatives such as PV systems for communal services and solar powered lighting to external spaces. However, the other energy efficiency initiatives set out in the Design Guidance of Volume 2 as options for achieving the Objectives are relatively minor.

Some of the City's existing planning policies address energy efficiency by way of requiring additional insulation and providing for siting and layout of development. However, these

criteria are outdated and only apply to select neighbourhoods within the City. It is proposed that the draft Policy collect the best practice of energy efficiency and locate it in one policy that applies for the whole of the City.

### **Draft Policy**

A copy of the Policy is attached (**Attachment 1**). WAPC approval for a policy is only required if a policy alters the R-Codes. Advice from the Western Australian Planning Commission (WAPC) is that they will not support energy efficiency criteria that goes beyond the R-Codes or the National Construction Codes. The Policy has therefore been crafted in a manner that will not require WAPC approval, as it does not alter any existing R-Codes criteria.

A summary of the requirements is provided below and applies to new development only, not additions to existing development.

### **Single houses**

Single houses are to have a minimum 3kw solar panel system and water fixtures within 1 star of the WELS maximum. These requirements increase energy and water efficiency with minimal cost to a build. Additionally, over the life of the development, the criteria will result in savings that far outweigh the initial expenditure. The initial expenditure for 3kw solar panels is between \$2900 - \$5600.

It is noted that advice from the WAPC is that a local planning policy that adds criteria not currently covered by the R-Codes cannot be used on a development that is deemed-to-comply. In other words, if a house meets all the deemed-to-comply criteria of the R-Codes, this Policy cannot be used as a reason to deny planning approval. However, where a design principle assessment is sought, this Policy can be applied.

### **Grouped dwellings**

Grouped dwellings are to achieve the same criteria as single houses, along with additional criteria that the landscaping plan demonstrate waterwise principles and heat-tolerant plants, and that the development be fitted to allow provision of vehicle charging. Any additional cost implications on developments of these requirements are considered to be minor.

### **Multiple dwellings (Volume 1)**

Volume 1 of the R-Code covers lots with densities of R60 and below and any multiple dwelling developments within these lots tend to consist of few units. The Policy sets out a list of specific and reasonable criteria that are to be adhered to. These criteria improve the development without imposing an undue burden.

For small multiple dwelling developments (less than ten), proponents will be required to demonstrate that their development reduces the heat island effect through colour and landscaping choices, includes the use of low flow taps, waterwise landscaping, and provision to allow electric vehicle charging in the parking bays. They are also to select any two additional measures from within the Table in the Policy. Costing for these mandatory criteria is expected to be minimal.

Larger developments of 10 units or more will be required to select an additional measure from the Table. The cost implications will vary depending on which measure is proposed.

### **Multiple dwellings (Volume 2)**

The criteria for larger developments are based on the criteria within the Green Star Building Code. Green Star is an internationally recognized sustainability rating system for the built environment. It is a national, voluntary rating system that covers many aspects of sustainable design and has become a best practice benchmark. Green Star provides a list of criteria that may apply and it operates on a points-based system. Only buildings that achieve 4 stars and above through the official certification process can claim they are Green Star buildings.

Green Star is the accepted industry standard. The consensus in the design community is that an uncertified Green Star design is unreliable and insufficient to ensure that the design actually meets the star rating that the proponent has selected. Designs must be certified through the Green Star building process to ensure that they achieve their designated rating. However, the certification process is expensive and is not financially viable for projects under \$15 million.

For that reason, a Table within the Policy is provided that includes selected aspects of the Green Star Building Code. The City will rely on this Table to set out criteria for smaller developments. These criteria can be verified in-house by City Officers as part of the Planning and Building processes without requiring these smaller developments to go through the expensive formal certification process.

The sustainability guidance within the Policy includes the criterion that developments above \$15 million are to go through the formal certification process for a minimum 5-star Green Star.

Of note for development in relation to Volume 2 of the R-Codes. The Policy does not change the Element Objectives of the R-Codes. Ultimately, a proponent may opt to achieve the Element Objectives in a different manner than meeting the Green Star criteria or the suggested design guidance within the Table of the Policy. All proposals will be assessed by City Officers against the Acceptable Outcomes of the R-Codes.

Further, Volume 2 of the R-Codes includes provision for Energy Efficiency. As noted above, in order to avoid having to seek WAPC approval, the proposed Volume 2 criteria has been worded to state that these criteria are the City's preferred outcome, without attempting to make them required.

### **Consultation**

Consultation on the Policy will take place should Council adopt it for advertising.

Following the Concept Forum of 20 July, officers have sought where possible provide an indication of the cost implications of the Policy within this report. The Policy has also been modified to ensure that roofs also act as solar collectors are not penalised.

## Strategic Implications

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

- Vision** Our city will be an environmentally-sensitive, beautiful and inclusive place.
- Values**
- Healthy and Safe**  
Our City has clean, safe neighbourhoods where public health is protected and promoted.
- Great Natural and Built Environment**  
We protect our enhanced, engaging community spaces, heritage, the natural environment and our biodiversity through well-planned and managed development.

**Priority Area** Encouraging sustainable building

## 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](#) allows the City to prepare a Local Planning Policy in respect to any matter related to the planning and development of the Scheme area. Once Council resolves to prepare a Local Planning Policy, in accordance with Clause 4 of the Deemed Provisions it must publish a notice of the proposed policy for a period of not less than 21 days and seek submissions.

Following the advertising period, the Policy will be presented back to Council to consider any submissions received and to:

- a) Proceed with the Policy without modification;
- b) Proceed with the policy with modification; or
- c) No proceed with the policy.

## Decision Implications

If Council resolves to adopt the Policy for advertising, it will be advertised in accordance with the process outlined above.

If Council resolves not to endorse the recommendation, the Policy will not be advertised or progressed.

## **Conclusion**

It is recommended that Council adopt the draft Local Planning Policy 3.3: Sustainable Design - Residential for advertising.

## **Further Information**

Nil.



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<b>2. APPLICATION OF POLICY</b>
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<b>4. OBJECTIVES</b>
<b>5. ALL DEVELOPMENT</b>
<b>6. SINGLE HOUSES AND GROUPED DWELLINGS</b>
<b>7. MIXED USE AND MULTIPLE DWELLINGS UNDER R- CODES VOLUME 1</b>
<b>8. MIXED USE AND MULTIPLE DWELLINGS UNDER R- CODES VOLUME 2</b>
<b>9. VARIATIONS TO THIS POLICY</b>
<b>TABLE 1: SUSTAINABILITY CRITERIA</b>



## 1. PURPOSES

1.1 The purposes of this Policy are to:

- a) Set criteria and improve sustainable design of single houses, grouped dwellings, multiple dwellings and mixed use development; and
- b) Provide local Design Guidance for applications seeking an assessment against Element 4.15: Energy Efficiency of Volume 2 of the Residential Design Codes (R-Codes).

## 2. APPLICATION OF POLICY

2.1 This policy applies to all new development where it includes single houses, grouped dwellings, and/or multiple dwellings within the City of Nedlands Local Planning Scheme No. 3 area.

2.2 Section 5 applies to all new residential development.

2.3 Section 6 applies to all new single houses and grouped dwellings.

2.4 Section 7 applies to all new multiple dwellings and mixed-use development assessed under Volume 1 of the R-Codes.

2.5 Section 8 applies to all new multiple dwellings and mixed-use development assessed under Volume 2 of the R-Codes.

## 3. RELATIONSHIP TO OTHER POLICIES AND LEGISLATION

3.1 This Policy has been prepared under Clause 4 of the Deemed Provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

3.2 This Policy should be read in conjunction with the following planning instruments, and its requirements apply unless specifically stipulated elsewhere in any of the below:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulation 2015*
- *City of Nedlands Local Planning Scheme No. 3*

3.3 Where this Policy is inconsistent with a lower sustainability standard within a Local Development Plan or Local Planning Policy, this Policy prevails.

## 4. OBJECTIVES

4.1 To ensure that new development is constructed and functions in an environmentally sustainable manner, with a focus on minimising environmental impact, maximising resource efficiency and reducing or



eliminating reliance on non-renewable energy without undue detrimental impact on the amenity of the locality.

- 4.2** To require design features that assist in reducing the urban heat island effect, provide alternate forms of transportation, and positively impact occupant health.

## **5. ALL DEVELOPMENT**

*This section applies to all new development with a residential component but excludes additions and alterations to existing developments.*

- 5.1** To reduce the urban heat island effect, roof structures (excluding solar roofs and the like) are to have the following maximum solar absorptance ratings (refer to manufacturer's specifications) unless otherwise required by a specific local planning policy, local development plan, structure plan, or the colours would be inconsistent with the heritage requirements of a heritage-protected place:

- a) Metal flat roofs that are not visible from the street or adjacent properties: 0.4.
- b) Metal pitched roof structures or metal roof structures that are visible from the street or adjacent properties: 0.5.
- c) Tiled roof structures: 0.545

## **6. SINGLE HOUSES AND GROUPED DWELLINGS**

*This section applies to all new single houses and grouped dwellings but excludes additions and alterations to single houses and grouped dwellings.*

- 6.1** Each new dwelling shall be provided with a minimum 3kw photovoltaic solar panel system.
- 6.2** All water fittings such as taps, toilets and showers (excluding kitchen sinks and laundries) are to be within 1 star of the maximum Water Efficiency Labelling Standard (WELS) rating as per No. 13 in Table 1 of this Policy.
- 6.3** Grouped dwellings are to include landscaping plans demonstrating achievement of No. 14: Irrigation Efficiency in Table 1 of this Policy.
- 6.4** Grouped dwellings proposing 4 or more dwellings shall demonstrate achievement of No. 17: Sustainable Transport – Infrastructure in Table 1 of the Policy.
- 6.5** All development involving 4 or more grouped dwellings shall include a sustainability report demonstrating how the development achieves Design Principle 5: Sustainability from State Planning Policy 7.0.



**7. MIXED USE AND MULTIPLE DWELLINGS UNDER R-CODES VOLUME 1**

*This section applies to all new mixed use and multiple dwellings assessed under Volume 1 of the R-Codes but excludes additions and alterations to mixed use or multiple dwellings.*

**7.1** All development is to achieve the following from Table 1 of this Policy:

- 8) Urban Heat Island
- 13) Water Use
- 14) Irrigation Efficiency
- 17) Sustainable Transport – Infrastructure

Plus any two measures of the proponent’s choice from Table 1 of this Policy which relate to the type of development proposed.

**7.2** For developments of greater than 10 dwellings, an additional requirement applies that at least one of the following from Table 1 of this Policy must be achieved:

- 2) Building Envelope Pressure Testing
- 3) Embedded Meter Network
- 5) Exhaust of Pollutants
- 6) Toxicity and Indoor Environment
- 9) Upfront Carbon
- 11) Energy Source
- 18) Sustainable Transport Car Share
- 19) NatHERS

**7.3** All development shall include a sustainability report by a qualified practitioner demonstrating how the development achieves Design Principle 5: Sustainability from State Planning Policy 7.0.

**8. MIXED USE AND MULTIPLE DWELLINGS UNDER R-CODES VOLUME 2**

*This section applies to all new mixed use and multiple dwellings assessed under Volume 2 of the R-Codes but excludes additions and alterations to mixed use or multiple dwellings. The criteria below augments the Design Guidance of Clause 4.15 of the R-Codes Volume 2 by providing local objectives for housing design and development, and are the local government’s preferred methods of achieving the Objectives.*

**8.1** Development with a cost of \$15 million and above is certified a minimum 5-star Green Star compliant to achieve the Acceptable Outcome of Element 4.15. Equivalent alternative sustainability assessment frameworks may be considered where they are nationally or internationally recognised, compliant with applicable Australian or international standards and subject to oversight by a certifying body.

**8.2** For development costing less than \$15 million, the items in green in Table 1 of this Policy are preferred Design Guidance options.



**8.3** All development shall include a sustainability report by a qualified practitioner demonstrating how the development achieves Design Principle 5: Sustainability from State Planning Policy 7.0.

## **9. VARIATIONS TO THIS POLICY**

**9.1** Variations to this policy will be assessed against the objectives of this policy.

Council Resolution Number	
Adoption Date	
Date Reviewed/Modified	

Table 1: Sustainability Criteria						
Feature	Type of Development	Design Implications	Verification / Demonstration	Development Application Stage Requirement	Building Permit Stage Requirement	Practical Completion (Prior to Occupancy)
1) Performance Targets	Residential development with strata-controlled areas	Minimal	Project teams are to set operational performance targets for gas and electricity usage below the current year WA <u>Average Energy Intensity By Space Use Type</u> set out by the <u>Commonwealth Government</u> in the most recent baseline study and demonstrate how they will be managed in operation.  <b>Alternatively</b> , achieve 5.0 NABERS rating.	Commitment from proponent and condition of approval.  <b>For NABERS:</b> Copy of executed Commitment Agreement between developer and NABERS	Project targets to be published with Building Permit Application. Measurement strategy to be confirmed and shown within the documentation.  <b>For NABERS:</b> Copy of NABERS report provided to the city.	Verification that measurement systems are in place.
2) Building Envelope Pressure Testing	> 10 dwellings	Minimal	Project teams would be required to test building envelope pressure on at least 10% of dwellings prior to practical completion in accordance with Section J of the BCA, J1V4. Apartments must achieve no more than 10m <sup>3</sup> /hr.m <sup>2</sup> @ 50Pa.	Commitment from proponent and condition of approval.	Commitment from proponent.	Provide Building Envelope pressure test report.

3) Embedded Meter Network	>10 dwellings	Embedded meter network with energy monitors capable of tracking individual units.	Project teams are to use an embedded meter network including private meters tracking energy performance for apartments and major building uses.	Commitment from proponent and condition of approval.	Single line drawings for electrical and water services showing meter provisions.	Commissioning report, including verification of meter operation.
4) Natural Ventilation	Development with a residential component	Ensure all bedrooms, kitchens and living areas comply with AS1668.4 for direct natural ventilation. Ensure all rooms which are likely to be occupied have openable windows.	Show air circulation on plans.  Require project teams mechanical engineer to certify compliance in accordance with AS1668.4.	Commitment from proponent and condition of approval.	Specific certification of compliance with AS1668.4 by mechanical engineer.	
5) Exhaust of Pollutants	All development	Provide ducted kitchen exhaust - to façade - for all kitchens / laundries / toilets.  Demonstrate provision for appropriate make up air from outside. No recirculating hoods to be used.	Require project teams mechanical engineer to certify compliance in accordance with AS1668.4.  <i>For non-residential:</i> General exhaust at the rate of 0.5 l/s per m <sup>2</sup> of occupied space of 3,000 l/s for any food tenancy. Discharge is to be fully compliant with AS 1668.2	Commitment from proponent and condition of approval.	Specific certification of compliance with AS1668.4 by mechanical engineer.	

<p>6) Toxicity and Indoor Environment</p>	<p>All development</p>	<p>Select products for internal finishes with low VOC and formaldehyde ratings.</p>	<p>Finishes schedules including VOC / formaldehyde levels are to be submitted for all:</p> <ul style="list-style-type: none"> <li>* Joinery</li> <li>* Floor Coverings</li> <li>* Paints</li> </ul> <p>Applicants to demonstrate that 95% of painted surfaces are to be low VOC as defined by the Australian Paint Approval Scheme (APAS), being 49 g/L or less.</p> <p>Carpets are to have a maximum VOC limit of 0.5 mg/m<sup>2</sup> per hour with a 4-PC limit of 0.05 mg/m<sup>2</sup> per hour.</p>	<p>Commitment from proponent and condition of approval.</p>	<p>Finish surfaces calculations demonstrating 95% achievement. Finishes schedule with certifications for carpets, resilient or timber flooring, joinery and paints. Where products have specific adhesive / sealant requirements (e.g. Corrian) also demonstrate compliance for these products.</p>	<p>As-installed data sheets for paints, carpets, resilient flooring, timber flooring and joinery.</p>
<p>7) Amenities</p>	<p>&gt;30 bedrooms</p>	<p>Provide a minimum of 10m<sup>2</sup> floor area of amenity space per regular residential occupant (ie: Number of bedrooms).</p>	<p>Provide a space (or spaces) within the building for use by occupants to promote community and wellbeing. Spaces should be:</p> <ul style="list-style-type: none"> <li>* Freely accessible</li> <li>* Naturally ventilated and Air conditioned</li> <li>* Compliant with AS 2107 for apartments</li> </ul>	<p>Calculation of occupants (based on bedrooms), location and description of spaces within the development.</p>	<p>Drawings demonstrating provision of space. Verification from acoustic consultant and sustainability consultant that the space meets performance requirements.</p>	<p>Installed prior to occupation</p>

			<ul style="list-style-type: none"> <li>* Designated to promote physical and mental health and wellbeing (i.e. meditation rooms, gyms, external delineated recreation space)</li> <li>* Maintained by strata complex</li> </ul>			
8) Urban Heat Island	All development	Utilise light finishes, incorporate landscape within the design, and avoid unshaded parking areas.	<p>Design teams are to demonstrate that at least 75% of their site area, when viewed from directly above, is one of:</p> <ul style="list-style-type: none"> <li>* Vegetation and Green Roofs</li> <li>* Light Roofs (3 Year SRI&gt;64 (flat roof) &gt;34 (Pitched Roof)</li> <li>* Shaded or Light Hardscaping (3 Year SRI &gt; 34)</li> <li>* Water bodies and/or water courses</li> <li>* Solar PV or thermal collectors</li> </ul>	Marked up site plan demonstrating compliance.	Marked up site plan demonstrating compliance.	Marked up site plan demonstrating compliance with supporting photos for each relevant area.

9) Upfront Carbon Reduction	>10 dwellings	Employ an LCA professional to demonstrate the building's upfront carbon emissions are at least 20% less than those of a reference building - including any demolition works.	Provide a report demonstrating performance meets 20% reduction from baseline performance. Report is to have been peer reviewed and is to include a clear list of design and construction assumptions made to achieve performance.	Initial target setting report identifying reference design for project.  Condition of approval.	Completed report with feature list. Certification of compliance by Architect (physical features) and sustainability consultant (services design) on feature list.	Certification by contractor against feature list, including construction practices. Where proposed compliance path has changed, provide a new, peer reviewed support and new features list for certification.
10) Energy and Water Use	Pool in development	Ensure any pool is provided with automated pool blanket.	Provide an automated pool blanket to cover all pools when not in use. Pool blanket must comply with BCA Section J performance requirements.	Shown on plans and condition of approval.	Design documentation to include pool blanket.	Commissioning report confirming operation of blanket.
11) Energy Source	All development	Avoid any fossil fuel use on site, including for space or hot water heating.	No gas is to be used within the development. Small allowance for BBQs and commercial kitchens. Diesel for fire systems is allowable.	Commitment from proponent and condition of approval.	Statement from building certifier and no gas fixtures shown on plans.  Certification of extent of gas use on site by hydraulic engineer.	

<p>12) Renewable Energy</p>	<p>&gt; 30 bedrooms</p>	<p>Provide sufficient on-site renewable generation to equate to net zero energy use for common facilities:</p> <ul style="list-style-type: none"> <li>- Lights</li> <li>- Lifts</li> <li>- Pools</li> <li>- Car Park lighting and ventilation</li> <li>- Amenities etc.</li> </ul> <p>Not applicable to small power, air conditioning and lighting within apartments and commercial tenancies.</p>	<p>Design teams are to provide an estimate of operating energy for development common areas and demonstrate sufficient solar (PV) to balance annual usage. Energy estimate does not require a dynamic 3D model. Consumption to be based on rated power draw and anticipated run times. A suitable diversity factor can be applied.</p> <p>Show solar panels or other renewable generation on site. Allow at least 1m<sup>2</sup> of unshaded panel per apartment.</p>	<p>Show solar panels on drawings. Provide energy rate and consumption estimates.</p> <p>Condition of approval.</p>	<p>Calculation and certification from sustainability consultant demonstrating expected generation potential and likely common area power draw.</p>	<p>Solar panels installed prior to occupation</p>
<p>13) Water Use</p>	<p>All development</p>	<p>Utilise low flow taps, toilets and showers for all sanitary tapware (kitchen sinks and laundries are excluded).</p>	<p>Design teams are to provide WELS certificates demonstrating fittings are within 1 star of the maximum WELS rating.</p>	<p>Commitment from proponent and condition of approval.</p>	<p>Provision of fixtures schedule with WELS certificates.</p>	<p>Confirmation of installed sanitary tap ware.</p>

<p>14) Irrigation Efficiency</p>	<p>All development</p>	<ul style="list-style-type: none"> <li>* Avoid large areas of turf.</li> <li>* Use sub-soil drip irrigation for all planting requiring irrigation.</li> <li>* Provide automatic moisture sensing for irrigation control.</li> <li>* Divert rainfall to irrigate any planting in rain shadows or under-cover.</li> </ul>	<p>Provide irrigation design drawings at building license demonstrating drip irrigation and timers. Landscaping details to include information on details such as drip irrigation, timers, and appropriate plant selection. Waterwise plant species are to be used, with a preference for natives where appropriate.</p>	<p>Landscape planning to confirm acceptance of irrigation requirements.</p> <p>Landscaping plan to form part of approval.</p>	<p>Irrigation design drawings as part of building license set.</p>	<p>Commissioning report for irrigation systems.</p>
<p>15) Active Living Support</p>	<p>Development with a non-residential component</p>	<p>Provide secure bike parking, showers and lockers for commercial staff on site.</p>	<p>Design team to demonstrate provision of amenities for staff. Indicatively allow:                      5 Staff for café / F&amp;B tenancy                      1 Person per 15m<sup>2</sup> for office tenancies                      Provide 1 shower per 50 staff.                      Provide 1 locker per 8 Staff                      Provide 1 bike rack per 10 staff</p>	<p>Show staff amenities on plans.</p>	<p>Show staff amenities on plans.</p>	<p>Installed prior to occupation</p>

16) Bike Storage	Development with a residential component	Provide at least one bike park per dwelling. Bike parking may be communal or located within apartment stores, however, an AS 2970 compliant rack must be provided at completion. Where bike parking is included in apartment stores, increase store area by 1m <sup>2</sup> to accommodate bike.	Design team to show bike parking provisions on drawings.	Shown on plans and included as condition of approval.	Shown on plans	Installed prior to occupation
17) Sustainable Transport – Infrastructure	All development	Comply with BCA 2022 provisions for electric vehicle parking now. (NB: This option expires when BCA 2022 comes into full effect in 2024)	Compliance certification as part of electrical or sustainability CDC demonstrating the development meets BCA 2022 for spatial and performance allowances for EV chargers.	Show nominated EV provisions, rooms and board locations and include as condition of approval.	Certification of compliance. Identification of elements on plans and on electrical single line drawings.	Installed prior to occupation
18) Sustainable Transport – Car Share	>10 dwellings OR Non-residential	Provide a vehicle and bay for ride share scheme.	1 dedicated share bay and vehicle per 20 dwellings or part thereof over 10 to facilitate a ride share scheme. For non-residential: 1 ride share	Show bays and waiting area. Details of ride share scheme to be included such as how it will be	Drawings showing bays, waiting area(s) and proposed signage.	Bays are line-marked and signed. Appropriate number of shared bays and cars are provided. Details of

			bay and vehicle per 2000m <sup>2</sup> over 1,000m <sup>2</sup> .	implemented and maintained.		scheme to be adhered to for the life of the development.
19) NatHERS	Development with a residential component	All dwellings exceed the minimum NatHERS requirement (in reference to the lower benchmark of the NCC) for apartments by 0.5 stars based on the NCC standard coming into effect in 2024 or, after 2024, the most recent standard.	All dwellings exceed the minimum NatHERS requirement (in reference to the lower benchmark of the NCC) for apartments by 0.5 stars based on the NCC standard coming into effect in 2024 or, after 2024, the most recent standard.	Demonstrate indicative star rating at application stage.	Demonstrate achievement of star rating with building documentation.	
20) Water Management	All development	Water re-use system to be installed.	The development proposes rain and storm water collection and re-use for irrigation or grey water.	Re-use system to be shown on plans and included as condition of approval.	Tank to be shown on plans. Grey water systems may require separate approval from the City's Environmental Health Services.	Installed prior to occupation



## 16.3 PD39.08.23 – Adoption of Amendments to Local Planning Policy 7.1 – Exempt Development

<b>Meeting &amp; Date</b>	Council Meeting – 22 August 2023
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.
<b>Report Author</b>	Roy Winslow – Manager Urban Planning
<b>Director</b>	Tony Free – Director Planning & Development
<b>Attachments</b>	1. Draft amended Local Planning Policy – Exempt Development 2. Part 7 of the Deemed Provisions for Local Planning Schemes

### Purpose

Council’s consideration is requested in regard to draft amendments to Local Planning Policy 7.1: Exempt Development (LPP 7.1). The review is being conducted as part of the City’s periodical review of Local Planning Policies. The changes proposed to LPP 7.1 are being made to bring the policy into consistency with current legislation, consistency with other local planning policies, and in response to a resolution by Council to explore additional exemptions.

### Recommendation

That Council:

1. **determines that the draft amended Local Planning Policy – Exempt Development, as set out in attachment 1 is a minor amendment and does not require consultation in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Part 2 Clause 5(2); and**
2. **proceeds to adopt the draft amended Local Planning Policy – Exempt Development, as set out in attachment 1, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 5.**

### Voting Requirement

Simple Majority.

## Background

The Local Planning Policy 7.1: Exempt Development (LPP 7.1) was adopted by Council on 2 May 2019 and, as a result of the 2020 amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations), the policy was reviewed on 27 April 2021.

The policy was originally designed to provide exemptions for a range of small residential projects. This continued in the 2021 review which only removed uses from the policy as they were covered by the 2021 amendments to the Regulations. On 27 April 2021 Council carried the following motion to:

“request the CEO to undertake a further review of the Exempt Development Policy in conjunction with the Planning Regulations and Local Planning Scheme No 3, in order to identify other opportunities to exempt further uses or development from the need to obtain planning approval, with the outcomes reported to Council.”

The review of LPP 7.1 has taken place with the above resolution in mind, as well as the introduction of the new R-Codes in September 2023.

The policy has provided benefit to the City’s landowners, occupiers and staff by reducing red tape around minor development. The policy identifies development beyond that exempted by the Regulations and specifies the criteria to be met for a development to not require a development application.

This review of the policy actions Council’s resolution by proposing an increased list of exempt uses.

## Discussion

LPP 7.1 has provided benefits to landowners, developers and to the City by reducing red-tape and the need to unnecessarily assess minor development that has no negative impact on surrounds. The layout has also been revised to mirror that within the Regulations for consistency.

Importantly, LPP7.2 does not exempt works that are contrary to State Planning Policies, the Local Planning Scheme, Local Planning Policies, Local Development Plans, Structure Plans, heritage protection criteria, or any planning conditions imposed on a development. A list of the new exemptions and explanation for each is as follows:

- Minor development
  - The Minor development exemption assists officers to provide an exemption to landowners where a proposal may not fit any other exemption category, but the development is of such a low impact to a site and the surrounding area that any development approval for such a proposal would be a minor matter. An example of developments assessed by the City that could have been exempted by such an exemption is:

- A proposal for the widening of a door and addition of a non street-facing window on a commercial building. There were no impacts to any adjoining properties.
- Mural
  - The addition of Mural to the exemption list further removes barriers to public art. Mural is to be exempt in all zones with conditions to ensure Murals are not exempt where located in a heritage-protected place, where they feature profanities, offensive content or depictions of illegal material or acts, or where they contain advertising material.
- Outdoor Hard Surface
  - The proposed exemption for outdoor hard surface allows for the construction of pathways and paved surfaces in all zones without development approval. The exemption does not allow for unrestricted paving in all locations on a lot. The conditions of the exemption make this explicit by protecting soft landscaping and deep soil areas. The exemption must also comply with conditions to be located behind the primary street setback area.
- Painting
  - The exemption allows for painting of buildings in all zones.
- Roof replacement
  - Roof replacement is exempt subject to there being no change to roof form or pitch. This exemption allows for a replacement of roof sheets, tiles or other material provided they are consistent with any criteria in any other legislative framework. The exemption applies to heritage-protected places only where the replacement is like-for-like.
- Temporary works
  - The exemption for temporary works allows works to be in place for up to fourteen days in any twelve-month period.
- Wall cladding replacement
  - The exemption allows for changes to be made to the cladding of walls where the works do not involve structural changes and the materials and colours are as specified in any relevant local planning policy.
- Works to heritage-protected places
  - The landowners of heritage-protected places do not benefit from some of the other exemptions given the potential to detrimentally affect heritage places without a proper assessment of the impacts. However, a number of common, internal works are allowed that will not detrimentally impact the heritage significance of the place. It is expected that this exemption will assist landowners in preventing their heritage-protected places from falling into disrepair and disuse.

The review has also resulted in the removal of satellite dishes from the list of exemptions. The City has not received enquiries in recent years relating to the exemption for ground mounted and non-ground mounted satellites on non-residential properties. There is little evidence to suggest that this exemption has provided a benefit to landowners and the City's

planning staff. It is also suggested that the role of satellites are reduced somewhat due to the rise of streaming services and greater internet use for communications.

Maintenance has been removed from the exemption policy as this is already an exempt use under Clause 61 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015. Painting has been separated from maintenance and is included in the exemption table.

## Consultation

The Planning and Development (Local Planning Schemes) regulations 2015 Schedule 2 Part 2 Clause 5(2) states “Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.”

Given there are only minor changes to how the policy operates, the increased exemptions are less restrictive on landowners and the policy does not seek to modify state planning policies, it is recommended that Council resolve that the proposed amended policy is a minor amendment, and that consultation is not necessary.

From the Concept Forum of 18 July, modifications have been made to the conditions which allow for hard paving to be exempt from needing approval. The policy now states that hard paving is not exempt if the requirements of soft landscaping and deep soil provision are not going to be satisfied as a result. It is acknowledged that 10 square metre garden sheds are exempt from both planning and building approval.

## Strategic Implications

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

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

**Values** **Great Natural and Built Environment**  
We protect our enhanced, engaging community spaces, heritage, the natural environment and our biodiversity through well-planned and managed development.

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

**Priority Area** Urban form - protecting our quality living environment

## **Budget/Financial Implications**

Nil.

## **Legislative and Policy Implications**

Clause 5(2) of the Deemed Provisions of Schedule 2 of the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#) allows the City to amend a Local Planning Policy in respect to any matter related to the planning and development of the Scheme area without advertising if the local government is of the opinion that the amendment is minor.

## **Decision Implications**

If Council resolves to endorse the recommendation without modifications, the policy will come into effect.

If Council resolves to endorse the recommendation with modifications, the policy will be amended to include the modifications and may or may not need to be advertised depending on whether the changes greatly modify the policy.

If Council resolves not to support the recommendation, the existing Policy will remain in use by the City.

## **Conclusion**

The amendments to LPP 7.1 address Council's resolution to explore further exemptions and makes the policy easier to read and use while reducing red-tape.

It is recommended that Council determine that the amended Local Planning Policy 7.1: Exempt Development is a minor amendment not requiring consultation and adopt the policy in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Part 2 Clause 5.

## **Further Information**

Nil.



## LOCAL PLANNING POLICY 7.1: EXEMPT DEVELOPMENT

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<b>5. DEVELOPMENT FOR WHICH DEVELOPMENT APPROVAL NOT REQUIRED</b>	<ul style="list-style-type: none"> <li>5.1) Animal Enclosure</li> <li>5.2) Fixed Outdoor Cooking Facility</li> <li>5.3) Garden Ornament / Sculpture</li> <li>5.4) Minor Development</li> <li>5.5) Mural</li> <li>5.6) Outdoor Hard Surface</li> <li>5.7) Painting</li> <li>5.8) Pool Pump Shed</li> <li>5.9) Roof Replacement</li> <li>5.10) Sea Container</li> <li>5.11) Temporary Works</li> <li>5.12) Wall Cladding Replacement</li> <li>5.13) Works to Heritage-Protected Places</li> </ul>
<b>6. DEFINITIONS</b>	



## 1 PURPOSE

- 1.1 To list development that is exempt from requiring development approval in addition to those specified by the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Part 7 Clause 61.

## 2 APPLICATION OF POLICY

- 2.1 This policy applies to all land that is zoned by the *City of Nedlands Local Planning Scheme No 3* (LPS3).

## 3 RELATIONSHIP TO OTHER POLICIES AND LEGISLATION

- 3.1 This policy has been prepared in accordance with Clause 4 of the Deemed Provisions for local planning schemes.

- 3.2 This Policy should be read in conjunction with the following planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:

- *Planning and Development Act 2005*
- *Planning and Development (Local Planning Schemes) Regulations 2015*
- *City of Nedlands Local Planning Scheme No. 3*
- *State Planning Policy 7.3 – Residential Design Codes (R-Codes)*

**Note:** This policy refers to provisions within Part B and Part C of the R-Codes. The reader will need to check the density code of the subject property to ensure they are reading the correct Part of the R-Codes alongside this policy.

- 3.3 Where this Policy is inconsistent with the provisions of a specific State Planning Policy, Local Planning Policy, Local Development Plan, Structure Plan, or Design Guideline that applies to the site area, the provisions of that specific State Planning Policy, Local Planning Policy, Local Development Plan, Structure Plan or Design Guideline shall prevail.

## 4 POLICY OBJECTIVES

- 4.1 To allow minor development to proceed without requiring development approval where it will not have a detrimental impact on the amenity of adjoining and nearby properties, the streetscape or the locality.

- 4.2 To reduce red-tape and wait times for landowners and developers by exempting a number of low impact works from the need for approval.

## 5 DEVELOPMENT FOR WHICH DEVELOPMENT APPROVAL NOT REQUIRED

- 5.1 Development is not required for works if –

- a) the works are of a class specified in Column 1 of an item in the table;
- b) if conditions are set out in Column 2 of the Table opposite that item – all of those conditions are satisfied in relation to the works; and
- c) The works are consistent with all relevant State Planning Policies, the Local Planning Scheme, Local Planning Policies, Local Development Plans, Structure Plans, heritage protection criteria, or any planning conditions imposed on a development.



Table		
	Column 1 Works	Column 2 Conditions
1)	<b>Animal Enclosure</b>	(a) Located on a residential zoned property; (b) Set back a minimum of 2m from lot boundaries; (c) Satisfies the Deemed-to-Comply Outbuildings provisions of the R-Codes; (d) Are for the keeping of small animals or a dog only; and (e) Are not used for commercial purposes.  <i>Note: Animal enclosures must also comply with relevant environmental health requirements and local laws.</i>
2)	<b>Fixed Outdoor Cooking Facility</b>	(a) Are located on a residential zoned property; (b) Are located behind the primary street setback; and (c) Are a maximum height of 1.8m (excluding any chimney or flue) above natural ground level or set back in accordance with the Deemed-to-comply setback provisions of the R-Codes.
3)	<b>Garden Ornament / Sculpture</b>	(a) Has a maximum site area of 4m <sup>2</sup> ; (b) Has a maximum height of 2.4m above natural ground level; (c) Does not obstruct vehicle sight lines; and (d) Street surveillance to the primary street is unobstructed.
4)	<b>Minor Development</b>	Exemption provided in writing from the Local Government.
5)	<b>Mural</b>	(a) The works are not located on a heritage-protected place; (b) The mural does not feature any profanities, offensive words or images or depictions of illegal material or acts; and (c) The mural does not contain any advertising material.
6)	<b>Outdoor Hard Surface</b>	(a) Are located behind the primary street setback area, between a building and the side or rear boundary of a lot; (b) The finished level of the surface is no more than 0.5m above natural ground level; and (c) The outdoor hard surface does not impact the minimum soft landscaping and deep soil area required by the R-Codes.  <i>Note: Decking must also comply with the relevant setbacks of the National Construction Code.</i>
7)	<b>Painting</b>	(a) The works are not located on a heritage-protected place; and (b) Colours are as specified in any relevant Local Planning Policy.
8)	<b>Pool Pump Shed</b>	(a) Are located on a residential zoned property; (b) The exemption only applies to one pool pump shed per lot; (c) Satisfies the Deemed-to-Comply Outbuildings provisions of the R-Codes; (d) Have a maximum height of 1.8m; and (e) Have a maximum site area of 10m <sup>2</sup> .  <i>Note: An exempt pool pump shed compliant with the above conditions does not contribute towards outbuilding site coverage.</i>
9)	<b>Roof Replacement</b>	(a) The works are not located on a heritage-protected place; (b) No change to roof height and pitch; and (c) Materials and colours as specified by any relevant Local Planning Policy.



10)	<b>Sea Container</b>	<ul style="list-style-type: none"> <li>(a) The exemption only applies to one sea container per lot;</li> <li>(b) Are wholly located within the property boundaries of the lot;</li> <li>(c) Does not exceed 6m in length;</li> <li>(d) Are utilised for storage only; and</li> <li>(e) Are removed within 14 days of being placed on the lot.</li> </ul>
11)	<b>Temporary Works</b>	The works are in existence for no more than 14 days in any 12-month period.
12)	<b>Wall Cladding Replacement</b>	<ul style="list-style-type: none"> <li>a) The works are not located on a heritage-protected place;</li> <li>b) The works do not involve structural changes or significant changes to elevations; and</li> <li>c) Materials and colours are as specified in any relevant Local Planning Policy.</li> </ul>
13)	<b>Works to Heritage-Protected Places</b>	<ul style="list-style-type: none"> <li>(a) The works affect only the interior of the building and are confined to the following: <ul style="list-style-type: none"> <li>i. Kitchen, bathroom or laundry fit out with no structural alterations;</li> <li>ii. Replacement of light fitting(s);</li> <li>iii. Painting /wall papering/plastering of internal walls;</li> <li>iv. Retiling;</li> <li>v. Construction of new internal non-masonry; non-load bearing walls;</li> <li>vi. New floor covering placed over but not replacing existing floor surface materials; or</li> <li>vii. Electrical and plumbing works.</li> </ul> </li> <li>(b) The works are not located on a place that is: <ul style="list-style-type: none"> <li>i. Entered on the State Register of Heritage Places; or</li> <li>ii. The subject of a Heritage Order, Caveat, or Agreement.</li> </ul> </li> </ul>

## 6 DEFINITIONS

6.1 For this policy, the following definitions apply:

Definition	Meaning
<b>Animal Enclosure</b>	Means an enclosed structure for keeping small animals or a dog only such as aviaries, hutches or small kennels and the like but does not include kennels larger than that required to house a single dog.
<b>Deemed Provisions</b>	Means Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.
<b>Fixed Outdoor Cooking Facility</b>	Means a permanent cooking apparatus such as barbeques (BBQ), pizza ovens, outdoor ovens, and stoves.
<b>Garden Ornament</b>	Means an item used for garden or landscape enhancement and decoration and includes water fountains, bird baths and feeders, sundials, and outdoor sculptures.
<b>Heritage-Protected Place</b>	Has meaning given in the Planning and Development (Local Planning Schemes) Regulations 2015.
<b>Like-for-like</b>	Replacement of building elements with identical elements that are of the same shape, size, colour, patterns and material, usually used to repair or replace damaged/worn surfaces of buildings.
<b>Minor Development</b>	Any other development that, in the opinion of the Local Government, will not have any material effect on the operation of a land use or on the appearance of the land or buildings on which it is installed or constructed, and where any approval would be of a minor, pro forma matter.
<b>Outdoor Hard Surface</b>	Includes hardscape, paving, decking or similar.



<b>Sea Container</b>	A metal transportable structure designed for the storage and transport of goods from one location to another by road or sea.
<b>Small Animal</b>	Has meaning given in the City of Nedlands Health Local Law 2017.

Council Resolution Number	PDXX
Adoption Date	OCM XX
Date Reviewed/Modified	

**Planning and Development (Local Planning Schemes) Regulations 2015****Schedule 2** Deemed provisions for local planning schemes**Part 7** Requirement for development approval**cl. 60**

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- (2) A person who owns land in the area covered by a local development plan may request the local government to amend the plan.
- (3) The procedures for making a local development plan set out in this Part, with any necessary changes, are to be followed in relation to an amendment to a local development plan.
- (4) Despite subclause (3), the local government may decide not to advertise an amendment to a local development plan if, in the opinion of the local government, the amendment is of a minor nature.
- (5) An amendment to a local development plan does not extend the period of approval of the plan unless, at the time the amendment is approved, the local government agrees to extend the period.

**Part 7 — Requirement for development approval****60. Requirement for development approval**

A person must not commence or carry out any works on, or use, land in the Scheme area unless —

- (a) the person has obtained the development approval of the local government under Part 8; or
- (b) development approval is not required for the development under clause 61.

Note:

1. Development includes the erection, placement and display of advertisements.
2. Approval to commence development may also be required from the Commission if the land is subject to a region planning scheme.

*[Clause 60 amended: SL 2020/252 r. 69.]*

**61. Development for which development approval not required**

- (1) Development approval is not required for works if —
  - (a) the works are of a class specified in Column 1 of an item in the Table; and

**Planning and Development (Local Planning Schemes) Regulations 2015**Deemed provisions for local planning schemes **Schedule 2**Requirement for development approval **Part 7****cl. 61**

- (b) if conditions are set out in Column 2 of the Table opposite that item — all of those conditions are satisfied in relation to the works.

**Table**

	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
1.	The demolition or removal of any of the following — (a) a single house; (b) an ancillary dwelling; (c) an outbuilding; (d) an external fixture; (e) a boundary wall or fence; (f) a patio; (g) a pergola; (h) a verandah; (i) a deck; (j) a garage; (k) a carport; (l) a swimming pool; (m) shade sails.	The works are not located in a heritage-protected place.
2.	The demolition of a building that is not a single house, ancillary dwelling, multiple dwelling or grouped dwelling.	(a) The building does not share a common wall with another building. (b) The works are not located in a heritage-protected place.
3.	The demolition or removal of a cubbyhouse.	The works are not located in a heritage-protected place.

**Planning and Development (Local Planning Schemes) Regulations 2015****Schedule 2** Deemed provisions for local planning schemes**Part 7** Requirement for development approval**cl. 61**

	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
4.	The demolition or removal of a flagpole.	The works are not located in a heritage-protected place of a kind referred to in clause 1A(1)(a) to (e).
5.	Internal building work that does not materially affect the external appearance of the building.	Either — (a) neither the building nor any part of it is located in a heritage-protected place of a kind referred to in clause 1A(1)(a) to (e); or (b) the building, or a part of it, is located in a heritage-protected place of a kind referred to in clause 1A(1)(a), (c), (d) or (e), but the interior of the building is specified as not being of cultural heritage significance in the relevant register, order, agreement or list referred to in that clause.
6.	The erection of, or alterations or additions to, a single house on a lot.	(a) The R-Codes apply to the works. (b) The works comply with the deemed-to-comply provisions of the R-Codes. (c) The works are not located in a heritage-protected place.

**Planning and Development (Local Planning Schemes) Regulations 2015**

Deemed provisions for local planning schemes

**Schedule 2**

Requirement for development approval

**Part 7****cl. 61**

	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
7.	<p>The erection or installation of, or alterations or additions to, any of the following on the same lot as a single house or a grouped dwelling —</p> <ul style="list-style-type: none"> <li>(a) an ancillary dwelling;</li> <li>(b) an outbuilding;</li> <li>(c) an external fixture;</li> <li>(d) a boundary wall or fence;</li> <li>(e) a patio;</li> <li>(f) a pergola;</li> <li>(g) a verandah;</li> <li>(h) a deck;</li> <li>(i) a garage;</li> <li>(j) a carport.</li> </ul>	<ul style="list-style-type: none"> <li>(a) The R-Codes apply to the works.</li> <li>(b) The works comply with the deemed-to-comply provisions of the R-Codes.</li> <li>(c) The works are not located in a heritage-protected place.</li> </ul>
8.	<p>The installation of, or alterations or additions to, any of the following on the same lot as a single house or a grouped dwelling —</p> <ul style="list-style-type: none"> <li>(a) a swimming pool;</li> <li>(b) shade sails.</li> </ul>	<p>The works are not located in a heritage-protected place.</p>

**Planning and Development (Local Planning Schemes) Regulations 2015****Schedule 2** Deemed provisions for local planning schemes**Part 7** Requirement for development approval**cl. 61**

	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
9.	The temporary erection or installation of an advertisement.	<p>(a) The advertisement is erected or installed in connection with an election, referendum or other poll conducted under the <i>Commonwealth Electoral Act 1918</i> (Commonwealth), the <i>Referendum (Machinery Provisions) Act 1984</i> (Commonwealth), the <i>Electoral Act 1907</i>, the <i>Local Government Act 1995</i> or the <i>Referendums Act 1983</i>.</p> <p>(b) The primary purpose of the advertisement is for political communication in relation to the election, referendum or poll.</p> <p>(c) The advertisement is not erected or installed until the writ or writs have been issued or, for an election, referendum or poll under the <i>Local Government Act 1995</i>, until the 36<sup>th</sup> day before the day on which the election, referendum or poll is to be held.</p> <p>(d) The advertisement is removed no later than 48 hours after the election, referendum or poll is conducted.</p>

**Planning and Development (Local Planning Schemes) Regulations 2015**Deemed provisions for local planning schemes **Schedule 2**Requirement for development approval **Part 7****cl. 61**

	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
		(e) The advertisement is not erected or installed within 1.5 m of any part of a crossover or street truncation.
10.	The erection or installation of a sign of a class specified in a local planning policy or local development plan that applies to the works as not requiring development approval.	<p>(a) The sign complies with any requirements specified in the local planning policy or local development plan in relation to the exemption from the requirement for development approval.</p> <p>(b) The sign is not erected or installed within 1.5 m of any part of a crossover or street truncation.</p> <p>(c) The works are not located in a heritage-protected place.</p>
11.	Works to change an existing sign that has been erected or installed on land.	<p>(a) The erection or installation of the existing sign was the subject of development approval or was exempt from the requirement for development approval.</p> <p>(b) The changes do not alter the size or location of the existing sign or result in the sign containing any illumination, animation, movement or reflective, retro-reflective or fluorescent materials.</p>

**Planning and Development (Local Planning Schemes) Regulations 2015****Schedule 2** Deemed provisions for local planning schemes**Part 7** Requirement for development approval**cl. 61**

	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
		<p>(c) The sign is not used for advertising (other than the advertising of a business operated on the land).</p> <p>(d) The works are not located in a heritage-protected place.</p>
12.	The installation of a water tank.	<p>(a) The water tank is not installed in the street setback area of a building.</p> <p>(b) The volume of the water tank is no more than 5 000 L.</p> <p>(c) The height of the water tank is no more than —</p> <p>(i) for a tank fixed to a building — the height of the eaves of the building; or</p> <p>(ii) for a tank that is not fixed to a building and is more than 1 m from each boundary of the lot — 2.4 m; or</p> <p>(iii) for a tank that is not fixed to a building and is 1 m or less from a boundary of the lot — 1.8 m.</p> <p>(d) The works are not located in a heritage-protected place.</p>

**Planning and Development (Local Planning Schemes) Regulations 2015**Deemed provisions for local planning schemes **Schedule 2**Requirement for development approval **Part 7****cl. 61**

	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
13.	The erection or installation of a cubbyhouse.	<p>(a) The cubbyhouse is not erected or installed in the street setback area of a building.</p> <p>(b) The floor of the cubbyhouse is no more than 1 m above the natural ground level.</p> <p>(c) The wall height of the cubbyhouse is no more than 2.4 m above the natural ground level.</p> <p>(d) The building height of the cubbyhouse is no more than 3 m above the natural ground level.</p> <p>(e) The area of the floor of the cubbyhouse is no more than 10 m<sup>2</sup>.</p> <p>(f) The cubbyhouse is not erected or installed within 1 m of more than 1 boundary of the lot.</p>
14.	The erection or installation of a flagpole.	<p>(a) The height of the flagpole is no more than 6 m above the natural ground level.</p> <p>(b) The flagpole is no more than 200 mm in diameter.</p> <p>(c) The flagpole is not used for advertising.</p> <p>(d) There is no more than 1 flagpole on the lot.</p>

**Planning and Development (Local Planning Schemes) Regulations 2015****Schedule 2** Deemed provisions for local planning schemes**Part 7** Requirement for development approval**cl. 61**

	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
		(e) The works are not located in a heritage-protected place.
15.	The installation of solar panels on the roof of a building.	(a) The solar panels are parallel to the angle of the roof. (b) The works are not located in a heritage-protected place.
16.	Maintenance and repair works.	Either — (a) the works are not located in a heritage-protected place; or (b) the maintenance and repair works are of a kind referred to in the <i>Heritage Regulations 2019</i> regulation 41(1)(b) to (i).
17.	Temporary works.	The works are in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period.
18.	Works that are urgently necessary for any of the following — (a) public safety; (b) the safety or security of plant or equipment; (c) the maintenance of essential services; (d) the protection of the environment.	The works are not located in a heritage-protected place of a kind referred to in clause 1A(1)(a), (b) or (d).

**Planning and Development (Local Planning Schemes) Regulations 2015**

Deemed provisions for local planning schemes

**Schedule 2**

Requirement for development approval

**Part 7****cl. 61**

	<b>Column 1 Works</b>	<b>Column 2 Conditions</b>
19.	Works that are wholly located on an area identified as a regional reserve under a region planning scheme.	
20.	Works specified in a local planning policy or local development plan that applies to the works as works that do not require development approval (other than works referred to in item 10).	The works comply with any requirements specified in the local planning policy or local development plan in relation to the exemption from the requirement for development approval.
21.	Works of a type identified elsewhere in this Scheme as works that do not require development approval.	The works comply with any requirements specified in this Scheme in relation to the exemption from the requirement for development approval.

Notes for this subclause:

1. Approval may be required from the Commission for development on a regional reserve under a region planning scheme.
  2. Section 157 of the Act applies in respect of the carrying out of works necessary to enable the subdivision of land if the Commission has approved a plan of the subdivision.
  3. Section 6 of the Act applies in respect of the carrying out of public works.
  4. Clause 1B sets out circumstances in which development is taken to comply with a deemed-to-comply provision of the R-Codes.
- (2) Development approval of the local government is not required for the following uses —
- (a) a use that is wholly located on an area identified as a regional reserve under a region planning scheme;

**Planning and Development (Local Planning Schemes) Regulations 2015****Schedule 2** Deemed provisions for local planning schemes**Part 7** Requirement for development approval**cl. 61**

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Note for this paragraph:

Approval may be required from the Commission for development on a regional reserve under a region planning scheme.

- (b) development that is a class P use in relation to the zone in which the development is located, if —
    - (i) the development has no works component; or
    - (ii) development approval is not required for the works component of the development;
  - (c) development that is an exempt class D use under subclause (3) in relation to the zone in which the development is located, if —
    - (i) the development has no works component; or
    - (ii) development approval is not required for the works component of the development;
  - (d) the use of premises as a home office;
  - (e) the use of premises as a drop-off refund point if —
    - (i) the premises are otherwise used as a shop (as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 1 clause 38); or
    - (ii) the premises are not in a residential zone and the use of the premises as a drop-off refund point is an incidental use of the premises;
  - (f) temporary use that is in existence for less than 48 hours, or a longer period agreed by the local government, in any 12-month period;
  - (g) any other use specified in a local planning policy or local development plan that applies to the development as a use that does not require development approval;
  - (h) use of a type identified elsewhere in this Scheme as use that does not require development approval.
- (3) For the purposes of subclause (2)(c), a use of land is an exempt class D use in relation to the zone in which the land is located if —
- (a) the use is a class D use in relation to the zone; and
  - (b) the use is of a class set out in Column 1 of an item in the Table; and

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- (c) the zone is of a class set out in Column 2 of the Table opposite that item; and
- (d) if conditions are set out in Column 3 of the Table opposite that item — all of those conditions are satisfied in relation to the use.

**Table**

	<b>Column 1 Use</b>	<b>Column 2 Zones</b>	<b>Column 3 Conditions</b>
1.	Shop	Commercial, centre or mixed use zone	Net lettable area is no more than 300 m <sup>2</sup> .
2.	Restaurant/cafe	Commercial, centre or mixed use zone	Net lettable area is no more than 300 m <sup>2</sup> .
3.	Convenience store	Commercial, centre or mixed use zone	Store is not used for the sale of petroleum products.
4.	Consulting rooms	Commercial, centre or mixed use zone	No more than 60% of the glass surface of any window on the ground floor of the consulting rooms is obscured glass.
5.	Office	Commercial, centre or mixed use zone	Office is not located on the ground floor of a building.
6.	Liquor store — small	Commercial, centre or mixed use zone	Store is in the metropolitan region or Peel Region Scheme area.

**Planning and Development (Local Planning Schemes) Regulations 2015****Schedule 2** Deemed provisions for local planning schemes**Part 7** Requirement for development approval**cl. 61**

	<b>Column 1 Use</b>	<b>Column 2 Zones</b>	<b>Column 3 Conditions</b>
7.	Small bar	Commercial, centre or mixed use zone	(a) Small bar is in the metropolitan region or Peel Region Scheme area.  (b) The lot on which the small bar is located does not directly adjoin a residential zone.
8.	Recreation — private	Commercial, centre or mixed use zone  Light industry zone	(a) Premises are in the metropolitan region.  (b) Net lettable area of any indoor area of the premises is no more than 300 m <sup>2</sup> .  (c) No more than 60% of the glass surface of any window on the ground floor of a building on the premises is obscured glass.
9.	Home occupation	All zones	

- (4) A reference in Column 1 of the Table to subclause (3) to a class of land use is a reference to that use as defined in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 1 clause 38, whether or not —
- (a) the relevant definition is included in this Scheme; or
  - (b) this Scheme includes a different definition for that use; or

**Planning and Development (Local Planning Schemes) Regulations 2015**Deemed provisions for local planning schemes **Schedule 2**Requirement for development approval **Part 7****cl. 61A**

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- (c) this Scheme refers to that class of land use by a different name.
  - (5) Subclause (2) has effect despite the zoning table for this Scheme.
  - (6) Despite subclauses (1) and (2), an exemption under those subclauses does not apply to development if —
    - (a) the development is undertaken in a special control area and the special provisions that apply to that area under this Scheme provide that development approval is required for the development; or
    - (b) the development is undertaken on land designated by an order made under the *Fire and Emergency Services Act 1998* section 18P as a bush fire prone area and development approval is required under clause 78D(3) for the development.
  - (7) An exemption from the requirement for development approval that applies under this clause (other than an exemption under item 10 or 20 in the Table to subclause (1)) is not affected by any provision of a local planning policy or local development plan.
  - (8) If development consists of both works and use of land —
    - (a) subject to subclause (2)(b)(ii) and (c)(ii), any exemption under subclause (1) that applies to the works does not affect whether development approval is required for the use; and
    - (b) any exemption under subclause (2) that applies to the use does not affect whether development approval is required for the works.

*[Clause 61 inserted: SL 2020/252 r. 70.]*

**61A. Advice by local government that development approval not required for erection of, or alterations or additions to, single house**

- (1) This clause applies only if —
  - (a) the Scheme area is wholly or partly in the metropolitan region or the Peel Region Scheme area; or

**Planning and Development (Local Planning Schemes) Regulations 2015****Schedule 2** Deemed provisions for local planning schemes**Part 7** Requirement for development approval**cl. 61A**

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- (b) the local government has made an election under subclause (5)(a) and has not revoked that election under subclause (5)(b).
- (2) An owner of a lot in the Scheme area who proposes to carry out works consisting of the erection of, or alterations or additions to, a single house on the lot may apply to the local government for written advice that the local government is satisfied that development approval of the local government is not required for the works because of an exemption under item 6 in the Table to clause 61(1).
- (3) An application under subclause (2) must be —
  - (a) made in a manner and form approved by the Commission; and
  - (b) accompanied by any documents or other information required by the approved form; and
  - (c) accompanied by any fee for determining the application imposed by the local government under the *Planning and Development Regulations 2009*.
- (4) Within 14 days after an application under subclause (2) is made, the local government must —
  - (a) provide advice to the applicant, in the manner and form approved by the Commission, that the local government is satisfied that development approval of the local government is not required for the works because of an exemption under item 6 in the Table to clause 61(1); or
  - (b) notify the applicant, in the manner and form approved by the Commission, that the local government is not satisfied as referred to in paragraph (a).
- (5) The local government may, by written notice given to the Commission and published in accordance with clause 87 —
  - (a) elect to provide advice under this clause; or
  - (b) revoke an election under paragraph (a).

*[Clause 61A inserted: SL 2020/252 r. 70.]*

## 16.4 PD40.08.23 – Amendments to Local Planning Policy 1.2 – Removal of Occupancy Restrictions

<b>Meeting &amp; Date</b>	Council Meeting – 22 August 2023
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.
<b>Report Author</b>	Roy Winslow – Manager Urban Planning
<b>Director</b>	Tony Free – Director Planning & Development
<b>Attachments</b>	1. Draft amended Local Planning Policy – Removal of Occupancy Restrictions

### Purpose

Council’s consideration is requested in regard to draft amendments to Local Planning Policy: Removal of Occupancy Restrictions (LPP 1.2). The review is being conducted as part of the City’s periodical review of Local Planning Policies. The changes proposed to LPP 1.2 include removing the occupancy restrictions and specifying that removal of the Over 55’s caveat will only be supported where the lot meets the minimum and average site area within the Residential Design Codes (R-Codes).

### Recommendation

#### That Council:

1. adopts the draft amendments to Local Planning Policy 1.2: Removal of Occupancy Restrictions (Attachment 1) for the purpose of advertising in accordance with Clause 5 of the Deemed Provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015; and
2. notes that the advertising period will be for a minimum of 21 days.

### Voting Requirement

Simple Majority

### Background

LPP1.2 was presented to Council on 24 March 2020 where the policy was adopted for advertising. At the close of advertising, no comments had been received. LPP1.2 was adopted by Council on 28 July 2020.

The policy was prepared after LPS3 had come into effect and responded to various requests from landowners received in the 2000s and 2010s for removal of occupancy restrictions on their properties.

The policy states that “all properties restricted to Aged and Dependent Persons (over 55's) Dwellings through the provision of an Additional Use and associated Development Approval issued under Town Planning Scheme 2 (TPS2) shall no longer be required to maintain this occupancy restriction under Local Planning Scheme 3 (LPS3).”

It is estimated that there are at least 29 lots (each lot includes two or more dwellings) in the City that had an additional use granted under TPS 2 for aged and dependent dwellings. Some properties may have a restriction without being recorded as having an additional use under TPS 2. Of the 29 known properties that have had restrictions, it is estimated from the City's records that seven (7) of these lots have received approval for their occupancy restrictions to be removed.

## Discussion

### **New Layout and Formatting**

The revised policy has been rearranged into a table format like other newly adopted Local Planning Policies for consistency and clarity.

### **Requirement for Dwellings to be Consistent with Site Area Per Dwelling and Parking Requirements.**

Adoption of the policy has resulted in some properties being able to subdivide without restrictions into new lots that do not meet the minimum or average site area requirements of the R-Codes.

The reviewed policy includes a new requirement for dwellings to meet the site area per dwelling and car parking criteria of the R-Codes before removal of the occupancy restriction can be considered. Both requirements apply to Aged and Dependent Dwellings but only the parking requirement applies to Ancillary Dwellings.

The Aged and Dependent Dwellings affected by the policy were developed as a result of development bonuses provided to landowners who restricted the properties to occupancy by aged and dependent persons. The development bonus was a site area per dwelling requirement which required less site area per dwelling than the density code of the site at the time. In other words, it allowed a landowner to build a second house on a lot where they would not ordinarily be allowed to build one on the proviso that it be for the use of an aged or dependent person. This promoted ageing in place and dwelling size diversity within the City.

Removing the occupancy restrictions on properties that do not meet the site area per dwelling requirements results in unrestricted dwellings on land that are undersized for their density code. The current LPP in force does not contain protection against this outcome and currently allows landowners to effectively increase the density of the area.

In addition, Local Government does not have the discretion to vary the site area per dwelling requirements as the density codes for lots are determined by the scheme and require WAPC approval to change. The current LPP is contrary to the R-Codes and therefore of questionable enforcement. The proposed amended LPP seeks to rectify these issues by only allowing the removal of occupancy restrictions where a lot size would be consistent with the current density code of a subject lot.

Ancillary dwellings, on the other hand, have already been considered as smaller houses subservient to the main house. Removal of the occupancy restrictions on ancillary dwellings is more a technical matter because those restrictions were removed from the R-Codes some time ago. This change aligns with the current R-Codes.

## Consultation

The Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 Part 2 Clause 5(2) state “Despite subclause (1), the local government may make an amendment to a local planning policy without advertising the amendment if, in the opinion of the local government, the amendment is a minor amendment.”

The City is of the opinion that there is sufficient change in the draft LPP1.2 that the amendment should not be considered minor. Consultation on the Policy will take place should Council adopt it for advertising.

At the Concept Forum of 18 July, the question of previous consultation and community feedback was raised. As outlined in the Background section of this report, no comments were received during the consultation process of 2020, however the City had received requests to allow the removal of the caveats in the years prior to the introduction of LPS3.

## Strategic Implications

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

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

**Values** **Great Natural and Built Environment**  
We protect our enhanced, engaging community spaces, heritage, the natural environment and our biodiversity through well-planned and managed development.

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

**Priority Area** Urban form - protecting our quality living environment

## Budget/Financial Implications

Nil.

## Legislative and Policy Implications

Clause 3(1) of the Deemed Provisions of Schedule 2 of the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#) allows the City to prepare a Local Planning Policy in respect to any matter related to the planning and development of the Scheme area. Adopted Local Planning Policies can be amended in accordance with Clause 5 of the Deemed Provisions. Where the amendment is not a minor amendment, the Local Government must publish a notice of the proposed policy for a period of not less than 21 days and seek submissions.

Following the advertising period, the Policy will be presented back to Council to consider any submissions received and to:

- a) Proceed with the Policy without modification;
- b) Proceed with the policy with modification; or
- c) Not proceed with the policy.

## Decision Implications

If Council resolves to endorse the recommendation without modifications, the policy will come into effect.

If Council resolves to endorse the recommendation with modifications, the policy will be amended to include the modifications and may or may not need to be advertised depending on whether the changes greatly modify the policy. If Council seeks to make modification to the R-Codes or another State Planning Policy through this policy, the policy may need to be referred to the Western Australian Planning Commission for a decision.

If Council resolves not to support the recommendation, the existing Policy will remain in use by the City.

## Conclusion

The proposed amended policy is an improvement which ensures consistency with the R-Codes and improves formatting.

It is recommended that Council adopt the draft amended Local Planning Policy 1.2: Removal of Occupancy Restrictions for the purpose of advertising.

## Further Information

Nil.



## LOCAL PLANNING POLICY 1.2: REMOVAL OF OCCUPANCY RESTRICTIONS

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<b>4. OBJECTIVES</b>	
<b>5. POLICY MEASURES</b>	<b>5.1 Occupancy Restrictions – Aged and Dependant Persons Dwellings (Over 55’s Dwellings)</b>
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## 1 PURPOSE

- 1.1 To outline the provisions relating to the removal of occupancy restrictions on residential properties and ancillary dwellings.

## 2 APPLICATION OF POLICY

- 2.1 This policy applies to all applications for the removal of occupancy restrictions imposed on residential dwellings issued under the *City of Nedlands Town Planning Scheme No 2 (TPS2)*, including ancillary dwellings, within all zones in the City of Nedlands.

## 3 RELATIONSHIP TO OTHER POLICIES AND LEGISLATION

- 3.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 3.2 This Policy should be read in conjunction with the following planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:
- *Planning and Development Act 2005*
  - *Planning and Development (Local Planning Schemes) Regulations 2015*
  - *City of Nedlands Local Planning Scheme No. 3*
  - *State Planning Policy 7.3 – Residential Design Codes (R-Codes)*

## 4 OBJECTIVES

- 4.1 To provide a framework for the removal of occupancy restrictions on certain developments imposed under the City of Nedlands Local Planning Scheme No. 2.
- 4.2 To maintain a high standard of amenity for the surrounding neighbourhood through statutory planning controls.
- 4.3 To establish a clear framework for the assessment and determination of the removal of occupancy restrictions on residential lots.

## 5 POLICY MEASURES

### 5.1 Occupancy Restrictions – Aged and Dependant Persons Dwellings (Over 55's Dwellings)

- 5.1.1 All properties restricted to Aged and Dependant Persons (over 55's) Dwellings through the provision of an Additional Use and associated Development Approval issued under Town Planning Scheme 2 (TPS2) shall no longer be required to maintain this occupancy restriction provided they meet the minimum and average site area per dwelling requirements of the R-Codes.
- 5.1.2 Applications to remove occupancy restrictions shall demonstrate that the dwelling meets the parking requirements of the R-Codes or within any Local Planning Policy that pertains to the lot.
- 5.1.3 The properties shall remain burdened by the occupancy restriction mechanism imposed over the site via a condition of development approval or notification on the Certificate of Title until the owner of the subject property completes the process for removal of the occupancy restriction mechanism in accordance with Schedule 2 Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.



## 5.2 Occupancy Restrictions – Ancillary Dwellings

**5.2.1** All ancillary dwellings that were previously restricted to occupancy by Aged and Dependant Persons or family members through a condition of a Development Approval shall no longer be required to maintain this occupancy restriction.

**5.2.2** Applications to remove occupancy restrictions shall demonstrate that the dwelling meets the parking requirements of the R-Codes or within any Local Planning Policy that pertains to the lot.

**5.2.3** The properties shall remain burdened by the occupancy restriction mechanism imposed over the site via a condition of development approval or notification on the Certificate of Title until the owner of the subject property completes the process for removal of the occupancy restriction mechanism in accordance with Schedule 2 Clause 77 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**Notes:** For guidance on the process of removing notification on a Certificate of Title in relation to occupancy restrictions, refer to the *Procedure for the Removal of Notifications on Title (Over 55's Accommodation / Ancillary Dwellings)*.

## 6 CONSULTATION

**6.1** Any consultation with affected landowners is to be undertaken in accordance with the City's Consultation of Planning Proposals Local Planning Policy.

## 7 OTHER CONSIDERATIONS – HEALTH AND BUILDING APPROVAL

**7.1** The applicant is advised to consult with the City's Building Services & Environmental Health Services to determine if a Building or Health approval is required.

## 8 VARIATIONS TO POLICY

**8.1** Where a variation to this policy is sought, consideration shall be given to objectives of the policy.

## 9 DEFINITIONS

**9.1** For this policy, the following definitions apply:

Definition	Meaning
<b>Additional Use</b>	A class of use for specified land that are additional to the classes of use permissible in the zone in which the land is located.
<b>Aged Person</b>	A person who is aged 55 years or over.
<b>Ancillary Dwelling</b>	As defined in the Residential Design Codes.
<b>Dependent Person</b>	A person with a recognised form of disability requiring special accommodation for independent living or special care.
<b>Caveat</b>	A caveat is a form of registration which is noted on a property's Certificate of Title for the purpose of providing notification of an interest in that property.
<b>Over 55's Dwellings</b>	Residential dwellings where only persons 55 years of age or over are permitted to reside, as per the specifications of clause 5.5.2 of the Residential Design Codes Volume 1. Occupancy restrictions on the Certificate of Title or Strata Plan are often used as mechanisms to enforce this occupancy restriction.
<b>Restrictive Covenant</b>	A restrictive covenant is an agreement between two parties that restricts the use or enjoyment of land owned by one of those parties, for the benefit of another party. A restrictive covenant is noted on a Certificate of Title for the land.



<b>Section 70A</b>	A Section 70A is a section of the Transfer of Land Act 1893 that allows notifications to be placed on a property's Certificate of Title. The notifications advise of potential circumstances that might impact the enjoyment of that property.
<b>Strata Titles Act</b>	The governing legislation for the operation of strata titles within Western Australia.

Council Resolution Number	PDXX
Adoption Date	OCM 28 July 2020
Date Reviewed/Modified	PDXXX (Date)

## 17. Divisional Reports - Technical Services Report No's TS09.08.23 to TS10.08.23

### 17.1 TS09.08.23 – Shirley Fyfe Gazebo – Waratah Avenue, Dalkeith

<b>Meeting &amp; Date</b>	Council Meeting – 25 July 2023
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Employee disclosure required where there is an interest in any matter of which the employee is providing advice or a report.
<b>Report Author</b>	Daniel Kennedy-Stiff - Manager City Projects & Programs
<b>CEO</b>	Matthew MacPherson – Director Technical Services
<b>Attachments</b>	1. Shirley Fyfe Park Gazebo Structural report 2. CONFIDENTIAL - Contractor Pricing Proposal

#### Purpose

To address a Council Resolution arising from the ordinary council meeting held May 2023 – Report and Protection of Tram Stop Rotunda, this report seeks to inform Council of potential options for the long-term future of the Tram stop / Gazebo (the Gazebo) at Shirley Fyfe Park, Waratah Avenue, Dalkeith WA 6009.

#### Recommendation

The Council request the CEO to:

1. capture heritage information regarding the dilapidated gazebo for future record; and
2. remove the gazebo at Shirley Fyfe Park and reinstate the turf area.

#### Voting Requirement

Simple Majority.

#### Background

##### History of the Site:

The Gazebo is a historic bus stop, shaped as an octagonal timber framed shelter, on the corner of Waratah Avenue and Wavell Road.

It has aesthetic, historic, social and cultural heritage value which is mentioned in the City of Nedlands Municipal Inventory 2013 which indicated that:

- The construction of the gazebo was between World War I and World War II.
- The gazebo has also been utilised as a polling booth during past elections, with this it has aesthetic, historic, social, and cultural heritage values.
- There is a bus stop nearby and it is possible this structure is used for shelter by patrons on occasion.

### **Maintenance History**

In February/ March 2018, The City of Nedlands was scheduled to refurbish the historic bus stop at Shirley Fyfe Reserve, Waratah Avenue, Dalkeith.

The works were undertaken by a contractor and included the below listed scope items Works were completed in mid-April 2018.

- Roof Works – Pressure clean of the roof, replacing of eight roof tiles with similar design and sealing of the roof.
- Seating – Removed timber slats, prepared seat brackets, refix slats with new bolts and add 12 new slats.
- Cladding and framework – Expose timber for inspections and paint, replace 30m<sup>2</sup> of cladding and associated members.
- Painting – Paint all exposed timberwork internally and externally, paint timber slats and paint rafter ends.
- Total cost of refurbishment \$12,214.12



Figure 2: Internal refurbishment - April 2018



Figure 3: External refurbishment - April 2018

It should be noted that the majority of the scope of work is for cosmetic enhancements and there is little attention given to structural changes to increase its useful longevity.

### **Current Condition**

In early 2023, the City of Nedlands commissioned a structural engineering firm to review and report on the current condition of the Gazebo (Attachment 1 refers). The overall condition of the Gazebo was rated as very poor. Major damage has been caused to structural wall elements by moisture and termites. There is significant, visible damage to a number of lower structural members and the cladding of the Gazebo and termite damage has weakened the structure causing the frame to shift out of alignment.

The roof structure is in good condition relative to the lower structure elements. Some rafters are splitting and cracking, and the battens generally are in poor condition. The tiles are in reasonable condition and are likely to be the only truly salvageable element – however matching tiles into the future are likely to be increasingly hard to source.

The vertical members, including door and window framing elements, as well as corner posts and cover panels appear to be the main vertical members damaged by termites. The wall cladding has also been damaged by termites, with further damage accelerated by moisture from irrigation and rain.

The Concrete slab/ foundation of the structure appears in good condition, although soil and grass on the North side of the structure has built up above the slab level and around the direct buried members. This prevents the weather step from achieving its purpose of keeping the timber structure out of the ground and water. This has led the structure to become more damaged.

**Findings from this report are as follows:**

The City engaged the services of a structural engineering firm, Atelier JV (AJV), to undertake a structural assessment of the Gazebo. This assessment (attachment 1 refers) found that the structural damage present is too extensive for retention, as well as highlighting the likelihood of further damage present in the wall panel corner cavities. AJV recommend that the Gazebo requires deconstruction and rebuilding on the existing slab structure.

The Structural assessment makes the following recommendations:

- Roof tiles and rafters can be retained and re-used for reconstruction where possible (roof timbers are to be inspected by a qualified professional for presence of pests).
- Roof fixings are significantly corroded and require replacement.
- Roof battens appear significantly weathered and therefore require replacement.
- Wall cladding is very damaged by water and pests and will require replacement.
- Timber stud and wall elements are to be fully replaced to prevent the possible retention of pest-ridden timbers being re-introduced to the new structure.
- The surrounding park area and trees to be inspected for timber attacking pests.
- The park irrigation system be reviewed to minimise spray onto the structure.
- the soil and grass level adjacent the shelter be brought down to below the slab level to allow a sufficient weather step to protect the future structure.
- A certified pest barrier or protection method shall be installed to suit the new structure and deter future pest damage.

Given the current poor condition of the structure the City of Nedlands is required to make a decision regarding its long-term future.

At the Ordinary Council Meeting of May 2023, a notice of motion was put which resolved the following:

**“That the CEO is directed to provide a report with 3 quotes to Council by June OCM to repair the rotunda in Shirley Fyfe Park, and to protect it from further damage immediately, and to consider it for listing on the City of Nedlands Heritage inventory.”**

**CARRIED 6/5**

## **Discussion**

The following has been undertaken in an effort to address the Council Resolution:

### **Obtaining Quotations:**

On the assumption that the aim of the project is to retain as much of the heritage value as possible, the City initially approached the following:

- 6 local contractors that advertise in the local community newspaper.
- 2 previous City contractors.

With the intent to obtain a priced proposal to return the structure toward its original condition. Feedback from approached businesses is as follows:

#### **Contractor I**

Response by advising they do not do restorations, but happy to design and build a new gazebo if required in future.

#### **Contractor II**

Spoke to owner who advised that he is currently semi-retired and will be fully retired in the next two months and will not be taking on new projects.

#### **Contractor III**

Communication received and condition report emailed through as requested from contractor. Follow up email sent Friday 2 June 2023 to organise a meet and greet to go through a quote, no response received.

#### **Contractor IV**

Communication received and condition report emailed through as requested from contractor. Follow up email sent Friday 2 June 2023 to organise a meet and greet to go through a quote. Contractor responded they currently have COVID and has put all work on hold until he receives a negative result. Will contact when available. No response to date.

#### **Contractor V**

Email sent through, no response back from Contractor. Follow up email sent through Monday 12 June 2023. No response to date.

#### **Contractor VI**

Could only enquire through their website enquiry from online. Enquired on Wednesday, 7 June 2023, no response received.

#### **Contractor VII**

Response received as they are well placed to carry out the works, they are not a licensed builder. Provided a rough estimate quote based on the scope of the work will be come in over \$20k. Also gave timeline to commence works would be after February 2024.

#### **Contractor VIII**

Contractor contacted and their response: after inspecting the site, advised the Gazebo is structurally damaged beyond repair, it's visually clear all structural components on this Gazebo are damaged beyond repair. We advise no personnel is to enter this area.

In discussion with an Elected Member, an additional contractor's details were provided to the City, who works locally and was familiar with the structure that may be able to accommodate the required works.

A subsequent site meeting occurred with the City and the contractor on Monday 19th June 2023 at 1:30pm. The Contractor (Contractor IX) was provided with a copy of the structural report and subsequently provided a price proposal on Sunday 25th June 2023 (Attachment 2 refers - Confidential).

The Contractor indicated in their correspondence:

- Concern over the lean of the structure and recommended that the City engage a structural engineer to review and design future bracing to prevent leaning at a later date.
- Install a temporary prop under the apex of the gazebo until works can begin.
- Work can begin on the Gazebo in seven weeks with the direct costs being approximately \$60,000 inc. GST.

As such, despite efforts to obtain three quotations from nearly ten potential providers, the City was unable to source three within a reasonable time frame.

### **Protection of the Structure:**

Since late 2022 the City has undertaken the following to protect the structure whilst a long-term decision is made:

- Termite Treatment completed 5 January 2023.
- Fencing and Hoarding has been installed to prevent access.

Based on recent discussions with contractors, it was proposed to prop the roof structure to ease the burden on the walls. Whilst arranging this, however, the City's electrician has declined to remove a light in the apex of the roof due to the current compromised condition being a potential work health and safety risk.

Similar concerns are likely to be raised by any company undertaking propping and thus engaging a suitable provider may prove difficult. Further, this highlights a risk to the City and any engagement with a contractor to undertake repairs must also demonstrate effective measures are in place to the safety of their employees and community.

### **Potential long-term options:**

At present there are four options for Council to consider pursuing:

1. Replacement / repair like for like.
2. Remove and not replace.
3. Remove and replace with fit-for purpose, 'off the shelf' structure, including heritage aspects.
4. Design of a new structure improving on material durability and including heritage aspects.

Summary of these are provided below, with all costs outlined in the Financial Implications section of this report:

<b>OPTION 1: Replacement / repair like for like.</b>	
<b>Summary</b>	The Gazebo would be surveyed and re-designed/drawn to a more modern standard where required but re-built as a heritage style structure in all other regards. This would return the structure to an all, but 'as-new' state and the look would be similar to the 2018 re-furnished outcome as seen in Figure 2 herein. Fifteen year costs = <b>\$190,950</b>
<b>Positives</b>	<b>Negatives</b>
<ul style="list-style-type: none"> <li>+ Retains all heritage aspects save for modern enhancements for longevity.</li> <li>+ Is familiar and likely to be generally well received by the community.</li> <li>+ Can provide incidental benefit of shelter to nearby park and bus users.</li> </ul>	<ul style="list-style-type: none"> <li>- Relatively costly compared to off the shelf products.</li> <li>- Initial flaws of passive surveillance and enclosed nature will be retained.</li> <li>- Materials, namely tiles, will become increasingly hard to source.</li> <li>- Materials used will have the same weaknesses of the initial structure.</li> <li>- No guarantee of the funding and long-term management to avoid history repeating.</li> </ul>
<b>Comments</b>	A re-built structure is an attractive addition to the local area, but there is little support to justify significant spend on an asset for which the use and benefit beyond the heritage values can be warranted over and above other assets which are reaching the end of their useful life and are more in demand by the community for regular usage. As such this is not the recommended option.

<b>OPTION 2: Remove and not replace</b>	
<b>Summary</b>	The Gazebo would be decommissioned and de-constructed with certain elements / materials and photographs retained to be included into a historic record for potential future presentation. Fifteen year costs = <b>\$9,600</b>
<b>Positives</b>	<b>Negatives</b>
<ul style="list-style-type: none"> <li>+ Decreases the cost of the asset to zero.</li> <li>+ Allows funding to be directed to other assets for the community.</li> </ul>	<ul style="list-style-type: none"> <li>- Retains only fragments of historic record.</li> <li>- Does not provide incidental shelter use in the same location.</li> <li>- Community generally do not favour reduction in assets / services.</li> </ul>
<b>Comments</b>	Since the fencing of the location in February 2023, there has been little demand for its use or concern at its current state until it was highlighted from a heritage perspective. Therefore, there is little evidence for the need of a structure of any type in the nearby area, and any retention would be for heritage only – something the City has received limited feedback in regard to the gazebo being closed. In an effort to balance limited funds to where it best services the community, Council may wish to consider this as a regrettable loss in favour of higher quality retention elsewhere. This is not the recommended option.

<b>OPTION 3: Remove and replace with an 'off the shelf' gazebo with additional heritage elements</b>	
<b>Summary</b>	The Gazebo would be decommissioned and de-constructed. Certain elements which can be retained. A new 'off the shelf' Gazebo can be installed providing the bones of a re-built gazebo to which heritage elements could be added to, to give acknowledgement to the previous form. This could be by potentially using salvaged cladding, which was replaced in 2018, introducing new cladding and copying the historic colour palette of white and orange. Interpretive history signage with past photos and presenting previous materials can be installed alongside the new structure – which is not uncommon with older buildings that fall beyond repair or not fit for purpose and need of significant renovation. Fifteen year costs = <b>\$88,800</b>
<b>Positives</b>	<b>Negatives</b>
<ul style="list-style-type: none"> <li>+ Easy to source and install quickly.</li> <li>+ Scale-able to budget in terms of element inclusions.</li> <li>+ Still retains heritage elements.</li> <li>+ Increased longevity of modern materials and replacement parts.</li> <li>+ Least whole of life cost for any replacement option.</li> <li>+ Structure / incidental usage still available to the community.</li> <li>+ Can be relocated nearby and re-oriented for better passive surveillance and community use.</li> </ul>	<ul style="list-style-type: none"> <li>- Retains fragments of historic record and overall aesthetic but not the structure itself</li> <li>- Cost still would be at the expense of other assets which are subject to greater demand and use.</li> </ul>
<b>Comments</b>	With such a significant asset backlog, the City should treat every full replacement in a similar manner to a new asset. This includes ensuring the asset meets demand but is provided in a way that is sustainable long term. By their bespoke nature and age, heritage structures and buildings, are more difficult and costly to maintain. Council would be best served in ensuring assets provide the services for which they are intended for the best value possible. That said, history is important to the City and the community and this option goes some way to acknowledge history in a modern way. On the balance of these considerations, this option is the recommended option.



Figure 4: 'Brookdale' prefabricated shelter from Exteria – potential base structure for Option 3



Figure 5 & 5: 'Goulburn' prefabricated shelter from Landmark – potential base structure for Option 3 demonstrating custom cladding arrangements

<b>OPTION 4: Remove and completely re-design a new structure with all modern materials</b>	
<b>Summary</b>	The Gazebo would be decommissioned and de-constructed. A new custom gazebo would be designed and built to 2023 standards and materials. It would be painted in a similar colour scheme to the 2018 refurbishment. Fifteen year costs = <b>\$154,800</b>
<b>Positives</b>	<b>Negatives</b>
<ul style="list-style-type: none"> <li>+ Still retains heritage elements.</li> <li>+ Increased longevity of modern materials and replacement parts.</li> <li>+ Structure / incidental usage still available to the community.</li> <li>+ Can be relocated nearby and re-oriented for better passive surveillance and community use.</li> </ul>	<ul style="list-style-type: none"> <li>- Retains fragments of historic record and overall aesthetic but not the structure itself.</li> <li>- Cost still would be at the expense of other assets which are subject to greater demand and use.</li> <li>- Will take time to design and certify, tender and build from custom parts.</li> <li>- Likely significant capital costs relative to other options.</li> </ul>
<b>Comments</b>	This option creates a number of benefits from other options, at a slightly greater cost. It is the officer's opinion however that such an option does not go significantly beyond the benefit provided in Option 3. As the Gazebo is a traditional, octagonal shape, readymade alternatives which can be added to would be better value than a modernization which may have been favoured if the original structure was of an architectural design. This is not the recommended option.

## Consultation

No consultation has occurred with regard to this report and decision.

It is worth noting an interested resident has contacted City of Nedlands as she had read in the local newspaper that the City of Nedlands were demolishing the heritage structure. The resident offered to restore the Gazebo and relocate it to their property down south at no cost to the City.

## Strategic Implications

- Vision** Our city will be an environmentally sensitive, beautiful and inclusive place.
- Values**
- Healthy and Safe**  
Our City has clean, safe neighborhoods where public health is protected and promoted.
- Great Natural and Built Environment**  
We protect our enhanced, engaging community spaces, heritage, the natural environment and our biodiversity through well-planned and managed development.

### High standard of services

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

### Reflects Identities

We value our precinct character and charm. Our neighborhoods are family-friendly with a strong sense of place.

### Easy to Get Around

We strive for our City to be easy to get around by preferred mode of travel, whether by car, public transport, cycle or foot.

## Priority Area

- Renewal of community infrastructure such as roads, footpaths, community and sports facilities
- Retaining remnant bushland and cultural heritage

## Budget/Financial Implications

The long-term financial implications for the options presented are tabled below:

CONSIDERATION		Units	Options			
			1 - Replacement Like for Like	2 - Remove & not replace	3 - Remove & replace with off the Shelf + Elements	4 - Modern rebuild of original
DESIGN & DEVELOPMENT COSTS		\$	\$ 12,000	\$ -	\$ 1,000	\$ 12,000
CONSTRUCTION COSTS		\$	\$ 60,000	\$ 8,000	\$ 36,500	\$ 55,000
OVERHEAD ESTIMATE		20%	\$ 14,400	\$ 1,600	\$ 7,500	\$ 13,400
TOTAL CAPITAL/ UPFRONT COSTS		\$	\$ 86,400	\$ 9,600	\$ 45,000	\$ 80,400
AMP		Renew / Upgrade New / Disposal	Renewal	Disposal	Upgrade	Renewal
ONGOING COSTS	Materials & Contracts	\$ / Year	\$ 400	\$ -	\$ 400	\$ 400
	Staff	\$ / Year	\$ 810	\$ -	\$ 270	\$ 540
ASSET LIFE (years)		Years	15	0	20	20
DEPRECIATION (capital/asset life)		Per Annum	\$ 5,760	\$ -	\$ 2,250	\$ 4,020
WHOLE OF LIFE COSTS OVER 15 YEAR LTFP PERIOD		\$	\$ 190,950.00	\$ 9,600.00	\$ 88,800.00	\$ 154,800.00
CURRENT BUDGET ALLOCATION		\$	\$ -	\$ -	\$ -	\$ -
LTFP IMPACTS	Does the LTFP currently provide for this project/ cover the entire anticipated cost?		No	No	No	No
SOURCE OF FUNDS	Municipal, grants, reserves, partnerships, other contributions		Municipal	Municipal	Municipal	Municipal
NOTES	Has anything changed since the budget was proposed/adopted? External funding, catastrophic failure, new information?		N/A	N/A	N/A	N/A

## Legislative and Policy Implications

Depending on the decision of Council, the City officers may be required to undertake a procurement process in line with the Council's Procurement Policy. This will add delay to undertaking any works whilst this occurs, unless Council determine that these works can occur outside the policy and process. As the works are unlikely to go beyond the tender requirements, the Council's policy is the determining document.

## Decision Implications

The decision of Council in respect to the structure will have implications on either financial requirements or local heritage, which will be determined based on the preferred option.

## Conclusion

Four options provided regarding the repair/ restructure/ new design to be built of the Shirley Fyfe Tram Stop Rotunda/ Gazebo due to the poor condition and state of the structure, Administration has attempted to source contractors to refurbish the structure. Due to limited interest, and concern over the current state, this has proven difficult.

As such, Administration is requesting that Council consider the options presented herein, with the recommendation for Option 2.

Alternatively, Council may wish to retain a structure in this location, should this be the case, option 3 seeks to strike a balance between the asset being provided, linking to the past, modern materials and is financially prudent;

Council may propose an alternative resolution being:

1. Include in the 2023-24 financial year budget an allocation of \$45,000 to remove and replace the gazebo at Shirley Fyfe Park with prefabricated structure and additional heritage elements; and
2. Capture heritage information regarding the dilapidated gazebo for future record.

## Further Information

Nil.

# Shirley Fyfe Park Gazebo Structural Condition Report



ATELIER / JV

Date: 10/2/2020

Revision: A

Report Number: P23019 Report 01

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# 1. Introduction

Atelier JV were engaged by City of Nedlands to carry out a Structural condition survey and report on the Shirley Fyfe Park Gazebo/Shelter as identified on the site plan below:



Site Location

Figure 1: Site Location

## 2. Scope of Report and Intended Use

This report is intended to be non-intrusive, visual survey of the building's structural condition together with a discussion about pest ingress and damage to be used in conjunction with qualified pest controller's report.

In particular, the report has set out to investigate the following key areas of concern:

- / Existing Damage to the structure and its possible causes
- / Overall condition of the structure
- / Proposed rectification of structural issues

### Recommendations

It is intended that the report be used to assist in the decision-making process for the repairs and or rectification required. From the recommendations in this report, detailed designs can be drawn up as part of a separate design package.

This report has been compiled for the use of City of Nedlands. The report should not be relied upon by third parties without prior written permission from Atelier JV.

### **3. Available Information**

This report includes photographs as taken on site, review of past map information and refers to video taken on site which can be made available on request.

All other information has come from anecdotal information discussed on site during Atelier JV's inspection.

#### **4. Building Structure**

The timber framed gazebo/shelter is a simple local heritage structure that has a concrete slab, timber cladding and tiled roof.

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## 5. Observations and Remedial Measures

Inspection of the structure was performed mostly visually from ground level externally and internally. A brief observation of the corner of the Shirley Fyfe Park where the structure is sited was also conducted as well as historical mapping information examined.

### 2.1 Observation

Major failure of tie beam. Tie beam suffered significant failure due to timber pest damage. Atelier JV suggest that structure will likely not have enough capacity in the remaining perimeter fixings and load transfer structure to resist weight of roof cladding and rafter pushing the tops of the walls apart causing warping and potential collapse of the structure.





### 2.1.1 Remedial Measures

Structure shall be deconstructed retaining elements where possible. Tie beams shall be removed and replaced with new timber members in the future reconstruction.

### 2.2 Observation

Roof structure in good condition relative to the lower structure elements. Non painted timber appears to have remained mostly unaffected by pest attack. Some significant weathering has occurred. Some rafters presenting splitting and cracking likely due to weathering and age. Battens generally are in poor condition due to weathering and or leeching of salts or calcification from roof tiles or the irrigation water that appears to drench the south west side of the structure. Tiles are in reasonable condition for their age however pointing and fixing have deteriorated.



### 2.2.1 Remedial Measures

Structure shall be deconstructed retaining elements where possible. Battens shall be removed and replaced with new timber members in the future reconstruction. Rafter shall be retained where possible and re-used on future re-construction. Roof tiles shall be retained where possible and re-used on future re-construction

### 2.3 Observation

Major damage caused to wall structures by moisture and pest attack. Vertical members including door and window framing elements as well as corner posts and cover panels appear to be main vertical members attacked by pests. Corner posts are joined by 3No. perimeter bolt fixings. AJV is concerned that due to possible pest attack in the concealed corner cavity that these fixings may have reduced capacity and may be able to pull through the timber elements allowing for failure of the structure at the corner locations.





### 2.3.1 Remedial Measures

Structure shall be deconstructed. It is likely not advisable to retain any of the wall level structural members as they have had significant timber pest activity and reintroducing them to a future reconstruction could allow pests to spread into the new structure (refer pest control specialist for potential to re-use wall elements). Wall elements shall be removed and replaced with new timber members in the future reconstruction.

## 2.4 Observation

Major damage caused to wall cladding by moisture and pest attack. Cladding panels/strips appear to be main horizontal elements attacked by pests. Due in part to painting of the timbers, contact with soil, and drenching from irrigation and weather the cladding panels have remained wet which has made them soft and vulnerable to the timber pests. Several cladding panels have swollen due to the moisture and/or timber pests and become a mushy crumbling mud like consistency. This has in some places been contained by the paint and in others fallen to the ground or stuck to the structure below.





#### **2.4.1 Remedial Measures**

Wall Cladding shall be removed. It is likely not advisable to retain any of the cladding elements as they have had significant timber pest activity and reintroducing them to a future reconstruction could allow pests to spread into the new structure (refer pest control specialist for potential to re-use wall elements). Cladding shall be removed and replaced with new timber members in the future reconstruction.

## 2.5 Observation

Concrete slab/foundation of the structure appears in good condition. Soil and grass on the North side of the shelter has built up above the slab level and prevents the weather step from achieving its purpose of keeping the timber structure out of the ground and water. This has led to the structure above becoming damaged.



### 2.5.1 Remedial Measures

The concrete slab shall be retained when the remainder of the structure shall be deconstructed. A further inspection of the slab condition shall be performed at this time. Atelier JV recommend subject to further inspection the slab can be re-used in the future reconstruction.

## 6. Conclusions and Recommendations

Atelier JV have concluded that the structural damage visible is too extensive for retention as well as the likelihood of further damage present in the wall panel corner cavities. AJV recommend that the structure requires deconstruction and rebuilding on the existing slab structure.

- Roof tiles and rafters shall be retained and re-used for reconstruction where possible (roof timbers inspected by a qualified professional for presence of pests).
- Roof fixings are significantly corroded and require replacement.
- Roof battens appear significantly weathered and therefore require replacement.
- Wall cladding is very damaged by water and pests and will require replacement.
- Timber stud and wall elements are to be fully replaced to prevent the possible retention of pest-ridden timbers being re-introduced to the new structure.
- Atelier JV recommend that the soil and grass level adjacent the shelter be brought down to below the slab level to allow a sufficient weather step to protect the future structure. A certified pest barrier or protection method shall be installed to suit the new structure and deter future pest damage.
- The surrounding park area and tree to be inspected for timber attacking pests and park irrigation system to be adjusted such that it does not drench the timber structure.

## **7. Appendix A – Repair Specifications**

Refer to Pest Control Specialist for Timber Attack Pest control specification.

## **8. Appendix B – Sketches and Drawings**

Drawings to be conducted as part of future works package.

9. Appendix C – Photographic Record (Thumbnails)



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ATELIER / JV

## 17.2 TS10.08.23 – Tawarri Car Park Drainage Improvement

<b>Meeting &amp; Date</b>	Council - 22 August 2023
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Report Author</b>	Bhavesh Bhavsar – Assets Engineer
<b>Director</b>	Matthew MacPherson – Director Technical Services
<b>Attachments</b>	<ol style="list-style-type: none"> <li>1. Option 1 - Wetland Bio-Retention Basin</li> <li>2. Option 2 - Stream Bio-Swale</li> <li>3. Option 3 - Central Wetland Bio-Retention Basin</li> <li>4. Option 4 - Repurpose Parking to Landscape Area</li> <li>5. Option 5 – Raising Carpark &amp; Roadway</li> </ol>

### Purpose

The purpose of this report is to provide a response to the September 27, 2022, Council Resolution (22.3) on presenting probable solutions to resolve flooding at the Tawarri car park. This report has several options for Council to consider including concept drawings, design specifications, cost estimates, and information on the benefits and drawbacks.

### Recommendation

That Council:

1. adopt Option 5 as the preferred long-term treatment for stormwater at the Tawarri Carpark; and
2. request the CEO to work toward this treatment option in conjunction with the development works associated with the Tawarri Hot Springs development.

### Voting Requirement

Simple Majority.

### Background

At the 27 September 2022 Ordinary Council Meeting, Council resolved to “Request the CEO to present a report to Council at the December Ordinary Council Meeting detailing solutions to the flooding in the Tawarri car park including increased soakwell capacity at the current location, additional soakwells, raising the roadway, or any other solutions.”

The Administration presented a report to Council at the 13 December 2022 Ordinary Council Meeting detailing the probable cause(s) and contributing factors to the drainage issues at the Tawarri car park and provided probable solutions to resolve this flooding. A comparison between the proposed solutions were presented taking into consideration the complexity of work, magnitude of cost, the benefits and drawbacks for Council consideration.

The Administration proposed three options considering interim to long-term implications and requested further investigation be conducted to determine the most effective solution. The proposed options by the Administration were:

**Option 1:** Raising of roadway from the Tawarri Car Park to the Perth Flying Squadron Yacht Club entry.

**Option 2:** Provision of stormwater collection, treatment, and disposal to the Swan River.

**Option 3:** Do nothing and maintain the current status quo.

At the 13 December 2022 Ordinary Council Meeting, Council resolved to:

“That Council request the CEO to further investigate the suitability of the proposed options and present a report to Council at the April 2023 Ordinary Council Meeting detailing preferred options, concept designs, and estimated costs. Options are to include consideration of a reed bed, living stream and other solutions to filter the runoff and that only in extreme events the stormwater is discharged into the Swan River.”

The Administration engaged a hydrology consultant and presented two feasible concept solutions with high-level cost estimates, benefits and drawbacks at the May 30, 2023. Council Briefing session. The presented options were as follows:

Option 1: Wetland/Bio-Retention Basin to lawned area southeast of car park (see attachment 1).

Option 2 - Stream/Bio-Swale with water treatment and river discharge (see attachment 2).

At this briefing, Council requested the Administration to investigate the feasibility of two additional options:

Option 3: Wetland/bio-retention basin to the central parking area.

Option 4: Converting a southeast portion of the existing parking area to wetland area and allow overland flow for natural infiltration.

## Discussion

The Tawarri car park provides additional access to the Beaton Park for community recreational activity including Jo Wheatley All Abilities Play Space. It provides a dedicated bus parking bay and 26 car parking bays. This car parking space is suitable considering the

traffic and parking requirements, however, improvement in the design and provision of drainage infrastructure is required, with due consideration to the proximity to the Swan River and high-water table throughout the year.

The Administration with the hydrologic consultant has prepared four proposed solution options, including concept sketches, design requirements, specifications, indicative magnitude of cost, and anticipated advantages and disadvantages. Given that all proposed solutions are within the river protection zone, formalised designs and submission for approval to the Department of Biodiversity, Conservation, and Attractions (DBCA) will be required.

The options for Council consideration are as follows:

**Option 1 – Wetland / Bio-Retention Basin (refer to Attachment 1)**

Regrading a portion of the car parking to enable overland flow to additional drainage infrastructure and a newly created wetland area for natural infiltration of stormwater. The intended wetland area proposes retention of the current natural vegetation with additional planting of further vegetation to provide shade, maintain low water temperatures, and support mosquito predator species (frogs, bats, and dragonflies).

**Option 2 – Stream / Bio-Swale (refer to Attachment 2)**

Regrading a portion of the car parking to allow overland flow to additional drainage infrastructure and a proposed living stream facilitating treatment of stormwater prior to discharge to the Swan River. Similar to Option 1, preservation of the existing and additional vegetation is proposed with the living stream vegetation aiding in the appropriate treatment of stormwater prior to discharge to the Swan River. It is anticipated that significantly more design, investigation, and liaison with DBCA will be required for approval given the conditions for discharge of stormwater into the Swan River.

**Option 3 – Central Wetland / Bio-Retention Basin (refer to Attachment 3)**

Regrading a larger portion of the car parking to enable overland flow to the proposed central wetland for natural infiltration without the need for additional drainage infrastructure. This concept also suggests planting new trees and plants in the proposed wetland to offer shade, maintain lower water temperatures, and sustain mosquito predator species.

**Option 4 – Repurpose Parking to Landscape Area (refer to Attachment 4)**

Conversion of a considerable portion of car parking to a newly created wetland area, allowing natural infiltration of stormwater to a larger footprint. This option drastically limits available parking spaces which would not meet community needs and would require the relocation of the of bays utilised for bus parking and park waste collection.

Approval from the Department of Planning, Lands and Heritage (DPLH) will be required in order to amend the use of this land parcel from road purpose to natural area. The Administration anticipates that the Department would not be supportive of this proposal.

### **Option 5 – Raising Carpark & Roadway (refer to Attachment 5)**

Raising of roadway from the Tawarri Car Park to the Perth Flying Squadron Yacht Club entry. A concept sketch for this option was prepared by the Administration to allow for additional formal parking along the Esplanade and ties in with the works that were proposed by the Tawarri Hot Springs development.

This concept also targets existing drainage issues at parking spaces along the Esplanade, drainage issues at the south-east corner of the carpark and improves drainage capacity by grading the carpark away from the current trapped low point along with additional drainage infrastructure along the proposed road section. Further, raising of the land level along the foreshore is currently under consideration as a potential treatment for future foreshore management in the long term, and this approach would lend itself to matching increased ground level along the entire Esplanade.

It is anticipated that this option would be significantly higher capital cost compared to other proposed solutions, however, would allow a more holistic approach to the renewal of the infrastructure and mitigating the drainage issues. There may also be opportunities for this to be staged.

If this option becomes the preferred solution, then detailed investigation and designs will need to be completed to ensure the works will remediate the drainage issues currently experienced on the site.

### **Option 6 – Do Nothing and maintain status quo.**

The status quo would be maintained with no modification or additional drainage infrastructure being added and equating in no capital cost being incurred to the City. Given the condition and remaining useful life of the current infrastructure assets it is not recommended to have disposal / renewal activities completed prematurely.

The Administration would collaborate with the Tawarri Hot Springs developer during development to mitigate the current flooding issues and propose a holistic solution that would be mutually beneficial to all parties.

## **Consultation**

Consultation with internal stakeholders was conducted, and feedback was sought to ensure a holistic approach to the proposed solutions. Further engagement with both internal and external stakeholders (DBCA and DPLH) will be required, depending on the preferred proposed solution.

## **Strategic Implications**

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

- Vision** Our city will be an environmentally-sensitive, beautiful and inclusive place.
- Values**
- Healthy and Safe**  
Our City has clean, safe neighbourhoods where public health is protected and promoted.
- Great Natural and Built Environment**  
We protect our enhanced, engaging community spaces, heritage, the natural environment and our biodiversity through well-planned and managed development.
- High standard of services**  
We have local services delivered to a high standard that take the needs of our diverse community into account.
- Great Governance and Civic Leadership**  
We value our Council’s quality decision-making, effective and innovative leadership, transparency, accountability, equity, integrity and wise stewardship of the community’s assets and resources. We have an involved community and collaborate with others, valuing respectful debate and deliberation.
- Great Communities**  
We enjoy places, events and facilities that bring people together. We are inclusive and connected, caring and support volunteers. We are strong for culture, arts, sport and recreation. We have protected amenity, respected our history and have strong community leadership.

**Priority Area**

- Urban form - protecting our quality living environment.
- Renewal of community infrastructure such as roads, footpaths, community and sports facilities.
- Providing for sport and recreation
- Managing parking

**Budget/Financial Implications**

Dependent on the option that Council endorses, detailed design work will be required to progress towards implementable solution. The Administration would fund the detailed design development from the current year’s operational budget, however, an adjustment at Mid-Year review would be require funding the implementation of the proposed solution. The indicative magnitude of cost for implementation of each solution is as follows:

<b>Option</b>	<b>Description</b>	<b>Magnitude of Cost</b>
One	Wetland / Bio-Retention Basin (Attachment 1)	\$75,000
Two	Stream / Bio-Swale (Attachment 2)	\$100,000

Three	Central Wetland / Bio-Retention Basin (Attachment 3)	\$70,000
Four	Repurpose Parking to Landscape Area (Attachment 4)	\$85,000
Five	Raising Carpark & Roadway	\$1,500,000
Six	Do Nothing and maintain status quo.	\$0

## Legislative and Policy Implications

- [Community Engagement Council Policy](#) – the City is required to consult with stakeholders on all proposals and new initiatives in accordance with Council’s policy.
- [Planning for Stormwater Management Affecting the Swan Canning Development Control Area – Corporate policy statement no. 49](#) – The City is obligated to:
  - Not result in further water quality degradation of the Swan Canning river system, and where possible, improve the situation; and
  - Protect and enhance the ecological health, community benefits and amenity of the river system.

## Decision Implications

Based on the preferred solution, further investigation, detailed design, and external stakeholder approval will be required as detailed in the option descriptions above. The implementation of any of these proposed solutions will result in the removal of funding from other capital work projects.

## Conclusion

The Administration presented six potential solutions for improving the drainage at the Tawarri Carpark, considering design requirements, specifications, indicative magnitude of cost, and anticipated advantages and disadvantages. Further detailed design work and investigation will be required to progress towards implementable solution.

The Administration recommends that Council instruct the CEO to proceed with Option 5 – long term level height increases, allowing the Administration to investigate and resolve this issue in collaboration with developer during the Tawarri Hot Springs development.

## Further Information

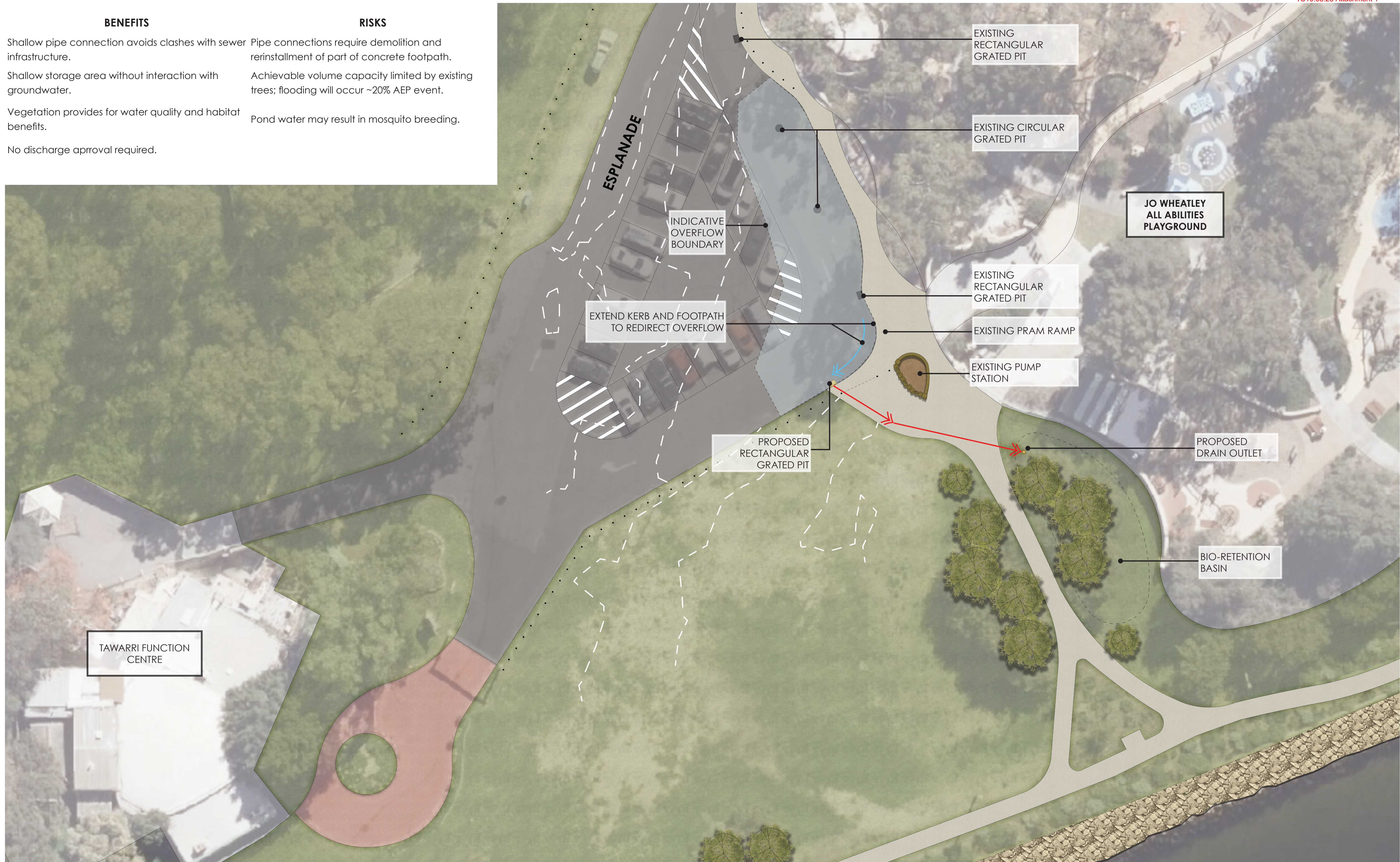
Nil.

**BENEFITS**

- Shallow pipe connection avoids clashes with sewer infrastructure.
- Shallow storage area without interaction with groundwater.
- Vegetation provides for water quality and habitat benefits.
- No discharge approval required.

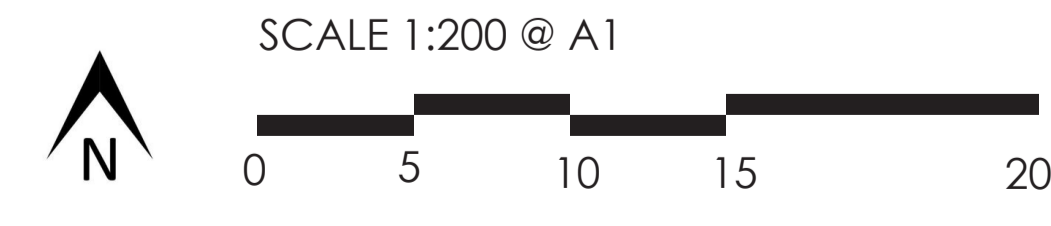
**RISKS**

- Pipe connections require demolition and reinstallation of part of concrete footpath.
- Achievable volume capacity limited by existing trees; flooding will occur ~20% AEP event.
- Pond water may result in mosquito breeding.



# CITY OF NEDLANDS - JOWHEATLEY CAR PARKING

PRILIMINARY PLAN : OPTION 1 - WETLAND



REVISION: C    DATE: 06/07/2023



## Option 1 – Wetland

Regrade car park to provide for overland flow from existing pits to new soakwell pit with 300mm dia. pipe connection to excavated wetland approximately 0.5m deep with 1:4 side slopes.

### *Design criteria:*

- At least 2m separation provided to footpath for pedestrian safety
- At least 1m separation provided to playground boundary walls to avoid damage to footings
- Vegetation selected for water quality and habitat creation
- Retained trees and planted vegetation provide shade to maintain cooler water temperatures and encourage mosquito predator species (frogs, bats, dragonflies)

### *Benefits:*

- Shallow pipe connection avoids clashes with sewer infrastructure.
- Shallow storage area without interaction with groundwater.
- Vegetation provides for water quality and habitat benefits.
- No discharge approval required.

### *Risks:*

- Pipe connection requires demolition and reinstatement of part of concrete footpath.
- Achievable volume capacity limited by existing trees; flooding will occur ~20% AEP event.
- Pondered water may result in mosquito breeding.

### *Specification:*

- Regrading ~250m<sup>2</sup> car park area
- 3 x new collars, lids, and grates for existing pits
- 1 x new 1800 x 600 soakwell pit with grated cover
- 25m 300mm dia. RCP (incl. trenching, backfill and reinstatement of concrete footpath)
- 1 x minor junction pit (45° bend)
- 1 x small headwall
- Wetland excavation ~65m<sup>3</sup>
- Wetland planting ~180m<sup>2</sup>

### *Indicative order of magnitude cost*

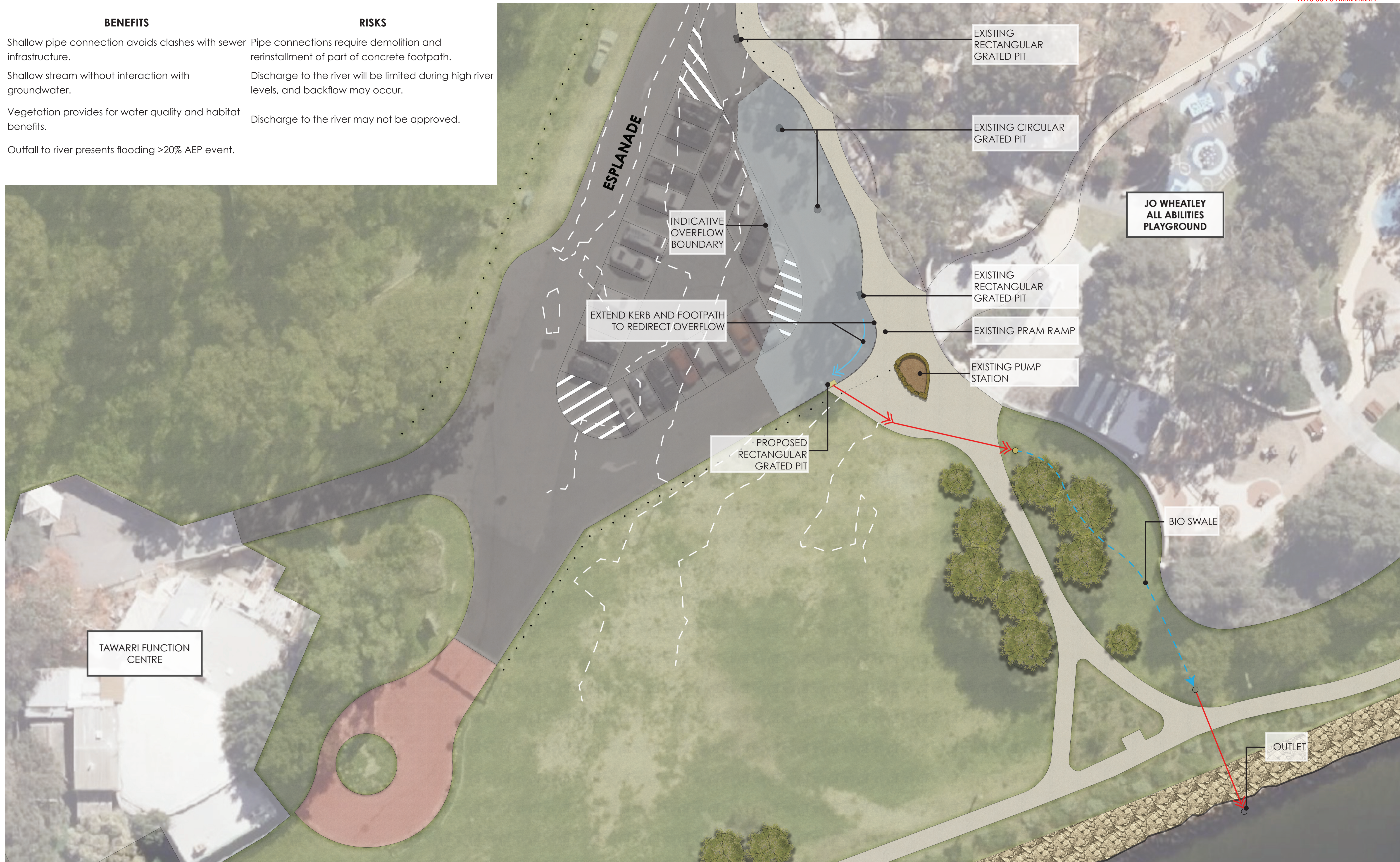
\$75,000

**BENEFITS**

- Shallow pipe connection avoids clashes with sewer infrastructure.
- Shallow stream without interaction with groundwater.
- Vegetation provides for water quality and habitat benefits.
- Outfall to river presents flooding >20% AEP event.

**RISKS**

- Pipe connections require demolition and reinstatement of part of concrete footpath.
- Discharge to the river will be limited during high river levels, and backflow may occur.
- Discharge to the river may not be approved.



# CITY OF NEDLANDS - JOWHEATLEY CAR PARKING

PRILIMINARY PLAN : OPTION 2 - STREAM

REVISION: C    DATE: 06/07/2023



## Option 2 – Stream

Regrade car park to provide for overland flow from existing pits to new soakwell pit with 300mm dia. pipe connection to 0.5m deep living stream with 0.5m base area and 1:4 banks, discharging via new 300mm dia. outfall to river.

### *Design criteria:*

- At least 2m separation provided to footpath for pedestrian safety
- At least 1m separation provided to playground boundary walls to avoid damage to footings
- Vegetation selected for water quality and habitat creation
- Retained trees and planted vegetation provide shade to maintain cooler water temperatures and encourage mosquito predator species (frogs, bats, dragonflies)

### *Benefits:*

- Shallow pipe connection avoids clashes with sewer infrastructure.
- Shallow stream without interaction with groundwater.
- Vegetation provides for water quality and habitat benefits.
- Outfall to river prevents flooding >20% AEP event

### *Risks:*

- Pipe connections require demolition and reinstatement of part of concrete footpath.
- Discharge to the river will be limited during high river levels, and backflow may occur.
- Discharge to the river may not be approved.

### *Specification:*

- Regrading ~250m<sup>2</sup> car park area
- 3 x new collars, lids, and grates for existing pits
- 1 x new 1800 x 600 soakwell pit with grated cover
- 40m 300mm dia. RCP (incl. trenching, backfill and reinstatement of concrete footpath)
- 1 x minor junction pit (45° bend)
- 2 x small headwall
- Stream excavation ~45m<sup>3</sup>
- Stream planting ~165m<sup>2</sup>
- 1 x river headwall with flap valve

### *Indicative order of magnitude cost*

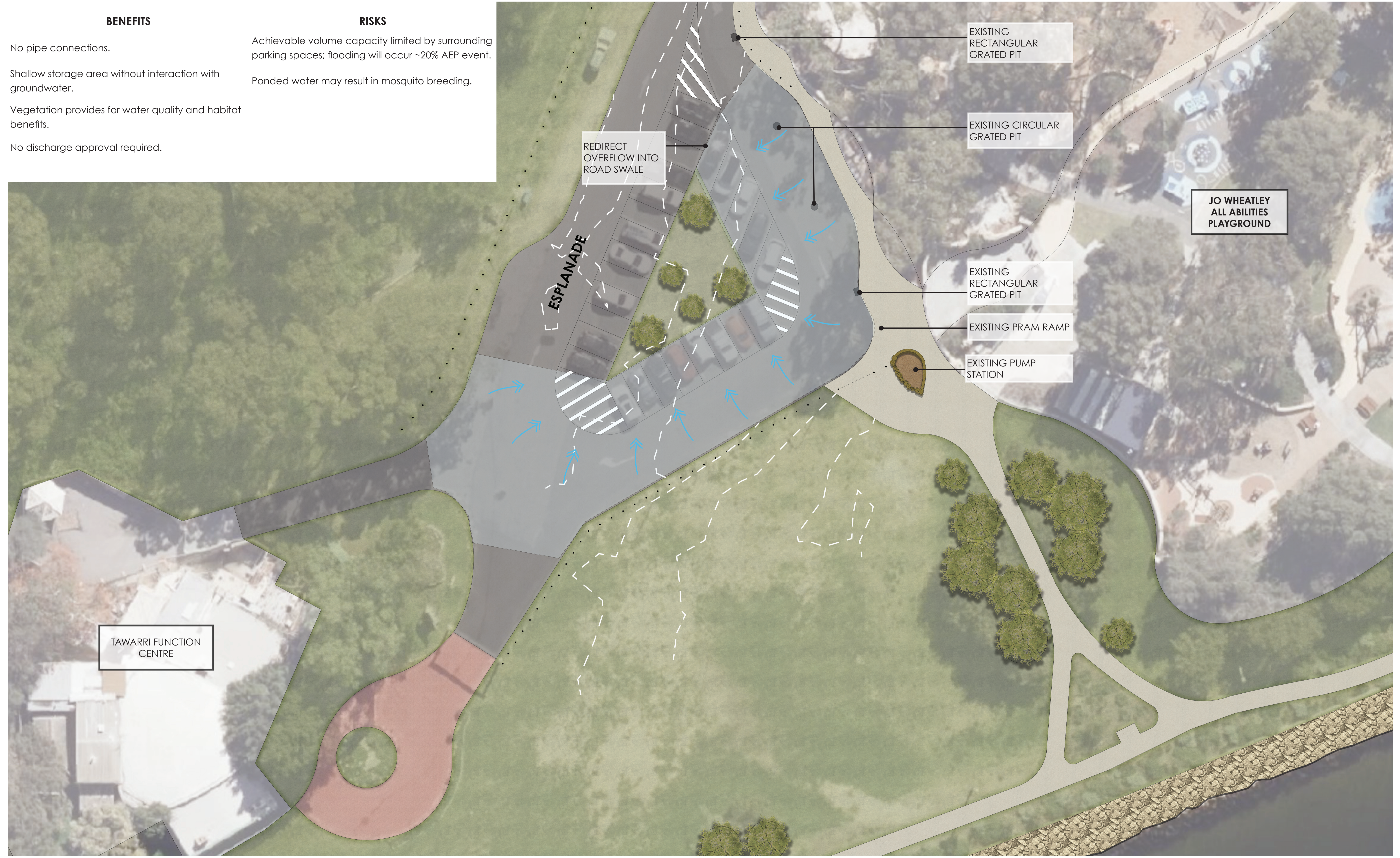
\$100,000

**BENEFITS**

- No pipe connections.
- Shallow storage area without interaction with groundwater.
- Vegetation provides for water quality and habitat benefits.
- No discharge approval required.

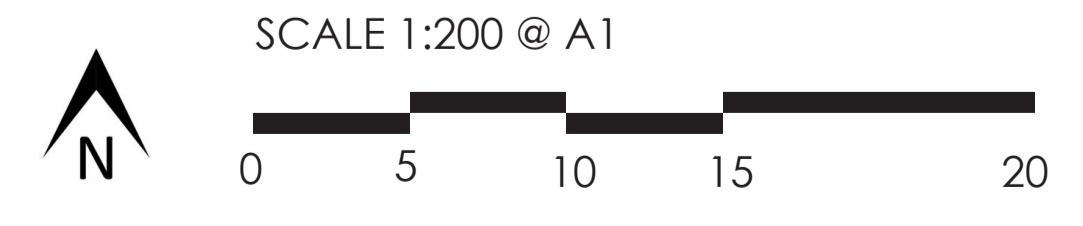
**RISKS**

- Achievable volume capacity limited by surrounding parking spaces; flooding will occur ~20% AEP event.
- Ponded water may result in mosquito breeding.



# CITY OF NEDLANDS - JOWHEATLEY CAR PARKING

PRILIMINARY PLAN : OPTION 3 - CENTRAL WETLAND



REVISION: C    DATE: 06/07/2023



### Option 3 – Central wetland

Regrade car park to provide for overland flow into central excavated wetland approximately 0.5m deep with 1:4 side slopes.

#### *Design criteria:*

- Vegetation selected for water quality and habitat creation
- New trees and planted vegetation provide shade to maintain cooler water temperatures and encourage mosquito predator species (frogs, bats, dragonflies)

#### *Benefits:*

- No pipe connections.
- Shallow storage area without interaction with groundwater.
- Vegetation provides for water quality and habitat benefits.
- No discharge approval required.

#### *Risks:*

- Achievable volume capacity limited by surrounding parking spaces; flooding will occur ~20% AEP event.
- Ponded water may result in mosquito breeding.

#### *Specification:*

- Removal ~180m<sup>2</sup> car park area
- Removal of 3 x existing pits
- Regrading ~250m<sup>2</sup> car park area
- ~60m flush kerbing
- ~23 x wheel stops or bollards
- Wetland excavation ~65m<sup>3</sup>
- Wetland planting ~180m<sup>2</sup>

#### *Indicative order of magnitude cost*

\$70,000

**BENEFITS**

- No pipe connections.
- No storage area required.
- Landscaping provides for infiltration of stormwater and amenity.
- No discharge approval required.

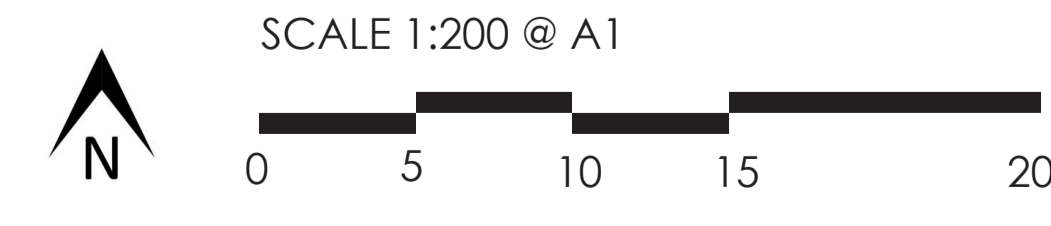
**RISKS**

Reduced parking may be insufficient for community needs.



# CITY OF NEDLANDS - JOWHEATLEY CAR PARKING

PRILIMINARY PLAN : OPTION 4 - REDUCED PARKING



REVISION: C    DATE: 06/07/2023



## Option 4 – Reduced parking

Remove approximately 890m<sup>2</sup> car parking and provide for overland flow to new landscaped area.

### *Design criteria:*

- Provision of sufficient space for vehicle turn-around
- Relocation of bus pull-in
- Trees and planted vegetation to provide shade and amenity.

### *Benefits:*

- No pipe connections.
- No storage area required.
- Landscaping provides for infiltration of stormwater and amenity.
- No discharge approval required.

### *Risks:*

- Reduced parking may be insufficient for community needs.

### *Specification:*

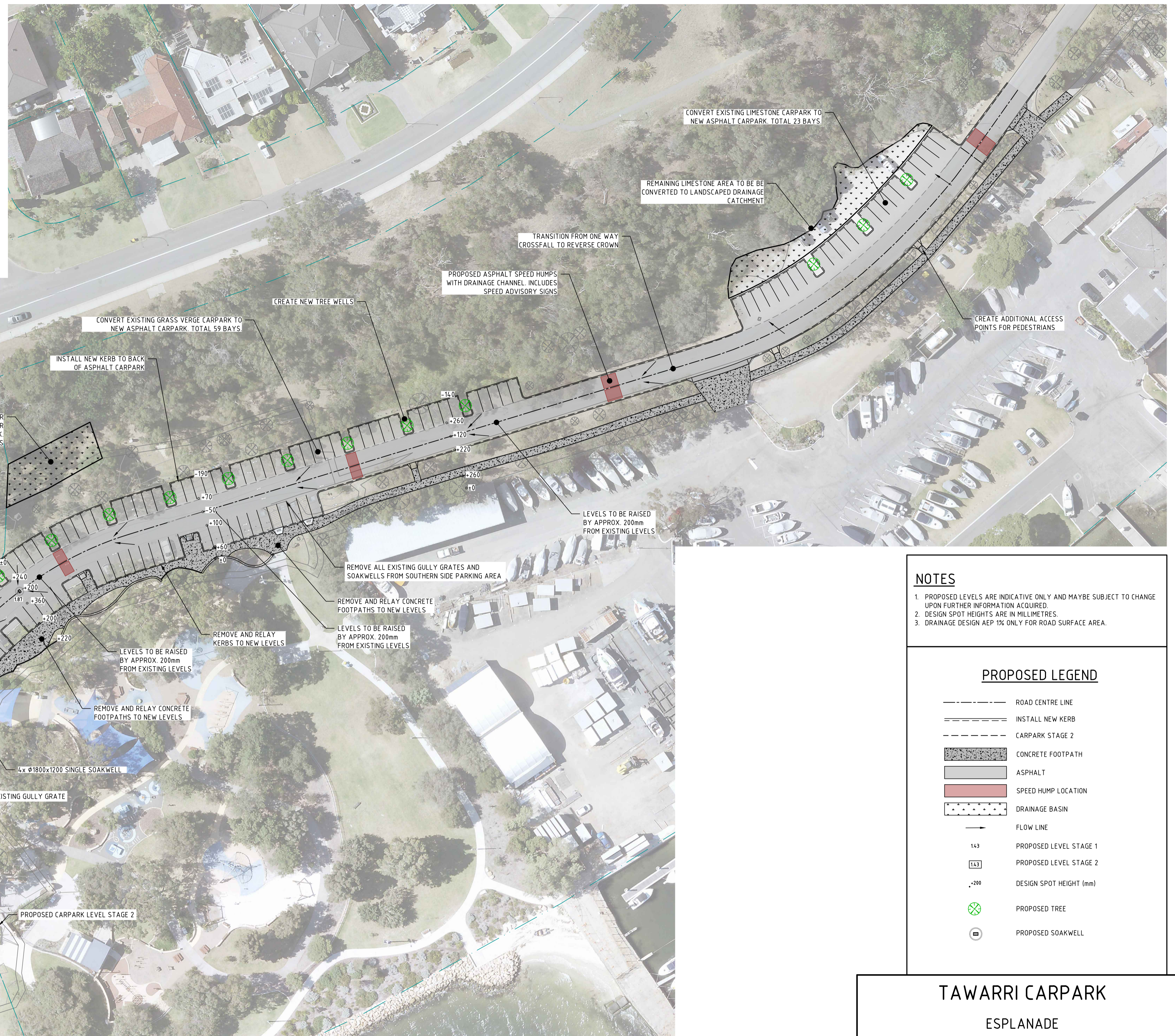
- Removal ~ 890m<sup>2</sup> car park area
- Removal of 3 x existing pits
- ~60m flush kerbing
- ~18 x wheel stops or bollards
- Turf/vegetation and tree planting ~890m<sup>2</sup>

### *Indicative order of magnitude cost*

\$85,000

APPROXIMATE NUMBER OF PARKING BAYS

TOTAL NUMBER OF CARPARKS EXISTING INFORMAL AND FORMAL	143
TOTAL NUMBER OF CARPARKS EXISTING INFORMAL	109
TOTAL NUMBER OF CARPARKS EXISTING FORMAL	34
TOTAL NUMBER OF CARPARKS PROPOSED INFORMAL AND FORMAL (STAGE 1)	154
TOTAL NUMBER OF CARPARKS PROPOSED INFORMAL (STAGE 1)	15
TOTAL NUMBER OF CARPARKS PROPOSED FORMAL (STAGE 1)	139
TOTAL NUMBER OF CARPARKS PROPOSED INFORMAL AND FORMAL (STAGE 2)	129
TOTAL NUMBER OF CARPARKS PROPOSED INFORMAL (STAGE 2)	5
TOTAL NUMBER OF CARPARKS PROPOSED FORMAL (STAGE 2)	124



- NOTES**
1. PROPOSED LEVELS ARE INDICATIVE ONLY AND MAYBE SUBJECT TO CHANGE UPON FURTHER INFORMATION ACQUIRED.
  2. DESIGN SPOT HEIGHTS ARE IN MILLIMETRES.
  3. DRAINAGE DESIGN AEP 1% ONLY FOR ROAD SURFACE AREA.

**PROPOSED LEGEND**

- ROAD CENTRE LINE
- INSTALL NEW KERB
- CARPARK STAGE 2
- CONCRETE FOOTPATH
- ASPHALT
- SPEED HUMP LOCATION
- DRAINAGE BASIN
- FLOW LINE
- 143 PROPOSED LEVEL STAGE 1
- 143 PROPOSED LEVEL STAGE 2
- +200 DESIGN SPOT HEIGHT (mm)
- PROPOSED TREE
- PROPOSED SOAKWELL

**TAWARRI CARPARK**  
**ESPLANADE**  
 CONCEPT FOR PROPOSED CARPARK MODIFICATIONS

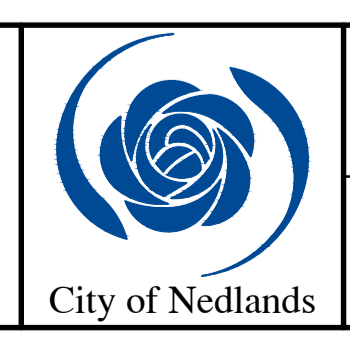
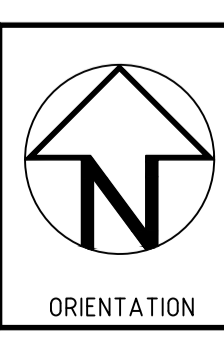
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DRAWN BY	S.F.	04.11.21	CHECKED BY	N.B.	04.11.21
APPROVED BY	N.B.	04.11.21	A1	SHEET 1 OF 1	REVISION <b>A</b>

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**INFORMATION ONLY**

REVISION		AMENDMENTS		APPROVED	
A	S.F.	DATE	DESCRIPTION	N.B.	DATE
A	S.F.	04.11.21	INFORMATION ONLY	N.B.	04.11.21
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**18. Divisional Reports - Community Services & Development Report No's CSD05.08.23 to CSD06.08.23**

**18.1 CSD05.08.23 – Club Night Light Application – College Park Lower Oval Sports Floodlighting**

<b>Meeting &amp; Date</b>	Council Meeting – 22 August 2023
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Report Author</b>	Rose Stewart - A/Coordinator Community Development
<b>CEO</b>	Bill Parker
<b>Attachments</b>	1. Preliminary Lighting Design 2. Application (to be circulated with Council Agenda)

**Purpose**

This item seeks Council's endorsement of a grant application to the Department of Local Government, Sport and Cultural Industries (DLGSCI) to the Club Night Lights Program (CNLP) Small Grants Round for an upgrade to the sports floodlighting at College Park Lower Oval.

Submissions to DLGSCI's CNLP Small Grants Round close on 31 August 2023. Submissions must be accompanied by a formal Council resolution. Therefore, it is important that Council make a decision at the Council meeting on 22 August 2023.

**Recommendation**

**That Council:**

- 1. advises Department of Local Government, Sport and Cultural Industries (DLGSCI) that it has ranked and rated the application to the Club Night Lights Program Small Grants Round as follows:**
  - a. City of Nedlands – Sports Floodlight Upgrade, College Park Lower Oval: Well planned and needed by the municipality (A Rating); and**
- 2. endorses the application to DLGSCI on the condition that all necessary statutory approvals are obtained by the applicant.**

## Voting Requirement

Simple Majority.

## Background

### Club Night Lights Grant Program

DLGSCI administers the CNLP. The purpose of the program is to provide financial assistance to community groups and local governments to develop sports floodlighting infrastructure. The program aims to maintain or increase participation in sport and recreation with an emphasis on physical activity, through rational development of good quality, well-designed and well-utilised facilities. Applications to the CNLP Small Grant Round are eligible to receive funding to cover up to half the project, up to a limit of \$200,000 in total funding.

For applications to be supported by DLGSCI, they must first be supported by the relevant local government.

### College Park

College Park is a well-used community reserve managed by the City. The main users of the reserve are Claremont Nedlands Junior Football Club, UWA Nedlands Football Club, Westside Wolves Hockey Club, Claremont Nedlands Junior Cricket Club, Western Suburbs Cricket Club and Kaos Ultimate Frisbee Club. The reserve is used by other ad hoc hirers on a casual basis including various schools, personal trainers and recreation groups. It is also a popular passive recreation space for dog walkers and general community members.

### Claremont Nedlands Junior Football Club

Claremont Nedlands Junior Football Club (CJFC) is a longstanding club within the City. It is based at College Park. The Club have a management license of the John Leckie Clubrooms and hire the space for 6 months of the year. The Club hire the grounds on a seasonal basis.

CJFC would like to upgrade the sports lighting at College Park, which is its home ground.

### Sports Lighting in General

There are ten sporting ovals located within the City. These are located at Allen Park, Swanbourne, College Park, David Cruickshank Reserve, Melvista Oval, Mt Claremont Oval, Charles Court Reserve, and Highview Park. Of these, only Allen Park Lower Oval has sports lighting that meets the Australian Standards for matches (100 Lux). The lights at Allen Park Lower Oval were upgraded through the Club Night Lights Program in 2018.

There is a high demand for sport lighting as it illuminates the field of play, is safer and facilitates night matches.

## Existing sports lighting at College Park Lower

The existing sports lighting at College Park was installed in 2008 and consists of four light poles, which are approx. 25m tall. The Claremont Junior Football Club commissioned a lighting report in 2021 which identified that the current lighting at College Park is no longer fit for purpose under the Australian Standards. The average lux level of the existing lights is 9.68 lux which is below the recommended Lux levels for both training (50 lux) and matches (100 lux).

The existing sports lighting is no longer fit for purpose. This has the following impact:

- **Community Safety:** The current levels of illumination pose a safety risk.
- **Limits on use:** The limited lighting restricts training to mainly daylight hours. This is particularly limiting for winter sports, such as football, as there are less daylight hours.
- **No capacity for Women's AFL matches:** The WA football commission fixtures women's matches on Friday evenings. CJFC has 113 female participants. The female teams are not able to play these games at the club's home ground as the lighting is not sufficient. This is a barrier for CJFC as it makes it difficult to create an inclusive club culture.
- **Impact on sporting club:** CJFC has expressed that there is a perception that other clubs have better facilities and the club have lost players to neighbouring clubs as a result. The club has received negative feedback from parents who are concerned about the low light levels during training and the consequential safety issues that this presents.

## Discussion

### Proposed Project

The City is seeking a Club Night Lights Program Grant to assist in an upgrade to the sports lighting at College Park Lower Oval. The proposed works would involve removing the four existing sports lighting poles at College Park Lower Oval and installing four new poles, up to 34 meters tall, with LED light fittings. The floodlighting would be designed to meet the Australian Standard (AS2560.2.2021) Lighting for Football (All Codes), Club competition and match practice (100 lux) and the Australian Standard for Control of Obtrusive Effects of Outdoor Lighting (AS/NZS 4282.2019). A preliminary concept plan has been attached at Attachment 1.

### Project Cost

The City has received a range of indicative quotes for the project based on initial design. These quotes range from \$199,944 to \$384,477.10 for the project exclusive of the required power upgrade. A quote of \$435,318.25 was received including a power upgrade.

A full RFQ Process in line with LG Regulations will be required to finalise project costs.

The typical model for grants funded through the DLGSCI grant program is that DLGSCI will fund up to 1/3 of the total cost of an approved project, the local government will fund 1/3 and the applicant sporting club will pay the remaining 1/3. Administration has identified through its Asset Management Planning process that it is not in a position to contribute financially to the proposed project. CJFC are willing to increase its contribution to the project in order to proceed without financial support from Council.

DLGSCI has increased its funding for applications within the Club Night Lights Small Grant Round and may now cover up to half the project, up to a limit of \$200,000 in total funding. Therefore, the intention is for ½ of the project cost to be funded by the CJFC and ½ to be funded by the DLGSCI. Administration proposes to support CJFC by undertaking the work involved in managing the grant application and managing the project which will include the design and construction phases of the project. Therefore, the only cost to the City will be staff time.

A memorandum of understanding detailing the financial commitments and project governance framework will be drafted and agreed upon prior to the City commencing works on this project.

## Consultation

### Community consultation method

Community consultation was undertaken from the 7 July – 28 July.

Administration engaged with the community in the following way:

Direct engagement via letter or email with:

- Residents and ratepayers within a 200 m radius of College Park Lower and Upper Ovals (letter),
- Claremont residents as identified by the Town of Claremont,
- representatives from the University of WA,
- representatives from College Park user groups,
- representatives from regular users of John Leckie Pavilion, which is located next to the reserve.

Online engagement through:

- Your Voice project page,
- online community survey,
- social media (Instagram and Facebook),

## Community consultation outcome

There were 93 survey submissions of which 80 strongly supported the proposed lighting project. Of the total respondents, 57 were City of Nedlands residents. 79 of the respondents utilise the College Park Lower Oval, while 67 also used for informal recreation such as dog walking.

Feedback from the community included comments regarding increased safety for those playing sport, especially in the winter months when lighting is poor in the early evening. There was a strong sentiment that increased lighting would provide better utilisation of the grounds by multiple clubs.

There were a handful of community members who expressed concern about the effect of lighting on the surrounding residential area, however these were in the minority of those surveyed.

## Strategic Implications

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

<b>Vision</b>	Our city will be an environmentally-sensitive, beautiful and inclusive place.
<b>Values</b>	<b>Healthy and Safe</b> Our City has clean, safe neighborhoods where public health is protected and promoted.
	<b>Great Natural and Built Environment</b> We protect our enhanced, engaging community spaces, heritage, the natural environment and our biodiversity through well-planned and managed development.
	<b>High standard of services</b> We have local services delivered to a high standard that take the needs of our diverse community into account.
	<b>Great Communities</b> We enjoy places, events and facilities that bring people together. We are inclusive and connected, caring and support volunteers. We are strong for culture, arts, sport and recreation. We have protected amenity, respect our history and have strong community leadership.

## Priority Area

- Renewal of community infrastructure such as roads, footpaths, community and sports facilities
- Providing for sport and recreation

## **Budget/Financial Implications**

The City will not be providing financial support to this project. The only cost to the City will be staff time for managing the grant application and project delivery. This is estimated to be approximately \$100,000 of overhead cost.

The City will be responsible for the ongoing maintenance of the asset. Maintenance of the current system is about \$5,000 per annum. This is not expected to increase if new lighting is installed. The expected life of a sports lighting pole is 40 years, leading to an annualised lifecycle cost of \$15,000 per annum.

It is usual for increased turf maintenance costs to be required to manage additional usage of sports fields out of hours. In this instance however, the turf on the lower oval is performing well under the current usage. It is not expected that the addition of 1-2 matches weekly would require additional turf maintenance activities.

## **Legislative and Policy Implications**

[Capital Grants to Sporting Clubs Council Policy](#)

## **Decision Implications**

If Council do support the recommendation, the City will submit the application for grant funding to DLGSCI. If the application is successful and receives funding, the project will proceed to construction.

If Council does not support the recommendation, the City will not be able to submit the grant application and the project will not proceed.

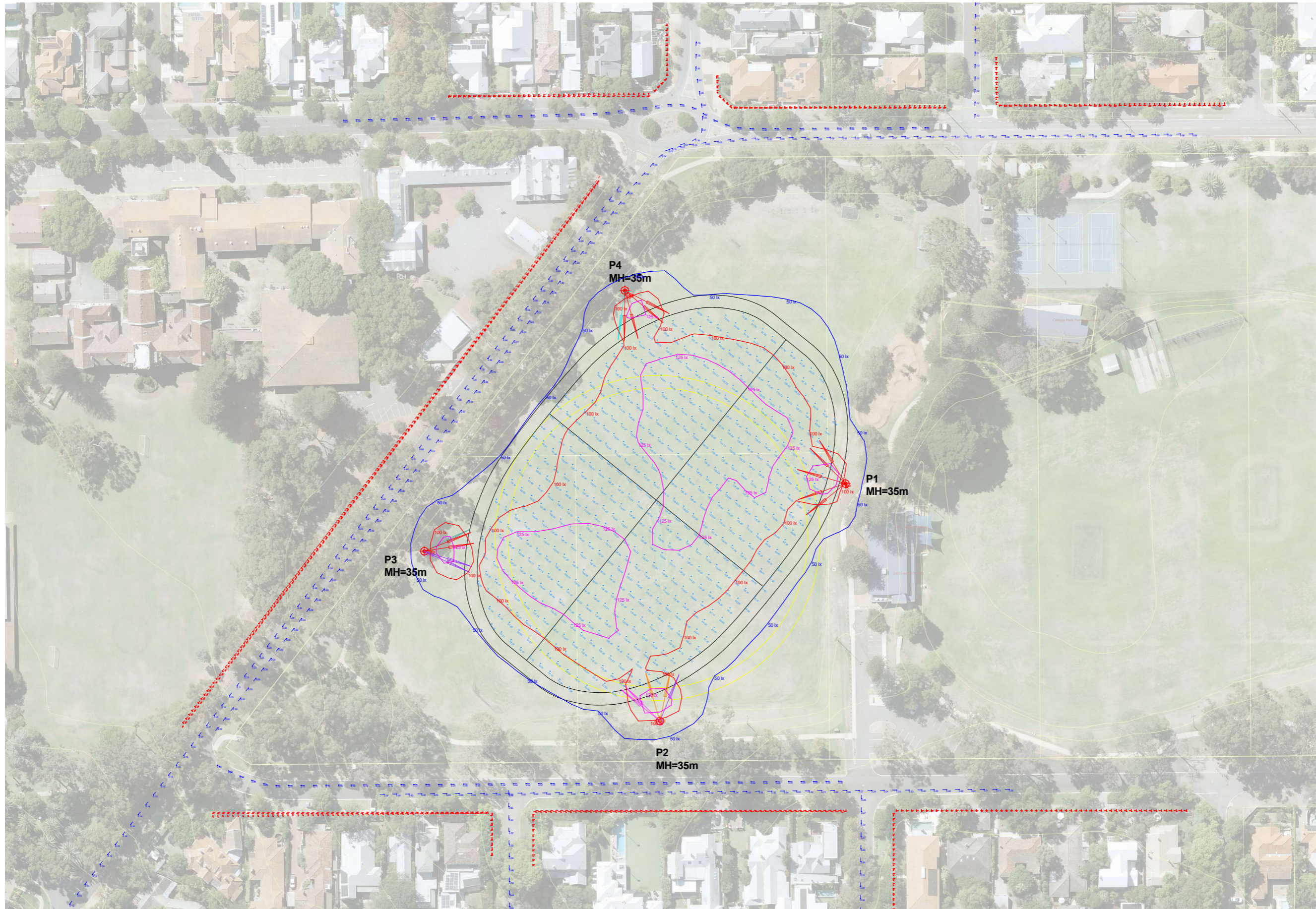
## **Conclusion**

It is recommended that Council endorses the application for funding to DLGSCI. The upgrade will have a high level of community benefit not only to CJFC but the wider community. It will also have a high level of benefit for women's AFL teams and foster an inclusive sporting community in the City of Nedlands. Council's support for the application will reinforce Council's position that supporting and developing sport and recreation infrastructure is essential for creating healthy communities.







## **Further Information**

Nil.

### 3060 COLLEGE PARK - Lower Oval





Luminaire Schedule						
Symbol	Qty	Label	Description	LLF	Luminaire Lumens	Luminaire Watts
	11	A0	RAPTOR GEN 3 1200W A0 BEAM CRI70 CCT5700K	0.880	153265	1193.55
	2	A0_BS	RAPTOR GEN 3 1200W A0 BEAM CRI70 CCT5700K BACKSHIELD	0.880	137993	1194
	2	A0_BS_LS	RAPTOR GEN 3 1200W A0 BEAM CRI70 CCT5700K BACK & LEFT SIDE SHIELD	0.880	131390	1194
	3	A0_BS_RS	RAPTOR GEN 3 1200W A0 BEAM CRI70 CCT5700K BACK & RIGHT SIDE SHIELD	0.880	130963	1194
	1	A1_BS_LS	RAPTOR GEN 3 1200W A1 BEAM CRI70 CCT5700K BACK & LEFT SIDE SHIELD	0.880	139810	1176.73
	1	A1_BS_RS	RAPTOR GEN 3 1200W A1 BEAM CRI70 CCT5700K BACK & RIGHT SIDE SHIELD	0.880	140571	1200

Calculation Summary								
Project: Calculation grids								
Label	CalcType	Units	Avg	Max	Min	Min/Avg	Min/Max	UG
AFL - Eh	Illuminance	Lux	113.73	149.48	68.95	0.61	0.46	1.25

Calculation Summary			
Project: Glare			
Label	CalcType	Units	Max
Glare	Illuminance	Lux	149.48
Glare	Glare Rating	N.A.	33.68
Glare	Glare Rating	N.A.	22.48
Glare	Glare Rating	N.A.	41.53
Glare	Glare Rating	N.A.	22.00
Glare	Glare Rating	N.A.	35.75
Glare	Glare Rating	N.A.	40.23
Glare	Glare Rating	N.A.	34.80
Glare	Glare Rating	N.A.	19.83
Glare	Glare Rating	N.A.	39.35
Glare	Glare Rating	N.A.	29.95
Glare	Glare Rating	N.A.	37.19

Calculation Summary			
Project: Spill & TI			
Label	CalcType	Units	Max
Spill - Bay Rd_Cd_Seg1	Obtrusive - Cd	N.A.	10214
Spill - Bay Rd_Ill_Seg1	Obtrusive - Ill	Lux	3.26
Spill - Melvista Ave_1_Cd_Seg1	Obtrusive - Cd	N.A.	3058
Spill - Melvista Ave_1_Cd_Seg2	Obtrusive - Cd	N.A.	3068
Spill - Melvista Ave_1_Ill_Seg1	Obtrusive - Ill	Lux	0.68
Spill - Melvista Ave_1_Ill_Seg2	Obtrusive - Ill	Lux	0.50
Spill - Melvista Ave_2_Cd_Seg1	Obtrusive - Cd	N.A.	3795
Spill - Melvista Ave_2_Cd_Seg2	Obtrusive - Cd	N.A.	8890
Spill - Melvista Ave_2_Ill_Seg1	Obtrusive - Ill	Lux	0.20
Spill - Melvista Ave_2_Ill_Seg2	Obtrusive - Ill	Lux	2.79
Spill - Melvista Ave_3_Cd_Seg1	Obtrusive - Cd	N.A.	4800
Spill - Melvista Ave_3_Cd_Seg2	Obtrusive - Cd	N.A.	4866
Spill - Melvista Ave_3_Ill_Seg1	Obtrusive - Ill	Lux	0.36
Spill - Melvista Ave_3_Ill_Seg2	Obtrusive - Ill	Lux	0.33
Spill - Princess Rd_1_Cd_Seg1	Obtrusive - Cd	N.A.	2921
Spill - Princess Rd_1_Cd_Seg2	Obtrusive - Cd	N.A.	3867
Spill - Princess Rd_1_Cd_Seg3	Obtrusive - Cd	N.A.	3864
Spill - Princess Rd_1_Ill_Seg1	Obtrusive - Ill	Lux	0.07
Spill - Princess Rd_1_Ill_Seg2	Obtrusive - Ill	Lux	0.42
Spill - Princess Rd_1_Ill_Seg3	Obtrusive - Ill	Lux	0.59
Spill - Princess Rd_2_Cd_Seg1	Obtrusive - Cd	N.A.	4005
Spill - Princess Rd_2_Cd_Seg2	Obtrusive - Cd	N.A.	4136
Spill - Princess Rd_2_Cd_Seg3	Obtrusive - Cd	N.A.	4213
Spill - Princess Rd_2_Ill_Seg1	Obtrusive - Ill	Lux	0.12
Spill - Princess Rd_2_Ill_Seg2	Obtrusive - Ill	Lux	0.51
Spill - Princess Rd_2_Ill_Seg3	Obtrusive - Ill	Lux	0.61
Spill - Princess Rd_3_Cd_Seg1	Obtrusive - Cd	N.A.	3433
Spill - Princess Rd_3_Cd_Seg2	Obtrusive - Cd	N.A.	3425
Spill - Princess Rd_3_Ill_Seg1	Obtrusive - Ill	Lux	0.15
Spill - Princess Rd_3_Ill_Seg2	Obtrusive - Ill	Lux	0.18
TI - Bay Rd_1	Obtrusive - TI	%	1.45
TI - Bay Rd_2	Obtrusive - TI	%	4.72
TI - Loton Rd	Obtrusive - TI	%	0.29
TI - Melvista Ave_1	Obtrusive - TI	%	0.35
TI - Melvista Ave_2	Obtrusive - TI	%	0.57
TI - Parker Rd	Obtrusive - TI	%	0.79
TI - Princess Rd_1	Obtrusive - TI	%	0.10
TI - Princess Rd_2	Obtrusive - TI	%	0.08
TI - Rokton Rd	Obtrusive - TI	%	0.12

## 18.2 CSD06.08.23 – Age-Friendly Nedlands Working Group Terms of Reference

<b>Meeting &amp; Date</b>	Council Meeting – 8 August 2023
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	Nil.
<b>Report Author</b>	Patricia Panayotou, Manager Community Service Centres
<b>CEO</b>	Bill Parker
<b>Attachments</b>	1. Draft Terms of Reference – Age-Friendly Nedlands Working Group.

### Purpose

This report provides proposed Terms of Reference for an Age-Friendly Nedlands Working Group (AFNWG) as required by Council Resolution of 27 June 2023, item 17.2 CSD03.06.23 Developing an Age-Friendly Strategy.

### Recommendation

**That Council approves the proposed Terms of Reference to support an Age Friendly Nedlands Working Group (AFNWG) as per Attachment 1.**

### Voting Requirement

Simple Majority.

### Background

Council resolved at its Ordinary Meeting on 27 June 2023 as follows:

That Council:

1. supports the development of an Age-Friendly Nedlands Strategy.
2. requests the CEO to submit to the August Council meeting the Terms of Reference for an Age-Friendly Nedlands Working Group (AFNWG), consisting of Councillors, Staff and Community members. The role of the AFNWG is to assist with the development of the Strategy, and its implementation following adoption by Council; and

3. requests the CEO, as part of the Workforce Implementation process, to assign the required resource to coordinate the Strategy development process and to provide administrative support to the Working Group (AFNWG).

This report addresses the second requirement in the Council Recommendation, which is to submit the Terms of Reference for an AFNWG to the August 2023 Council meeting.

## Discussion

Council resolved to support the development of an Age-Friendly Nedlands Strategy and further resolved for the CEO to submit Terms of Reference for an Age-Friendly Nedlands Working Group (AFNWG), consisting of Councillors, Staff and Community members. The role of the AFNWG is to assist with the development of the Strategy, and its implementation following adoption by Council.

In-line with the City's Advisory & Working Groups Policy, Administration staff have developed a draft Terms of Reference (Attachment 1) for a future AFNWG.

The Terms of Reference can be provided at this time as the City's Advisory & Working Groups Policy allows for Terms of Reference to be determined before a Working Group is established.

## Terms of Reference

The following items are in the draft Terms of Reference and are in-line with the Advisory & Working Groups Policy - Policy Principles - 1.2 Operations, which required determination by Administration as part of the document development:

### 1. Purpose

The Age-Friendly Nedlands Working Group (AFNWG) is responsible for the development of the Age-Friendly Strategy and its subsequent implementation.

The role of the AFNWG is to act in an advisory and consultative capacity, providing the Council and Administration with its views and proposals on age friendly issues.

The AFNWG will provide strategic direction and leadership to ensure:

- A link between Council, the Administration and the Nedlands community; and
- Provide community members with the opportunity to assist in the development and implementation of the City's Age Friendly strategy.

### 2. Objective

The AFNWG will:

- Provide recommendations, feedback and monitor the progress of the Age Friendly Strategy.

- Provide forums to identify and articulate relevant information on developments, services and activities of interest in the City of Nedlands.
- Raise issues and opportunities that impact Age Friendly initiatives.
- Represent community views on matters brought before the Working Group.

### 3. Membership and Chair

The AFNWG will comprise 14 members. The members shall include:

- Two (2) Council members
- Three (3) City of Nedlands officers:
  - Manager Community Service Centres
  - Coordinator Community Development
  - Positive Ageing Supervisor
- Seven (7) Community members
- Two (2) Service providers and relevant stakeholders

The inclusion of three City of Nedlands officers is proposed as it reflects the diversity of current support to aged community members across two Administration business units – Positive Ageing and Community Development.

The AFNWG can seek information from other business units in Administration when required, as part of the Terms of Reference.

## Consultation

N/A

## Strategic Implications

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

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

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

## Budget/Financial Implications

There is no budget implication for the submission of the draft Terms of Reference.

Any future financial implications may occur based on the outcomes of the AFNWG once it is operational.

## **Legislative and Policy Implications**

The proposed Terms of Reference for the AFNWG is compliant with the City's Advisory & Working Groups Policy.

## **Decision Implications**

If Council endorses the recommendation, the Terms of Reference will be available for when an AFNWG is formed.

If Council does not support the recommendation, the Terms of Reference may not be available when an AFNWG is formed.

## **Conclusion**

Council supports the development of an Age Friendly Nedlands Strategy and has requested Terms of Reference for an Age-Friendly Nedlands Working Group (AFNWG), consisting of Councillors, Staff and Community members be submitted to the August Council meeting.

Administration has created Terms of Reference for an AFNWG in-line with the City's Advisory & Working Groups Policy. If Council endorses the draft Terms of Reference, it will remove the need to develop Terms of Reference when an AFNWG is established.

It is recommended that Council endorses the Terms of Reference presented in this report.

## **Further Information**

Nil.

## Terms of Reference – Age-Friendly Nedlands Working Group

### 1. Purpose

The Age-Friendly Nedlands Working Group (AFNWG) is responsible for the development of the Age-Friendly Strategy and its subsequent implementation.

The role of the AFNWG is to act in an advisory and consultative capacity, providing the Council and Administration with its views and proposals on age friendly issues.

The AFNWG will provide strategic direction and leadership to ensure:

- A link between Council, the Administration and the Nedlands community; and
- Provide community members with the opportunity to assist in the development and implementation of the City's Age – Friendly strategy.

### 2. Objective

The AFNWG will:

- Provide recommendations, feedback and monitor the progress of the Age – Friendly Strategy.
- Provide forums to identify and articulate relevant information on developments, services and activities of interest in the City of Nedlands.
- Raise issues and opportunities that impact Age – Friendly initiatives.
- Represent community views on matters brought before the Working Group.

### 3. Membership and Chair

The AFNWG will be comprised of 14 members. The members shall include:

- Two (2) Council members
- Three (3) City of Nedlands Officers –
  - Manager Community Service Centres
  - Coordinator Community Development
  - Positive Ageing Officer
- Seven (7) Community members
- Two (2) Service providers and relevant stakeholders

In accordance with the Council adopted Advisory and Working Groups Policy, the AFNWG shall be chaired by a Council member, or a Senior Officer. The chair shall be appointed by the Council. The role of the Chair is to preside at all meetings of the AFNWG.

In the absence of the Chair, a person elected by the quorum at a meeting will assume the Chair for that meeting.

#### **4. Membership Terms**

AFNWG members will be appointed for a period of two (2) years in line with each local government election.

Expressions of Interest (EOI) are to be called for all community and relevant stakeholder membership positions.

Following the close of EOIs, the chairperson and two City of Nedlands' officers appointed to the AFNWG, will make a recommendation to the City's Executive Management Team (EMT) for endorsement of membership.

#### **5. Resignation**

The chair may resign from their position at any time but is requested to submit their intention to resign in writing.

Community members may relinquish their appointment to the AFNWG upon written notification to the Chair. Should a member resign from the AFNWG, the CEO may appoint a replacement member from the EOI list or by a call for nominations.

#### **6. Termination date**

The working group shall cease either:

- a. two years from the establishment date;
- b. the date resolved by Council;
- c. the date the working group completes its purpose and function; or
- d. close of business on the day before ordinary elections whichever is the earlier.

#### **7. Meeting Frequency**

At the first meeting, the AFNWG shall determine a Schedule of Meeting dates for the remainder of the year. Additional meetings may be convened at the discretion of the Chief Executive Officer. Meetings shall be held when required and will be scheduled for two (2) hours unless prior agreement is requested to extend the meeting.

Meetings will be held at the City of Nedlands Council Chamber, unless otherwise agreed to be held at another community venue.

Meetings may only be called by City of Nedlands officers and an officer must be present at all meetings. City officers will provide administrative support to the AFNWG.

Officers will be responsible for the following:

- Issuing of the agenda;
- Recording of apologies prior to the meeting;
- Preparation of the minutes;
- Room booking; and
- Bringing recommendations to Council.

## **8. Quorum**

A quorum will be by simple majority plus one.

## **9. Agenda**

The Chair will determine the agenda for each meeting. Members may submit items for consideration and listing on the agenda.

All meetings shall be confined to items listed on the agenda. However, the Chair may bring an urgent item to the meeting.

## **10. Delegation**

The working group acts in an advisory capacity only and has no delegated authority.

The working group cannot:

- a. enter into contractual relationships on behalf of the council or the City of Nedlands.
- b. issue a media release on behalf of the working group or the City of Nedlands.
- c. use the City of Nedlands' logo for external purposes.

## 11. Key performance indicators

The development of the Age-Friendly Strategy.

## 12. Statement of adherence to the Code of Conduct

Non – Council members of the AFNWG shall adhere to the City of Nedlands' *Code of Conduct for Employees*, and the City of Nedlands Integrity Framework.

Council members shall adhere to the City of Nedlands *Code of Conduct for Council Members, Committee Members and Candidates*.

Members will be advised of the requirements of the Code and a copy will be provided to each member on their appointment.

## 13. Tenure of Appointment

If a member fails to attend three (3) consecutive meetings of the AFNWG, their appointment shall be automatically terminated, unless a Leave of Absence has been granted and approved by the AFNWG.

The Chief Executive Officer shall advise the member, in writing, when their membership has been terminated.

The Council may terminate the appointment of any member prior to the expiry of their term, if:

- (a) the member is found to be in breach of the Code of Conduct or a serious contravention of the *Local Government Act 1995*; or
- (b) a member's conduct, action or comments brings the City of Nedlands into disrepute.

## 14. Insurances

The City will arrange all insurance to cover AFNWG members whilst discharging their normal course of duty.

## 15. Advisory and Working Groups Policy

Members of the AFNWG shall comply with the Advisory and Working Groups Policy.

## Definitions

In these Terms of Reference:

**Community Member** means an individual who lives in the City of Nedlands and is representing themselves as opposed to an organisation.

**Council** means the Council of the local government.

**Local government** means the City of Nedlands.

## Alternative Formats

This document is available on the City of Nedlands' website and can be requested in alternative formats including electronic format by email, in hardcopy both in large and standard print. For further information please contact the Manager Community Care Services on 9273 3500.

**19. Divisional Reports - Corporate Services Report No's CPS34.08.23 to CPS37.08.23**

**19.1 CPS34.08.23 – Monthly Financial Report – June 2023**

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

**19.2 CPS35.08.23 – Monthly Financial Report – July 2023**

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

**19.3 CPS36.08.23 – Monthly Investment Report – July 2023**

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

**19.4 CPS37.08.23 – List of Accounts Paid – July 2023**

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

## 20. Reports by the Chief Executive Officer CEO20.08.23

### 20.1 CEO20.08.23 - Register of Outstanding Resolutions

<b>Meeting &amp; Date</b>	Council Meeting – 22 August 2023
<b>Applicant</b>	City of Nedlands
<b>Employee Disclosure under section 5.70 Local Government Act 1995</b>	No officer involved in the preparation of this report has a declarable interest.
<b>Report Author</b>	Libby Kania – Coordinator Governance and Risk
<b>CEO</b>	Bill Parker - CEO
<b>Attachments</b>	1. Register of Outstanding Council Resolutions (to be provided with the Council Meeting Agenda)

#### 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 August 2023.**

#### Voting Requirement

Simple Majority.

#### Background

Council has requested that all Outstanding Council Resolutions be tabled on a monthly basis at the OCM. The first OCR report was tabled at the March 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:

- (i) have been completed since the last update and
- (ii) 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.

## Consultation

Nil.

## Strategic Implications

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

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

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

## 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.

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

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

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

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

**23. Confidential Items**

Confidential items to be discussed at this point.

**24. Declaration of Closure**

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