

AGENDA

Council Meeting Agenda Forum

Tuesday, 12 March 2024

Notice of Meeting

Mayor & Councillors

A Council Meeting Agenda Forum of the City of Nedlands is to be held on Tuesday, 12 March 2024 in the Council chambers at 71 Stirling Highway Nedlands commencing at 7pm. This meeting will be livestreamed [Livestreaming Council & Committee Meetings » City of Nedlands](#)



Tony Free | Acting Chief Executive Officer

6 March 2024



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

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 7.00 pm and acknowledge the Whadjuk Nyoongar people, Traditional Custodians of the land on which we meet, and pay respect to Elders past, present and emerging. The Presiding Member will draw attention to the disclaimer on page 2 and advise the meeting is being livestreamed and recorded.

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

**Leave of Absence
(Previously Approved)**

Councillor B G Hodsdon

Hollywood Ward

Apologies

None as at distribution of this agenda.

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.

Item 23.1 PD22.03.24 CONFIDENTIAL Legal Opinion Received on Judicial Review for 129-133 Waratah Avenue, Dalkeith

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

16.1 PD09.03.24 Consideration of Metropolitan Region Scheme Amendment 1415 – Reclassification of Lots 503 and 504 Odern Crescent, Swanbourne

Meeting & Date	Council Meeting – 26 March 2024
Applicant	Western Australian Planning Commission
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff involved in the preparation of this report and the proponents or their consultants.
Report Author	Nathan Blumenthal – A/Manager Urban Planning
Director	Roy Winslow – A/Director Planning and Development
Attachments	1. WAPC MRS Amendment Report

Purpose

This report is being presented to Council to consider a recommendation to the Western Australian Planning Commission (WAPC) to amend the Metropolitan Region Scheme (MRS) to change the reserve classification of Lots 503 and 504 Odern Crescent, Swanbourne (the approved Children's Hospice and access leg) from 'Parks and Recreation' reserve to 'Public Purposes – Special Uses' reserve.

Recommendation

That Council advise the WAPC of the recommendation to:

1. Support the reclassification of Lot 503 Odern Crescent from 'Parks and Recreation' reserve to 'Public Purposes – Special Uses' reserve.
2. Not support the reclassification of Lot 504 Odern Crescent from 'Parks and Recreation' reserve to 'Public Purposes – Special Uses' reserve as it is unnecessary and has no effect on vehicle access to Lot 503.

Voting Requirement

Simple Majority.

Background

Lot 503 was formerly occupied by the Swanbourne Bowling Club and is now vacant land. It formed part of Allen Park, which is a Class A reserve vested in the City. The City manages



Allen Park in accordance with a Management Plan adopted in 2014, via a management order.

Lot 504 provides access to Lot 503, as well as the Rugby and Bridge club on Lot 501. All lots are currently reserved for 'Parks and Recreation' by the MRS.

In 2021, the Hospice site was excised from Allen Park as a standalone lot, being Lot 503 on Deposited Plan 410572. This is a Crown land title subject to a management order vested in the Child and Adolescent Health Service (CAHS). The conditions of this management order include that it is "To be utilised for the designated purpose of 'Children's Hospice' only".

In December 2021, a development application for a Children's Hospice was submitted to the State Development Assessment Unit (SDAU). The application was approved by the SDAU on 27 July 2023 and the process of clearing conditions and preparing a building permit is underway.

Although not a pre-requisite for approval of the development application, the SDAU has requested that an MRS amendment be submitted to ensure that a process for reclassifying the site is underway. The purpose is to align the reserve classification with the approved land use of Lot 503 and reserve the lot as 'Public Purposes – Special Uses'.

Lot 503 obtains frontage to Odern Crescent via a separate Crown land title, Lot 504, which is a Crown land title subject to a management order vested in the City of Nedlands. This is for the purpose of "public access" and is proposed to accommodate the main entrance to the Hospice. The WAPC proposes that Lot 504 also be reserved to 'Public Purposes – Special Uses' reserve (Attachment 1).

Discussion

The Hospice has already received development approval, and the land title has been vested for the purpose of a Children's Hospice only. Failure to amend the MRS will have no impact on the approval or function of the hospital and is more a technical matter to ensure the scheme is consistent with the proposal. The City's role in the process is to provide advice to the WAPC in making its determination.

A MRS Public Purpose reserve is defined as "Land for public facilities such as hospitals, high schools, universities, car parks, and prisons, utilities for electricity and water, commonwealth government and other special uses." The proposed classification is appropriate for the approved development on Lot 503.

Changing the reserve classification of Lot 504 to Public Purpose – Special Uses is unnecessary. The management order ensures that public access is provided to Lot 503 and all existing and future facilities adjoining the access leg. Retaining classification as 'Parks and Recreation' reserve will not restrict or otherwise impact access to existing or future facilities around the access leg.



Given the conditions of the management order specifying the use of Lot 503 and the approved development, MRS reclassification of the lot as proposed is appropriate and consistent with orderly and proper planning. Reclassification of Lot 503 is unnecessary.

Consultation

Consultation has been undertaken by the WAPC. The submission period closes on 13 March 2024.

Strategic Implications

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

Vision	Sustainable and responsible for a bright future
Pillar Outcome	People 3. A caring and supportive community for all ages and abilities.
Pillar Outcome	Place 6. Sustainable population growth with responsible urban planning.

Budget/Financial Implications

Nil.

Legislative and Policy Implications

The Western Australian Planning Commission may amend the Metropolitan Region Scheme under the [Planning and Development Act 2005](#).

Decision Implications

Council's recommendation will be sent to the WAPC, which will consider all public comments and agency comments prior to making a recommendation to the Minister for Planning, who will make the final determination on the MRS amendment.



Conclusion

It is recommended that Council support the MRS amendment reclassifying Lot 503 and Odern Crescent from 'Parks and Recreation' reserve to 'Public Purpose – Special Uses' reserve, but not support reclassification of Lot 504.

Further Information

Nil.



January 2024

Metropolitan Region Scheme Amendment 1415 (Standard Amendment)



Children's Hospice Site

Amendment Report

City of Nedlands

Metropolitan Region Scheme Amendment 1415 (Standard Amendment)

Children's Hospice Site

Amendment Report

City of Nedlands



January 2024

The Western Australian Planning Commission acknowledges the traditional owners and custodians of this land. We pay our respect to Elders past and present, their descendants who are with us today, and those who will follow in their footsteps.

Disclaimer

This document has been published by the Western Australian Planning Commission. Any representation, statement, opinion, or advice expressed or implied in this publication is made in good faith and on the basis that the government, its employees and agents are not liable for any damage or loss whatsoever which may occur as a result of action taken or not taken, as the case may be, in respect of any representation, statement, opinion or advice referred to herein. Professional advice should be obtained before applying the information contained in this document to particular circumstances.

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MRS Amendment 1415 (Standard) Amendment Report
File RLS/1014

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This document is available in alternative formats on application to the Department of Planning, Lands and Heritage Communications Branch.

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Appendix A Notice of environmental assessment

Appendix B List of detail plans supporting the amendment

Appendix C Preparing a submission

Appendix D Submission form for this amendment

Abbreviations

AHA	<i>Aboriginal Heritage Act 1972</i>
APZ	Asset Protection Zone
BAL	Bushfire Attack Level
BEEP	Bushfire Emergency Evacuation Plan
BMP	Bushfire Management Plan
DPLH	Department of Planning, Lands and Heritage
DWER	Department of Water and Environmental Regulation
EPA	Environmental Protection Authority
LPS	Local Planning Scheme
NCC	National Construction Code
P&D Act	<i>Planning and Development Act 2005</i>
SPP	State Planning Policy
SWALSC	South West Aboriginal Land and Sea Council
WAPC	Western Australian Planning Commission

Amendment Report

Metropolitan Region Scheme Amendment 1415 (Standard)

Children's Hospice Site

Amendment Report

1 Planning objective

The purpose of the amendment is to rezone approximately 5,945 m² in Swanbourne from the Parks and Recreation reservation to the Public Purposes - Special Uses reservation in the Metropolitan Region Scheme (MRS).

The amendment seeks to align the MRS with the Western Australian Planning Commission's (WAPC) development approval for a children's hospice which includes patient rooms, family suites, family and play areas and allied health services.

2 Background

The proposed amendment is located in the City of Nedlands and is approximately 10 km west of the Perth CBD and 5 km west of the Perth Children's Hospital. The subject land is surrounded by Parks and Recreation reserved land and to the west is Swanbourne Oval (cricket ground), to the south is the WA Bridge Club and to the east is the Associates Rugby Union Football Club, carparking and remnant bushland within Allen Park.

Access to the site is via Odern Crescent from existing Lot 504 Clement Street which is a Crown land title subject to a management order vested in the City of Nedlands. This is for the purpose of "public access" and is proposed to accommodate the main entrance to the Hospice.

Lot 503 was established on a Crown land title with a Management Order vested in the Child and Adolescent Health Service within the Department of Health for the purpose of a Children's Hospice. The conditions of this management order state that it is "*To be utilised for the designated purpose of 'Children's Hospice' only*".

The site is cleared and vacant, having previously been the site of the former Swanbourne Bowling Club. On 10 March 2022, the site was classified as decontaminated under the *Contaminated Sites Act 2003*. The land does not contain any Threatened Ecological Communities, Declared Rare Flora or Fauna, wetlands and is not located within or abuts a Bushforever site.

Land use and development within the proposed amendment area is generally controlled by the City of Nedlands Local Planning Scheme No. 3 (LPS 3). If the MRS amendment is finalised the Public Purposes – Special Uses reserve will be reflected in the City of Nedlands LPS 3.

WAPC Development Approval

On 27 July 2023, the WAPC approved a development application for a Children's Hospice use under Part 17 of the *Planning and Development Act 2005* (P&D Act). The amendment seeks to align the MRS with the WAPC's development approval.

The Hospice is the first purpose-built Children's Hospice facility in WA and will provide services to a discrete cohort of patients under the age of 18 with a life limiting illness and their families. The four service areas of the Hospice include:

- In-hospice care, including respite care, symptom management, end of life care, and post death care.
- Family support services.
- Bereavement care.
- Outreach services (rural and remote) to allow children and families to be able to access the hospice experience wherever they live in Western Australia.

3 Discussion

STRATEGIC CONTEXT

Perth and Peel @ 3.5 Million / Central Sub-Regional Planning Framework

The *Perth and Peel @ 3.5 Million* document provides strategic guidance to government agencies and local governments on land use, land supply, land development, environmental protection, infrastructure investment and the delivery of physical and community/social infrastructure for the Perth and Peel regions. It links the four Frameworks for each subregion and encourages the consideration of new urban growth opportunities.

The *Central Sub-Regional Planning Framework* reflects the current Parks and Recreation reservation. However, on 27 July 2023 the WAPC approved a development application for a Children's Hospice use under Part 17 of the P&D Act. This amendment seeks to align the MRS with this development approval.

Allen Park Master Plan

Allen Park is managed by the City of Nedlands in accordance with the Allen Park Master Plan. It is a comprehensive plan that includes "*a review of the current situation, analysis of potential future demand, extensive consultation with the community and key stakeholders, review of current trends and development of long-term concept plans with indicative cost estimates*". It makes recommendations for Allen Park on the basis of three precincts - the Beach Precinct, the Sports Precinct and the Bush Precinct.

The amendment is within the Sports Precinct and numerous recommendations were made for this precinct. A community active space, a nature play area, quiet reflective spaces, an all-ages exercise area, toilets and a water fountain, and better connections to the Wadjuk Trail were recommended for the subject site.

Of these, the community active space, quiet reflective spaces, connections to the Wadjuk Trail and (by others) the toilets and water fountain can still be delivered. The nature play and all-ages exercise area will be occupied by the Hospice building and garden, however, the community active space will perform a similar role to the exercise area.

State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region

State Planning Policy 2.8 - Bushland Policy for the Perth Metropolitan Region aims to provide a policy and implementation framework that will ensure bushland protection and management issues are addressed and integrated with broader land use planning and decision-making.

In general, the policy does not prevent development where it is consistent with policy measures and other planning and environmental considerations. The site is located within land that is primarily cleared of vegetation and does not contain any Threatened or Priority Ecological Communities, and it is not within or abuts a Bushforever area.

Draft State Planning Policy 2.9 - Planning for Water

Draft State Planning Policy 2.9 - Planning for Water seeks to ensure that planning and development considers water resource management and includes appropriate water management measures to achieve optimal water resource outcomes at the various stages of the planning process. The Department of Water and Environmental Regulation (DWER) advised that a District Water Management Strategy is not required for this site.

State Planning Policy 3.7 - Planning for Bushfire Risk Management

State Planning Policy 3.7 - Planning for Bushfire Risk Management (SPP 3.7) forms the foundation for land-use planning to address bushfire risk management in Western Australia. It is used to inform and guide decision-makers, referral authorities and proponents to achieve acceptable fire protection outcomes on planning proposals in bushfire-prone areas.

At the development application stage, the Department of Fire and Emergency Services provided comments on the proposed Bushfire Management Plan (BMP) and supplementary information including a landscaping agreement from the City of Nedlands and raised concerns with the BMP and Bushfire Emergency Evacuation Plan (BEEP) regarding the location, siting and design and vehicle access.

The DPLH procured the services of a Level Three Bushfire Planning Practitioner to peer review the applicant's consultant BMP and BEEP. In summary, the review did not identify any significant gaps or shortcomings of the BMP or BEEP however made some recommendations to be addressed either at the planning or building stage which included:

- Clarification of the management of the future low threat landscaping outside of the site within the Asset Protection Zone (APZ) area;
- Minor amendment to mapping of the plot areas, although not impacting the calculated Bushfire Attack Level (BAL), and landscaping designed to demonstrate compliance with the BMP; and
- Demonstration that the proposal can achieve the provisions of both National Construction Code (NCC) 2019 and NCC 2022 through a building certification.

With regard to the management of the APZ area, clarification was sought from the City for the area between the proposed Children's Hospice and the Bridge Club. The City confirmed that it manages the grassed area surrounding the proposed Children's Hospice site and undertakes an on-going management program that includes weed and feral animal control, seed collection, revegetation of degraded areas, erosion control, and fire risk management programs.

With regards to the grassed area to the south of the Hospice site, the City holds the Management Order for this area being Reserve 7804 and has a contractor that maintains this open space. The City confirmed its commitment to maintaining the bushland in accordance with the City's Natural Area Management Policy, and to the ongoing maintenance of low threat vegetation within the Asset Protection Zone south of the Hospice within Reserve 7804 in accordance with the Guidelines for Planning in Bushfire Prone Areas.

With regards to demonstrating compliance with the National Construction Code (NCC) requirements, the applicant provided a summary of the building methodology to comply with NCC 2019 and NCC 2022 from the applicants Building Certifier.

The above requirements were incorporated into development approval conditions for the Children's Hospice facility which has been approved by the WAPC. Therefore, it has been concluded that the BMP and BEEP have satisfied the requirements of SPP 3.7.

STATUTORY CONTEXT

Environment

The DWER verbally advised that the proposed amendment is unlikely to raise any environmental issues.

Water, Wastewater and Drainage Infrastructure

The Water Corporation raises no objections to the proposed amendment and advises as follows:

Water Supply: Reticulated water is currently available to the subject area. All water main extensions, if required for the development site, must be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.

Wastewater: Reticulated sewerage is not immediately available to serve the subject area. All sewer main extensions required for the development site should be laid within the existing and proposed road reserves, on the correct alignment and in accordance with the Utility Providers Code of Practice.

Servicing Demands: The Corporation's planning would not have initially allowed for water and wastewater demands to the proposal given the existing landuse. The Corporation will liaise with the consulting engineers to determine water and wastewater capacity and demands as proposed yields become available.

General: The developer is expected to provide all water and sewerage reticulation if required. A contribution for Water, Sewerage and Drainage headworks may also be required. The developer may be required to fund new works or the upgrading of existing works and protection of all works. The Corporation may also require land being provided for works.

Transportation

Main Roads WA raise no objections to the proposed amendment.

4 Aboriginal Cultural Heritage

The process of rezoning or reservation of land in a region scheme is broad by nature and does not physically interfere with the land. Consideration of Aboriginal Cultural Heritage is addressed more specifically at later stages of the planning process, typically when preparing a local structure plan or at the subdivision and development approval stages. All Aboriginal Cultural Heritage is protected whether or not it has been previously recorded or reported.

Nevertheless, in recognising the importance of having reliable Aboriginal cultural heritage information, the WAPC and the Department of Planning, Lands and Heritage have entered

into a Memorandum of Understanding with the South West Aboriginal Land and Sea Council (SWALSC) for the provision of Aboriginal consultative services. All amendment proposals likely to be of interest to Aboriginal persons are pre-referred to SWALSC for comment. SWALSC is the recognised Native Title Representative Body for Western Australia's southwest region and as such is well placed to provide advice on Aboriginal heritage.

The proposed amendment was pre-referred to SWALSC and no advice was received. However, the amendment will be formally referred to SWALSC during the public submission period.

5 Coordination of local and region scheme amendments

Under Section 126(3) of the *Planning and Development Act 2005* the WAPC has the option of concurrently rezoning land being zoned Urban under the MRS to a 'Development' zone (or equivalent) in a LPS. As no land is being zoned Urban section 126(3) of the P&D Act does not apply.

6 Substantiality

The *Planning and Development (Region Planning Schemes) Regulations 2023* allows for amendments to the MRS to be processed as either "complex", "standard" or "basic" amendments depending on the alteration to the MRS. This amendment is recommended to be processed as a "standard" amendment for the following reasons:

- The size and scale of the proposed amendment is not considered regionally significant. It does not reflect a regional change to the planning strategy or philosophy for the metropolitan region.
- The proposed amendment will align the MRS with the WAPC's development approval for a Children's Hospice use under Part 17 of the P&D Act.
- Relevant State Government agencies have not raised matters which prevent the initiation and advertising of the amendment.

7 Environmental Protection Authority advice

The proposed amendment was referred to the Environmental Protection Authority (EPA) for advice on whether environmental assessment would be required.

The EPA has advised that the proposed amendment does not require formal assessment under Part IV of the *Environmental Protection Act 1986*. A copy of the notice from the EPA is included at Appendix A.

8 The amendment process

The procedures for amending the MRS are prescribed by the *Planning and Development Act 2005* and the *Planning and Development (Region Schemes Regulations) 2023*. In essence, the procedure for a "standard" amendment involves:

- formulation of the amendment by the WAPC
- referral to the EPA for environmental assessment

- completion of an Environmental Review (if required) in accordance with EPA instructions
- public submissions being sought on the proposed amendment (including Environmental Review if required)
- consideration of submissions
- approval, with or without any modifications in response to submissions, or refusal to approve, by the Minister
- the amendment takes legal effect with Gazettal of the Minister's approval.

An explanation of the [region scheme amendment process](#) can be found on the Department of Planning, Lands and Heritage's website, along with further information for [your property and planning region schemes](#).

9 Submissions on the amendment

The WAPC invites people to comment on this proposed amendment to the MRS.

The amendment is being advertised for public submissions for a period of 42 days from Tuesday 30 January 2024 to Wednesday 13 March 2024.

The amendment report and plans showing the proposed changes are available for public inspection online at www.dplh.wa.gov.au/mrs-amendments.

Online submissions are encouraged via <https://consultation.dplh.wa.gov.au>.

However, written submissions commenting on the amendment should be sent to:

RegionPlanningSchemes@dplh.wa.gov.au

or posted to:

The Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

and must be received by 13 March 2024.

All submissions received by the WAPC will be acknowledged.

For your convenience a submission form is contained in this report (Appendix D). Additional copies of the form are available from the Department of Planning, Lands and Heritage website at www.dplh.gov.au/regionplanningschemes.

You should be aware that calling for submissions is a public process and all submissions lodged will become public. All submissions are published and made available when the Minister has made a determination on the amendment. Advice of disclosure and access requirements are shown on side two of the submission form.

Before making your submission, it is recommended that you read the information in Appendix C of this report regarding preparing a submission.

10 Modifications to the amendment

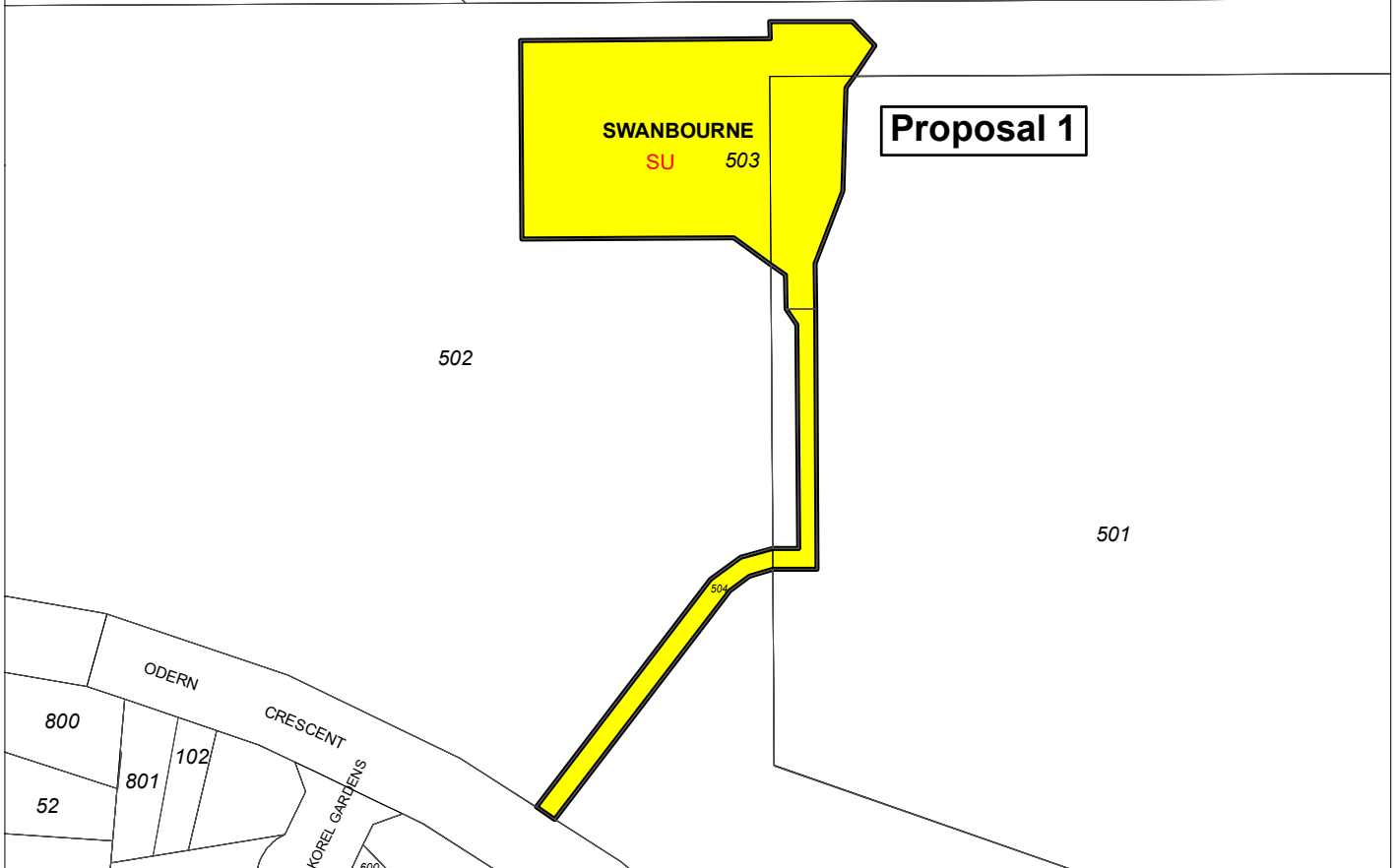
After considering any comments received the WAPC may recommend that the Minister modify the amendment. The Minister may approve the amendment, with or without any modifications in response to submissions, or decline to approve.

11 Final outcome

The recommendations of the WAPC, including any modifications, along with the determination of the Minister, are published in a report on submissions. Anyone who has made a submission, along with affected landowners, will be notified of the outcome when the amendment is gazetted to give it legal effect.

**Metropolitan Region Scheme
Amendment 1415
Children's Hospice Site**

Amendment Figure - Proposal 1



Children's Hospice Site Proposed Standard MRS amendment as advertised

13 September 2023

Proposal 1

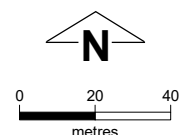
Proposed Amendment:

SU Parks and Recreation reservation to Public Purposes reservation - special uses

Reference no: 3733

File no: RLS/1014

Version number: 2



Appendix A

Notice of environmental assessment



Environmental Protection Authority

Ms Sam Fagan
Secretary
Western Australian Planning Commission
Locked Bag 2506
PERTH WA 6001

Our Ref: APP-0024958
Enquiries: Helen Shaughnessy
Email: helen.shaughnessy@dwer.wa.gov.au

Dear Ms Fagan

DECISION UNDER SECTION 48A(1)(a) ***Environmental Protection Act 1986***

SCHEME	Metropolitan Regional Scheme
LOCATION	Lot 503 Clement Street, Swanbourne City of Nedlands
RESPONSIBLE AUTHORITY	Western Australian Planning Commission
DECISION	Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed Under Part IV of the EP Act. No Advice Given (Not Appealable)

Thank you for referring the above scheme to the Environmental Protection Authority (EPA).

After consideration of the information provided by you, the EPA considers that the proposed scheme should not be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* (EP Act).

Please note the following:

- For the purposes of Part IV of the EP Act, the scheme is defined as an assessed scheme. In relation to the implementation of the scheme, please note the requirements of Part IV Division 4 of the EP Act.
- There is no appeal right in respect of the EPA's decision to not assess the scheme.

A copy of the EPA's Determination and is attached and will be made available to the public via the EPA website.

Yours sincerely

Prof. Matthew Tonts
Chair of the Environmental Protection Authority

31 October 2023

Encl. EPA Determination



Environmental Protection Authority

s.48A Referrals

Title: Metropolitan Regional Scheme – Amendment 1415

Location: Lot 503 Clement Street, Swanbourne

Description: The amendment proposes to rezone the above area from Parks and Recreation reservation to Public Purpose – Special Use reservation to facilitate development of a children's hospice.

Ref ID: APP-0024958

Date Received: 10/10/2023 **Date Sufficient Information Received:** 10/10/2023

Responsible Authority: Western Australian Planning Commissions, 140 William Street PERTH WA 6000

Contact: Anthony Muscara

Preliminary Environmental Factors: Flora and Vegetation and Terrestrial Fauna

Potential Significant Effects: Implementation of the scheme amendment may result in indirect impacts to surrounding remnant vegetation and fauna habitat.

Protection: Future development of the amendment site should ensure bushfire management requirements are contained within the site. Clearing beyond the amendment area should be avoided to retain the environmental values established through revegetation projects.

Determination: **Referral Examined, Preliminary Investigations and Inquiries Conducted. Scheme Amendment Not to be Assessed under Part IV of the EP Act. No Advice Given. (Not Appealable).**

The Environmental Protection Authority (EPA) has carried out some investigations and inquiries before deciding not to assess this scheme. In deciding not to formally assess schemes, the EPA has determined that no further assessment is required by the EPA.

This Determination is not appealable.

Chair's Initials:

Date:

31 October 2023

Appendix B

List of plans supporting the amendment

**Metropolitan Region Scheme
Amendment 1415**

Amendment Name

as advertised

Amending Plan 3.2819

Appendix C

Preparing a submission

Preparing a Submission

The WAPC welcomes comment on proposed amendments to the MRS from interested individuals, groups, and organisations.

What is a submission?

A submission is a way to express your opinion and provide information. It is an opportunity to explain why the amendment should be supported, withdrawn, or modified. Suggestions of alternative courses of action are also welcomed.

Making a submission is not the same as voting in an election. The number of submissions received for or against a proposal will not in itself determine the result. Rather, it is the reasoned argument of why a particular thing should or should not be done. Your submission will assist the WAPC in reviewing its planning proposal before proceeding. Advertised proposals are often modified in response to the public submission process.

What should I say?

Your comments should focus on the particular issues that arise from the proposed amendment. If there are a number of components in the amendment, please indicate exactly which ones you are addressing.

It is important that you state your point of view clearly and give reasons for your conclusions and recommendations. These may include an alternative approach or other ways for the WAPC to improve the amendment or make it more acceptable. Indicate the source of your information or argument where applicable.

If you prefer not to write your own comments, you may consider joining a group interested in making a submission on similar issues. Joint submissions can increase the pool of ideas and information.

Before lodging your submission

The WAPC prefers to receive submissions online at <https://consultation.dplh.wa.gov.au>, however, hardcopy submissions can also be accepted (Submission Form - Appendix D).

Please remember to complete all fields in the submission form including your name and contact details. Please limit the number of attachments, where possible, ensuring they are directly relevant to the proposed amendment you are commenting on.

The closing date for submissions and how to lodge them is shown on the submission form and in the submissions on the amendment section of the amendment report.

Some amendments may be subject to an environmental review. Under these circumstances, the WAPC will forward a copy of any submission raising environmental issues to the EPA.

You should be aware that all submissions lodged with the WAPC are subject to regulations on disclosure and access, and your submission will become a public document.

Appendix D

Submission form for this amendment



16.2 PD10.03.24 Consideration of Modification of Conditions (Screening) for Single House at 14 Jutland Parade, Dalkeith

Meeting & Date	Council Meeting – 26 March 2024
Applicant	Element Advisory Pty Ltd
Employee Disclosure under section 5.70 Local Government Act 1995	Employee disclosure required where there is an interest in any matter of which the employee is providing advice or a report.
Report Author	Nathan Blumenthal – A/Manager Urban Planning
Director	Roy Winslow – A/Director Planning and Development
Attachments	1. Zoning Map 2. Development Plans 3. Original Determination Letter and Plans 4. CONFIDENTIAL ATTACHMENT - Submission

Purpose

The purpose of this report is for Council to consider an amendment to a previous development approval for a single house at 14 Jutland Parade, Dalkeith. This application seeks the amendment of Condition 3, parts (d) and (e) of the original development approval which requires the pool gazebo and Bedroom 2 to have privacy screening. The proposal is being presented to Council for consideration due to an objection being received. Council is specifically requested to exercise its judgement in considering the merits of the application against the design principles for:

- Visual privacy to the east (see section of report – Visual Privacy)

Recommendation

That Council in accordance with Clause 77(4)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, approves the amendment to the single house at 14 Jutland Parade, Dalkeith dated 11 October 2023, subject to the same conditions as the original approval granted on 18 January 2019, except where modified below:

Condition 3 be amended to read as follows:

- 3. Amended plans are received with the building permit showing visual privacy screening or fixed obscure glazing as per the requirements of clause 5.1.4 of the Residential Design Codes to prevent overlooking to the eastern neighbouring property in the following locations:**
 - a. Front Verandah 1;**
 - b. Verandah 2 to the south of the guest room;**
 - c. Adjacent to the pool;**



d. Pool gazebo (eastern elevation).

New Condition

- 13. Within 60 days of the date of this decision, screening as shown in red on the plans dated 11 October 2023 and outlined in Condition 3 (DA23-89909) of the determination letter dated 26 March 2024, shall be erected to the satisfaction of the City of Nedlands.**

All other conditions and requirements detailed on the previous amendment (DA23-89590) and the original approval (DA18-32648) dated 18 January 2019 shall remain unless altered by this application.

Voting Requirement

Simple Majority.

This report is of a quasi judicial nature as it is a matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.

The decision must be made in a manner that is impartial, free from bias, and in accordance with the principles of natural justice. The decision must be made in having regard to the facts of the matter under consideration, and in accordance with the relevant laws and policies as they apply to that matter.

Discretionary considerations and judgments in the decision must be confined to those permitted to be considered under the laws and policies applicable to the matter and given such weight in making the decision as the relevant laws and policies permit them to be given.

Background

Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R12.5
Land area	2,276m ²
Land Use	Single House
Use Class	'P' – Permitted Use

The site is located at 14 Jutland Parade, Dalkeith. The site is bound by Jutland Parade to the north and the Swan River to the south. The site is occupied by a single house. The lot is regular in shape, with a 20.1m frontage and a total area of 2,276m². The site slopes down towards the Swan River, with a 12.5m slope from north to south.



Figure 1: Aerial image of the subject site.

History

A development application for a single house located at 14 Jutland Parade, Dalkeith was approved on 18 January 2019 (DA18-32648). This approval has since been acted upon, and the house constructed, completed and occupied.

The original application sought a design principle pathway for visual privacy to the eastern property at 12B and 12C Jutland Parade, Dalkeith. During the advertising period, the adjoining eastern landowners made a submission, objecting to the lack of visual privacy and requesting that screening was provided towards the eastern boundary. The applicant was agreeable, and a condition (Condition 3) of the approval was placed for the following screens to alleviate visual privacy concerns:

- a. Front verandah 1 (eastern)
- b. Verandah 2 to the south of the guest room (eastern)
- c. Adjacent to the pool (eastern)



- d. Pool gazebo (east and partial south)
- e. Bed 2 (south)

On 9 May 2023 the City received a compliance enquiry about the screening towards the eastern elevation of the subject site. City officers conducted a site visit on 23 August 2023 to determine if screening had been erected as per the conditions of approval. It was observed that screening to the pool gazebo and Bedroom 2 (parts d and e of condition 3) had not been erected in accordance with the condition of approval. The landowner was given the option to erect the screening in accordance with the condition of approval or lodge a development application to request amendment of the condition.

The screening as required by parts a through c of Condition 3 have been erected in accordance with the R-Codes Volume 1.

Application Details

This application originally sought an amendment to delete parts (d) and (e) of Condition 3, which relate to privacy screening on the following (as shown in red on **Attachment 3**):

- d. Pool gazebo (eastern and partial south)
- e. Bedroom 2 southern side.

Following the initial consultation period, the City officers raised concerns with the impact on the adjoining property's visual privacy from the eastern elevation of the pool gazebo. The major openings and raised outdoor living areas on the eastern elevation directly face the adjoining property. Therefore, they would not achieve the design principles and would negatively impact the adjoining landowner. The southern elevation of the pool gazebo and Bedroom 2 openings are considered to achieve the design principles without screening as discussed in the report below.

Should the application be approved by Council, Condition 3 has been amended to retain the original condition for screening to the eastern elevation of the pool gazebo but delete the requirement for screening to the southern elevations of the pool gazebo and Bedroom 2 (**Attachment 2**). This will require the existing adjustable louvres of the gazebo to be fixed up to a height of 1.6m above finished floor level and be restricted to be 75% obscure in accordance with the R-Codes Volume 1.

The proposed condition reads:

3. Amended plans are received with the building permit showing visual privacy screening or fixed obscure glazing as per the requirements of clause 5.1.4 of the Residential Design Codes to prevent overlooking to the eastern neighbouring property in the following locations:
 - a. Front Verandah 1;
 - b. Verandah 2 to the south of the guest room;
 - c. Adjacent to the pool;
 - d. Pool gazebo (eastern elevation).



An additional condition of approval has been placed giving the landowners 60 days from the date of approval to erect the screening.

Discussion

Local Planning Scheme No. 3

Schedule 2, Clause 67(2) (Consideration of application by Local Government) – identifies those matters that are required to be given due regard to the extent relevant to the application. Where relevant, these matters are discussed in the following sections. Overall, the development is considered to meet these objectives, particularly in regard to height, scale, bulk and appearance, and the potential impact it will have on the local amenity.

State Planning Policy 7.3 - Residential Design Codes – Volume 1

The R-Codes apply to all single and grouped dwelling developments. An approval under the R-Codes can be obtained in one of two ways. This is by either meeting the deemed-to-comply provisions or via a design principle assessment pathway.

The proposed development is seeking a design principle assessment pathway for parts of this proposal relating to visual privacy.

If a proposal does not satisfy the deemed to-comply provisions of the State Planning Policy 7.3: Residential Design Codes (R-Codes), Council is required to exercise a judgement of merit to determine the proposal against the design principles of the R-Codes. The R-Codes require the assessment to consider the relevant design principle only and to not apply the corresponding deemed-to-comply provisions. It is recommended that the application be approved by Council as it is considered to satisfy the design principles of the R-Codes. Further, it is considered unlikely that the development will have a significant adverse impact on the local amenity and character of the locality.

Visual Privacy (Clause 5.4.1)

The following major openings are seeking a design principle assessment:

- Bedroom 2 along the southern elevation is 2.9m from eastern boundary.
- Pool gazebo along the southern elevation is 2.3m from eastern boundary.

The design principles for visual privacy consider the minimal overlooking of active habitable spaces and outdoor living areas of adjacent dwellings and maximum visual privacy to side and rear boundaries. The proposed major openings on the southern elevation are considered to meet the design principles for the following reasons:

- Overlooking is minimised as Bedroom 2 and the pool gazebo face south and are intended to provide an outlook over the river. As a result, any overlooking of the adjoining property is oblique rather than direct.
- The overlooking from Bedroom 2 avoids all adjoining habitable areas. The cone of vision from Bedroom 2 falls entirely over the driveway in front of the eastern property and avoids all major opening and outdoor living areas.

- The overlooking from the southern elevation of the pool gazebo avoids all adjoining habitable areas. The cone of vision from the pool gazebo falls over the adjoining blank façade wall on the ground and upper floors and side access to the rear of the adjoining eastern property. The overlooking avoids all adjoining outdoor living areas and major openings (see Figure 1 below).
- The adjoining eastern property has a raised unscreened balcony 3.5m from the subject site. It is not uncommon for houses on Jutland Parade to seek visual privacy allowances to their side boundaries, with properties seeking to maximise Swan River views.



Figure 1: Cone of vision view from southern elevation of the pool gazebo.

Consultation

The application is seeking assessment under the design principles of the R-Codes for visual privacy.

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to one adjoining property. The application was advertised for a period of 14 days from 30 October 2023 to 13 November 2023. At the close of the advertising period, one objection was received.

The following is a summary of the concerns/comments raised and the Administration's response and action taken in relation to each issue:

1. The removal of privacy screens will compromise the amenity and privacy of the occupants and will negatively impact the adjoining property.



The removal of privacy screens to Bedroom 2 and the southern elevation of the pool gazebo is considered to not unduly impact the amenity of the adjoining eastern landowner and achieves the design principles as discussed above in the report. Should the application be approved by Council, the eastern elevation of the pool gazebo is recommended to be screened in accordance with the R-Codes Volume 1 to alleviate visual privacy intrusion, as per the original approval.

Strategic Implications

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

Vision	Sustainable and responsible for a bright future
Pillar	Place
Outcome	6. Sustainable population growth with responsible urban planning.

Budget/Financial Implications

Nil.

Legislative and Policy Implications

Council is requested to make a decision in accordance with clause 68(2) of the [Deemed Provisions](#). Council may determine to approve the development without conditions (cl.68(2)(a)), approve with development with conditions (cl.68(2)(b)), or refuse the development (cl.68(2)(c)).

Decision Implications

If Council resolves to approve the proposal, the screening shall be erected in accordance with the approved plans.

In the event of a refusal, the applicant will have a right of review to the State Administrative Tribunal. The Tribunal will have regard to the R-Codes as a State Planning Policy. Similarly, should an applicant be aggrieved by one or more conditions of approval, this can be reviewed by the Tribunal.

Conclusion

The application for an amendment to approved conditions for a single house has been presented for Council consideration due to an objection being received. It is recommended to retain the screening on the eastern elevation, as initially required. Visual privacy on the



southern elevation is considered to meet the key amenity related elements of R-Codes Volume 1 and, as such, is unlikely to have a significant adverse impact on the adjoining lots or local amenity of the area. The proposal has been assessed and satisfies the design principles of the R-Codes in relation to being consistent with the immediate locality and streetscape character.

Accordingly, it is recommended that the application be conditionally approved by Council.

Further Information

Nil.



City of Nedlands

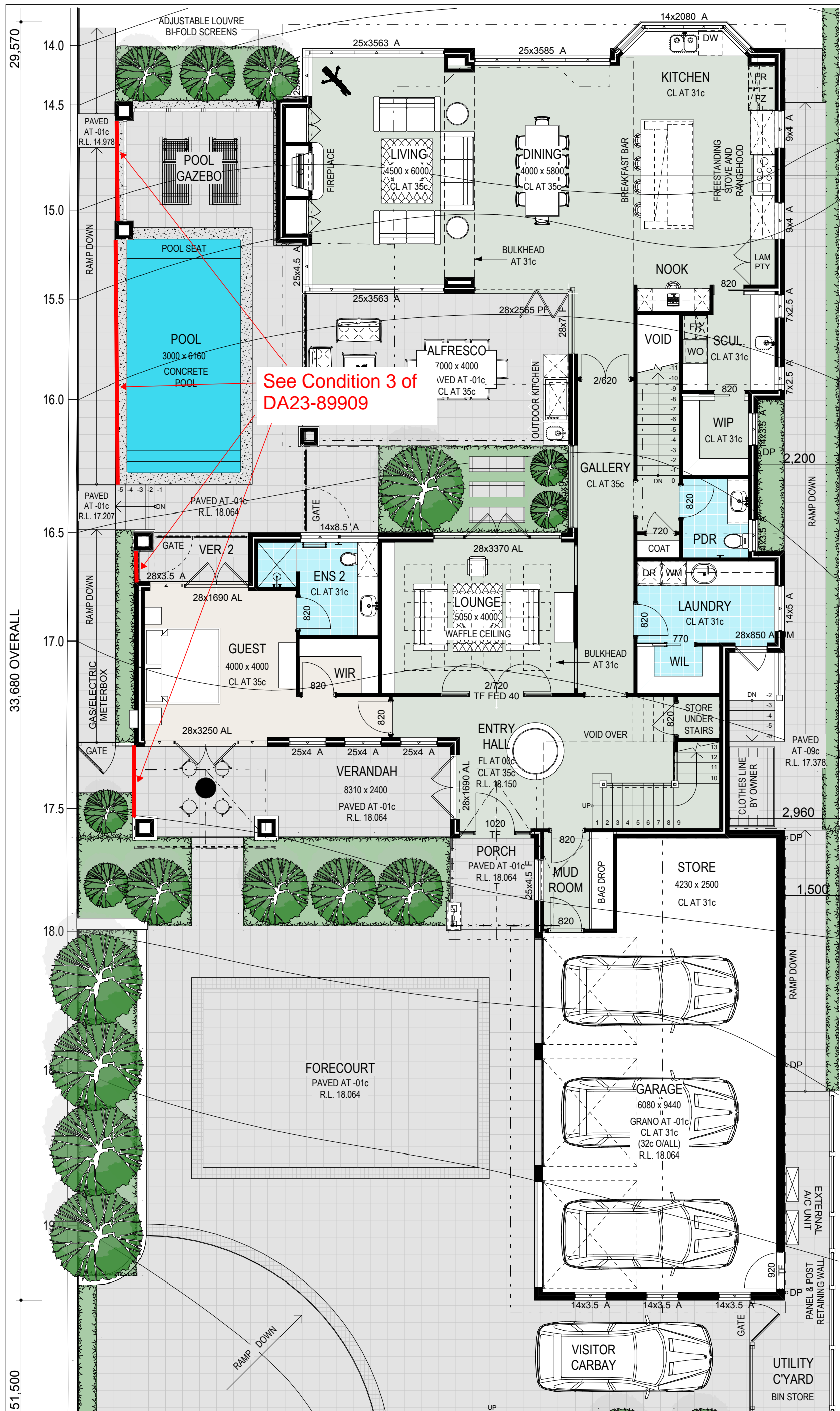
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Zoning Map

15/02/2024

1:1250





LIM RESIDENCE

UNDERCROFT FLOOR

VERANDAH 3	18.16
UNDERCROFT LIVING	75.45
STORE ROOM	15.26
	108.87 m ²

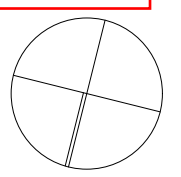
GROUND FLOOR

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VERANDAH 1	19.65
PORTICO	5.37
GROUND LIVING	231.64
GARAGE & STORE	75.03
ALFRESCO	28.00
	363.56 m ²

FIRST FLOOR

UPPER LIVING	217.20
	217.20 m ²
	689.63 m ²

City of Nedlands
Received
11 October 2023



N

LEVELS AND SCREENING SUBJECT TO
NEIGHBOUR AND COUNCIL APPROVAL



GROUND FLOOR PLAN

1:100

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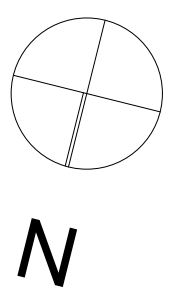
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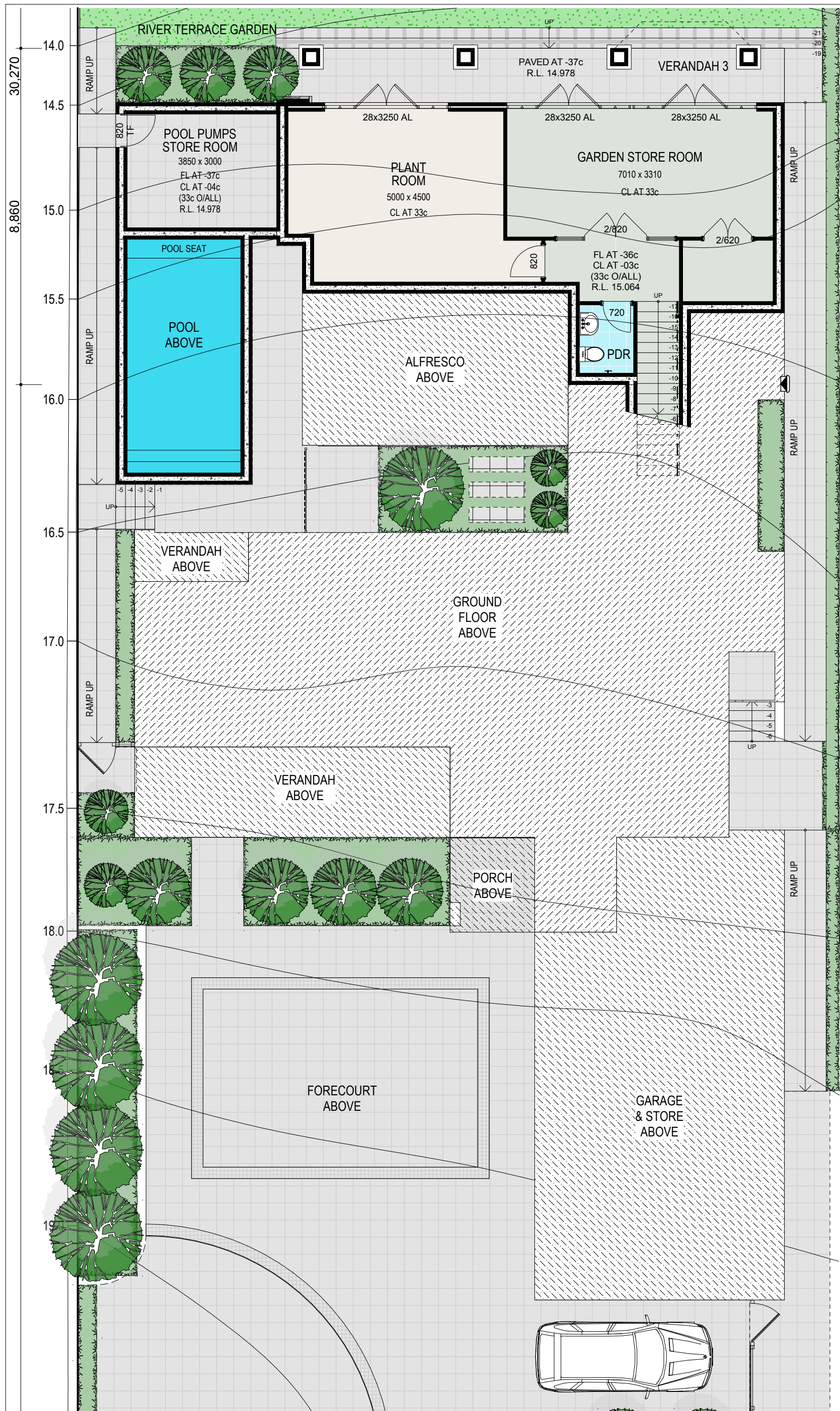
LIM RESIDENCE

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UNDERCROFT LIVING	75.45
STORE ROOM	15.26
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FIRST FLOOR	
UPPER LIVING	217.20
	217.20 m ²

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UPPER FLOOR PLAN
1:100



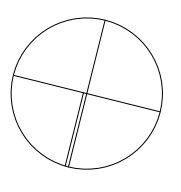
LIM RESIDENCE

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UNDERCROFT LIVING	75.45
STORE ROOM	15.26
	108.87 m ²

GROUND FLOOR	
VERANDAH 2	3.87
VERANDAH 1	19.65
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FIRST FLOOR	
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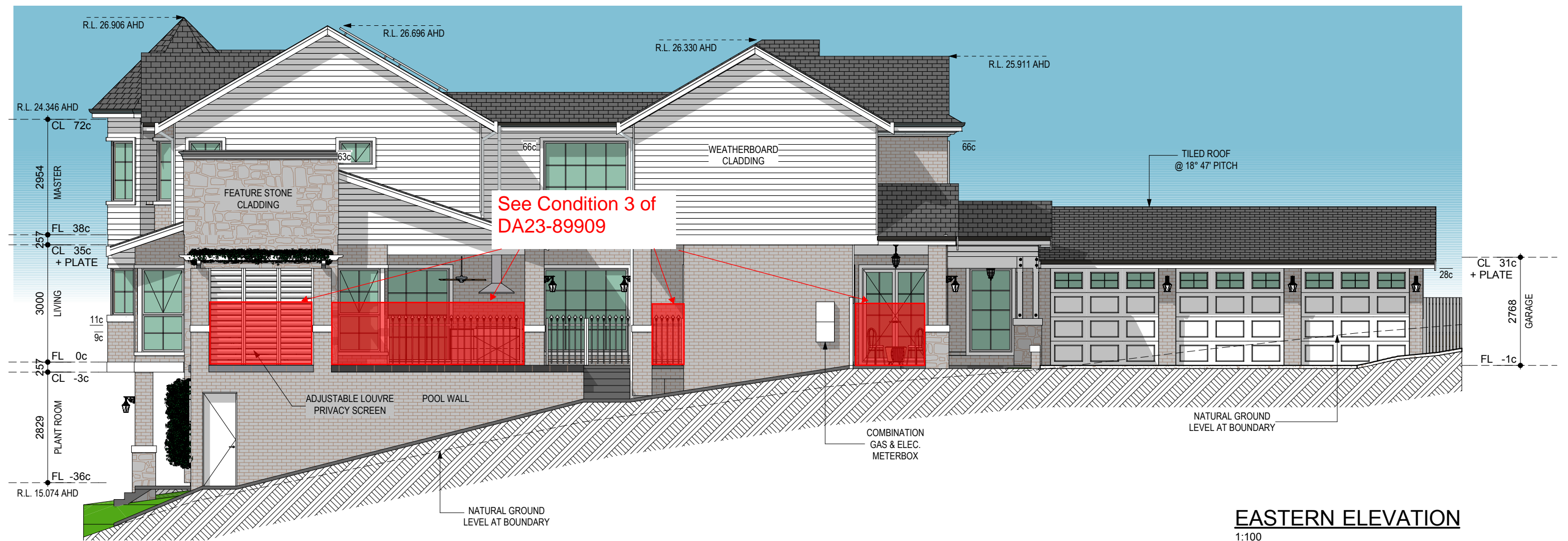
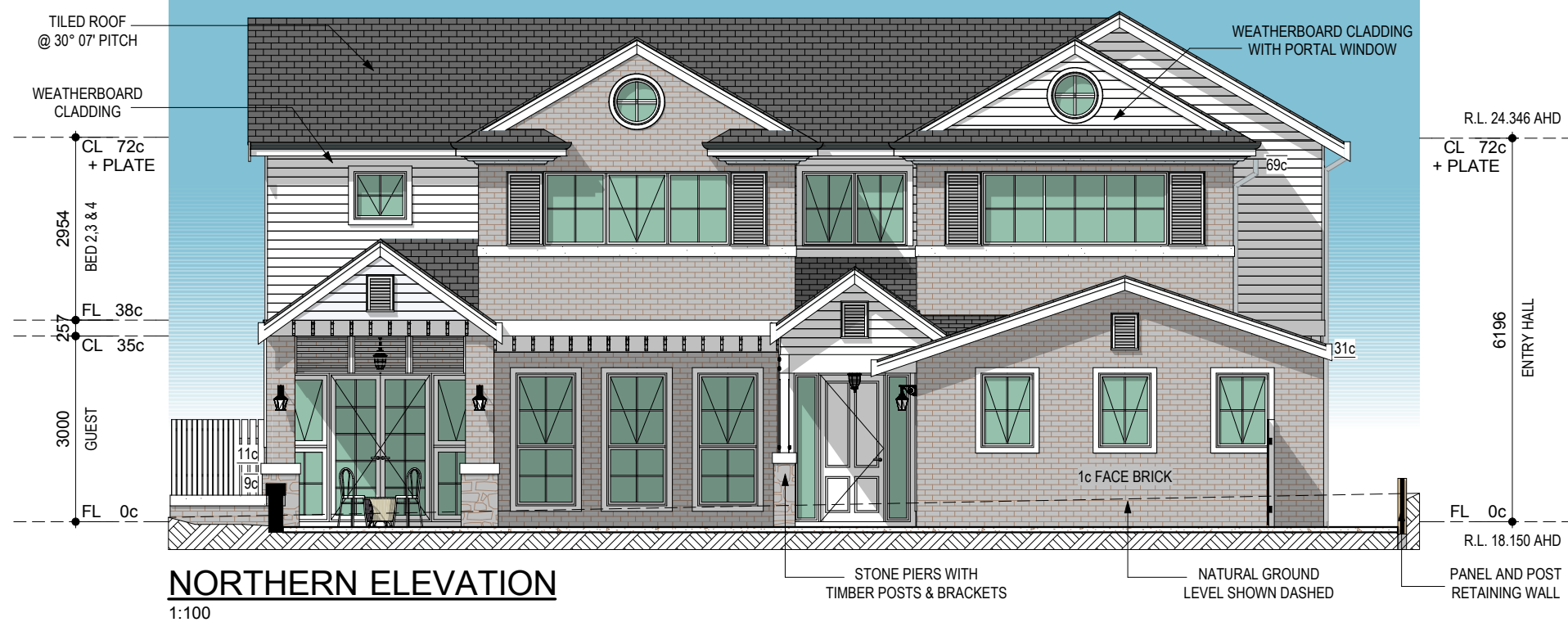
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UNDERCROFT PLAN

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11 October 2023



The "LIM" Residence ©
#14 Jutland Parade, Dalkeith

Consultant: Marek Rodkiewicz

File : 33065 Lim PPA 8-11-18
Drawn By: Brook Leber Date: 23 Mar 2018 11:20:28
Amendment 1 By: Brook Leber Date: 08 Nov 2018 10:04:08

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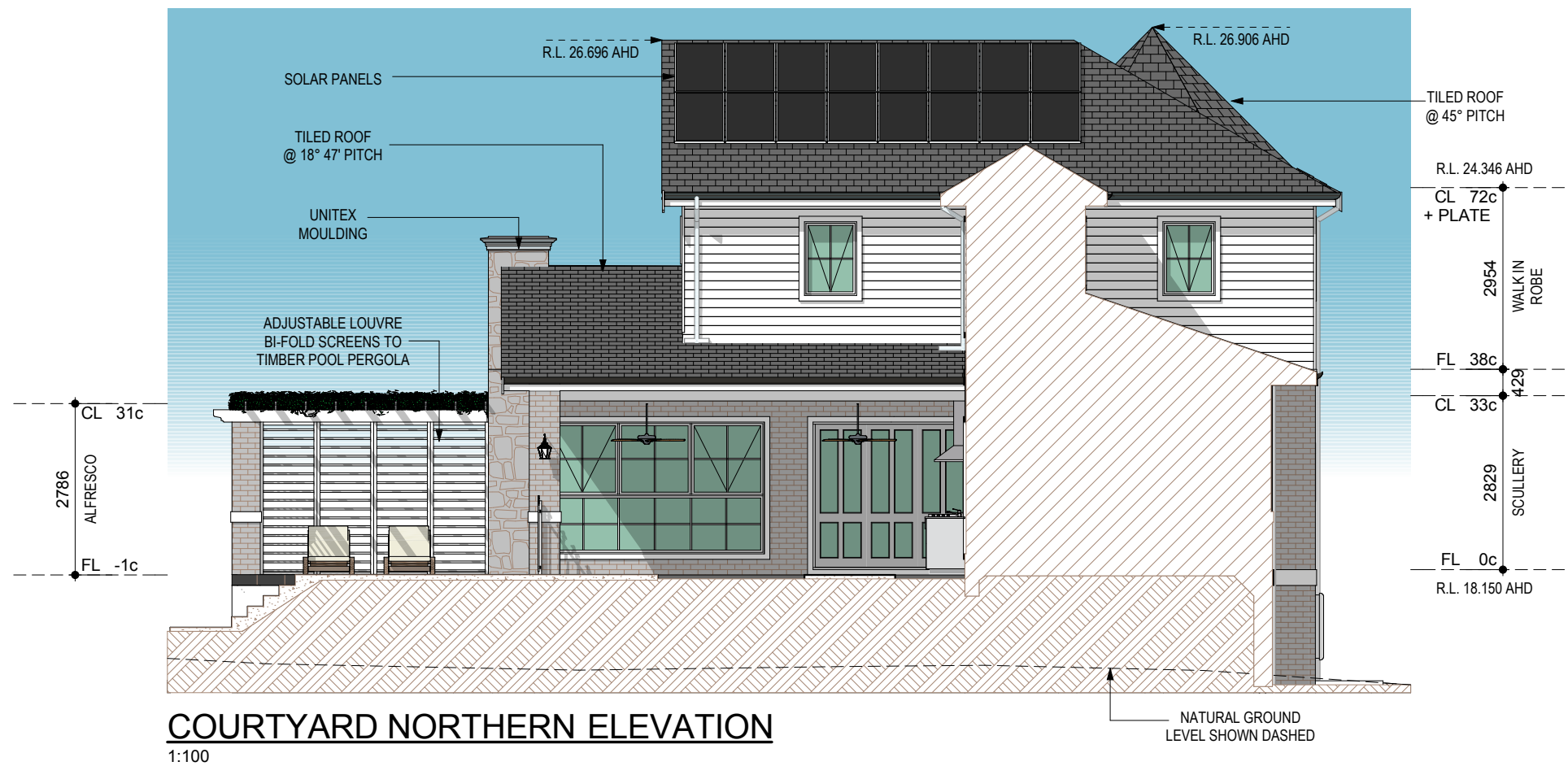
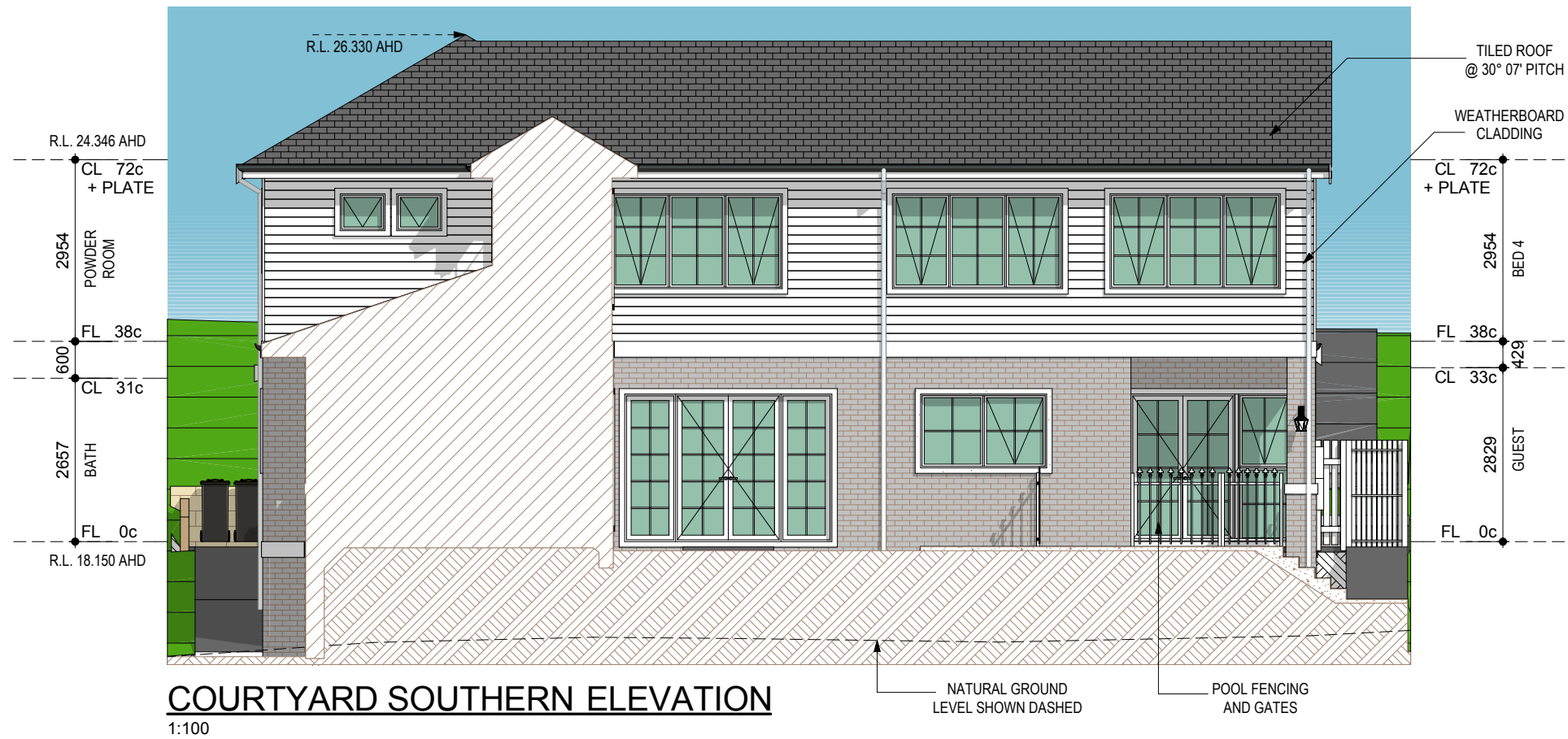
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City of Nedlands
Received
11 October 2023



The "LIM" Residence ©
#14 Jutland Parade, Dalkeith

Consultant: Marek Rodkiewicz

File : 33065 Lim PPA 8-11-18
Drawn By: Brook Leber Date: 23 Mar 2018 11:20:28
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PAGE 6 OF 7





City of Nedlands

ABN 92 614 728 214

Enquiries: Kate Bainbridge on 9273 3500
Our Reference: DA18-32648

18 January 2019

Oswald Homes (1972) Pty Ltd
PO Box 55
INNALOO WA 6918

Dear Sir / Madam,

Property Address: 14 Jutland Parade, DALKEITH, Lot 123
Proposal: Three Storey Single House

I refer to your application received on 9 November 2018 regarding the above proposal.

In accordance with the provisions of the City's Town Planning Scheme No. 2 and the authority delegated to the Council under the provisions of the Metropolitan Region Scheme, approval to commence development has been **granted**, under delegated authority from the Council. Attached is the form of approval stating the conditions that must be complied with.

Should you be aggrieved by this decision there is a right to apply for a review to the State Administrative Tribunal (SAT), in accordance with Part 14 of the *Planning and Development Act 2005*. The application for review must be submitted to the SAT within 28 days from the date this letter is received. For further information, the SAT can be contacted on 9219 3111, Level 6, 565 Hay Street, Perth, or www.sat.justice.wa.gov.au.

Please note this planning approval is not an authority to commence construction. A separate Building Application is required to be lodged with the City's Property Services (if not done so already), and a Building Permit granted prior to commencement of works.

The fees paid on this development application have been calculated on the estimated cost of development stated on the application form. If the cost of development determined at time of Building Permit is more than the estimated cost stated on the development application, the applicant will be responsible for payment of additional fees.

Yours faithfully

Andrew Bratley
Coordinator Statutory Planning

Enc. Notice of Planning Approval

FORM 2**NOTICE OF DETERMINATION****SCHEDULE 2 PART 11 CLAUSE 86****PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015**

Name and Address of Applicant: **Oswald Homes (1972) Pty Ltd
PO Box 55
INNALOO WA 6918**

Name and Address of Landowner: **K P Lim
14 Jutland Pde
DALKEITH WA 6009**

Property Address: **14 Jutland Parade, DALKEITH, Lot 123**
Proposed Development: **Three Storey Single House**

The planning application received on 9 November 2018 with plans attached hereto, is **granted approval subject to the following Conditions:**

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
2. This development approval only pertains to the proposed three storey single house and associated site works. This approval should not be construed that any proposed subdivision of the property will be supported.
3. Amended plans are received with the building permit showing visual privacy screening or fixed obscure glazing as per the requirements of clause 5.1.4 of the Residential Design Codes to prevent overlooking to the eastern neighbouring property in the following locations:
 - a. Front verandah 1;
 - b. Verandah 2 to the south of the guest room;
 - c. Adjacent to the pool;
 - d. Pool gazebo; and
 - e. Bedroom 2 southern side.
4. Where two storeys are directly above, the use of the basement level shall be restricted to the uses of plant and equipment, storage, toilets and/or the parking of wheeled vehicles. Prior to occupation of the dwelling, the owner shall execute and provide to the City a notification pursuant to s. 70A of the *Transfer of Land Act 1893* to be registered on the title to the land as notification to prospective purchasers that the use of the basement level is subject to the restriction set-out above.
5. Stormwater runoff from constructed impervious surfaces generated by small rainfall events (i.e. the first 15 mm of rainfall) must be retained and/or detained and treated (if required) at-source as much as practical and will not be permitted to enter the river untreated.

6. The applicant shall take appropriate preventative measures during the works to ensure that no construction material, soil, rubbish, or deleterious matter is allowed to enter the river, foreshore reserve, or stormwater system.
7. The applicant must ensure that the fill products used are geotechnically suitable and otherwise fit for their purpose and that they do not cause environmental harm, pollution, unreasonable emissions or unauthorised discharges contrary to the *Environmental Protection Act 1986* or other legislation (refer to Material Guideline – clean fill, Department of Environment Regulation 2014).
8. No wastewater/backwash from the swimming pool or the pond/water feature is to be discharged into the river or the local government drainage system, as the treated water may contain chemicals that are detrimental to riverine ecology.
9. All footings and structures to retaining walls, fences and parapet walls, shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
10. All fencing, visual privacy screens and obscure glass panels to Major Openings and Unenclosed Active Habitable Spaces as shown on the approved plans, shall prevent overlooking in accordance with the visual privacy requirements of the *Residential Design Codes 2018*. The fencing, visual privacy screens and obscure glass panels shall be installed prior to the development's practicable completion and remain in place permanently, unless otherwise approved by the City.
11. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite.
12. The existing dwelling is to be demolished prior to the commencement of construction of the proposed dwelling.

Advice Notes specific to this approval:

1. In relation to condition no. 3, please note that screening is required to be a minimum 1.6m above the finished level of each of the areas mentioned and be no more than 25% open.
2. Conditions no. 5 to 8 relate to advice received from the Department of Biodiversity, Conservation and Attractions. Further advice in relation to these conditions are as follows:
 - a) The applicant is advised that the Department of Biodiversity, Conservation and Attractions does not permit the discharge of swimming pool and pond water or backwash water into the river or into the local government stormwater drainage system as the treated water may contain chemicals that are detrimental to riverine ecology. The use of limestone lined soak wells may be appropriate to carry out this function.
 - b) If any new rear boundary fence or retaining walls are proposed in the future that are adjacent to the Swan Canning Development Control Area, please note that it will be subject to the height and setback requirements outlined in Policy 48 — Planning for Development Setback Requirements Affecting the Swan Canning Development Control Area.

- c) The applicant is advised that it is an offence under the Swan and Canning Rivers Management Regulations 2007 to destroy, pull up, cut back or injure any tree, shrub or perennial plant that is on land within the Swan Canning Development Control Area, except with the prior approval of the Department of Biodiversity, Conservation and Attractions or unless otherwise exempt by the Regulations.
13. A separate development application is required to be submitted to and approved by the City prior to erecting any fencing within the street setback area(s) which is not compliant with the deemed-to-comply provisions of the Residential Design Codes, and/or erecting any fencing behind the primary street setback area which is more than 1.8m in height above natural ground level.
 14. All crossovers to the street(s) shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision onsite, prior to commencement of works.
 15. The redundant crossover(s) shall be removed and the nature-strip (verge) reinstated to the City's satisfaction.
 16. Any development in the nature-strip (verge), including footpaths, will require a Nature-Strip Development Application (NSDA) to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing.
 17. All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved under the Nature Strip Development approval.
 18. All swimming pool waste water shall be disposed of into an adequately sized, dedicated soak-well located on the same lot. Soak-wells shall not be situated closer than 1.8m to any boundary of a lot, building, septic tank or other soak-well.
 19. The proposed swimming pool shall be kept dry during the construction period. Alternatively, the water shall be maintained to a quality which prevents mosquitoes from breeding.
 20. All downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20 year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.
 21. All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.
 22. Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

Removal and disposal of ACM shall be in accordance with *Health (Asbestos) Regulations 1992*, Regulations 5.43 - 5.53 of the *Occupational Safety and Health Regulations 1996*, *Code of Practice for the Safe Removal of Asbestos 2nd Edition*, *Code of Practice for the Management and Control of Asbestos in a Workplace*, and any Department of Commerce Worksafe requirements.


Where there is over 10m² of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.

23. The applicant is advised to consult the City's Visual and Acoustic Privacy Advisory Information in relation to locating any mechanical equipment (e.g. air-conditioner, swimming pool or spa) such that noise, vibration and visual impacts on neighbours are mitigated. The City does not recommend installing any equipment near a property boundary where it is likely that noise will intrude upon neighbours.

Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as a guide to prevent noise affecting neighbouring properties.

Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.

24. This decision constitutes planning approval only and is valid for a period of **two years** from the date of approval. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect.



 Andrew Bratley
 Coordinator Statutory Planning

18 January 2019



LIM RESIDENCE

UNDERCROFT FLOOR

VERANDAH 3	18.16
UNDERCROFT LIVING	75.45
STORE ROOM	15.26
	108.87 m ²

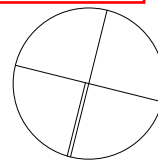
GROUND FLOOR

VERANDAH 2	3.87
VERANDAH 1	19.65
PORTICO	5.37
GROUND LIVING	231.64
GARAGE & STORE	75.03
ALFRESCO	28.00
	363.56 m ²

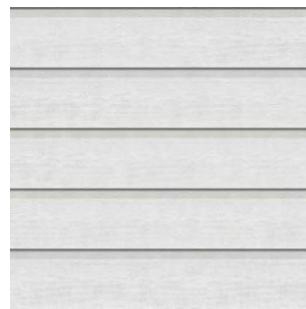
FIRST FLOOR

UPPER LIVING	217.20
	217.20 m ²
	689.63 m ²

City of Nedlands
Received
13 November 2018



N



UPPER FLOOR PLAN

1:100

The "LIM" Residence ©

#14 Jutland Parade, Dalkeith

Consultant: Marek Rodkiewicz

File : 33065 Lim PPA 8-11-18

Drawn By: Brook Leber Date: 23 Mar 2018 11:20:28

Amendment 1 By: Brook Leber Date: 08 Nov 2018 10:04:08

CLIENT NOTE

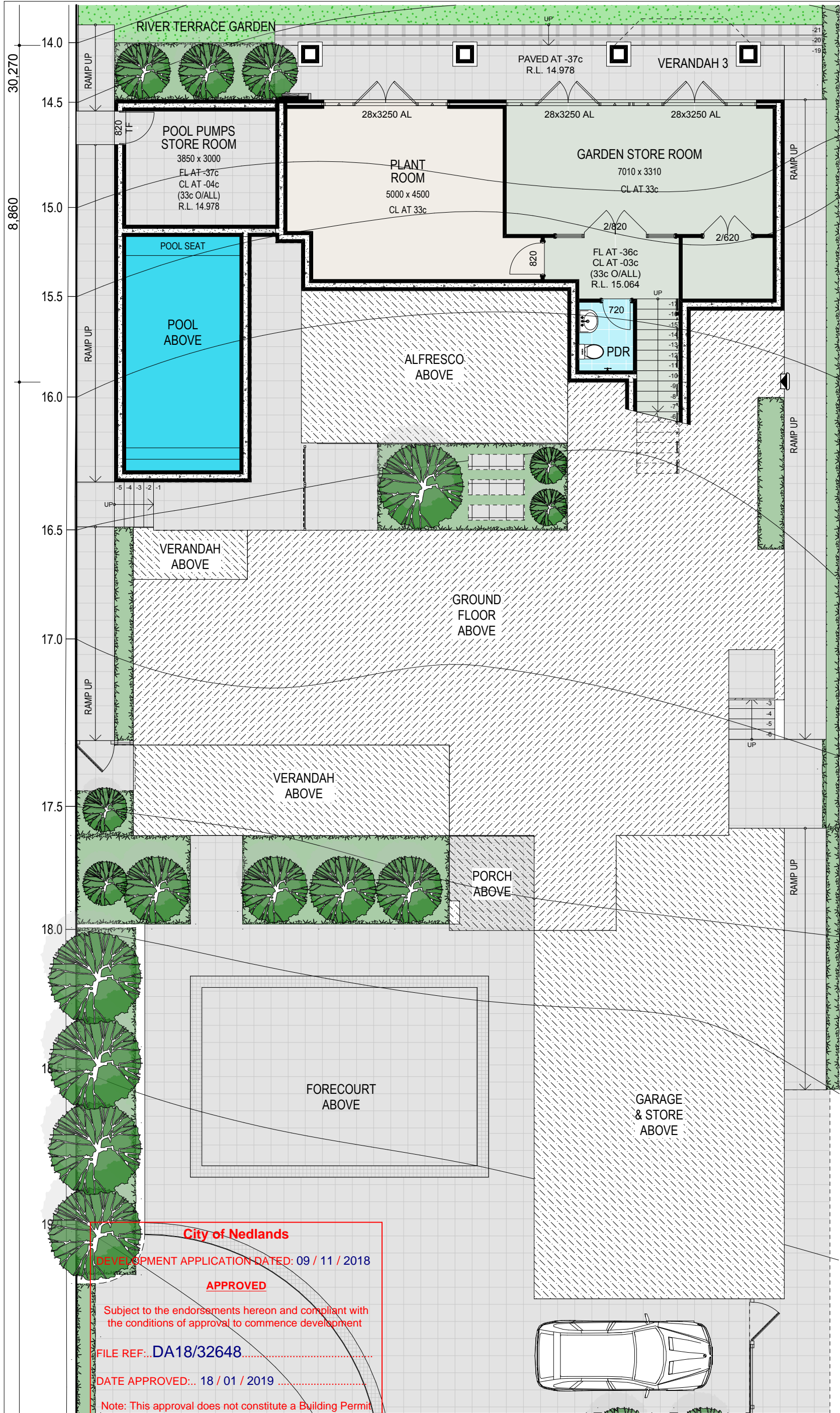
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EST 1972



LIM RESIDENCE

UNDERCROFT FLOOR

VERANDAH 3	18.16
UNDERCROFT LIVING	75.45
STORE ROOM	15.26
	108.87 m ²

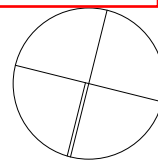
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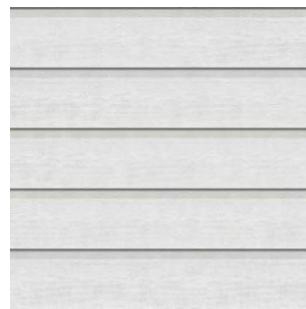
FIRST FLOOR

UPPER LIVING	217.20
	217.20 m ²
	689.63 m ²

City of Nedlands
Received
13 November 2018



N



UNDERCROFT PLAN

1:100

City of Nedlands
DEVELOPMENT APPLICATION DATED: 09 / 11 / 2018

APPROVED

Subject to the endorsements hereon and compliant with
the conditions of approval to commence development

FILE REF: DA18/32648

DATE APPROVED: 18 / 01 / 2019

Note: This approval does not constitute a Building Permit

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#14 Jutland Parade, Dalkeith

Consultant: Marek Rodkiewicz

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Drawn By: Brook Leber Date: 23 Mar 2018 11:20:28

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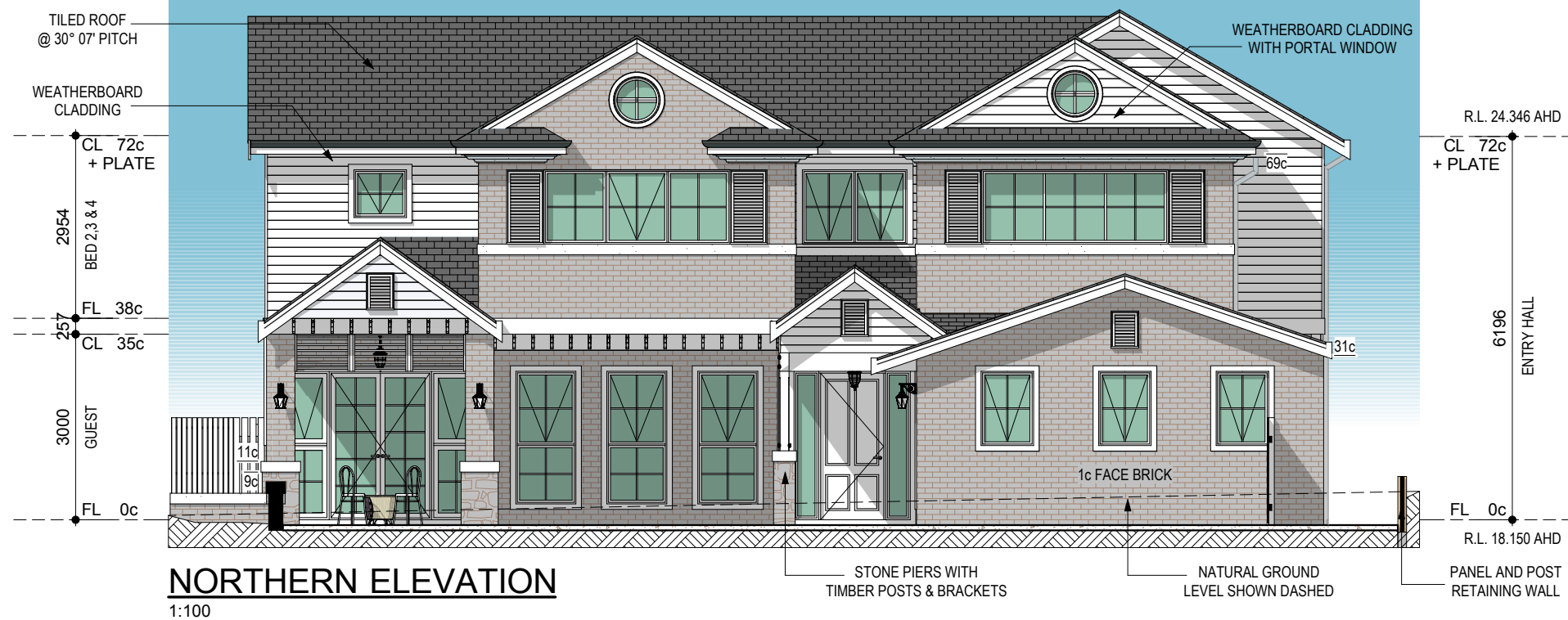
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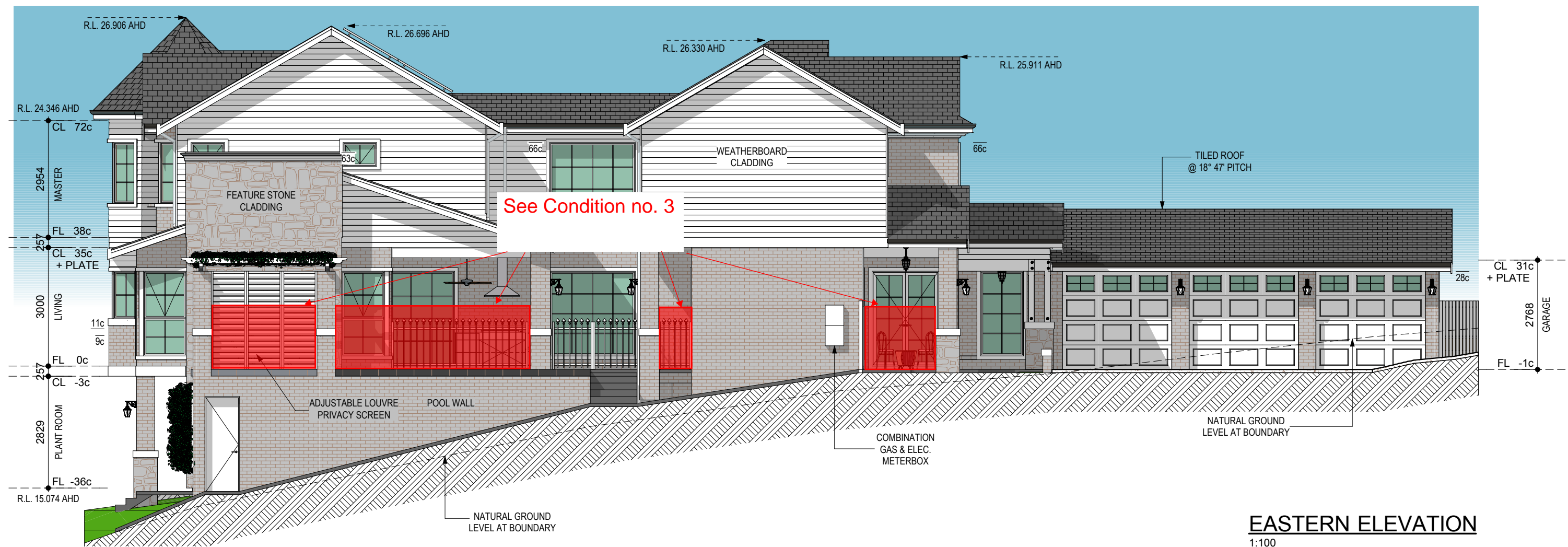
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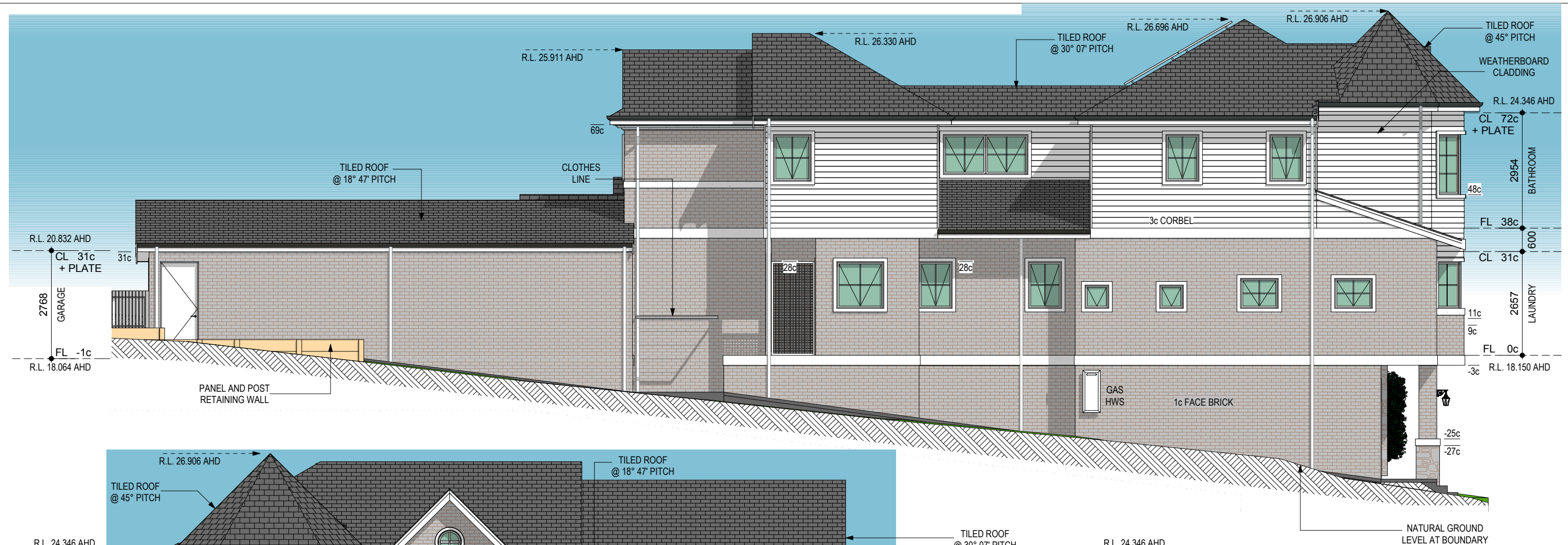
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WESTERN ELEVATION
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See condition no. 3

SWAN RIVER ELEVATION
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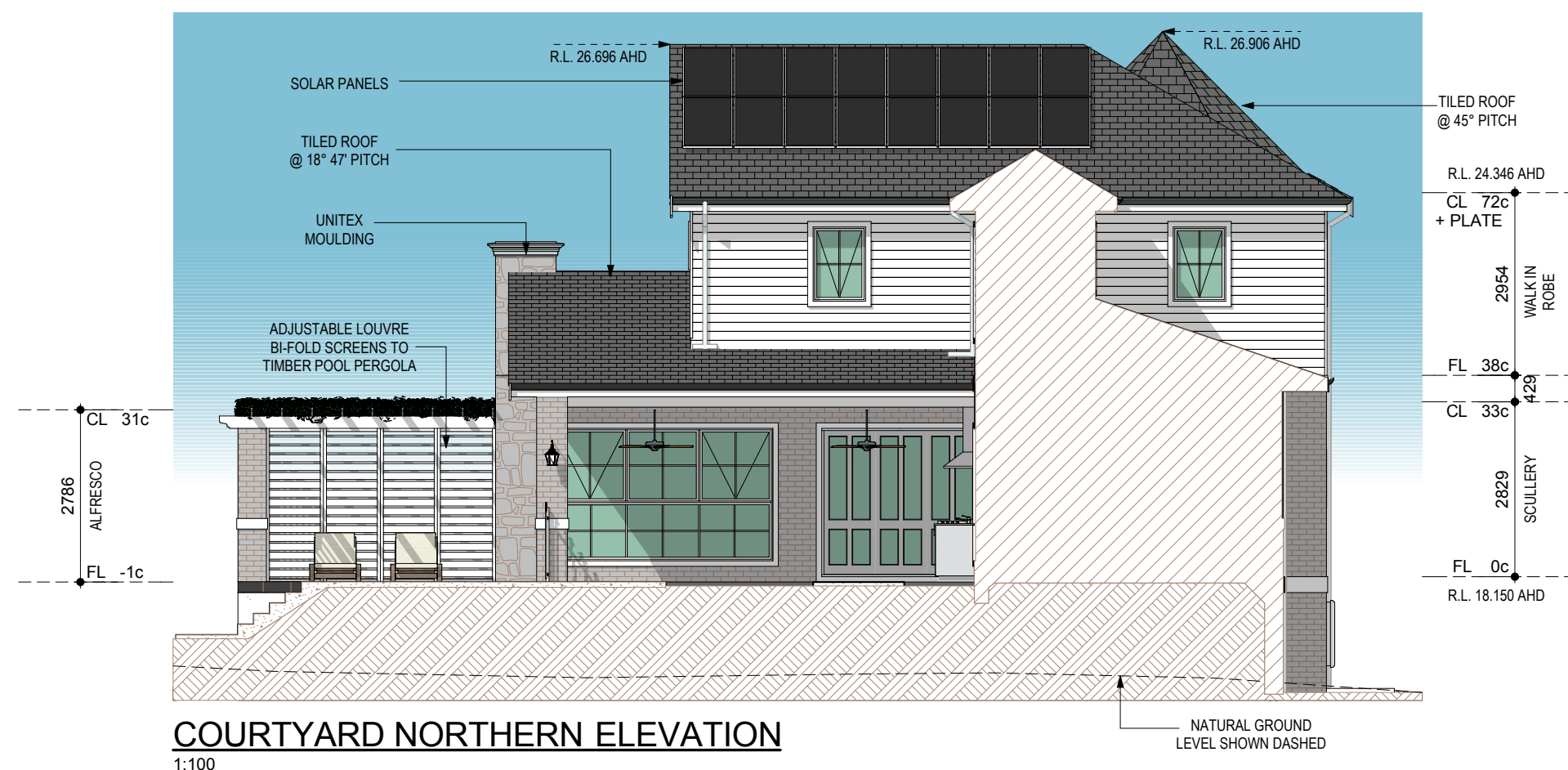
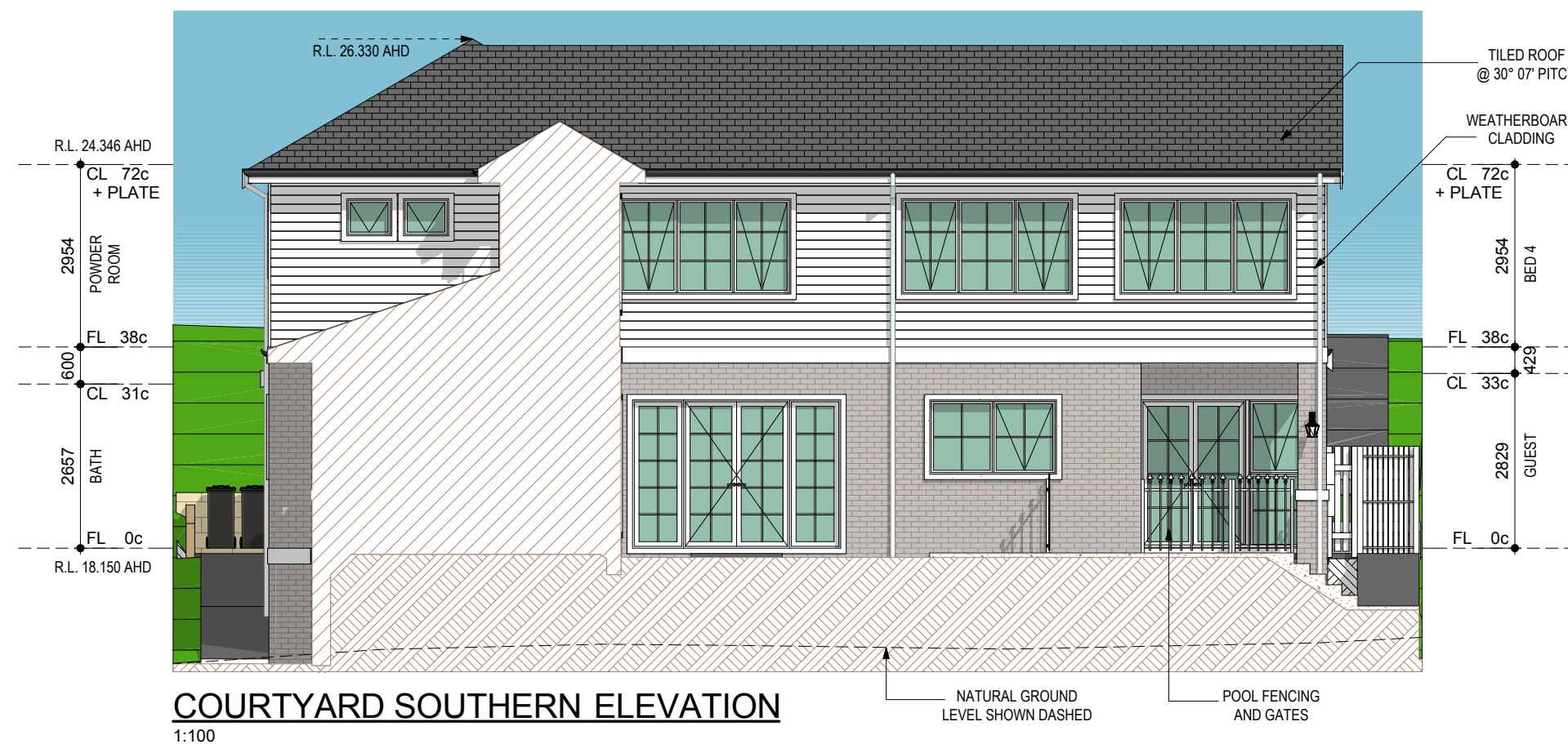
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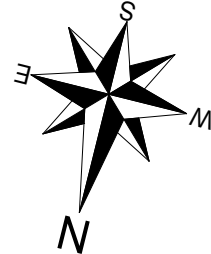
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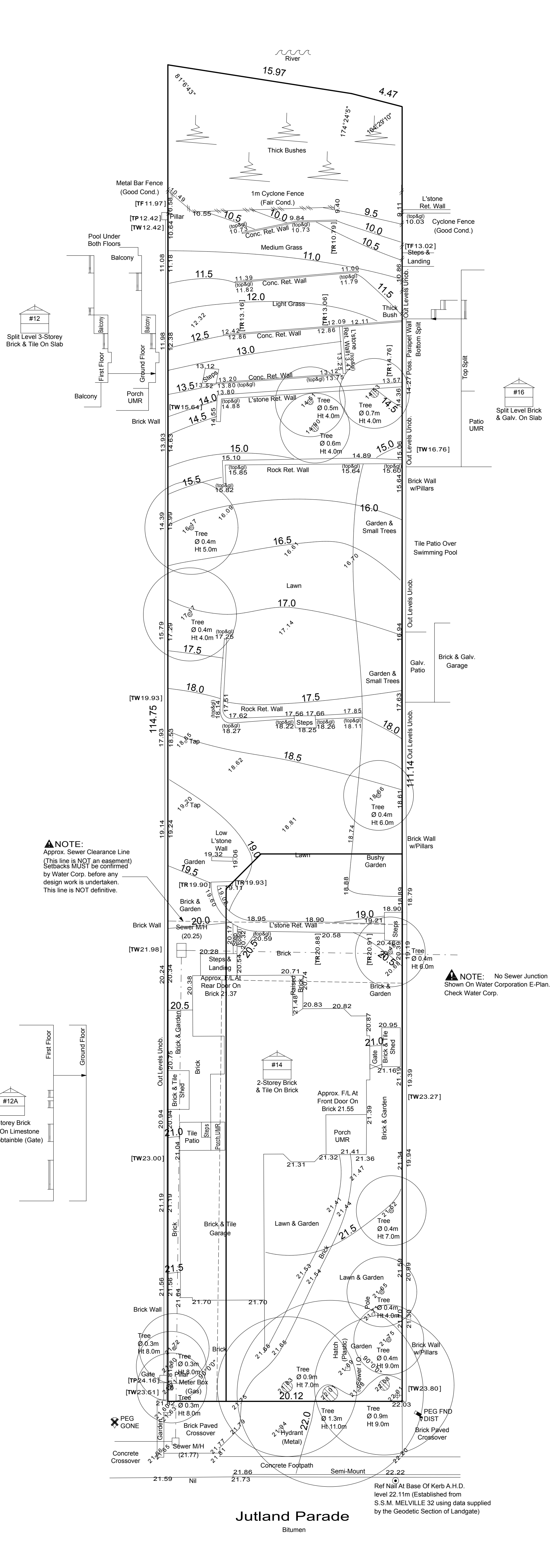
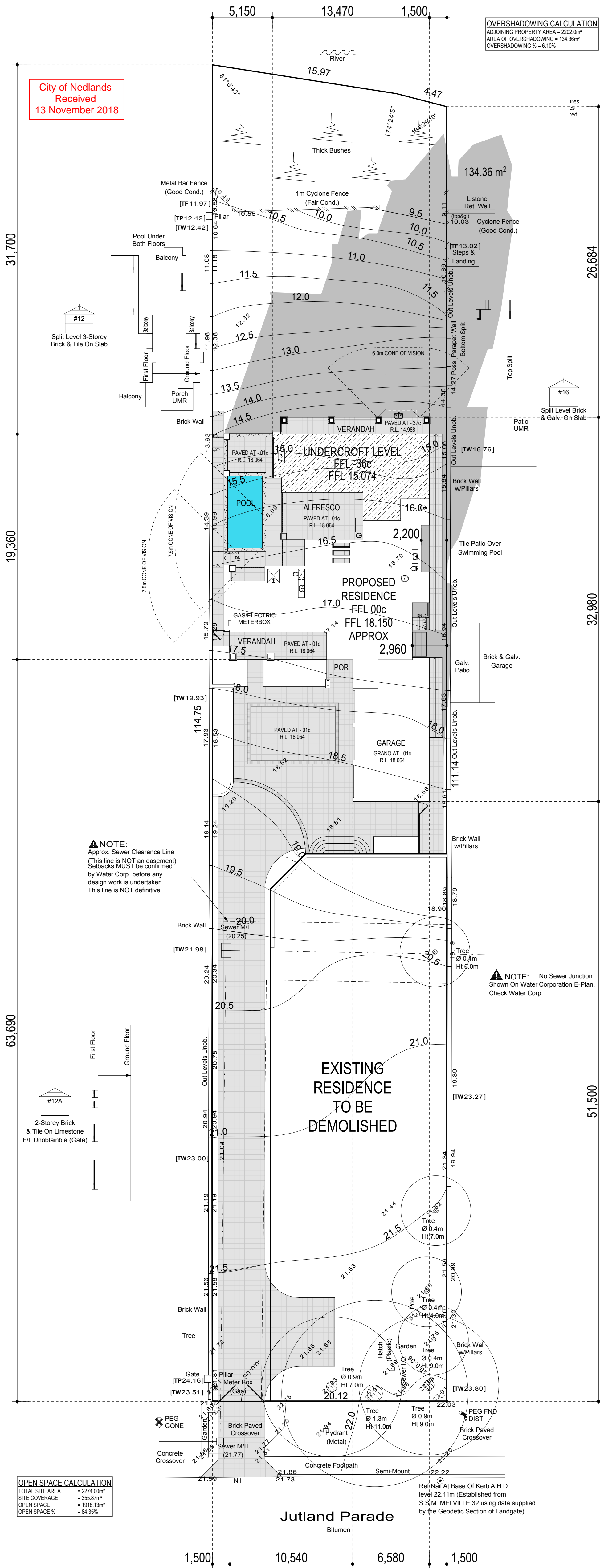
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BEWARE: POSSIBLE SERVICE RUN IN & COST

NOTE:
Positions of all sewer manholes, junctions and sewer lines are approximate only due to lack of information.
Please confirm all positions with Water Corp.

DISCLAIMER:
Lot boundaries drawn on survey are based on landgate plan only. Survey does not include title search and as such may not show easements or other interests not shown on plan. Title should be checked to verify all lot details and for any easements or other interests which may affect the development.
DISCLAIMER:
Survey does not include verification of cadastral boundaries. All features and levels shown are based on orientation to existing pegs and fences only which may not be on correct cadastral alignment. Any design based or dependent on the location of existing features should have those features' relation to the true boundary.
DISCLAIMER:
Survey shows visible features only and will not show locations of underground pipes or conduits for internal or mains services. Verification of the location of all internal and mains services should be confirmed prior to finalisation of any design.
DISCLAIMER:
Cottage & Engineering surveys accept no responsibility for any physical on site changes to the parcel or portion of the land shown on this survey including any adjoining neighbours levels and features that have occurred after the date on this survey. All sewer details plotted are approximate only and are to be verified when repegged. Any design that involves additions to any structures shown or portion of structures shown should be confirmed prior to finalisation of any design.
DISCLAIMER:
Due to lack of survey marks/pegs, all building offset dimensions & features are approximate only and positioned from existing pegs/fences and walls which may not be on the correct alignment and are to be verified when repegged. Any design that involves additions to any structures shown or portion of structures shown should be confirmed prior to finalisation of any design.





16.3 PD11.03.24 Consideration of Development Application for Single House at 29 Boronia Avenue, Nedlands

Meeting & Date	Council Meeting – 26 March 2024
Applicant	Officer Woods Architects
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff involved in the preparation of this report and the proponents or their consultants.
Report Author	Nathan Blumenthal – A/Manager Urban Planning
Director	Roy Winslow – A/Director Planning and Development
Attachments	1. Zoning Map 2. Development Plans 3. Architectural Perspectives 4. CONFIDENTIAL – Submissions

Purpose

The purpose of this report is for Council to consider a development application for a single house at 29 Boronia Avenue, Nedlands. The proposal is being presented to Council for consideration due to the proposal receiving objections within the consultation period and refusal is recommended. Council is specifically requested to exercise its judgement in considering the merits of the application against the design principles for the following aspects of the proposal:

- Street setback (see report section Street Setback)
- Northern, Southern and Western lot boundary setbacks (see report section Lot Boundary Setbacks)
- Setback of the garage (see report section Setback of Garages and Carports)
- Landscaping (see report section Landscaping)

Recommendation

That Council in accordance with Clause 68(2)(c) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, refuses the development application for a single house at 29 Boronia Avenue, Nedlands in accordance with the plans date stamped 9 February 2024, for the following reasons:

- 1. The development does not satisfy the design principles of Clause 5.1.2 (Street setback) and Clause 5.2.1 (Setback of garages and carports) of the Residential Design Codes as the primary street setback is inconsistent with and does not contribute to the established streetscape.**



2. The development does not satisfy the design principles of Clause 5.1.3 (Lot boundary setback) of the Residential Design Codes as the northern and southern boundary walls do not contribute to the prevailing and future development context.
3. The development does not satisfy the design principles of Clause 5.2.3 (Street surveillance) of the Residential Design Codes as the building does interact with or provide for sufficient surveillance of the primary street.
4. The development does not satisfy the design principles of Clause 5.3.2 (Landscaping) of the Residential Design Codes as no landscaping is provided within the primary street setback area. This is inconsistent with and does not contribute to the established streetscape.
5. As per regulation 67(2)(g) of the Planning and Development (Local Planning Schemes) Regulations 2015, the nil primary street setback and lack of landscaping adjacent to the street is inconsistent with the objectives and the Desired Future Character Statement of Local Planning Policy 5.12 Nedlands Stirling Highway Activity Corridor – Residential.

Voting Requirement

Simple Majority.

This report is of a quasi-judicial nature as it is a matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.

The decision must be made in a manner that is impartial, free from bias, and in accordance with the principles of natural justice. The decision must be made in having regard to the facts of the matter under consideration, and in accordance with the relevant laws and policies as they apply to that matter.

Discretionary considerations and judgments in the decision must be confined to those permitted to be considered under the laws and policies applicable to the matter and given such weight in making the decision as the relevant laws and policies permit them to be given.

Background

Land Details

Metropolitan Region Scheme	Urban
Local Planning Scheme Zone	Residential
R-Code	R60
Land area	240m ²

Land use	Residential – Single House
Use class	'P' – Permitted Use

The site is located at 29 Boronia Avenue, Nedlands. The lot is rectangular in shape with an area of 240m² and a 12.1m street frontage to Boronia Avenue. The site lies 300m north of Stirling Highway and 40m south of the intersection of Boronia Avenue and Carrington Street. The land is relatively flat, sloping down 0.2m from the west (front) to the east (rear). The site is currently vacant.

The site was created through a subdivision process in December 2021. The lot is located within the Nedlands Stirling Highway Activity Corridor Residential Precinct and is subject to the Local Planning Policy 5.12 Nedlands Stirling Highway Activity Corridor – Residential (LPP 5.12).



Figure 1: Aerial image of 29 Boronia Avenue, Nedlands.

Application Details

The application seeks development approval for a single storey single house at 29 Boronia Avenue, Nedlands. The application was originally lodged on 29 November 2023. Following the initial consultation period, the applicant submitted amended plans on 9 February 2024 (Attachment 2). The amendments were made to address concerns raised by the City and public submissions.



The changes proposed by the amended plans dated 9 February 2024 are summarised as follows:

- Deemed-to-comply open space was achieved by removing the roof over the verandah and part of the courtyard.

Discussion

Assessment of Statutory Provisions

If a proposal does not satisfy the deemed to-comply provisions of the State Planning Policy 7.3: Residential Design Codes (R-Codes), Council is required to exercise a judgement of merit to determine the proposal against the design principles of the R-Codes. The R-Codes require the assessment to consider the relevant design principle only and to not apply the corresponding deemed-to-comply provisions. It is recommended that the application be refused by Council as it does not satisfy the design principles of the R-Codes and will have an adverse impact on the local amenity and character of the locality.

Local Planning Scheme No. 3

Schedule 2, Clause 67(2) (Consideration of application by Local Government) – identifies those matters that are required to be given due regard to the extent relevant to the application. Where relevant, these matters are discussed in the following sections. Overall, the development does not meet these objectives, particularly in regard to compatibility with its setting and the potential impact it will have on the local amenity.

State Planning Policy 7.3 - Residential Design Codes – Volume 1

The R-Codes apply to all single and grouped dwelling developments. An approval under the R-Codes can be obtained in one of two ways. This is by either meeting the deemed-to-comply provisions or via a design principle assessment pathway.

The proposed development is seeking a design principle assessment pathway for parts of this proposal relating to street setback, lot boundary setbacks, setback of garages and carports, street surveillance, and landscaping. As required by the R-Codes, Council, in assessing the proposal against the design principles, should not apply the corresponding deemed-to-comply provisions.

Street Setback (Clause 5.1.2)

The dwelling proposes a nil setback to the primary street. The design principles require the development to be consistent with the established streetscape, provide sufficient space for landscaping and parking, and not be visually imposing from the street. The application does not satisfy the design principles as:

- The street setback proposed is inconsistent with the existing streetscape. None of the dwellings on the west side of Boronia are set back less than 9m from the street. The only encroachment into the setback area are two carports at 39 and 31 Boronia Avenue, setback respectively at 4.5m and 3m.



Figure 2: Aerial view of Boronia Avenue

- The development does not positively contribute to the prevailing development context as it proposes walls built up to both side boundaries with a nil setback to the street. None of the lots on the west side of Boronia Avenue feature multiple boundary walls within the street setback area.
- As a consequence of the proposed street setback, the development does not provide any landscaping in the front setback area. An increased street setback will provide more space for landscaping. Refer to the discussion on landscaping below.
- Whilst an appropriately reduced street setback may be considered due to the size and context of the site, being a subdivided corner lot, the street setback proposed does not



effectively respond to the established development pattern along Boronia Avenue. The development will introduce solid building elements at an inappropriate distance from the street.

Nedlands Stirling Highway Activity Corridor – Residential Precinct Local Planning Policy

All residential development within the NSHAC-R precinct must be consistent with the LPP's Desired Future Character Statement. The character statement emphasises the importance of facilitating an appropriate built form transition from the high density development along Stirling Highway to the low density development north of the highway as well as the retention of the leafy green character of the locality. The development does not satisfy the Desired Future Character Statement for the following reasons:

- The high rise, mixed use development along Stirling Highway often features minimal street setbacks (0-2m) while the low density neighbourhoods north of Carrington Street are typified by large street setbacks (7-9m). It is envisioned that medium rise development within the subject Boronia Avenue street block will serve as a transition between these two areas and be set back approximately 4m from the street. The proposed nil setback to the primary street does not provide an effective transition between the two densities as the setback does not achieve this 'midway' point and instead inappropriately replicates the built form proximity of a high-density environment.
- The development does not contribute to a pedestrian friendly, leafy street away from the traffic and activity of the highway. The proposed nil setback and subsequent lack of private landscaping fails to contribute to a comfortable and attractive pedestrian environment. The absence of mature trees and greenery is contradictory to the 'green ribs' vision for the precinct and diminishes the overall quality of the built environment.

Lot Boundary Setback (Clause 5.1.3)

The development requires a design principles assessment for the northern, southern (side) and western (rear) lot boundary setbacks. The design principles for lot boundary setbacks consider the impact of building bulk on adjoining properties, providing adequate sun and ventilation, minimising overlooking and using space effectively.

The northern and southern boundary walls do not achieve the design principles as:

- The boundary walls are 3.5m in height and built up to the street boundary. Walls at this distance from the street will not achieve the visual relief that is intended to be provided by an increased setback from the street.
- The boundary walls result in nil setbacks to both side boundaries and the street. This design choice results in the perception of an overall 'overdevelopment' of the site as viewed from the street and does not positively contribute to the prevailing development context.

Setback of Garages (Clause 5.2.1)

The development proposes a garage with a nil setback from the street boundary. The design principles for the setback of garages require the structure positively contribute to the



streetscape, maintain sightlines for vehicle safety and not impede on pedestrian paths. The proposal does not satisfy the design principles as:

- The R-Codes define a car parking space enclosed on any side (except the side that abuts the dwelling) as a garage. Despite not having a door, the proposed car parking space is enclosed on three sides and is therefore a garage. The garage results in a wall 3.5m in height built up to the southern boundary with a similar nil setback to the street. The wall and subsequent enclosed car parking space are undesirable, dominant features of the streetscape.
- The car parking space has a length of 5.4m. This may result in some parked vehicles encroaching on to the verge.

Street Surveillance (Clause 5.2.3)

The design principles for street surveillance require the dwelling offer passive or active observation of the street and reduce the opportunity for concealment. The proposal does not satisfy the design principles as:

- The sole major opening from the dwelling does not provide an adequate amount of real or perceived surveillance to the street due to it being recessed into the Bedroom 2 wall having a width of 0.5m. This recession severely narrows the viewing plane to the street.
- The design of the development creates an enclosed area in front of the pedestrian gate which offers the opportunity for concealment.

Landscaping (Clause 5.3.2)

The application proposes 0% landscaping within the front setback area. The design principles provide for retention or planting of vegetation and a positive contribution to the streetscape.

The proposal does not meet the design principles as the landscaping provided is insufficient and inconsistent with the existing or desired future streetscape. The landscape character of Boronia Avenue is defined mostly by front gardens that comprise the majority of the street setback area. The reliance on public verge landscaping is not appropriate – it is envisioned that infill development within the NSHAC-R precinct will provide private landscaping that complements and interacts with the existing landscaping on the verge.

Consultation

The application is seeking assessment under the design principles of the R-Codes for Street setback, lot boundary setbacks, and landscaping.

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to 28 adjoining landowners and occupiers from 15 January 2024 to 29 January 2024. At the close of the advertising period, one objection was received.



Following the initial consultation period, the applicant submitted amended plans in an attempt to address concerns raised by the City and public submissions. The following is a summary of the concerns and comments raised and the officer response and action taken in relation to each issue.

1. The proposal is an overdevelopment of the site and does not interact sufficiently with the street.

While the proposal achieves deemed-to-comply open space, the primary street setback in its current configuration has been assessed as inconsistent with the design principles of the R-Codes and the objectives of LPP 5.12 and is not supported.

2. The nil setback to the street and other boundaries is negative and will impose undue bulk on adjoining lots and the streetscape.

The northern and southern boundary walls in their current configuration have been assessed as inconsistent with the design principles of the R-Codes and are not supported. The remaining walls are proposed at a setback and height which minimise the impact of bulk, overlooking and overshadowing on the adjoining lots. See Lot boundary setbacks above.

3. The development as proposed will set an undesirable precedent in the locality.

The development does not sufficiently respond to the prevailing development context and does not result in a dwelling design that serves as an effective transition between high and low density areas of the City, as envisioned by LPP 5.12.

4. The carparking space dimensions do not achieve the Australian Standards.

The car parking space is 5.4m in length and 3.6m in width. AS2890.1 requires single car parking spaces be 5.4m in length and 2.4m in width. However, as the garage has a nil setback to the street, the proposed car parking space may not provide sufficient clearance for all parked vehicles to be contained wholly within the lot boundaries when parked.

5. The setback of the garage is inappropriate.

The setback of the garage has been assessed as inconsistent with the design principles of the R-Codes and is not supported as the setback is not consistent with the established streetscape.

6. Open space is insufficient. Areas that are bounded on 3 sides should not be counted as open space.

After the receipt of amended plans, open space has been calculated as 40%, achieving the deemed-to-comply provision. Areas that are unroofed are not counted towards open space, as specified in the R-Codes Vol. 1.



7. The dwelling does not achieve the deemed-to-comply provisions of Clause 5.2.3 Street surveillance as the major opening does not have a view of the dwelling entrance.

The surveillance of the primary street in its current configuration has been assessed as inconsistent with the design principles of the R-Codes and is not supported.

8. The landscaping in the front setback area is insufficient.

The lack of landscaping within the primary street setback area has been assessed as inconsistent with the design principles of the R-Codes and is not supported.

9. The storage area does not meet the minimum storage dimensions stipulated in clause 5.4.4.

The application proposes a single house. The deemed-to-comply provisions relating to storage area dimensions only apply to grouped dwellings.

Strategic Implications

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

Vision	Sustainable and responsible for a bright future
Pillar	Place
Outcome	6. Sustainable population growth with responsible urban planning.

Budget/Financial Implications

Nil.

Legislative and Policy Implications

Council is requested to make a decision in accordance with clause 68(2) of the [Deemed Provisions](#). Council may determine to approve the development without conditions (cl.68(2)(a)), approve with development with conditions (cl.68(2)(b)), or refuse the development (cl.68(2)(c)).

Decision Implications

If Council resolves to refuse the application, the applicant will have a right of review to the State Administrative Tribunal. The Tribunal will have regard to the R-Codes as a State Planning Code.



If Council approves the proposal, development can proceed after receiving a Building Permit and necessary clearances. Similarly, should an applicant be aggrieved by one or more conditions of approval, this can be reviewed by the Tribunal.

Conclusion

The application for a single house has been presented for Council consideration due to objections being received and refusal being recommended. The proposal does not meet the design principles of the R-Codes related to primary street setback, setback of garages, street surveillance, lot boundary setback and landscaping. The development does not satisfy the objectives of LPP 5.12 and as such will have an adverse impact on the amenity of the locality. Accordingly, it is recommended that the application be refused by Council for the reasons contained in the recommendation.

Further Information

Nil.



- Labels
- House Numbers
- Road Names
- Local Roads
- LPS3 RCodes
- Property Boundaries
- LPS3 Zones
- Residential
- LPS3 Reserves
- Cemetery



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29 Boronia Avenue, Nedlands - Zoning Map

16/02/2024

1:1250



City of Nedlands
Amended Plans
Received
09 February 2024

OPEN SPACE

SITE AREA = 240m²
OPEN SPACE = 96m² (40%)

OVER SHADOWING

SITE AREA = 1011m²
SHADOW = 75m² (7.5%)

LOT 241
20 CARRINGTON AVENUE

STRATA LOT 1
27 BORONIA AVENUE

STRATA LOT 2
29 BORONIA AVENUE

1800 x 1200

1800 x 1200

Pergola

900 x 900

LOT 293
31 BORONIA AVENUE

STORMWATER DRAINAGE

Roof Area = 141m²
BOM 1% AEP Rainfall mm/hr = 43.8

Storage Req. = 5.198m³

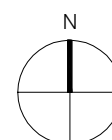
Soakwells: 2x 1800Dia x 1200D (each 3.05m³)
Total Soak Volume = 6.107m³

Crossover Area = 25m²
Crossover Storage Req. = 0.6m³
Soakwells: 900Dia x 1200D = 0.76m³

Revision	Issued	Date
B	Issued for DA	09.02.2024
A	Issued for DA	27.11.2023

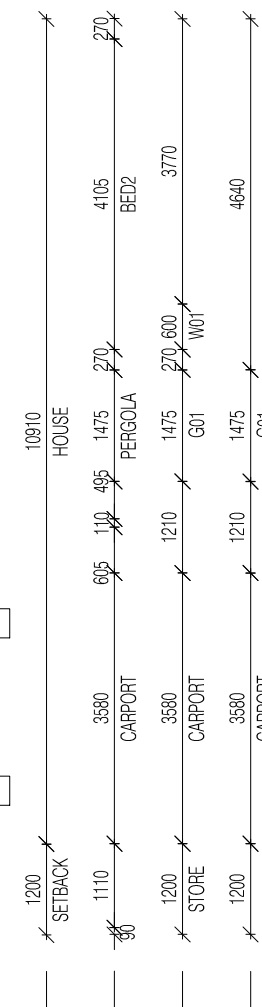
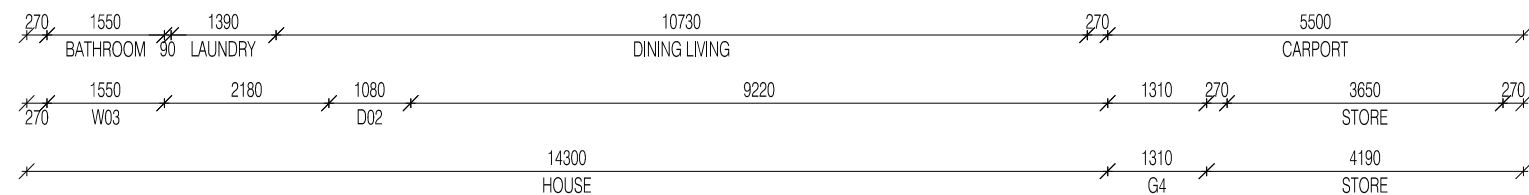
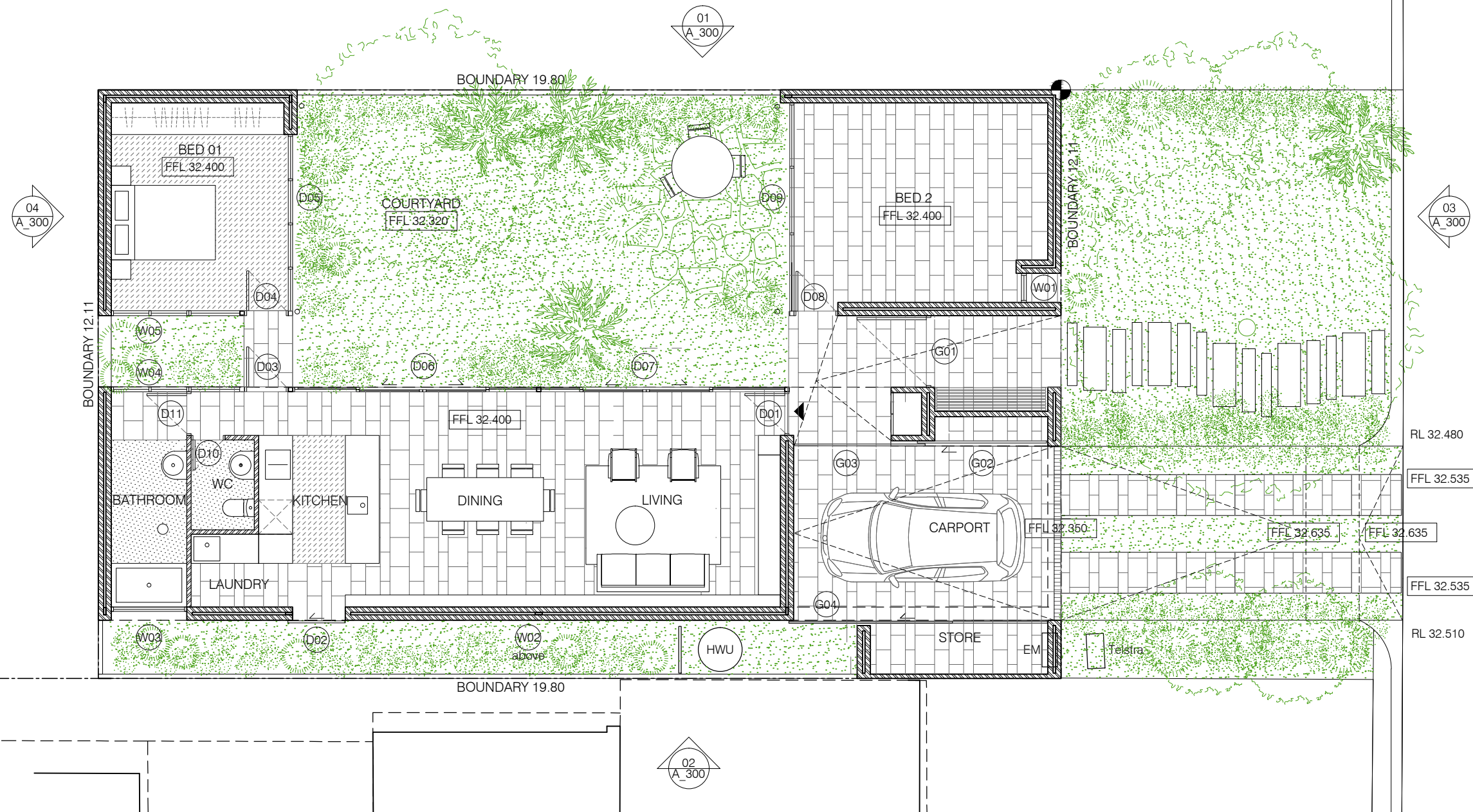
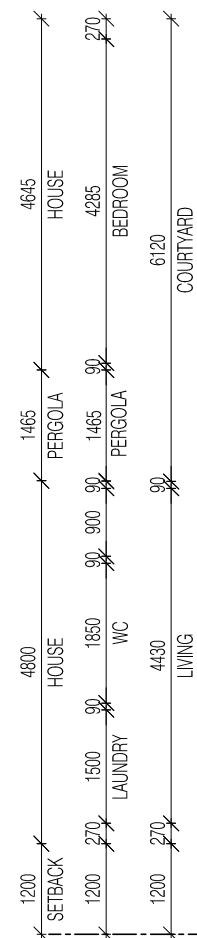
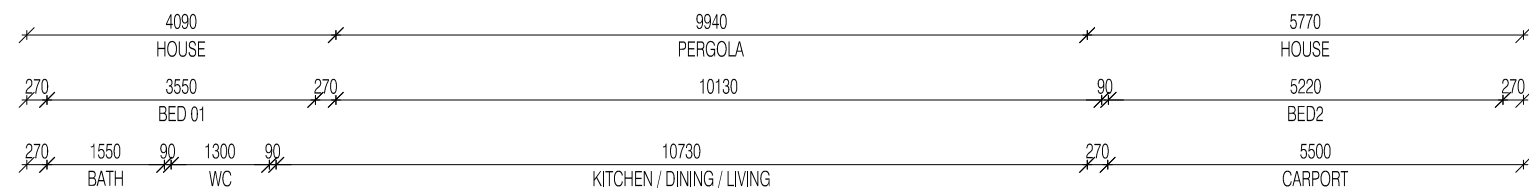
Use figured dimensions at all times. Do not scale or measure off drawings. All dimensions and levels to be checked on site by the Contractor prior to commencing. If discrepancies are found notify the Architect and seek direction prior to proceeding.

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BORONIA AVENUE			
COVER - OVERSHADOWING & OPEN SPACE			
PROJECT NUMBER	OW_243	SCALE	1 : 200 AT A3
DRAWING STATUS	ISSUED FOR DEVELOPMENT APPLICATION	DRAWING NUMBER	A_001
DATE	09.02.24	REVISION	B

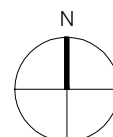
City of Nedlands
Amended Plans
Received
09 February 2024



Revision	Issued	Date
B	Issued for DA	09.02.2024
A	Issued for DA	27.11.2024

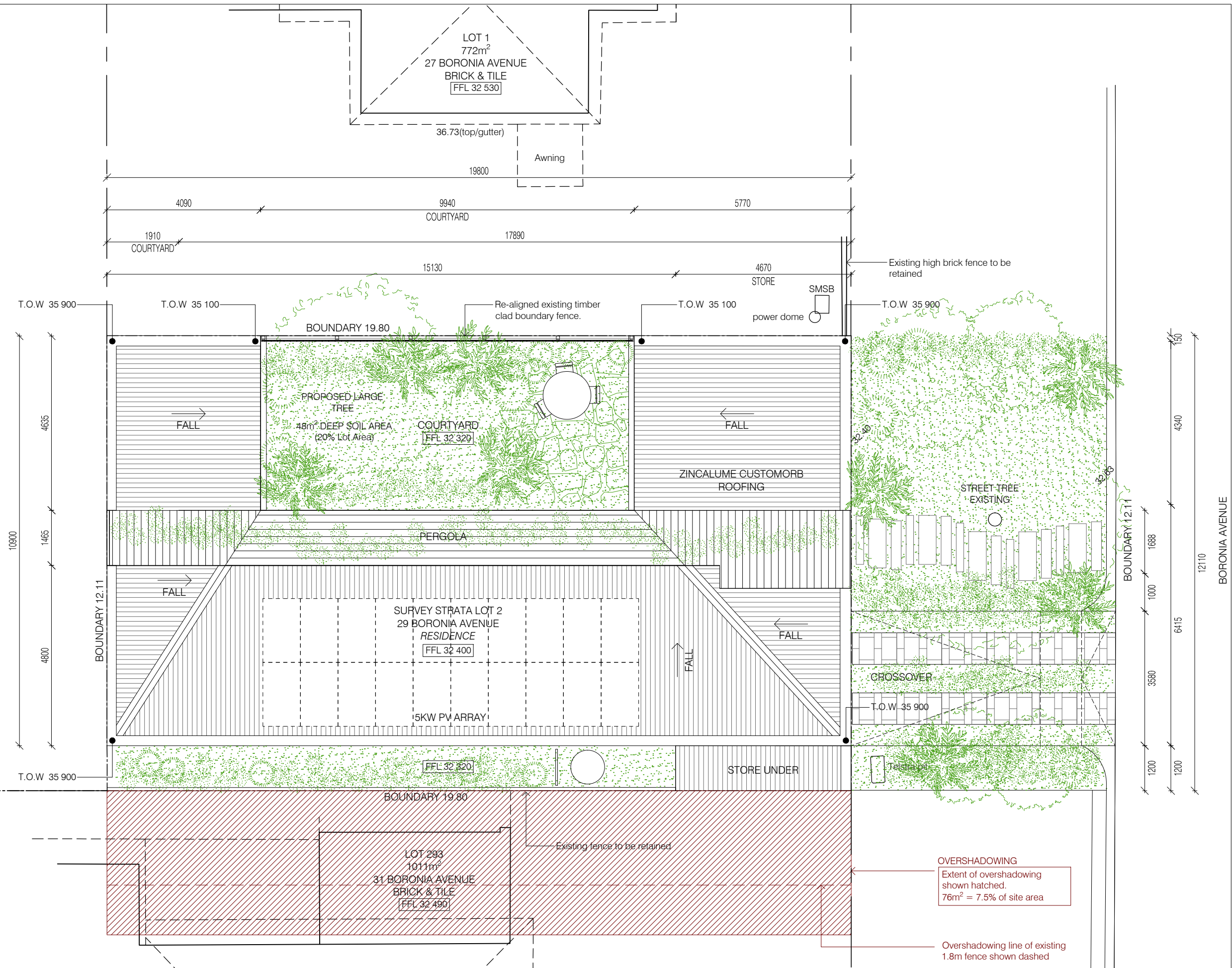
Use figured dimensions at all times. Do not scale or measure off drawings. All dimensions and levels to be checked on site by the Contractor prior to commencing. If discrepancies are found notify the Architect and seek direction prior to proceeding.

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PROJECT	BORONIA AVENUE
DRAWING	PROPOSED FLOOR PLAN
PROJECT NUMBER	OW_243
DRAWING STATUS	ISSUED FOR DEVELOPMENT APPLICATION
SCALE	1 : 100 AT A3
DATE	09.02.24
DRAWING NUMBER	A_300
REGION	B

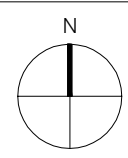
City of Nedlands
Amended Plans
Received
09 February 2024



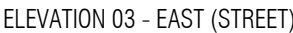
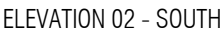
Revision	Issued	Date
B	Issued for DA	09.02.2024
A	Issued for DA	27.11.2023


Use figured dimensions at all times. Do not scale or measure off drawings. All dimensions and levels to be checked on site by the Contractor prior to commencing. If discrepancies are found notify the Architect and seek direction prior to proceeding.

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BORONIA AVENUE			
SITE PLAN			
PROJECT NUMBER	OW_243	SCALE	1 : 100 AT A3
DRAWING STATUS	ISSUED FOR DEVELOPMENT APPLICATION	DRAWING NUMBER	A_100
DATE	09.02.24	REVISION	B



Revision	Issued	Date	<p>Use figured dimensions at all times. Do not scale or measure off drawings. All dimensions and levels to be checked on site by the Contractor prior to commencing. If discrepancies are found notify the Architect and seek direction prior to proceeding.</p> <p>The design remains the copyright of Officer Woods and cannot be reproduced without prior approval.</p>	<div><p>10/31 Pakenham Street Fremantle WA 6160 t 6365 8069 f 93355428 e ow@officerwoods.com.au</p></div>	PROJECT BORONIA AVENUE		
					DRAWING PROPOSED ELEVATIONS		
					PROJECT NUMBER OW_243	SCALE 1 : 100 AT A3	DATE 09.02.24
B	Issued for DA	09.02.2024			DRAWING STATUS ISSUED FOR DEVELOPMENT APPLICATION		
A	Issued for DA	27.11.2023					
			DRAWING NUMBER A 300				



COLLAGE STREET PERSPECTIVE



STREET PERSPECTIVE FROM THE SOUTH LOOKING NORTH WEST



STREET PERSPECTIVE FROM THE NORTH LOOKING SOUTH WEST



16.4 PD12.03.24 Consideration of Development Application for Single House at 52 Waratah Avenue, Dalkeith

Meeting & Date	Council Meeting – 26 March 2024
Applicant	Stannard Homes
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff involved in the preparation of this report and the proponents or their consultants.
Report Author	Nathan Blumenthal – A/Manager Urban Planning
Director	Roy Winslow – A/Director Planning and Development
Attachments	1. Zoning Map 2. Development Plans 3. CONFIDENTIAL ATTACHMENT – Submission 4. CONFIDENTIAL ATTACHMENT – Map of Submission

Purpose

The purpose of this report is for Council to consider a development application for a two-storey single house at 52 Waratah Avenue, Dalkeith. The proposal is being presented to Council for consideration due to the proposal receiving an objection within the consultation period. Council is specifically requested to exercise its judgement in considering the merits of the application against the design principles for:

- Northern lot boundary setback (see section of report – Lot Boundary Setbacks)
- Open Space (see section of report – Open Space)
- Overshadowing (see section of report – Solar Access for Adjoining Sites)
- External Fixtures (see section of report – External Fixtures)

Recommendation

That Council, in accordance with Clause 68(2)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, approves the development application in accordance with the plans date stamped 9 February 2024 for a single house at 52 Waratah Avenue, Dalkeith (DA23-89871), subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans dated 9 February 2024. It does not relate to any other development on this lot and must substantially commence within 2 years from the date of the decision letter.**
- 2. All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site.**



3. Prior to the issue of a building permit, a Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plan shall be observed at all times throughout the construction process to the satisfaction of the City.
4. Prior to occupation, walls on or adjacent to lot boundaries are to be finished externally to the same standard as the rest of the development in:
 - a. Face brick;
 - b. Painted render;
 - c. Painted brickwork; or
 - d. Other clean finish as specified on the approved plans.

And are to be thereafter maintained to the satisfaction of the City of Nedlands.

5. Prior to occupation, the balcony located on the northern elevation as annotated in red on the approved plans, shall be screened in accordance with the Residential Design Codes by either;
 - a. fixed and obscured glass to a height of 1.6 metres above finished floor level;
or
 - b. fixed screening devices to a height of 1.6 metres above finished floor level that are at least 75% obscure and made of durable material; or
 - c. A minimum sill height of 1.6m metres above the finished floor level; or
 - d. an alternative method of screening approved by the City of Nedlands.

The required screening shall be thereafter maintained to the satisfaction of the City of Nedlands.

6. Prior to occupation, new or modified vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Nedlands.
7. Prior to occupation, one street tree shall be planted within the verge in front of the lot with a specified species at the owner's expense and to the satisfaction of the City of Nedlands.
8. The street tree(s) within the verge in front of the lot are to be protected and maintained through the duration of the demolition and construction processes to the satisfaction of the City of Nedlands. Should the tree(s) die or be damaged, they are to be replaced with a specified species at the owner's expense and to the satisfaction of the City of Nedlands.
9. Prior to occupation, a minimum of one tree is to be planted within the front setback area as shown on the approved plans.
10. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of Nedlands.



Voting Requirement

Simple Majority

This report is of a quasi judicial nature as it is a matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.

The decision must be made in a manner that is impartial, free from bias, and in accordance with the principles of natural justice. The decision must be made in having regard to the facts of the matter under consideration, and in accordance with the relevant laws and policies as they apply to that matter.

Discretionary considerations and judgments in the decision must be confined to those permitted to be considered under the laws and policies applicable to the matter and given such weight in making the decision as the relevant laws and policies permit them to be given.

Background

Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R40
Land area	251m ²
Land Use	Residential – Single House
Use Class	'P' – Permitted Use

The site is located at 52 Waratah Avenue, Dalkeith, on the corner of Waratah Avenue to the south and Curlew Road to the west. In 2019, subdivision approval was granted for two green titled lots. The subdivision retained the existing single house and swimming pool at 52 Waratah Avenue and created a new 235m² lot. The new lot has received titles and is now known as 11 Curlew Road.

In 2022, an additional subdivision approval was granted for two survey strata lots - retaining the existing house, and creating a new lot at 251m². The new small lot and proposed single house will be located where the existing swimming pool is and as shown in Figure 1. As titles have not been created, this is not shown on the maps. However, it has been shown on Attachment 1.

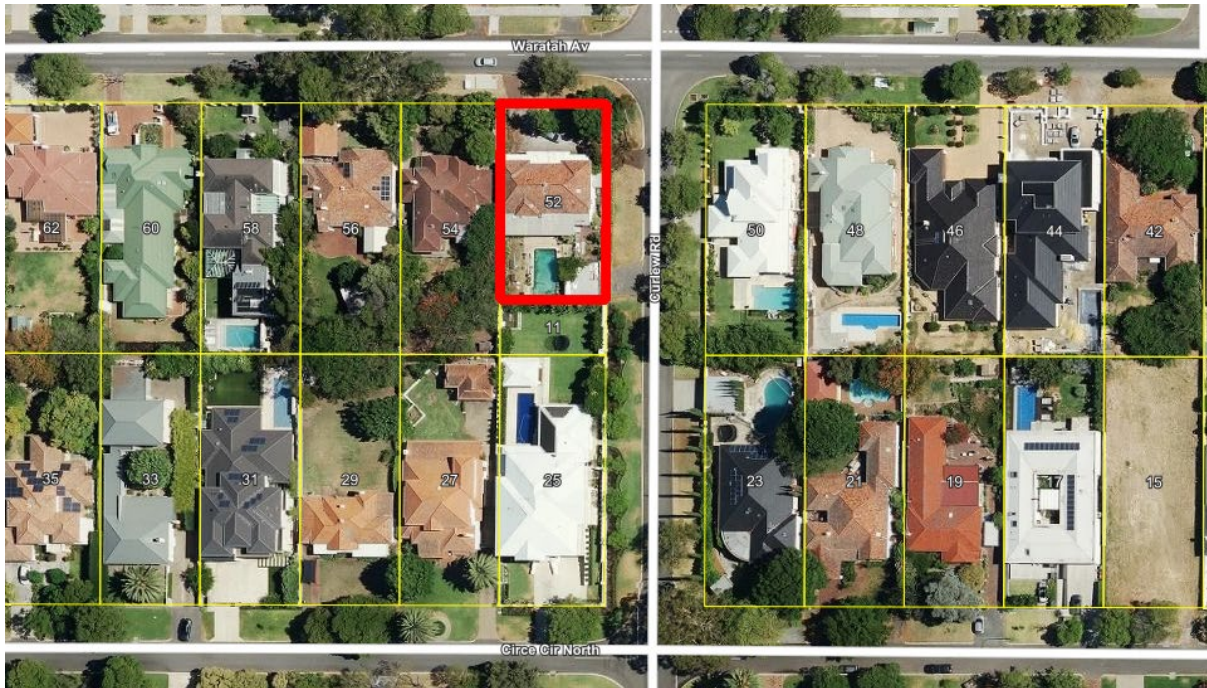


Figure 1: Aerial image of 52 Waratah Avenue, Dalkeith

Application Details

The application seeks development approval for the construction of a two-storey single house at 52 Waratah Avenue, Dalkeith. The site is a part of a proposed two-lot survey strata subdivision with the adjoining northern property facing Waratah Avenue.

Following the initial consultation period, the applicant provided three versions of amended plans, the latest revision dated 9 February 2024 (Attachment 2) is to address concerns raised by the City and the public submissions.

The changes proposed by the amended plans are as follows:

- Redesigned the upper floor bedrooms and bathroom for the purpose of setting back the bathroom to align with Bedroom 2, thereby increasing the southern boundary setback of the bathroom by 0.4m.
- Reducing the entire length nearest to the southern boundary of the upper floor wall by 1.3m.
- Increasing the rear setback from Bedroom 2 by 1.3m.
- The eaves on the south and west elevations have been removed to reduce overshadowing.
- The sill height for the proposed highlight windows on the upper floor facing the southern property has increased from 1.6m to 1.8m.
- 2m by 2m tree planting zone has been provided within the front setback area.
- Provision for the planting of a verge tree adjacent to the site on Curlew Road.



Discussion

Local Planning Scheme No. 3

Schedule 2, Clause 67(2) (Consideration of application by Local Government) – identifies those matters that are required to be given due regard to the extent relevant to the application. Where relevant, these matters are discussed in the following sections. Overall, the development is considered to meet these objectives, particularly in regard to height, scale, bulk and appearance, and the potential impact it will have on the local amenity.

State Planning Policy 7.3 - Residential Design Codes – Volume 1

The R-Codes apply to all single and grouped dwelling developments. An approval under the R-Codes can be obtained in one of two ways. This is by either meeting the deemed-to-comply provisions or via a design principle assessment pathway.

The proposed development is seeking a design principle assessment pathway for parts of this proposal relating to lot boundary setbacks, open space, solar access for adjoining sites and external fixtures.

If a proposal does not satisfy the deemed to-comply provisions of the State Planning Policy 7.3: Residential Design Codes (R-Codes), Council is required to exercise a judgement of merit to determine the proposal against the design principles of the R-Codes. The R-Codes require the assessment to consider the relevant design principle only and to not apply the corresponding deemed-to-comply provisions. It is recommended that the application be approved by Council as it is considered to satisfy the design principles of the R-Codes. Further, it is considered unlikely that the development will have a significant adverse impact on the local amenity and character of the locality.

Clause 5.1.3 – Lot Boundary Setback

The development proposes a minimum 1.2m upper floor setback to the northern lot boundary. The design principles for lot boundary setbacks consider the impact of building bulk on adjoining properties, providing adequate sun and ventilation and minimising overlooking. The proposed northern lot boundary setback is considered to meet the design principles for the following reasons:

- The upper floor incorporates multiple articulations along the length of the wall. The wall from the staircase to the walk-in-linen room is further set back to 1.6m which will reduce the impact of any perceived building bulk to the northern property.
- The portion of wall that is set back 1.6m will allow for increased direct sun and cross ventilation throughout the dwelling.
- Solar access is not impacted as the wall is facing the northern boundary.
- All windows facing the northern boundary are either highlighted to a minimum 1.6m above finished floor level or obscured. The balcony will be screened as per condition 5.
- The northern adjoining owner submitted no objections.



Clause 5.1.4 – Open Space

The development proposes 40.5% open space. The design principles for open space consider the impact of building bulk, provision of adequate sun and ventilation and ability to use external spaces for outdoor pursuits and recreation. The proposed open space is considered to meet the design principles for the following reasons:

- Considering this site is zoned R40 and is located within the Waratah precinct, a two-storey dwelling on a smaller lot is consistent with the prevailing and future development context of the area.
- The site proposes 48m² of outdoor living space to the rear of the site, directly accessible from internal primary living spaces. This allows further access to northern sunlight for the dwelling.
- The development utilises the reduced street setback provision of the R-Codes Vol. 1 to provide sufficient dimensions for a rear outdoor living area, providing further opportunities for outdoor pursuits.
- The building is setback adequately from the street, allowing for more than 50% soft landscaping within the front setback area.
- The addition of a verge tree combined with further landscaping within the front setback area will provide for an attractive setting between the public and private realm.

Clause 5.4.2 – Solar access for adjoining sites

The development proposes 43% of overshadowing onto the southern adjoining property (11 Curlew Road) at the winter solstice. It should be noted that the original design comprised of 51.2% overshadowing. After public consultation and meetings with the City, changes were made to reduce overshadowing by 7.8%. Given the narrow neighbouring lot and smaller lot size, it is acknowledged that achieving the deemed-to-comply provisions of overshadowing is difficult to achieve. The design principles for solar access for adjoining sites consider effective solar access for the proposed development and neighbouring properties. The application meets the design principles as:

- Given the smaller lot size of the subject site, the proposed development has positioned the upper floor to its most northern extent to further alleviate overshadowing constraints to the southern neighbour.
- The bulk of the building is positioned away from the rear boundary, allowing northern light access for the adjoining lot into what is likely to be any future outdoor living area.
- Amended plans were provided increasing the rear setback from 4.1m to 5.4m from Bed 2 which will allow a minimum of 20m² of outdoor living space (as per the minimum deemed-to-comply criteria of an R40 coded lot) to be protected from any overshadowing from the proposed development.
- In relation to solar collectors, the applicant has provided a sectional overshadowing assessment. Though no plans have been submitted for the adjoining lot to the south, the sectional assumes a similar build as the subject development and demonstrates that the solar panels will not be impacted by any shadow cast from the development (refer to Figure 2)

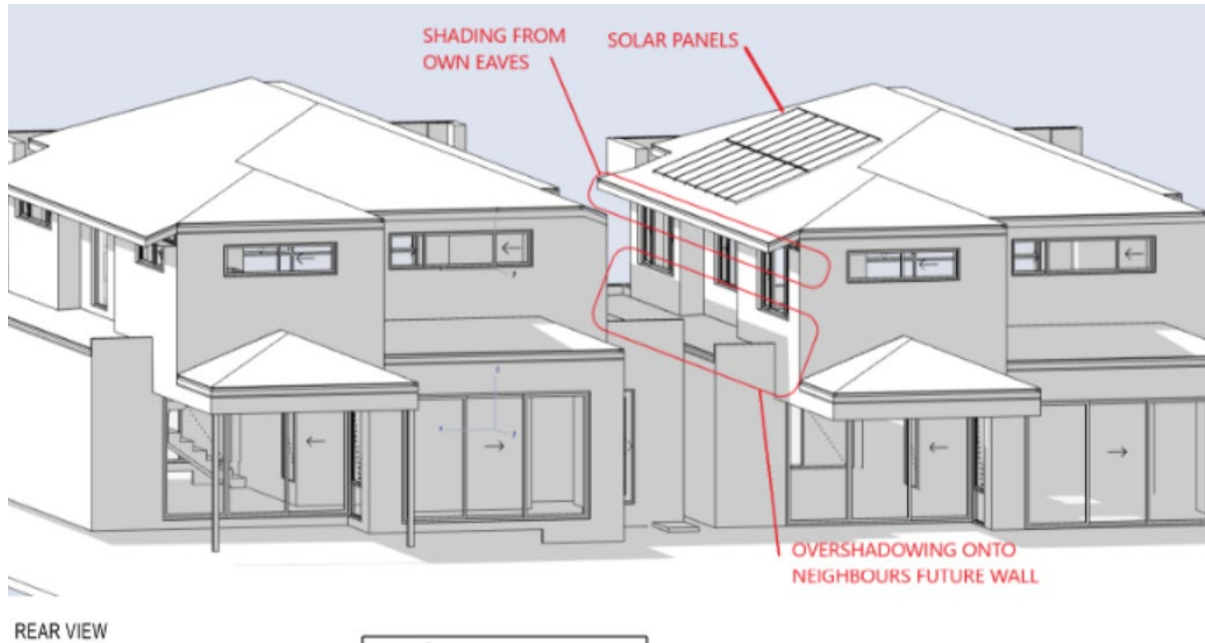


Figure 2: Overshadow section diagram assuming a two storey house at 11 Curlew Rd

Consultation

The application is seeking assessment under the design principles of the R-Codes for lot boundary setbacks, open space, solar access and external fixtures.

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to two adjoining properties. The application was advertised for a period of 14 days from 10 November 2023 to 24 November 2023. At the close of the advertising period, one objection was received. Amended plans were provided to address the objection raised. The submitter raised further concerns in relation to overshadowing, open space and visual privacy.

The following is a summary of the concerns/comments raised and City Officers' response and action taken in relation to each issue:

1. The extent of overshadowing will impact the amenity and usability.

Given the small, narrow size of the subject lot and the adjacent lot to the south, achieving deemed-to-comply overshadowing is difficult. The proposed overshadowing and solar access is supported as it demonstrates that it can meet the design principles of the R-Codes as discussed in the above overshadowing assessment.

2. The development will impact potential future dwellings access to natural light and ability to place solar collectors.

This has been noted by the City Officers which has been addressed through amended plans. As discussed above, the changes show that the upper floor southern wall has

been reduced to increase the rear setback from 4.1 metres to 5.4 metres protecting the future outdoor living space of the adjoining property from any overshadowing.

3. The bulk and scale is inconsistent with the bulk and scale along Curlew Road.

The development meets the deemed-to-comply provisions for clause 5.1.2 Street setback of the R-Codes Vol. 1. Under the current planning framework, the streetscape to the west of the development will gradually transition to smaller lot sizes, likely with smaller sized houses. Furthermore, this is consistent with the bulk and scale of an R40 coded area.

It should be noted there is currently a mature tree canopy between the two properties and within the boundaries of the adjoining site. This will assist with softening any perceived bulk that could be experienced by the adjoining neighbour. This is shown in Figure 3.



Figure 3: Existing tree canopy along the northern boundary of 11 Curlew Road.

4. Landscaping is not adequate and does not reflect the existing leafy character of Dalkeith.

The applicant has provided more detail on the extent of landscaping for the site. The Landscaping assessment satisfies the deemed-to-comply provisions of the R-Codes. A verge tree will be planted as per the City's requirements which will further adhere to the existing local character of Dalkeith. A condition is recommended to this effect.

5. Windows at that height will create visual privacy issues and request that the windows are also made obscure.



All windows along the southern wall are highlighted windows and the window for Bedroom 3 is set back 6.6 metres, thereby satisfying the deemed-to-comply provisions of the R-Codes.

Strategic Implications

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

Vision	Sustainable and responsible for a bright future
Pillar	Place
Outcome	6. Sustainable population growth with responsible urban planning.

Budget/Financial Implications

Nil.

Legislative and Policy Implications

Council is requested to make a decision in accordance with clause 68(2) of the [Deemed Provisions](#). Council may determine to approve the development without conditions (cl.68(2)(a)), approve with development with conditions (cl.68(2)(b)), or refuse the development (cl.68(2)(c)).

Decision Implications

If Council resolves to approve the proposal, development can proceed after receiving a Building Permit and necessary clearances.

In the event of a refusal, the applicant will have a right of review to the State Administrative Tribunal. The Tribunal will have regard to the R-Codes as a State Planning Code. Similarly, should an applicant be aggrieved by one or more conditions of approval, this can be reviewed by the Tribunal.

Conclusion

The application for a single house at 52 Waratah Avenue, Dalkeith has been presented for Council consideration due to one objection being received. The proposal is considered to meet the key amenity related elements of R-Codes Volume 1 and, as such, is unlikely to have a significant adverse impact on the local amenity of the area. The proposal has been assessed and satisfies the design principles of the R-Codes in relation to being consistent with the immediate locality and streetscape character.



Accordingly, it is recommended that the application be conditionally approved by Council.

Further Information

Nil.



- Labels
- House Numbers
 - Road Names
 - Local Roads
 - LPS3 RCodes
 - Property Boundaries
 - LPS3 Zones
 - Residential
 - Subject Site



City of Nedlands

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12/02/2024

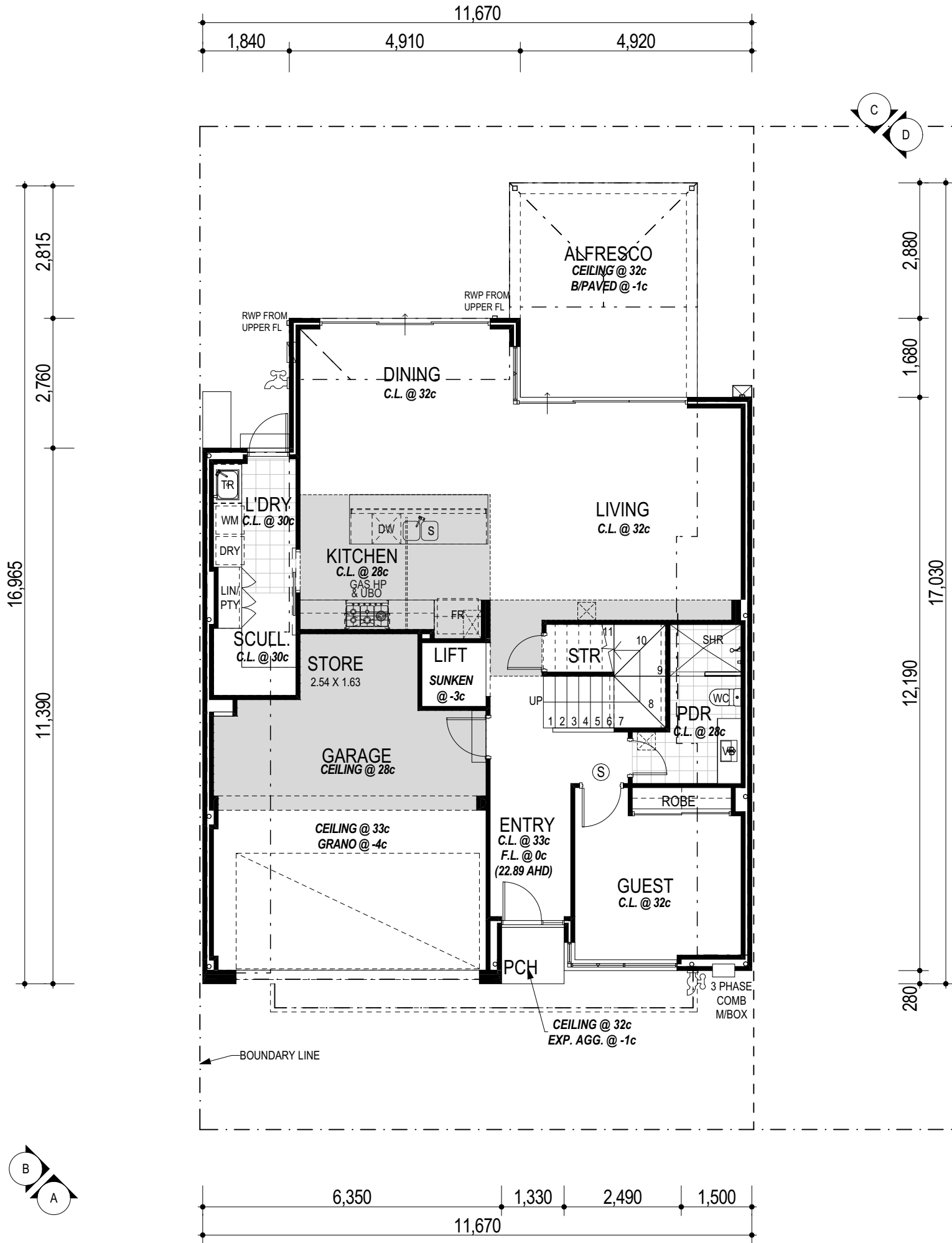
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ALTERATIONS TO PLANS MAY CAUSE
DELAYS & ADDITIONAL COSTS

City of Nedlands
Amended Plans Received
09 February 2024

AREA	
GROUND FL	109.15
GARAGE	39.92
PORCH	1.60
ALFRESCO	17.81
TOTAL	168.48 m²
PERIMETER	53.88 m
UPPER FL (INCLUDING STAIRS + VOID)	115.39
BALCONY	8.66
TOTAL	124.05 m²
PERIMETER	48.52 m
GRAND TOTAL	292.53 m²



GROUND FLOOR PLAN
1:100

SH

STANNARD
HOMES

VISION SPECIFICATION

PROPOSED RESIDENCE FOR
MR. R. SUNIAR & MS. G. L. OEY
LOT 100, (PROPOSED LOT 102)
CURLEW ROAD, CNR WARRATAH AVENUE, DALKEITH

email: enquires@stannardhomes.com.au
www.stannardhomes.com.au

Stannard Group Pty Ltd
ABN 27 008 828 082 BC 6583

INDIVIDUAL TWO STOREY

DRAWN
AES

DATE
04-09-2023

AMENDMENTS
PQA-001 - 04-09-23 - AES
AMD-001 - 08-12-23 - AES

VARIATION
VO-001 - 08-12-23 - AES

SHEET
01 OF 14

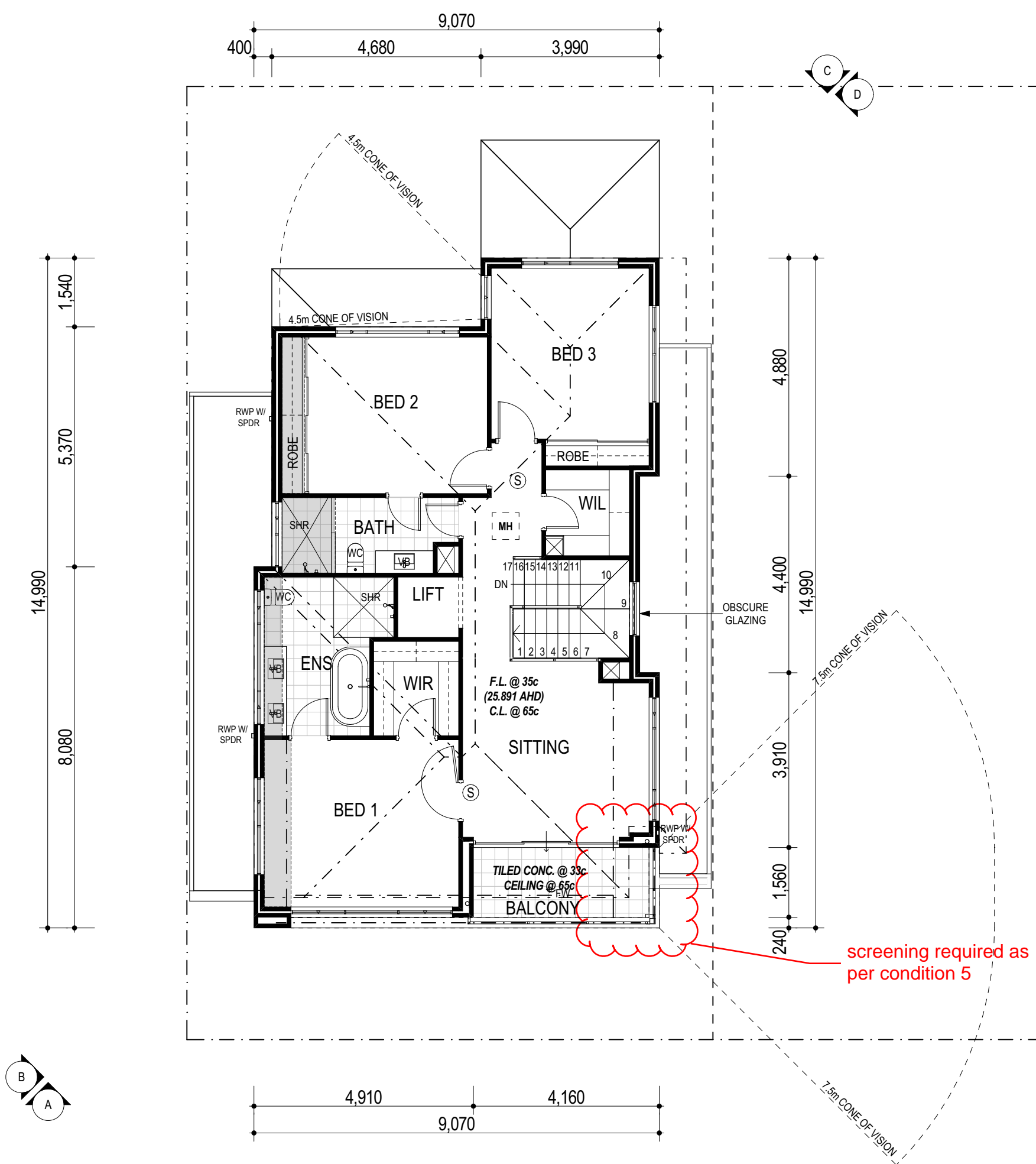
JOB No
5377

42 Hasler Road, Osborne Park
Western Australia 6017

Telephone (08) 9446 5500

ALTERATIONS TO PLANS MAY CAUSE
DELAYS & ADDITIONAL COSTS

City of Nedlands
Amended Plans Received
09 February 2024



UPPER FLOOR PLAN
1:100

WIND CLASSIFICATION
TERRAIN CATEGORY
SHIELDING
TOPOGRAPHY

N1
TC3
FS
10

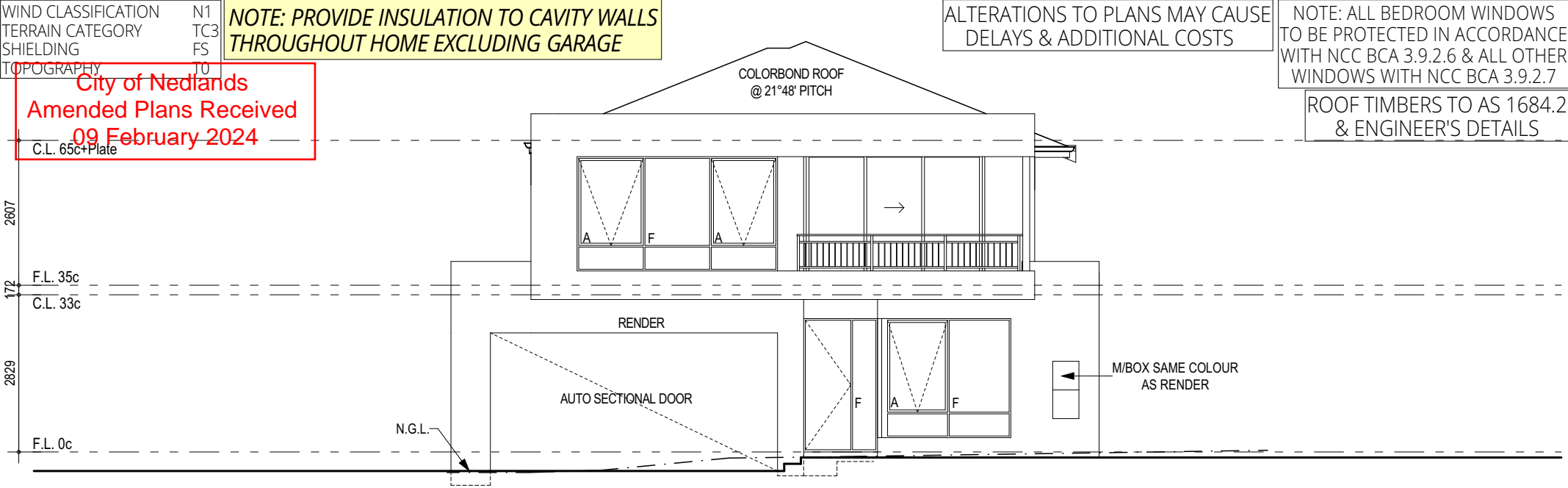
NOTE: PROVIDE INSULATION TO CAVITY WALLS
THROUGHOUT HOME EXCLUDING GARAGE

ALTERATIONS TO PLANS MAY CAUSE
DELAYS & ADDITIONAL COSTS

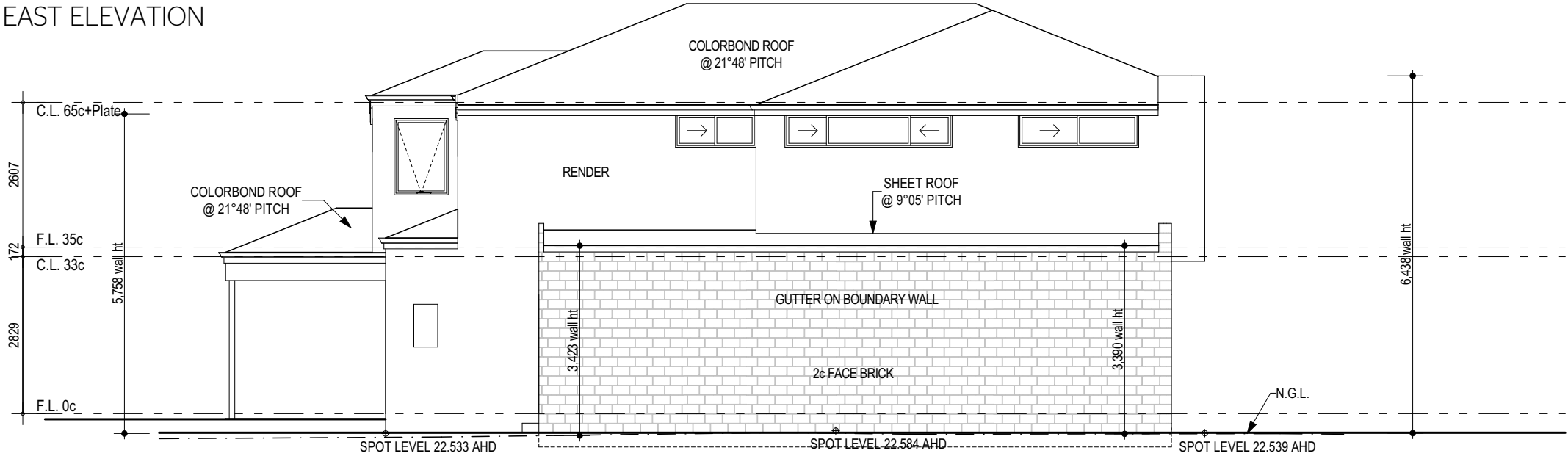
NOTE: ALL BEDROOM WINDOWS
TO BE PROTECTED IN ACCORDANCE
WITH NCC BCA 3.9.2.6 & ALL OTHER
WINDOWS WITH NCC BCA 3.9.2.7

ROOF TIMBERS TO AS 1684.2
& ENGINEER'S DETAILS

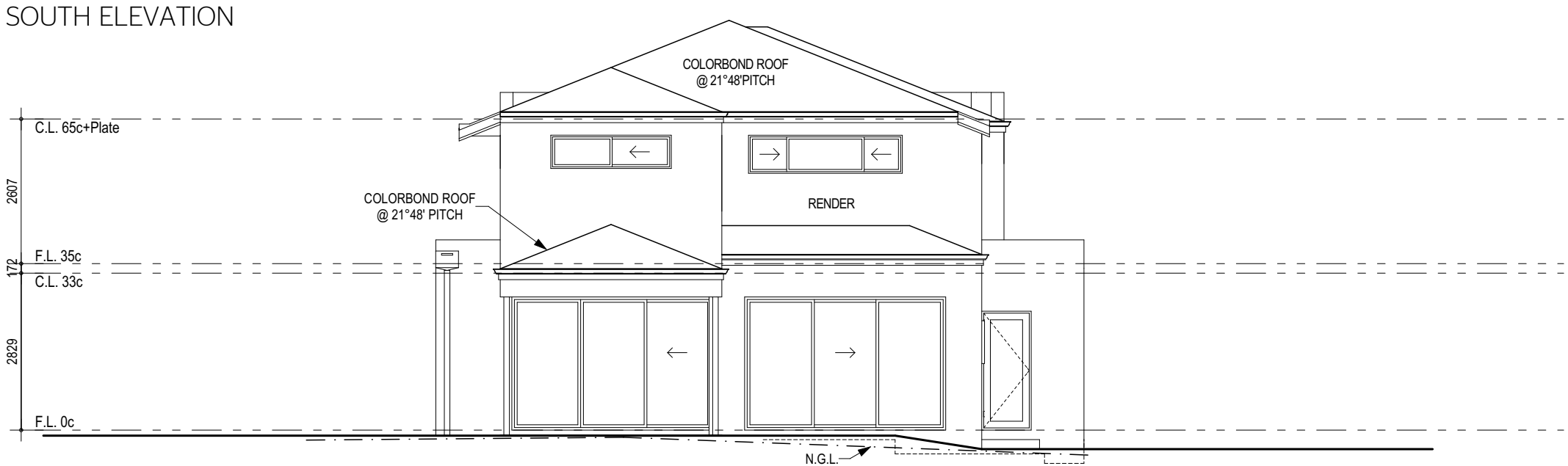
City of Nedlands
Amended Plans Received
09 February 2024



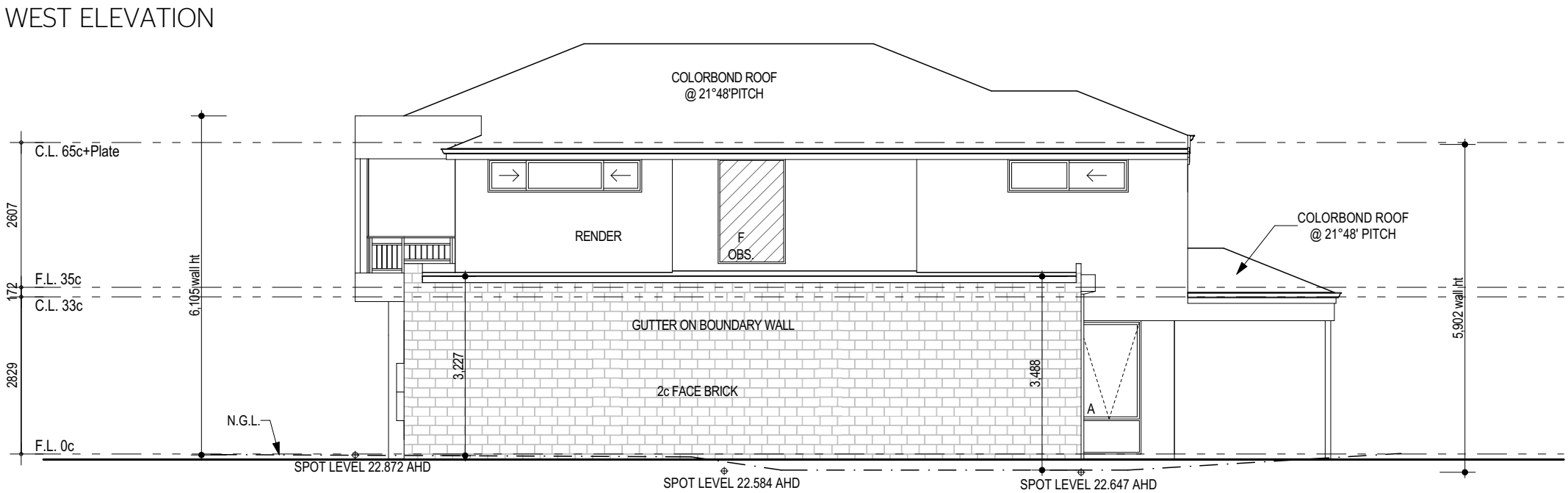
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION

ELEVATIONS
1:100

SH STANNARD HOMES
VISION SPECIFICATION
















































42 Hasler Road, Osborne Park
Western Australia 6017

Telephone (08) 9446 5500

PROPOSED RESIDENCE FOR MR. R. SUNIAR & MS. G. L. OEY LOT 100, (PROPOSED LOT 102) CURLEW ROAD, CNR WARRATAH AVENUE, DALKEITH				INDIVIDUAL TWO STOREY			
email: enquires@stannardhomes.com.au www.stannardhomes.com.au		Stannard Group Pty Ltd ABN 27 008 828 082 BC 6583		DRAWN AES		AMENDMENTS PQA-001 - 04-09-23 - AES AMD-001 - 08-12-23 - AES	
DATE 04-09-2023		VARIATION VO-001 - 08-12-23 - AES		SHEET 03 OF 14		JOB No 5377	

Feature & Contour Survey of: Lot 100, No. 52 Waratah Avenue, Dalkeith				REVISION: A
				SHEET: 1 OF 1
CLIENT:	PLAN: DP 417360	LOT AREA: 839m ²	SURVEY DATE: 05/07/23	
BUILDER: STANNARD HOMES	C/T Vol: 2983 Fol: 109		MAP REFERENCE:	
BUILDER JOB # 5377	HEIGHT DATUM: AHD		COASTAL ZONE: 0.89KM (river)	
AUTHORITY: CITY OF NEDLANDS	HEIGHT CORRECTION TO AHD: NO		SEWER INFORMATION: YES	

SEWER JUNCTION DETAILS	
HOUSE CONNECTION (HC) IL:	21.22
UP DISTANCE:	1.0
DEPTH TO CONNECTION:	0.31

FEATURE SYMBOL LEGEND	
POWER	
CABLE DOME 	POWER POLE 
CABLE BOX 	CONSUMER POLE 
POWER MARKER 	EXPOSED CABLES 
LIGHT POLE 	STAYWIRE ANCHOR 
WATER	
WATER METER / TAP 	FIRE HYDRANT 
TAP 	STOP VALVE 
FLUSHING POINT 	RETIC VALVE 
BORE 	WATER MARKER 
SEWERAGE	
SEWER M/H (SQUARE LID) 	SEWER M/H (ROUND LID) 
INSPECTION SHAFT 	INSPECTION OPENING 
HOUSE CONNECTION 	
TELSTRA	
TELSTRA PIT 	TELSTRA MANHOLE 
TELSTRA MARKER 	
DRAINAGE	
DRAIN M/H (SQUARE LID) 	DRAIN M/H (ROUND LID) 
SIDE ENTRY PIT 	DRAINAGE GRATE 
COMBINED ENTRY PIT 	
GAS	
GAS METER 	GAS VALVE 
GAS MARKER 	
SURVEY MARKS	
PEG FOUND 	PEG GONE 
DRILL HOLE 	BENCH MARK 
PEN MARK 	NAIL & PLATE 
	NAIL 
MISCELLANEOUS INFO.	
STREET SIGN 	SPOT HEIGHT 
UNKNOWN SERVICE MARKER 	BOLLARD 
OVERHEAD POWER LINE 	SEWER LINE 
FENCE LINE 	WINDOW / OPENING 

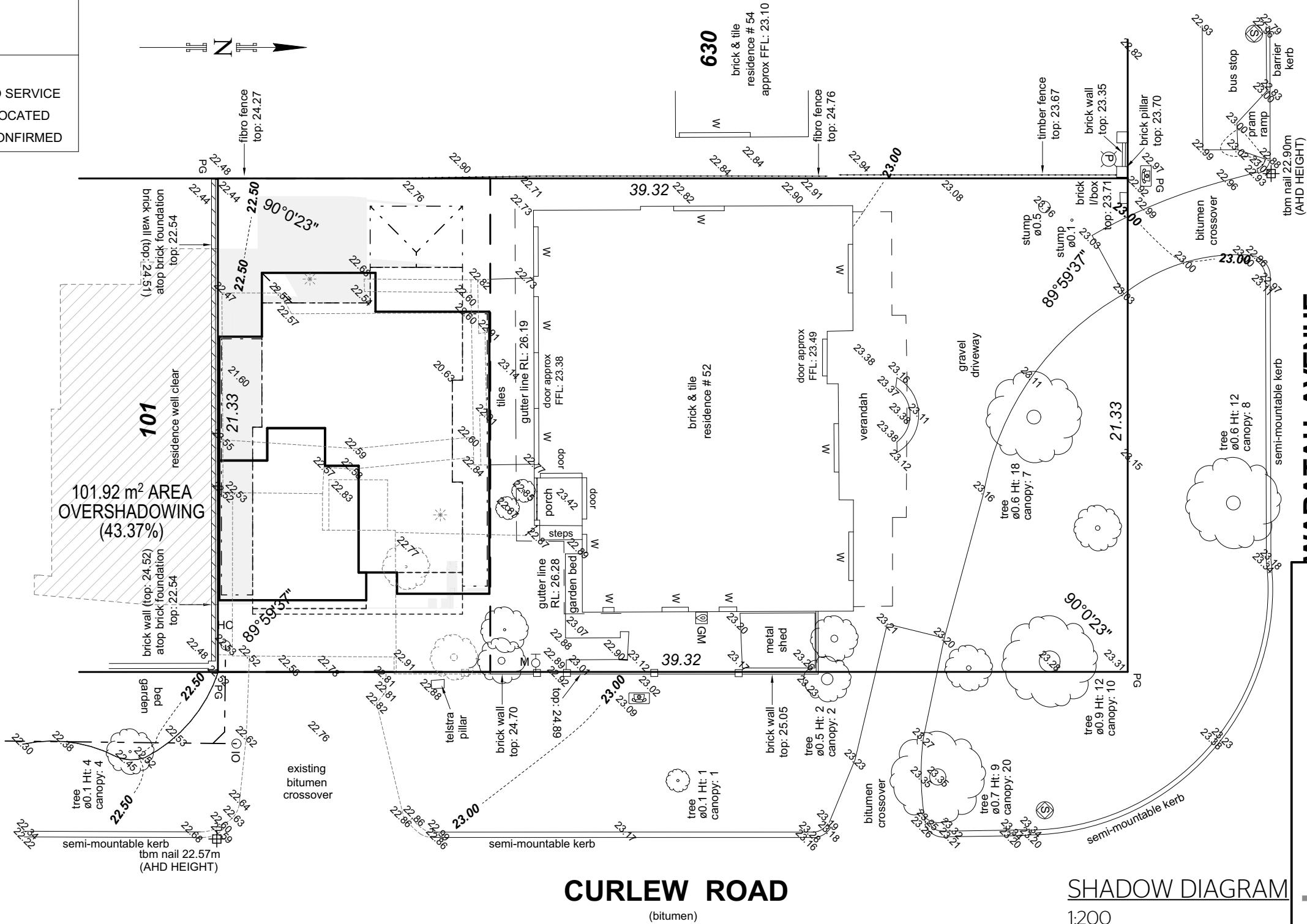
SERVICE DETAILS	
WATER: L OVERHEAD POWER: NS U/G POWER: L TELSTRA: L GAS: L SEWER: L	
SERVICE NOTES	
L: LOCATED NS: NO SERVICE A: AVAILABLE BUT NOT LOCATED TBC: LOCATION TO BE CONFIRMED	

NOTES

(1) ALL FEATURES IN GOOD CONDITION

(2) DEVELOPMENT AREA: ESTABLISHED

(3) FOR CLARITY, TREE SPREADS
ARE NOT SHOWN TO SCALE



SHADOW DIAGRAM

IMPORTANT FEATURE SURVEY NOTES	
1. The boundary information on this site plan is approximate only. The boundary has been positioned using a best-fit of available survey marks and fence lines. A repeg / bdy identification survey is recommended if an accurate position of features / improvements relative to the boundary is required.	
2. The sewer junction on this plan has been plotted using information provided by the Water Corporation. A site inspection is required by the builder / developer in order to verify the position and depth of the sewer connection.	
3. The lot dimensions shown on this feature survey plan have been taken from L.T.O survey plans. The final repegged dimensions may vary due to adjustments made during field survey.	
4. All service information shown of this plan should be verified with the relevant authorities.	5. Pro West Surveying does not accept liability for any loss or damage caused by the use of this feature survey plan for any purpose.

<div>42 Hasler Road, Osborne Park Western Australia 6017</div>		<div>Telephone (08) 9446 5500</div>		<div>VISION SPECIFICATION</div>	
<div>STANNARD HOMES</div>		<div>WARATAH AVENUE</div>			
		<div>(bitumen)</div>			
		<div>PROPOSED RESIDENCE FOR</div>			
		<div>MR. R. SUNIAR & MS. G. L. OEY</div>			
		<div>LOT 100, (PROPOSED LOT 102)</div>			
		<div>CURLEW ROAD, CNR WARRATAH AVENUE, DALKEITH</div>			
		<div>INDIVIDUAL TWO STOREY</div>			
		<div>DRAWN AES</div>		<div>AMENDMENTS PQ4-001 - 04-09-23 - AES AND-001 - 08-12-23 - AES</div>	
		<div>VARIATION V0001 - 08-12-23 - AES</div>		<div>SHEET 16 OF 14</div>	
		<div>DATE 04-09-2023</div>		<div>JOB No 5377</div>	
		<div>email: enquires@stannardhomes.com.au www.stannardhomes.com.au</div>			
		<div>Stannard Group Pty Ltd ABN 27 008 828 082 BC 6583</div>			



16.5 PD13.03.24 Consideration of Development Application for Single House Additions (Carport) at 73 Smyth Road, Nedlands

Meeting & Date	Council Meeting – 26 March 2024
Applicant	Engineering on Demand (WA) Pty Ltd
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.
Report Author	Nathan Blumenthal – A/Manager Urban Planning
Director	Roy Winslow – A/Director Planning and Development
Attachments	1. Zoning Map 2. Development Plans

Purpose

The purpose of this report is for Council to consider a development application for an addition of a carport to a single house at 73 Smyth Road, Nedlands. The proposal is being presented to Council for consideration due to refusal being recommended on the grounds of the reduced setback to the primary street and negative impact on the streetscape.

Recommendation

That Council in accordance with Clause 68(2)(c) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, refuses the development application in accordance with the plans date stamped 21 November 2023 for the addition of a carport to an existing single house at 73 Smyth Road, Nedlands for the following reasons:

- 1. The development does not satisfy the objectives of the 'Residential' zone as the setback of the carport at 1.7m from Smyth Road is inconsistent with the desired streetscape;**
- 2. The development does not satisfy the design principle P1.1 of clause 5.2.1 (setback of garages and carports) of the Residential Design Codes Vol. 1 as the carport is not designed to contribute positively to the streetscape; and**
- 3. The development does not satisfy the objectives of Local Planning Policy 1.1 - Residential Development as the reduced setback is inconsistent with the established and desired streetscape and is not designed to reduce the dominance of the development as viewed from the street.**



Voting Requirement

Simple Majority

This report is of a quasi judicial nature as it is a matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.

The decision must be made in a manner that is impartial, free from bias, and in accordance with the principles of natural justice. The decision must be made in having regard to the facts of the matter under consideration, and in accordance with the relevant laws and policies as they apply to that matter.

Discretionary considerations and judgments in the decision must be confined to those permitted to be considered under the laws and policies applicable to the matter and given such weight in making the decision as the relevant laws and policies permit them to be given.

Background

Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R10
Land area	1034m ²
Land Use	Residential – Single House Additions
Use Class	'P' – Permitted Use

The site is located at 73 Smyth Road, Nedlands, at the end of a T-junction with Park Road. The site has an existing single storey house on the lot and is orientated east to west. The site is regular in shape with a lot frontage of 26m and a total area of 1034m².

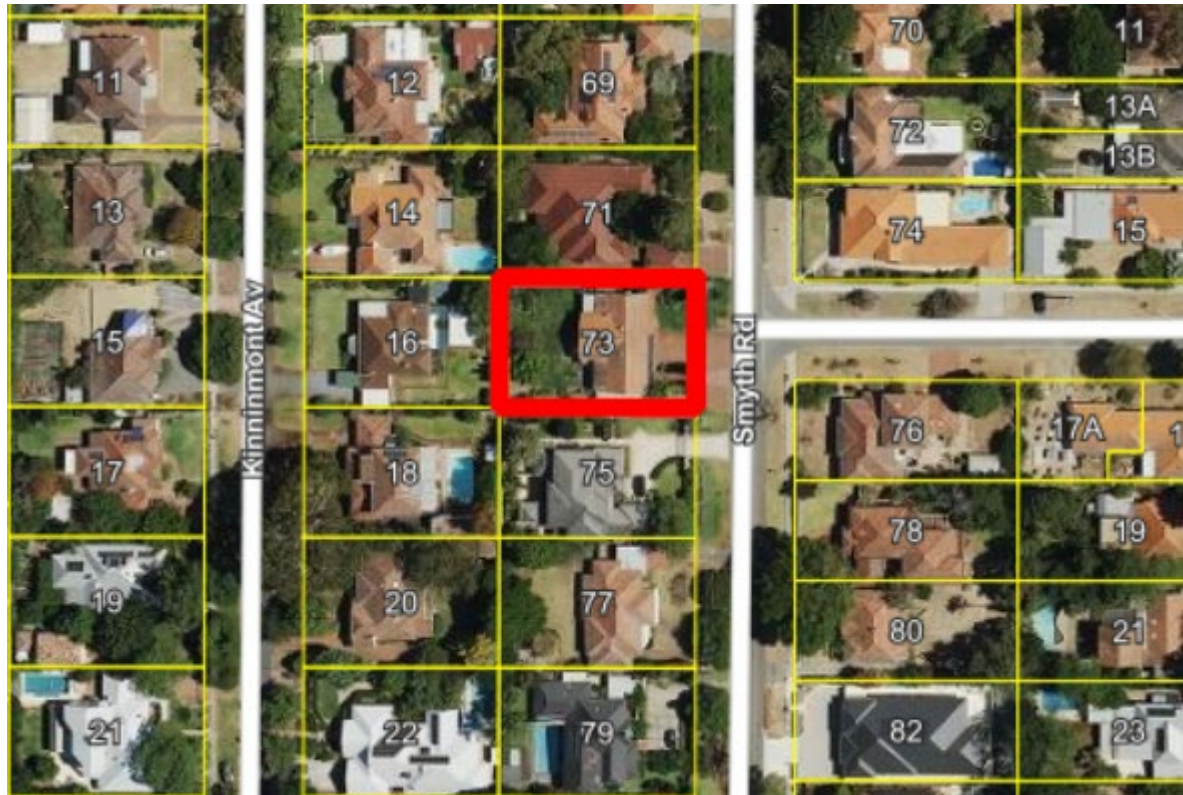


Figure 1: Aerial image of 73 Smyth Road, Nedlands

Application Details

The application seeks development approval for the construction of a double carport within the front setback area of the existing single house at 73 Smyth Road, Nedlands. The carport proposes a height of 2.9m, length of 6.5m including the roof overhanging by 1.4m from the posts and width of 7m. The carport proposes a skillion roof.

Following the initial consultation period, the applicant provided amended plans to reduce the floor area of the carport by shifting the two front posts 1.4m west from the roof line of the carport. The shifting of the two front posts altered the floor area and setback only in a technical sense, as distance is measured from the posts. However, this did not materially change the appearance of the carport when viewed from the street.

City officers met with the proponents to discuss alternative solutions including reducing the dimensions of the carport and/or increasing the street setback. The proponent opted not to amend the plans. The carport still proposes a minimum setback of 1.7m (to the posts) from the street boundary. This is of particular concern to officers and was not addressed in the amended plans sent 21 November 2023.



Discussion

Assessment of Statutory Provisions

If a proposal does not satisfy the deemed to-comply provisions of the State Planning Policy 7.3: Residential Design Codes (R-Codes), Council is required to exercise a judgement of merit to determine the proposal against the design principles of the R-Codes. The R-Codes require the assessment to consider the relevant design principle only and to not apply the corresponding deemed-to-comply provisions.

Local Planning Scheme No. 3

Schedule 2, Clause 67(2) (Consideration of application by Local Government) – identifies those matters that are required to be given due regard to the extent relevant to the application. Where relevant, these matters are discussed in the following sections.

The City shall give due regard to the objectives of the Local Planning Scheme 3. The relevant objective of the 'Residential' zone as specified in Local Planning Scheme No. 3 is as follows:

'To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks.'

The addition of the carport to the single house at 73 Smyth Road does not satisfy the relevant objective as:

- The 1.7m setback of the carport from the primary street boundary is not consistent with the current and desired streetscape. Lots within the street block bounded by Karella Street to the north and Carrington Street to the south feature carports setback a minimum of 3m from the primary street. There is an existing example at 65 Smyth Road, Nedlands that has a similar setback to the one proposed. However this is a smaller, single carport which is surrounded by vegetation that predominantly shields it from view. The current proposal will be visually prominent given its location opposite a street intersection.
- The size and placement of the carport does not complement the existing streetscape. The combination of the size and location means the carport will dominate the streetscape which will be to further detriment when considering the existing bulk at this site.
- As the site is located in a prominent location at the end of a T-junction with Park Road, the bulk of the carport will be visible from three different directions: travelling north and south on Smyth Road and travelling west on Park Road.

Local Planning Policy 1.1 – Residential Development

The Local Planning Policy 1.1 – Residential Development (LPP 1.1) is to provide guidance and supplementary requirements to Local Planning Scheme No. 3 and the Residential Design Codes Vol 1 in relation to single and grouped dwelling developments within the City of Nedlands.



On land that is coded R10, R12.5 and R15, unenclosed carports may only be set forward of the 9m setback line where certain provisions are met that will ensure the carport does not dominate the streetscape. As this does not meet the provisions stipulated within this policy, the proposal is to be assessed against the relevant objectives. The objectives of LPP1.1 reads as follows:

‘To provide for residential development that is consistent with established or desired streetscapes.

To reduce the dominance (scale, mass and bulk) of buildings as viewed from the street.’

The addition of the carport to the single house at 73 Smyth Road does not satisfy the above objectives.

The established streetscape is typified by housing with carports set back further from the street and close to or on a side boundary. However, the proposed development demonstrates a reduced front setback which, in combination with the height, location and dimensions, is inconsistent with the established or desired streetscapes along this section of Smyth Road.

The height of the carport at the street (3m), the width (7m) and the front setback of 1.5m (to the overhang) combine to create a scale of carport that dominates the front setback. The carport will be particularly noticeable given that it faces a T junction intersection and is situated in the middle of the lot.

State Planning Policy 7.3 - Residential Design Codes – Volume 1

The R-Codes apply to all single and grouped dwelling developments. An approval under the R-Codes can be obtained in one of two ways. This is by either meeting the deemed-to-comply provisions or via a design principle assessment pathway.

The proposed development is seeking a design principle assessment pathway for setback of garages and carports. As required by the R-Codes, Council, in assessing the proposal against the design principles, should not apply the corresponding deemed-to-comply provisions.

Clause 5.2.1 – Setback of garages and carports

The carport proposes a minimum primary street setback of 1.7m (from the posts) to the street boundary. The design principles of clause 5.1.2, require all buildings to contribute positively to the existing streetscape and to the appearance of dwellings within the locality. The proposal does not satisfy the design principles as:

- The setback, siting and dimensions of the carport overwhelm the street and result in a development that does not contribute positively to the existing streetscape. All substantial structures within the street block bounded by Karella Street and Carrington Street, on both sides of Smyth Road, are set back a minimum of 3m from the primary street.



- The existing site consists of impervious surfaces and a series of crossovers totalling 14.5m in width - approximately 61% of the front setback area is comprised of hardstand concrete. The addition of a carport will detract further from the portions of 73 Smyth Road that are viewable from the public realm.
- A carport of this size and proximity to the boundary could further negatively influence the gradual erosion of the streetscape.

Consultation

The application is seeking assessment under the design principles of the R-Codes for setback of garages and carports.

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to 31 adjoining properties. The application was advertised for a period of 14 days from 25 October 2023 to 8 November 2023. At the close of the advertising period, no objections were received.

Strategic Implications

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

Vision	Sustainable and responsible for a bright future
Pillar	Place
Outcome	6. Sustainable population growth with responsible urban planning.

Budget/Financial Implications

Nil.

Legislative and Policy Implications

Council is requested to make a decision in accordance with clause 68(2) of the [Deemed Provisions](#). Council may determine to approve the development without conditions (cl.68(2)(a)), approve with development with conditions (cl.68(2)(b)), or refuse the development (cl.68(2)(c)).



Decision Implications

If Council resolves to refuse the application, the applicant will have a right to review to the State Administrative Tribunal. The Tribunal will have regard to the R-Codes as a State Planning Policy.

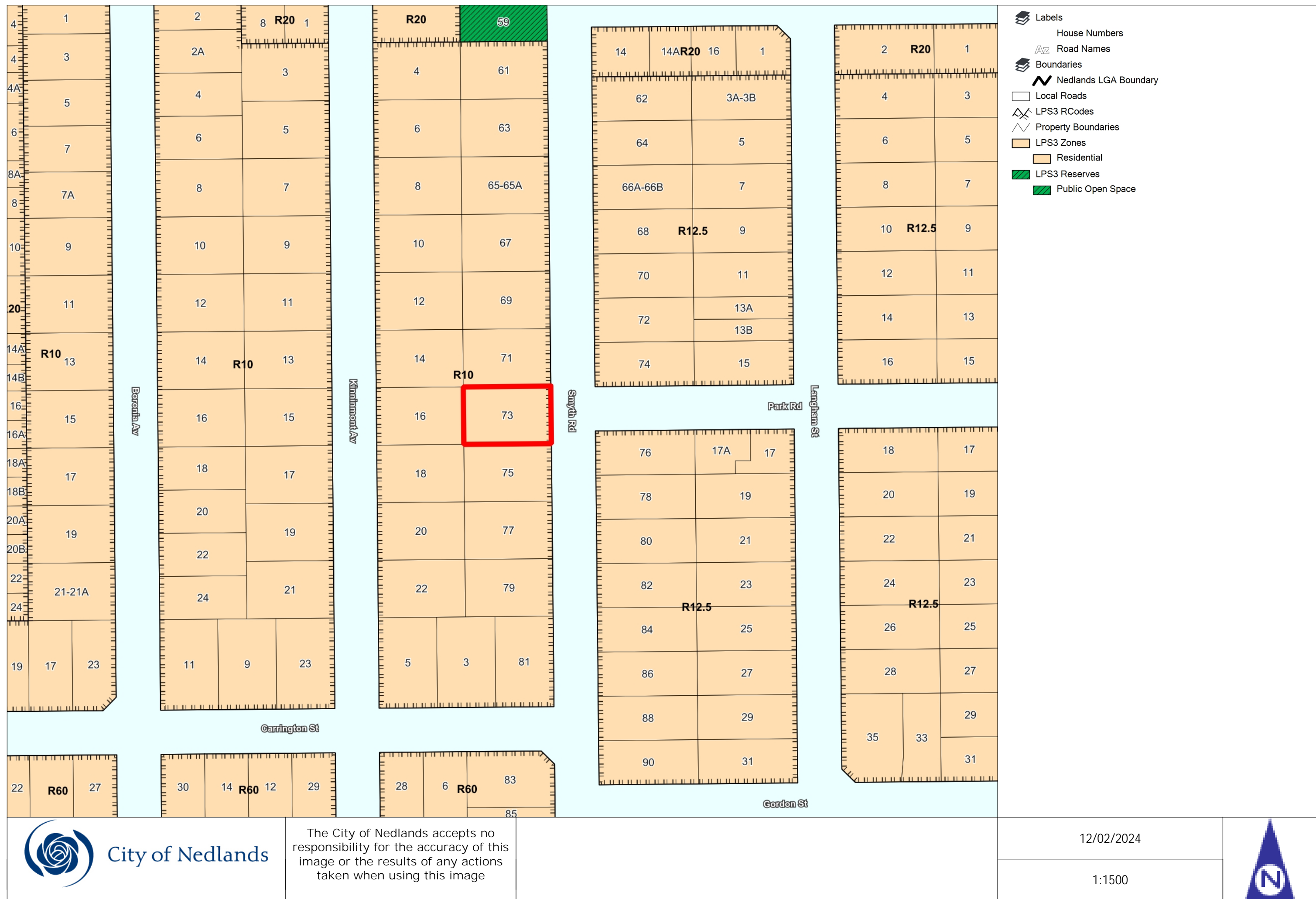
If Council approves the proposal, development can proceed after receiving a Building Permit and necessary clearances. Similarly, should an applicant be aggrieved by one or more conditions of approval, this can be reviewed by the Tribunal.

Conclusion

The application for an addition of a carport to a single house has been presented for Council consideration due to refusal being recommended. The proposal does not meet the relevant objectives of the 'Residential' zone within the Local Planning Scheme No. 3, the objectives of LPP1.1, or the design principles of the R-Codes related to setbacks of garages and carports. It is likely to have an adverse impact on the local amenity of the area and be inconsistent with the prevailing streetscape. Accordingly, it is recommended that the application be refused by Council.

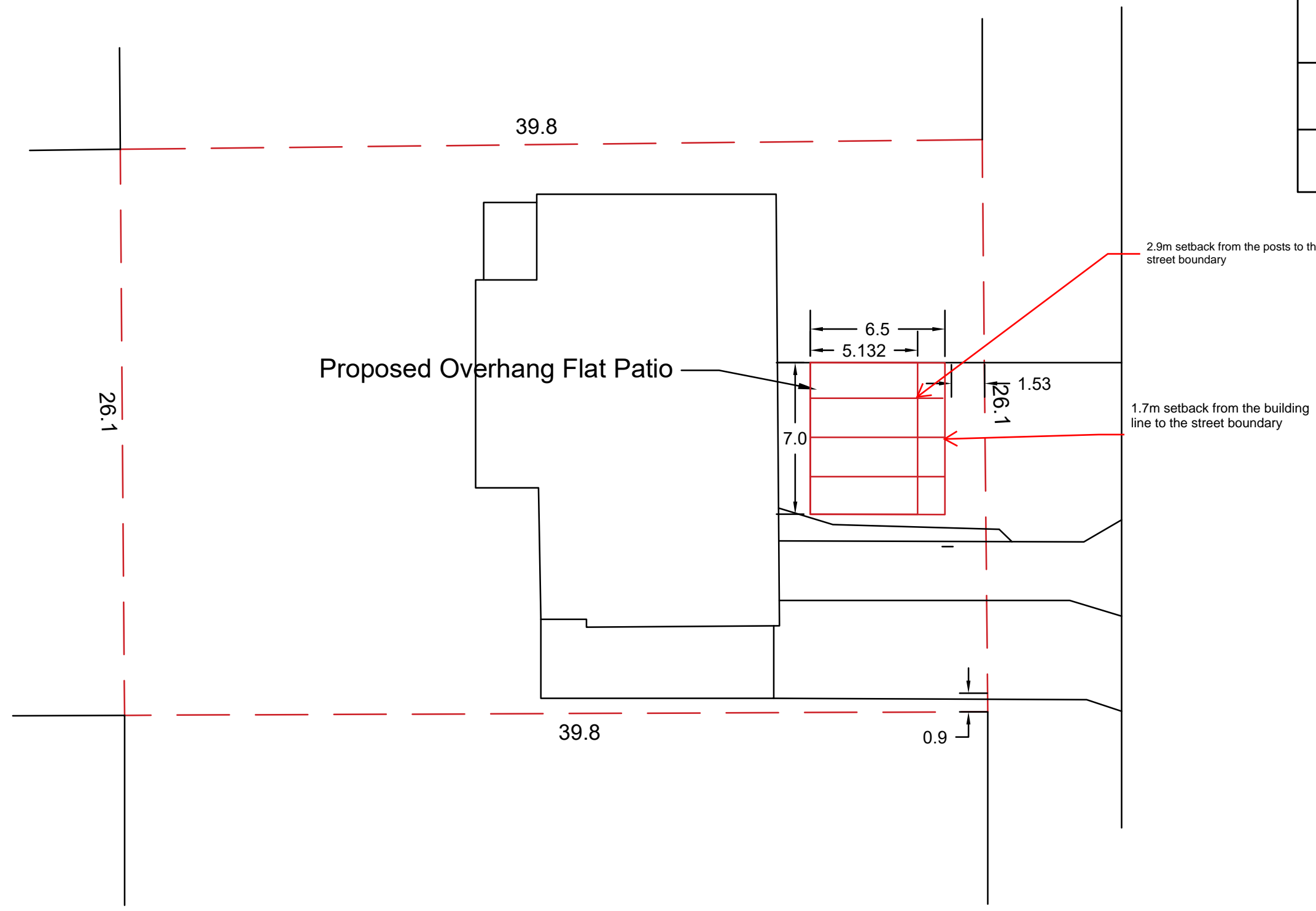
Further Information

Nil.

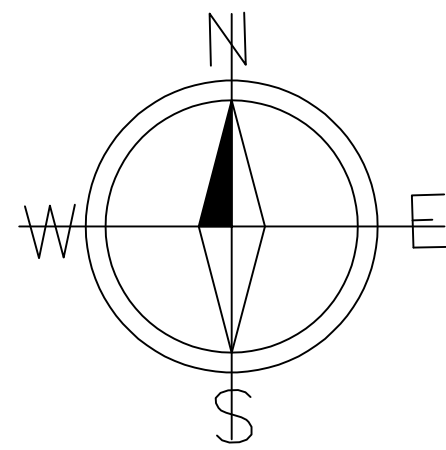



City of Nedlands
Amended Plans Received
21 November 2023

Drawing Schedule	
A/01	Site Plan
A/02	Engineering Note
A/03	Flat Patio Plan

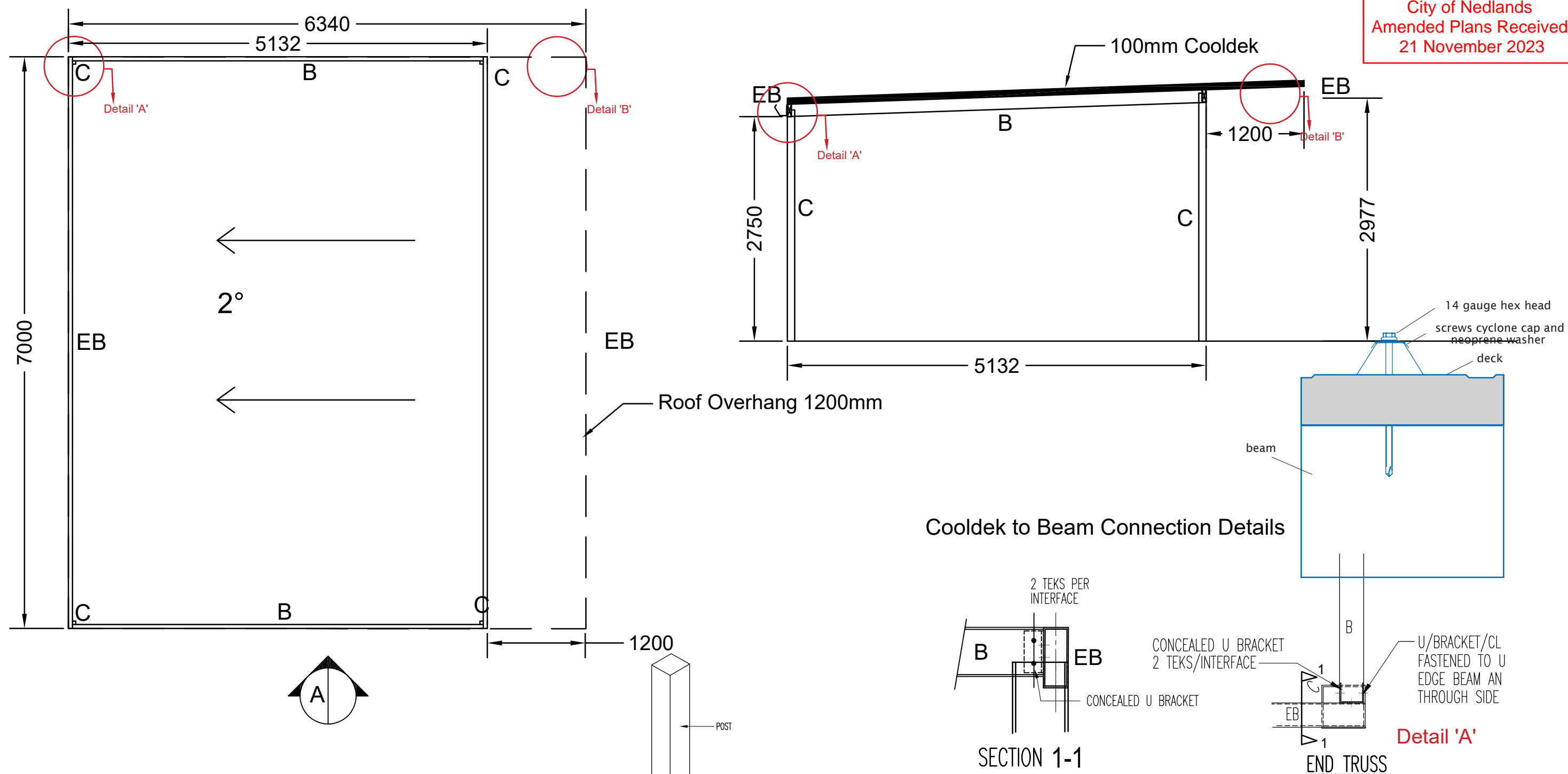


Note:
1. Existing NGL not disturb for proposed Flat Patio work.



DRAWING TITLE: Site Plan		PROJECT: Proposed Cooldek Patio at 73 Smyth Road, Nedlands, WA 6009.	<p>© COPYRIGHT BY ENGINEERING ON DEMAND</p> <p>THIS DRAWING INCLUDING TEXT IS COPYRIGHT. NO PART OF THIS DRAWING MAY BE REPRODUCED BY ANY PROCESS WITHOUT THE SPECIFIC WRITTEN PERMISSION OF THE COPYRIGHT OWNER. THIS DRAWING IS PROVIDED SOLELY FOR THE PURPOSE OF THE TRANSACTION TO WHICH IT PERTAINS AND MUST NOT BE USED FOR ANY OTHER PURPOSE WHATSOEVER. IT MUST BE RETURNED TO THE COPYRIGHT OWNER IMMEDIATELY ON REQUEST.</p>	<p>Chong S. Liew, Steve M.Sc(struct)MIEAust CPEng NER RPEQ</p> <p>Signature _____ Date ____/____/____</p> <p>Registered on NER in the area(s) of Civil and Structural Engineering</p> <p>Membership No: 4512871</p>	 <p>ENGINEERING On Demand</p>	AMENDMENTS:	
DRAWN: Leon Lim	JOB NO: JB00828						
SCALE: 1:200	DATE: 21/09/23					DWG. 01	TOTAL DWG. 03

City of Nedlands
Amended Plans Received
21 November 2023



Flat Patio Specification

Column (C): SHS 100x100x3.0mm

Beam (B): RHS150x50x2.0mm


Edge Beam (EB): RHS150x50x3.0mm

Post Footing (PF): 550x550x600H Mass Concrete

Roof Sheeting: 100mm Cooldek Classic

Note:
Add full weld EB to C
(in addition to Teks Screws connection)

FOOTING SCHEDULE		
FOOTING MARK	FOOTING SIZE	REMARK
PF	550 X 550 X 600H	a) BITUMEN PAINT FOR POST BELOW GROUND b) 1 x 12Ø ANCHOR ROD

DRAWING TITLE:		PROJECT:		<p>© COPYRIGHT BY ENGINEERING ON DEMAND</p> <p>THIS DRAWING INCLUDING TEXT IS COPYRIGHT. NO PART OF THIS DRAWING MAY BE REPRODUCED BY ANY PROCESS WITHOUT THE SPECIFIC WRITTEN PERMISSION OF THE COPYRIGHT OWNER. THIS DRAWING IS PROVIDED SOLELY FOR THE PURPOSE OF THE TRANSACTION TO WHICH IT PERTAINS AND MUST NOT BE USED FOR ANY OTHER PURPOSE WHATSOEVER. IT MUST BE RETURNED TO THE COPYRIGHT OWNER IMMEDIATELY ON REQUEST.</p>		<p>Chong S. Liew, Steve M.Sc(struct)MIEAust CPEng NER RPEQ</p> <p>Signature _____ Date ____/____/____</p> <p>Registered on NER in the area(s) of Civil and Structural Engineering</p> <p>Membership No: 4512871</p>		<p> ENGINEERING <i>On Demand</i></p>		AMENDMENTS:	
Flat Patio Plan											
DRAWN: Leon Lim	JOB NO: JB00898	Proposed Cooldek Patio at 73 Smyth Road, Nedlands, WA 6009.									
SCALE: 1:50	DATE: 21/09/23										
										DWG. 03	TOTAL DWG. 03



16.6 PD14.03.24 Consideration of Development Application for 5 Grouped Dwellings at 4 Philip Road, Dalkeith

Meeting & Date	Council Meeting – 26 March 2024
Applicant	H Golestani
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff involved in the preparation of this report and the proponents or their consultants.
Report Author	Nathan Blumenthal – A/Manager Urban Planning
Director	Roy Winslow – A/Director Planning and Development
Attachments	1. Zoning Map 2. Development Plans 3. Architectural Perspectives 4. CONFIDENTIAL – Submissions

Purpose

The purpose of this report is for Council to consider a development application for five grouped dwellings at 4 Philip Road, Dalkeith. The application is referred to Council for determination as the application is for five or more grouped dwellings and objections were received during the advertising period. Council is specifically requested to exercise its judgement in considering the merits of the application against the design principles for the following aspects of the proposal:

- Street setback (see report section Street Setback)
- Western lot boundary setbacks (see report section Lot Boundary Setbacks)
- Outdoor living area (see report section Outdoor Living Area)
- Parking (see report section Parking)

Recommendation

That Council in accordance with Clause 68(2)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, approves the development application in accordance with the plans date stamped 13 February 2024 for five grouped dwellings at 4 Philip Road, Dalkeith (DA23-90667), subject to the following conditions:

- 1. This approval relates only to the development as indicated on the approved plans dated 13 February 2024. It does not relate to any other development on this lot and must substantially commence within 2 years from the date of the decision letter.**
- 2. All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site.**



3. Prior to the issue of a demolition permit, a Demolition Management Plan shall be submitted and approved to the satisfaction of the City. The approved Demolition Plan shall be observed at all times through the demolition process to the satisfaction of the City.
4. Prior to the issue of a building permit, a Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plans shall be observed at all times throughout the construction and demolition processes to the satisfaction of the City.
5. Prior to occupation, walls on or adjacent to lot boundaries are to be finished externally to the same standard as the rest of the development in:
 - a. Face brick;
 - b. Painted render;
 - c. Painted brickwork; or
 - d. Other clean finish as specified on the approved plans.

And are to be thereafter maintained to the satisfaction of the City of Nedlands

6. Prior to occupation, landscaping shall be completed in accordance with the Landscaping Plan dated 19 February 2024. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Nedlands.
7. The recommendations contained within the Energy Efficiency Report dated 20 February 2024 are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.
8. The tree protection measures to conserve the trees identified for retention as shown on the landscaping plan shall be undertaken as specified in the arboricultural report dated 16 February 2024. The approved measures are to be monitored by the arborist and implemented for the duration of the demolition and construction process to the satisfaction of the City of Nedlands.
9. The street tree(s) within the verge in front of the lot are to be protected and maintained through the duration of the demolition and construction process to the satisfaction of the City of Nedlands. Should the tree(s) die or be damaged, they are to be replaced with a specified species at the owner's expense and to the satisfaction of the City of Nedlands.
10. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of Nedlands.
11. Prior to occupation, new or modified vehicle crossovers shall be constructed to the City's specification and thereafter maintained to the satisfaction of the City of Nedlands.



- 12. Prior to the issue of a building permit, the development plans shall be amended to include a stormwater retention plan which depicts the location of soak wells and demonstrates that the land is graded such that all stormwater generated on site is contained within the site and directed towards the soak wells or similar to the satisfaction of the City of Nedlands.**

Voting Requirement

Simple Majority.

This report is of a quasi-judicial nature as it is a matter that directly affects a person's rights and interests. The judicial character arises from the obligation to abide by the principles of natural justice. Examples of Quasi-Judicial authority include town planning applications and other decisions that may be appealable to the State Administrative Tribunal.

The decision must be made in a manner that is impartial, free from bias, and in accordance with the principles of natural justice. The decision must be made in having regard to the facts of the matter under consideration, and in accordance with the relevant laws and policies as they apply to that matter.

Discretionary considerations and judgments in the decision must be confined to those permitted to be considered under the laws and policies applicable to the matter and given such weight in making the decision as the relevant laws and policies permit them to be given.

Background

Land Details

Metropolitan Region Scheme	Urban
Local Planning Scheme Zone	Residential
R-Code	R80
Land area	Parent lot: 1135m ² Strata Lot 1: 185.7m ² Strata Lot 2: 170m ² Strata Lot 3: 170m ² Strata Lot 4: 170m ² Strata Lot 5: 251.3m ²
Land use	Residential – Grouped Dwellings
Use class	'P' – Permitted Use

The site is located at 4 Philip Road, Dalkeith, 20m west of the intersection with Adelma Road and is immediately north of the Dalkeith Village shopping centre. The parent lot has an area of 1135m² and features a natural slope down of approximately 1.4m from the northern (front) boundary down to the southern (rear) boundary.

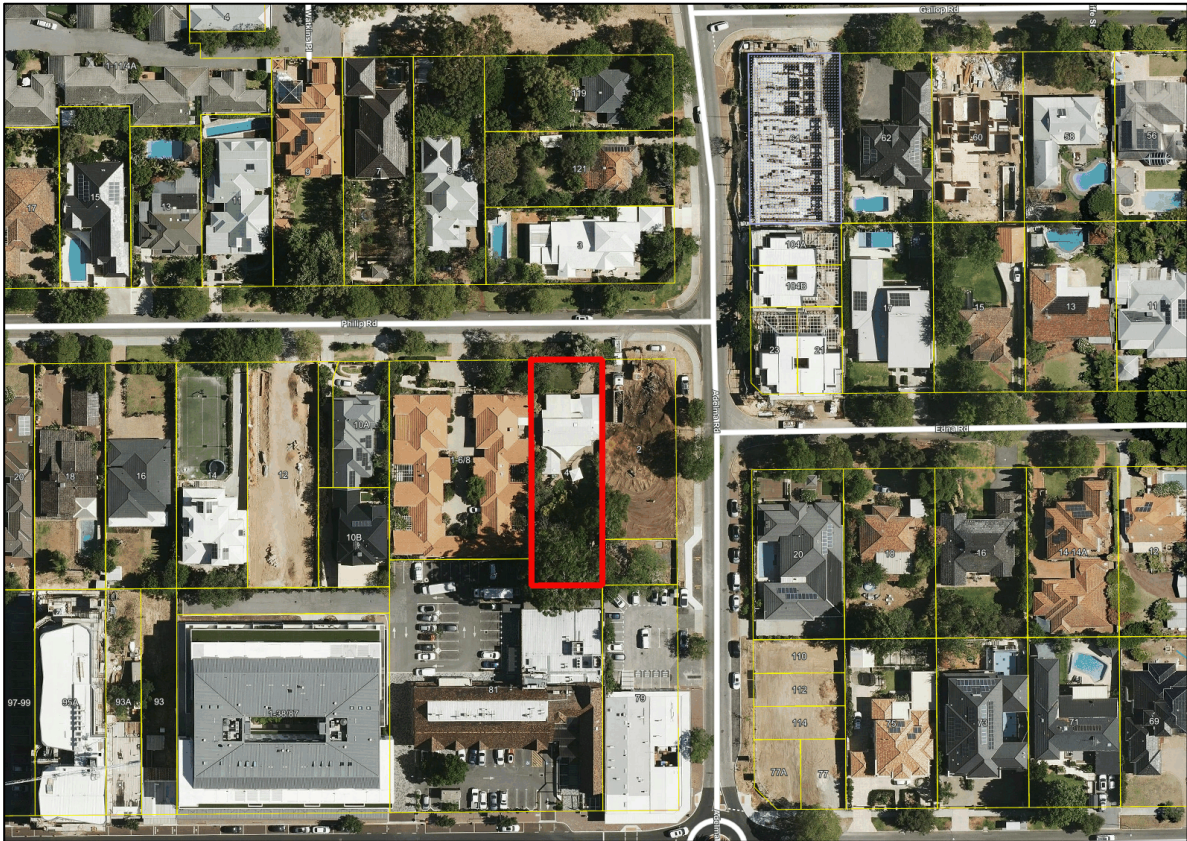


Figure 1: Aerial image of 4 Philip Road, Dalkeith.

The adjacent lot to the south-east is owned by the Water Corporation and is reserved for 'Infrastructure Services' and used for sewerage access. The remainder of the properties along Philip Road are coded R80 and are expected to undergo a gradual transition to a higher density and scale of development. The adjoining eastern lot at 2 Philip Road received development approval for five grouped dwellings in July 2023.

Application Details

The application seeks development approval for the construction of five, two-storey grouped dwellings. Each dwelling comprises three bedrooms, three bathrooms and a double garage. Vehicle access for each dwelling is provided from a common property driveway. The development proposes a single vehicle access point from Philip Road. The development proposes the retention of six trees on the property, supported by an arborist report dated 16 February 2024.

The application was originally lodged on 30 November 2023. Following the initial consultation period, the applicant submitted amended plans on 13 February 2024 (Attachment 2). The amendments were made to address concerns raised by the City and public submissions.

The changes proposed by the amended plans dated 13 February 2024 are summarised as follows:

- Reduction of boundary wall heights along the western boundary.



- Additional storage space added on the upper floor of all dwellings.

Discussion

Assessment of Statutory Provisions

If a proposal does not satisfy the deemed to-comply provisions of the State Planning Policy 7.3: Residential Design Codes (R-Codes), Council is required to exercise a judgement of merit to determine the proposal against the design principles of the R-Codes. The R-Codes require the assessment to consider the relevant design principle only and to not apply the corresponding deemed-to-comply provisions. It is recommended that the application be approved by Council as it is considered to satisfy the design principles of the R-Codes. Further, it is considered unlikely that the development will have a significant adverse impact on the local amenity and character of the locality.

Local Planning Scheme No. 3

Schedule 2, Clause 67(2) (Consideration of application by Local Government) – identifies those matters that are required to be given due regard to the extent relevant to the application. Where relevant, these matters are discussed in the following sections. Overall, the development is considered to meet these objectives, particularly in regard to height, scale, bulk and appearance, and the potential impact it will have on the local amenity.

Design Review Panel

The application was reviewed by the City's Design Review Panel (DRP) on 2 October 2023. A final review of revised plans was conducted by the DRP Chair on 21 February 2024. A summary of the DRP advice is provided in the table below.

DRP Design Quality Evaluation		
	Supported	
	Further Information Required	
	Not supported	
SPP 7.0 Principles	2 October 2023	21 February 2024 (Chair Review)
Context and Character		
Landscape Quality		
Built Form and Scale		
Functionality and Built Quality		
Sustainability		
Amenity		
Legibility		
Safety		
Community		
Aesthetics		



The changes include an increase in driveway width to improve vehicle manoeuvrability as well as a redesign of bin storage areas. The amended plans were accompanied by an arborist report, updated landscaping plan and an energy efficiency report. The DRP Chair concluded that the development is supported by the panel.

Waratah Precinct

The proposal is consistent with the desired future character statement of the draft Waratah Precinct LPP for the following reasons:

- The development contributes to the dwelling stock available in the locality through the addition of five efficiently designed grouped dwellings containing three bedrooms and three bathrooms each. Each dwelling features a lift to support ageing in place.
- The lot is located on the eastern end of the R80 street block, near the intersection of Adelma and Philip Roads. The development responds to this context by maintaining a two-storey height to provide an appropriate transition from the higher density development along Philip Road to the medium and low density development east of Adelma Road.
- The design of the development includes façade articulation through a diversity of high quality, contemporary materials that are thoughtfully incorporated to complement and enhance the overall visual appeal of the streetscape. The retention of on site trees contributes to the 'leafy green' feel of the locality.
- Sustainability measures such as roof-mounted solar collectors and light-coloured roofs contribute to an environmentally sustainable design.

State Planning Policy 7.3 - Residential Design Codes – Volume 1

The R-Codes apply to all single and grouped dwelling developments. An approval under the R-Codes can be obtained in one of two ways. This is by either meeting the deemed-to-comply provisions or via a design principle assessment pathway.

The proposed development is seeking a design principle assessment pathway for parts of this proposal relating to lot boundary setbacks, building height, open space and visual privacy. As required by the R-Codes, Council, in assessing the proposal against the design principles, should not apply the corresponding deemed-to-comply provisions.

Street Setback (Clause 5.1.2)

The development's primary street setback (to Philip Road) is deemed-to-comply. Units 1 to 5 propose a 0.4m setback from the common property driveway on the ground floor and a nil setback on the upper floor. The design principles for street setbacks consider the immediate and future streetscape, privacy, site planning requirements and building mass. The development meets the design principles as:

- The impact of bulk as viewed from the primary street is ameliorated by articulation and design features. The front dwelling's varied setback to the common property driveway can be viewed when traveling west along Philip Road. The dwelling façade features a



diversity of materials to create visual interest. Design elements include battens, rendered masonry and a balcony.

- The internal street setbacks have no adverse impact on any external lots as the dwellings satisfy the lot boundary setback and visual privacy deemed-to-comply provisions in relation to the eastern lot boundary.
- The street setbacks do not compromise open space across the lots as the open space achieves the deemed-to-comply provisions of the R-Codes.
- The proposal responds to site planning requirements, including vehicle access, parking, and utility services. These site planning requirements are appropriately screened from the street interface where possible.

Lot Boundary Setback (Clause 5.1.3)

Unit 1 proposes a wall built up to the western boundary with a maximum height of 3.9m. Units 2 to 4 propose a 3m setback to the western boundary on the upper floor. The design principles for lot boundary setbacks consider the impact of building bulk on adjoining properties, providing adequate sun and ventilation and minimising overlooking.

The western boundary wall on unit 1 satisfies the design principles as:

- Due to the slope of the site, the boundary wall will be perceived as 2.9m when viewed from the street.
- The bulk of the boundary wall is minimised as the height of the wall varies for its length. Due to the topography of the land, the wall is a minimum height of 3.4m and a maximum height of 3.9m. As unit 1 at 8 Philip Road (adjoining western lot) has a higher ground level compared to unit 1 at 4 Philip Road, the boundary wall height will be perceived as approximately 0.2m lower when viewed from 8 Philip Road, resulting in a boundary wall that is 3.2m to 3.7m in height.
- The wall does not permit overlooking of the adjoining lots as it does not contain any major openings.
- The boundary wall will not have an adverse impact on sunlight access as it addresses the western lot boundary. The proposal satisfies the deemed-to-comply provisions for solar access.

The western upper floor walls satisfy the design principles as:

- The walls are a sufficient distance from the boundary to minimise the adverse impact of building bulk on the adjoining lot. Bulk is further reduced as the walls' heights vary for their length due to the slope of the site. Finally, each solid length of wall is broken up by a 1.5m portion of batten screening over the open, upper floor drying courts.
- The proposed lot boundary setbacks are sufficient so as not to impede on the adjacent western lot's solar access or ventilation. Solar access achieves the deemed-to-comply provisions.
- The proposed setback does not impact adjoining properties in terms of overlooking as the major openings from the bedrooms achieve the visual privacy deemed-to-comply provisions of the R-Codes.
- The proposed lot boundary setback is overall consistent with the site's density code and is typical for a grouped dwelling proposal.



Outdoor Living Areas (Clause 5.3.1)

The outdoor living areas of units 2-4 have a minimum width of 3m. The design principles for outdoor living area consider the space to be functional and usable, allow for winter sun and natural ventilation and allow for the provision of landscaping. The development meets the design principles for the following reasons:

- The outdoor living areas are directly accessible from the primary living area of the dwelling via triple framed sliding doors.
- There is sufficient space within the outdoor living areas to provide for landscaping, entertaining and connection to the outdoors. At three metres in width, the spaces are both functional and usable and consists of a decked courtyard as well as 10m² of deep soil area.
- The outdoor living areas of units 3 and 4 enable the retention of existing trees.
- The outdoor living areas are open to the west, allowing for ventilation and exposure to afternoon sunlight.

Parking (Clause 5.3.3)

The development proposes no visitor parking bays. It should be noted that as the lot is within 250m of high frequency bus routes, the provision of 7 parking bays (inclusive of two visitor bays) is the deemed-to-comply outcome. The development provides a total of 10 car parking bays, a technical 'oversupply' of parking.

The design principles for reduced visitor parking consider the availability of on-street parking and the proximity of the site to public transport. The proposed parking provided is considered to meet the design principles as outlined below.

Availability of On-Street Parking

Visitors are able to use any of the unrestricted street parking available on the eastern side of Adelma Road and the southern side of Philip Road. Time restricted public parking bays are also available along Waratah Avenue from 30 minutes to one hour.

Proximity to High Frequency Public Transport

The site is located approximately 80m north of Waratah Avenue, along which there is an availability of several bus routes serving a range of destinations. Bus route 24, which services Waratah Avenue, provides transit via QEII Medical Centre, Nicholson Road and Kings Park Road to East Perth. Bus Route 24 also provides transit to Claremont Station. On weekday evenings, between 5pm – 7pm, there is an average frequency of one bus servicing the nearest bus stop every 10 minutes. On weekday mornings, between 7am – 9am, there is an average frequency of one bus servicing the nearest bus stop at an average of 15 minutes.

In terms of transport options, the development provides two car parking bays per dwelling, has sufficient availability of on-street parking and proximity to relatively high frequency public transport. The combination of these factors results in sufficient on-site car parking for the proposal that accommodate the anticipated level of visitors.



Minor Variations

The key elements of the development proposal which require Council consideration have been outlined above. The application also involves technical variations to internal garage setbacks (Clause 5.2.1) and external fixtures and utilities (Clause 5.4.4). These are all minor variations with no adverse impact on the amenity of adjoining properties or surrounding area.

Consultation

The application is seeking assessment under the design principles of the R-Codes for lot boundary setbacks and parking.

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to 9 adjoining landowners and occupiers from 23 January 2024 to 6 February 2024. At the close of the advertising period, two objections were received.

Following the initial consultation period, the applicant submitted amended plans to address concerns raised by the City and public submissions. The following is a summary of the concerns and comments raised and the officer response and action taken in relation to each issue.

1. The boundary walls have a maximum height of 4m and seem imposing.

Following the receipt of amended plans, the height of the western boundary wall on unit 1 has been lowered to a maximum of 3.9m. Due to the topography of both 4 and 8 Philip Road, the boundary wall will be perceived as having a minimum height of 3.2m and a maximum height of 3.7m. See Lot boundary setbacks above for further discussion.

2. The western walls are 7m in height and setback 3m. This will have a negative impact on the adjoining lot.

The western upper floor walls are assessed as having a minimal impact on the adjoining western lot due to the 3m setback of the walls, the varying wall height and the breakup of solid building material. See Lot boundary setbacks above for further discussion.

3. The shadow cast by the structures will adversely affect the lot to the west.

The proposal features breaks between the boundary walls on the ground floor and setbacks of 3m on the upper floors. These setbacks allow for eastern sunlight access. The development satisfies the deemed-to-comply provisions for solar access.

4. Overlooking from the proposal will negatively impact the adjoining lot to the west. The windows should be obscured.

The major openings facing west satisfy the deemed-to-comply provisions of the R-Codes Volume 1.



5. The lack of visitor parking will have an adverse impact on the locality.

The development is assessed as achieving the design principles of clause 5.3.3 Parking. The development has a technical 'oversupply' of parking due to the provision of 10 car bays (double garage on each lot). The site's proximity to public transport and supply of street parking are sufficient to offset the absence of visitor car bays. See Parking above for further discussion.

6. Dividing fencing will be lower than 1.8m when viewed from the western adjoining lot.

Dividing fencing shown on the plans is indicative only. Dividing fencing is a civil matter between adjoining landowners governed by the *Dividing Fences Act 1961*. The height, material and colour of dividing fencing is subject to the approval of both parties.

7. The upper floor drying courts will be visible from the adjoining western lot.

The upper floor drying courts will be screened with battens that satisfy the requirement for visual privacy screening as per clause 5.4.1 Visual privacy of the R-Codes Vol. 1. The screening will prevent overlooking of adjoining lots.

Strategic Implications

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

Vision	Sustainable and responsible for a bright future
Pillar	Place
Outcome	6. Sustainable population growth with responsible urban planning.

Budget/Financial Implications

Nil.

Legislative and Policy Implications

Council is requested to make a decision in accordance with clause 68(2) of the [Deemed Provisions](#). Council may determine to approve the development without conditions (cl.68(2)(a)), approve with development with conditions (cl.68(2)(b)), or refuse the development (cl.68(2)(c)).



Decision Implications

If Council resolves to approve the proposal, development can proceed after receiving a Building Permit and necessary clearances.

In the event of a refusal, the applicant will have a right of review to the State Administrative Tribunal. The Tribunal will have regard to the R-Codes as a State Planning Code. Similarly, should an applicant be aggrieved by one or more conditions of approval, this can be reviewed by the Tribunal.

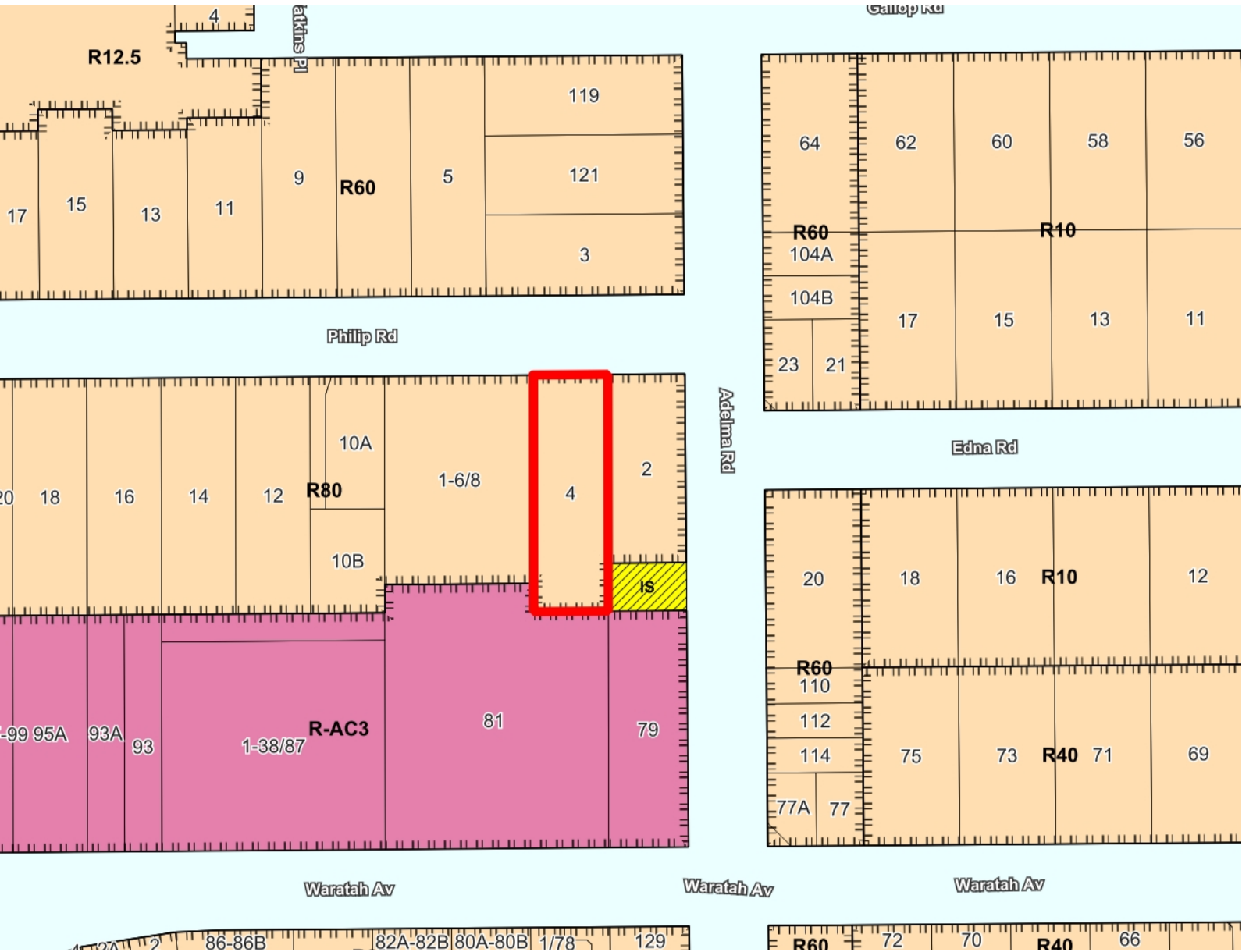
Conclusion

The application for five or more grouped dwellings is referred to Council for determination in accordance with Delegation 9.2.1 and as objections were received during the consultation period. The proposal is considered to meet the key amenity related elements of R-Codes Volume 1 and, as such, is unlikely to have a significant adverse impact on the local amenity of the area. The proposal has been assessed and satisfies the design principles of the R-Codes in relation to being consistent with the immediate locality and streetscape character.

Accordingly, it is recommended that the application be conditionally approved.

Further Information

Nil.



City of Nedlands

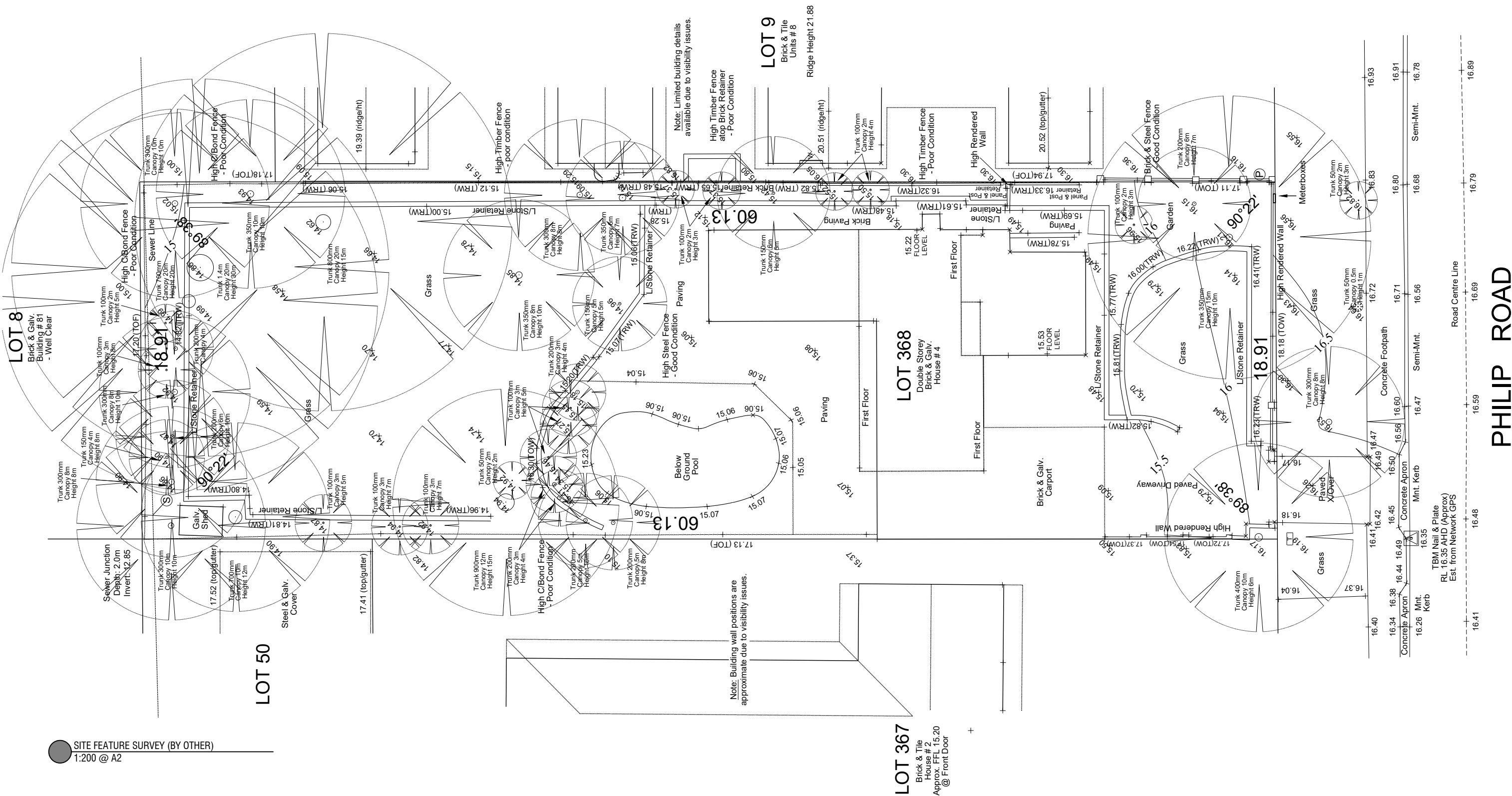
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4 Philip Road, Dalkeith - Zoning Map

21/02/2024

1:1500



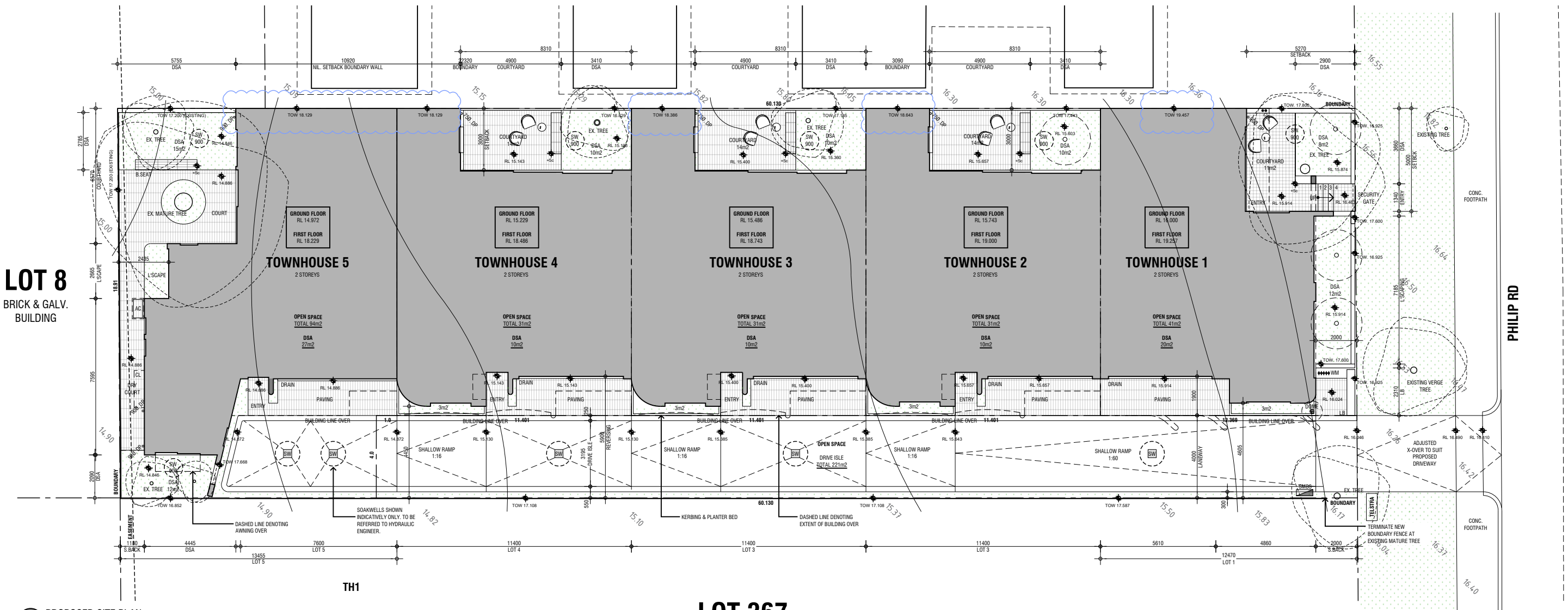


City of Nedlands
Amended Plans
Received
13 February 2024

DSA	DEEP SOIL AREA
WM	WATER METER
AC	AIR CONDITIONING
EX.	EXISTING
SW.	SOAKWELL
X-OVER	CROSSOVER
B.SEAT	BENCH SEAT
SMSB	SITE MAIN SWITCHBOARD
TOW	TOP OF WALL HEIGHT
RL	RELATIVE LEVEL
FFL	FINISHED FLOOR LEVEL
FCL	FINISHED CEILING LEVEL
LB	LETTERBOX

LOT 9

BRICK & TILE UNITS #8



LOT 8
BRICK & GALV.
BUILDING

PHILIP RD

PROPOSED SITE PLAN
1:200 @ A2

SITE COVERAGE
722.9m2 or 63.6%

OPEN SPACE
413.1m2 or 36.3%
Minimum requirement 30% - Achieved

SITE AREA
1136m2

	Ground Fl.	First Fl.	TOTAL NLA
TH1	117m2	104m2	221m2
TH2	120m2	97m2	217m2
TH3	120m2	97m2	217m2
TH4	120m2	97m2	217m2
TH5	132m2	105m2	237m2

LOT 367

VACANT SITE

NOTE

- CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORKS.
- THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER CONTRACT DOCUMENTS, CONSULTANT DOCUMENTS AND SPECIFICATIONS.
- SEEK CLARIFICATION OF INCONSISTENCIES/ CONFLICTS FROM THE ARCHITECT.
- FIGURED DIMENSIONS TAKE PRECEDENCE. DO NOT SCALE DRAWINGS.

REV	COMMENTS	DATE
I	DEVELOPMENT APPLICATION - AMENDMENTS	FEBRUARY 2024
H	DEVELOPMENT APPLICATION - AMENDMENTS	JANUARY 2024

PROJECT
4 PHILIP ROAD, DALKEITH 6009
GROUPED DWELLING PROPOSAL.

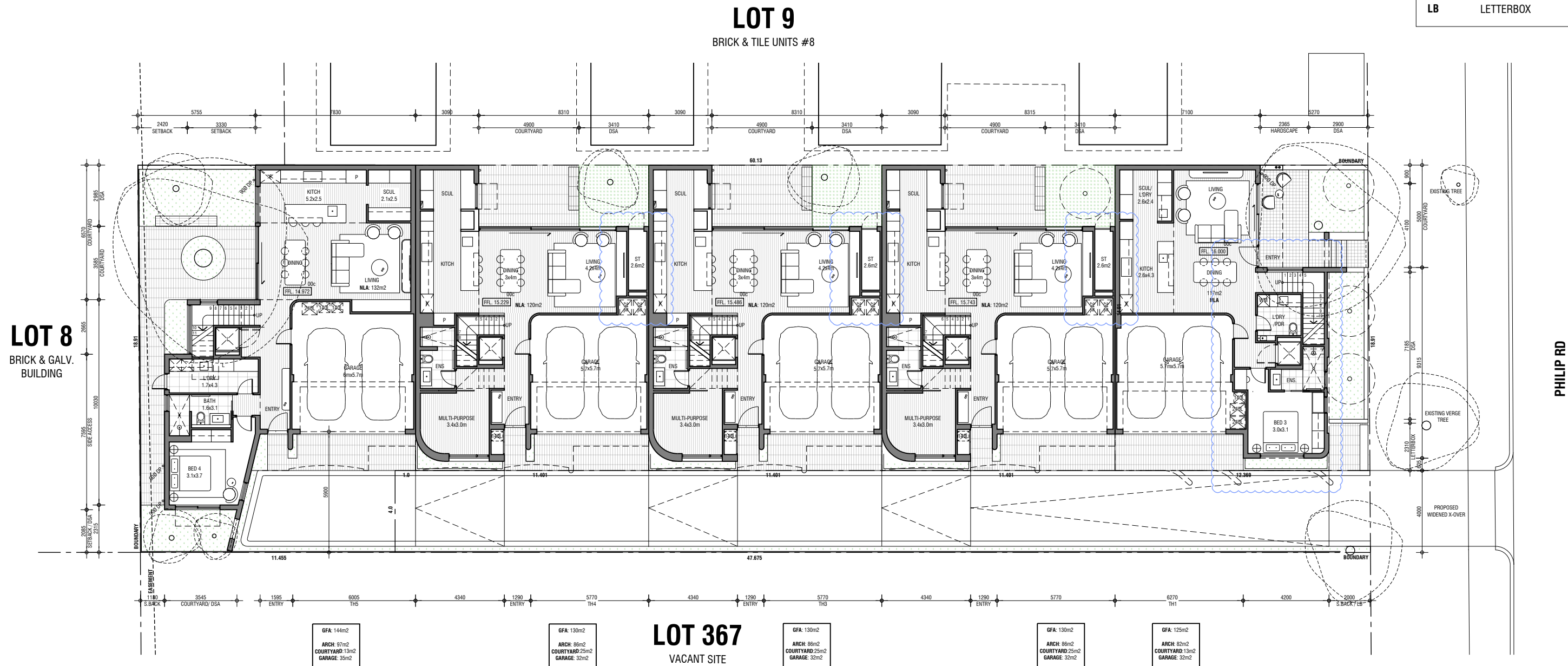
JOB NO. 2037
ARCHITECT ZE
SCALE 1:200 @ A3
CLIENT FOUND DEVELOPMENTS

DRAWING TITLE
SITE PLAN
REVISION
I

DRAWING
A01

City of Nedlands
Amended Plans
Received
13 February 2024

DSA	DEEP SOIL AREA
WM	WATER METER
AC	AIR CONDITIONING
EX.	EXISTING
SW.	SOAKWELL
X-OVER	CROSSOVER
B.SEAT	BENCH SEAT
SMSB	SITE MAIN SWITCHBOARD
TOW	TOP OF WALL HEIGHT
RL	RELATIVE LEVEL
FFL	FINISHED FLOOR LEVEL
FCL	FINISHED CEILING LEVEL
LB	LETTERBOX



City of Nedlands
Amended Plans
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13 February 2024

DSA	DEEP SOIL AREA
WM	WATER METER
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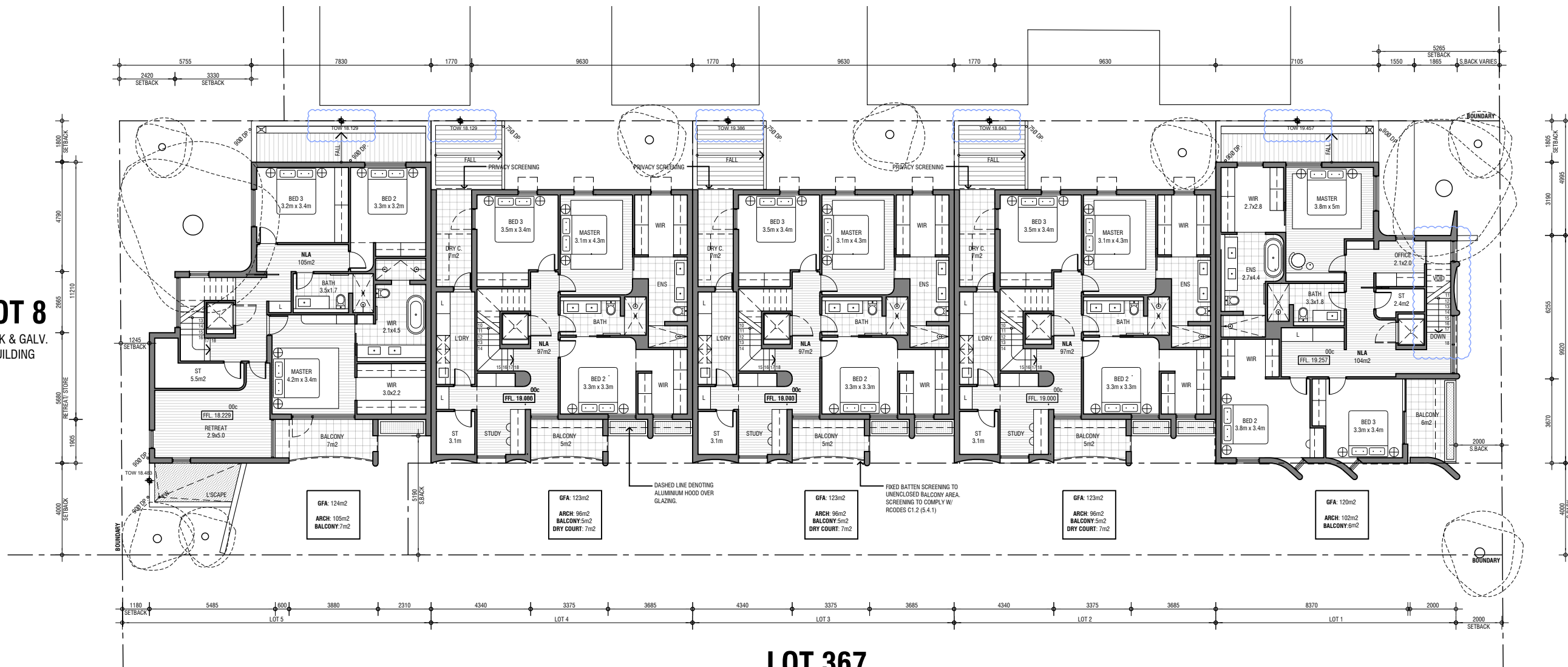
LOT 9

BRICK & TILE UNITS #8

LOT 8
BRICK & GALV.
BUILDING

LOT 367

VACANT SITE



FIRST FLOOR PLAN
1:200 @ A2

ZARQ.™

4/ 219 ONSLOW RD,
SHENTON PARK
6008, WA AUSTRALIA
+ 61 0400 829 659
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STAGE
DEVELOPMENT APPLICATION

NOTE
1. CHECK ALL DIMENSIONS ON SITE PRIOR TO COMMENCEMENT OF WORKS.
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REV	COMMENTS	DATE
I	DEVELOPMENT APPLICATION - AMENDMENTS	FEBRUARY 2024
H	DEVELOPMENT APPLICATION - AMENDMENTS	JANUARY 2024

PROJECT
4 PHILIP ROAD, DALKEITH 6009
GROUPED DWELLING PROPOSAL.

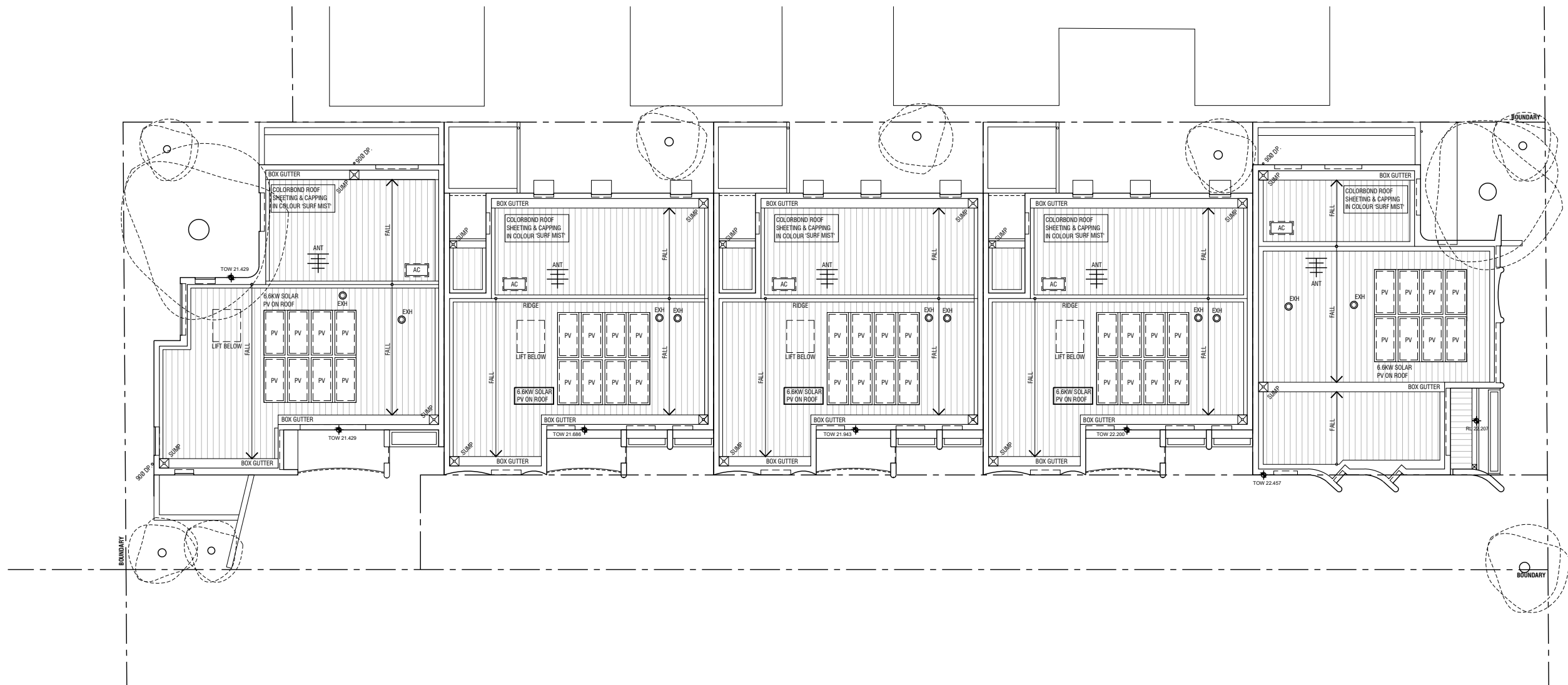


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ARCHITECT ZE
SCALE 1:200 @ A3
CLIENT FOUND DEVELOPMENTS

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FIRST FLOOR
REVISION
I

DRAWING
A03

City of Nedlands
Amended Plans
Received
13 February 2024



ROOF PLAN
1:200 @ A2

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STAGE

DEVELOPMENT APPLICATION

NOTE

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REV

COMMENTS

DATE

I	DEVELOPMENT APPLICATION - AMENDMENTS	FEBRUARY 2024
H	DEVELOPMENT APPLICATION - AMENDMENTS	JANUARY 2024

PROJECT

4 PHILIP ROAD, DALKEITH 6009
GROUPED DWELLING PROPOSAL.



JOB NO.
2037

ARCHITECT
ZE

SCALE
1:200 @ A3

CLIENT
FOUND DEVELOPMENTS

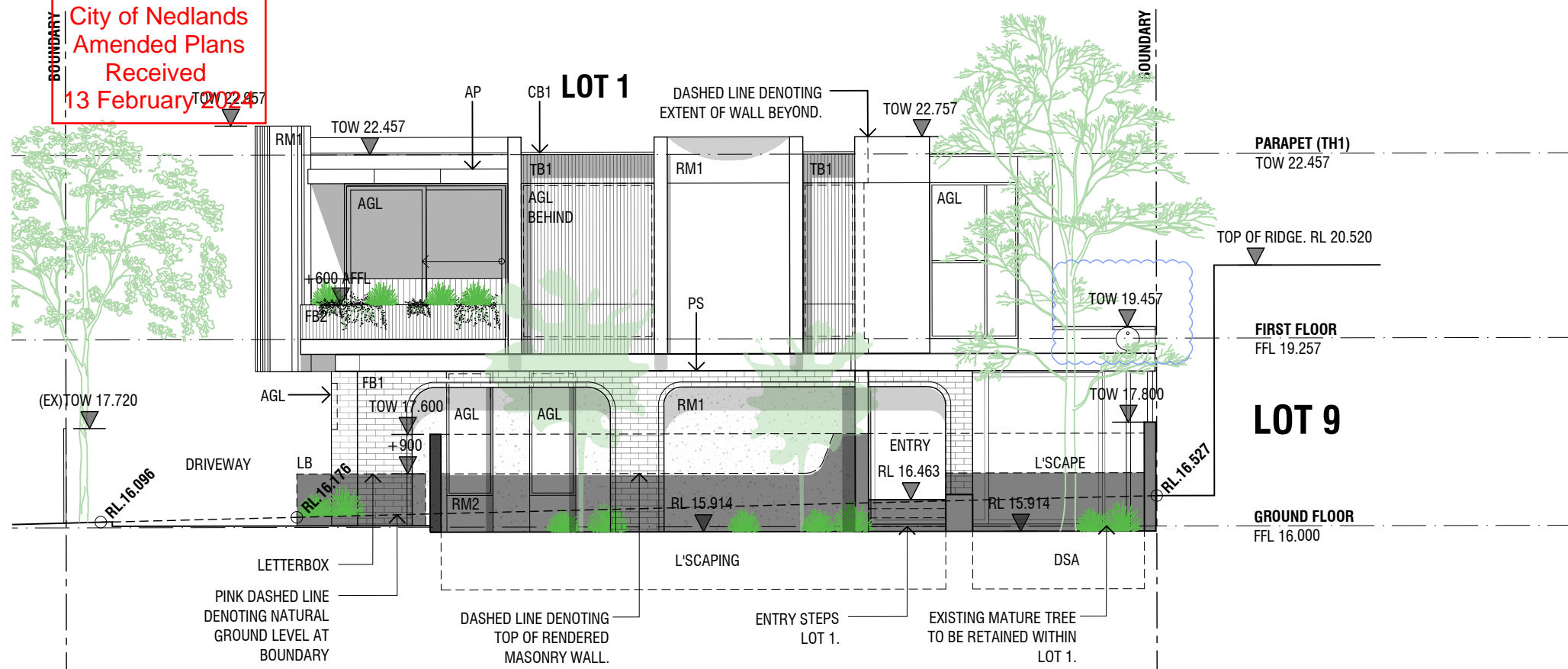
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ROOF PLAN

REVISION
I

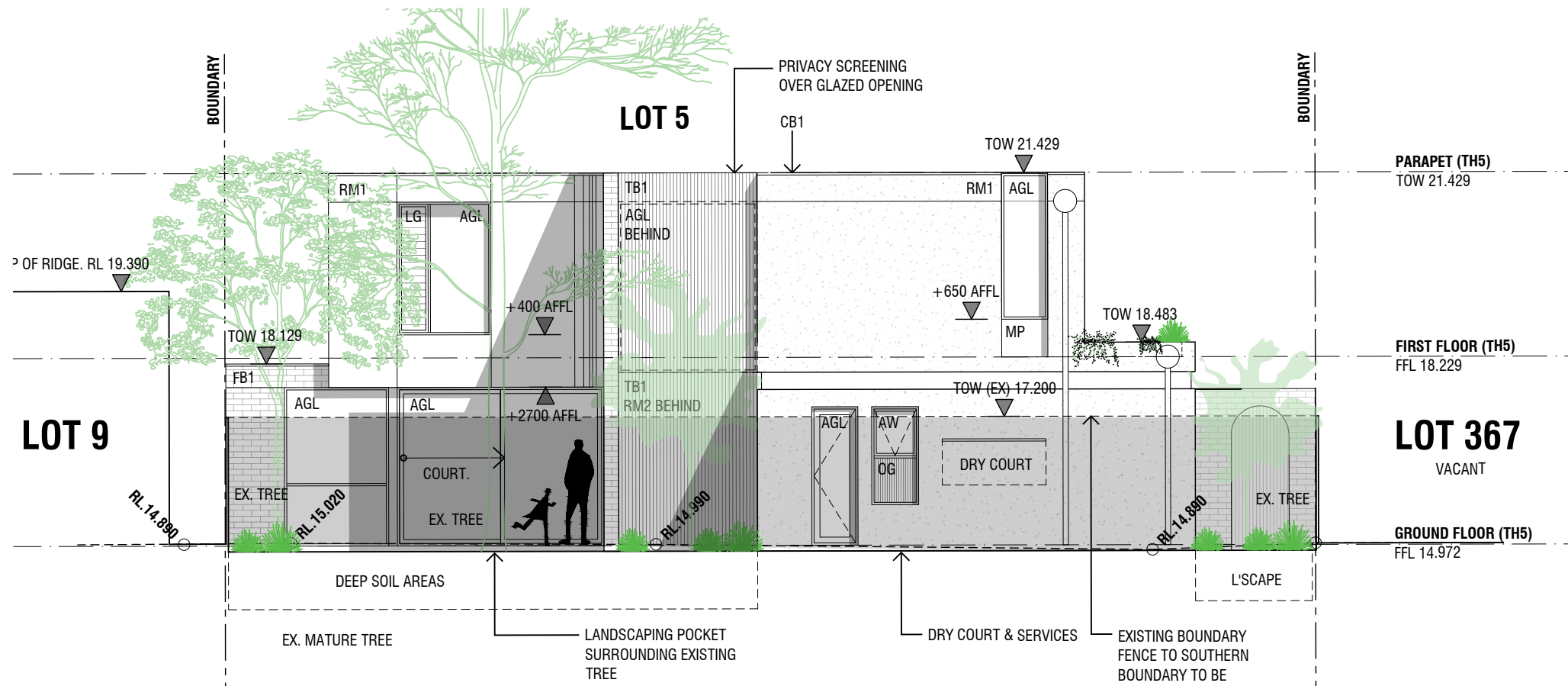
DRAWING

A04

City of Nedlands
Amended Plans
Received
13 February 2024



TH1 - NORTH ELEVATION
1:100 @ A2



TH5 - WEST ELEVATION
1:100 @ A2

MATERIAL LEGEND

RM1	RENDERED MASONRY TYPE.1
RM2	RENDERED MASONRY TYPE.2
FB1	FACEBRICK TYPE.1
AGL	ALUMINIUM GLAZING
LG	LOUVER GALLERY
RG/OG	REEDED GLASS/ OBSCURE GLASS
TB1	TIMBER BATTEN CLADDING/ SCREENING TYPE 1
CB1	COLORBOND SHEETING, FLASHING, CAPPING.
CON	EXPRESSED & EXPOSED CONCRETE FINISH
GL	GLASS
FC1	FIBRE-CEMENT SHEET. PRIMED & PAINT FINISH.
MC	METAL CLADDING
MB	METAL BALUSTRADE
PS	PAINTED STEEL
STU	STUCCO RENDER
EX.	EXISTING
FFL	FINISHED FLOOR LEVEL
TOW	TOP OF WALL
RL	RELATIVE LEVEL
DSA	DEEP SOIL AREA
FCL	FINISHED CEILING LEVEL
L'SCAPE	LANDSCAPED AREA
DP	DOWNPIPE
RWH	RAINWATER HEAD
COL	STEEL COLUMN
LB	LETTER BOX

NOTE

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REV

COMMENTS

DATE

PROJECT

I	DEVELOPMENT APPLICATION - AMENDMENTS
H	DEVELOPMENT APPLICATION - AMENDMENTS

FEBRUARY 2024
JANUARY 2024

4 PHILIP ROAD, DALKEITH 6009
GROUPED DWELLING PROPOSAL.

JOB NO.
2037

ARCHITECT
ZE

SCALE
1:100 @ A3

DRAWING TITLE
ELEVATIONS

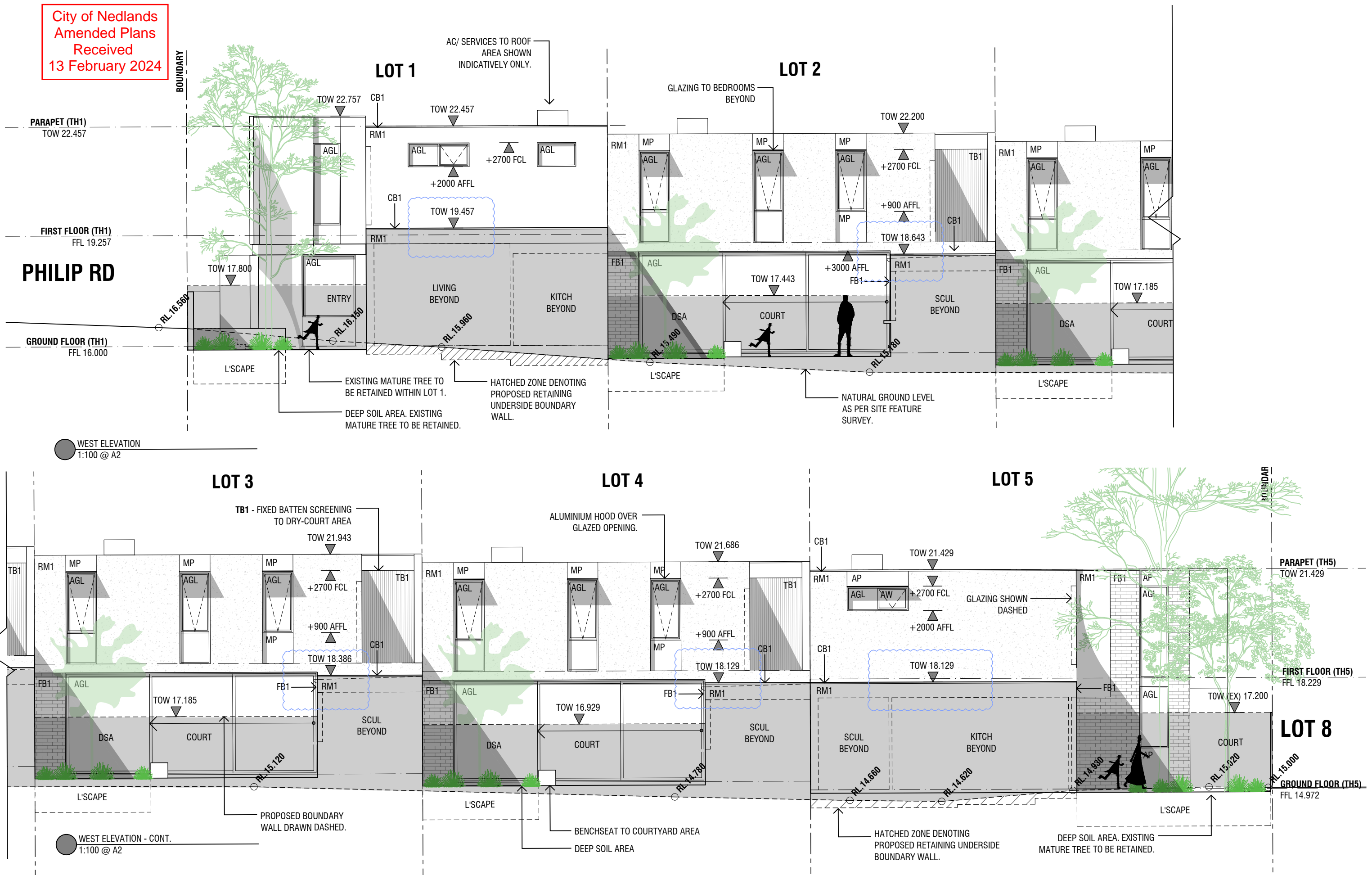
CLIENT
FOUND DEVELOPMENTS

REVISION
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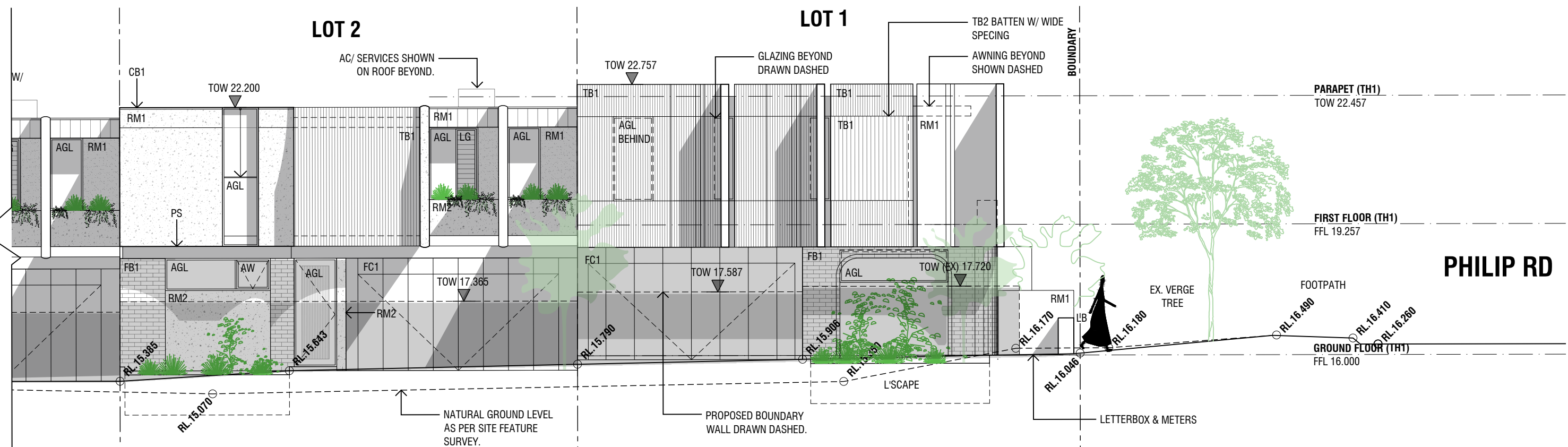
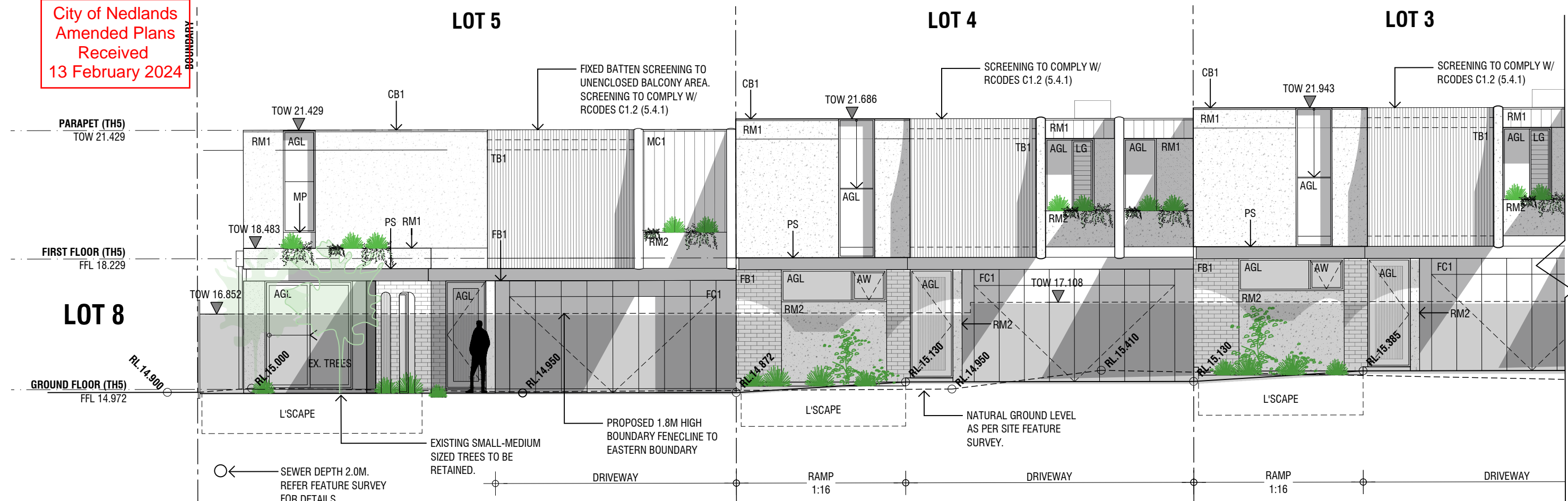
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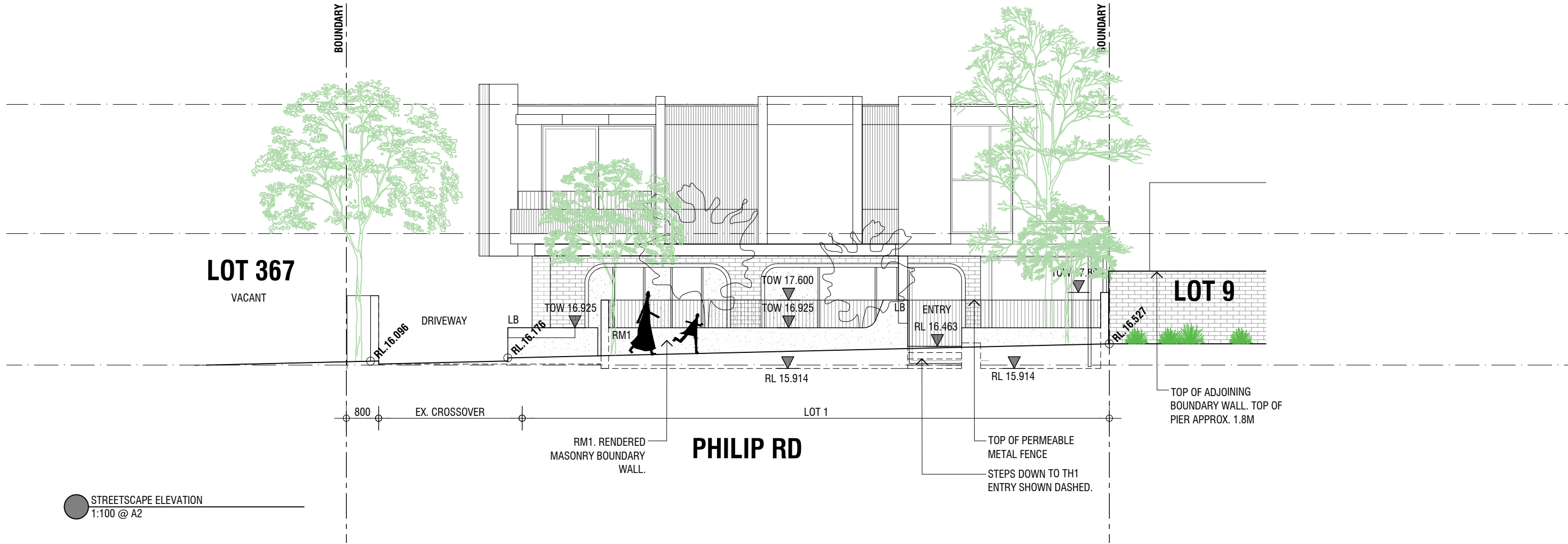
City of Nedlands
Amended Plans
Received
13 February 2024



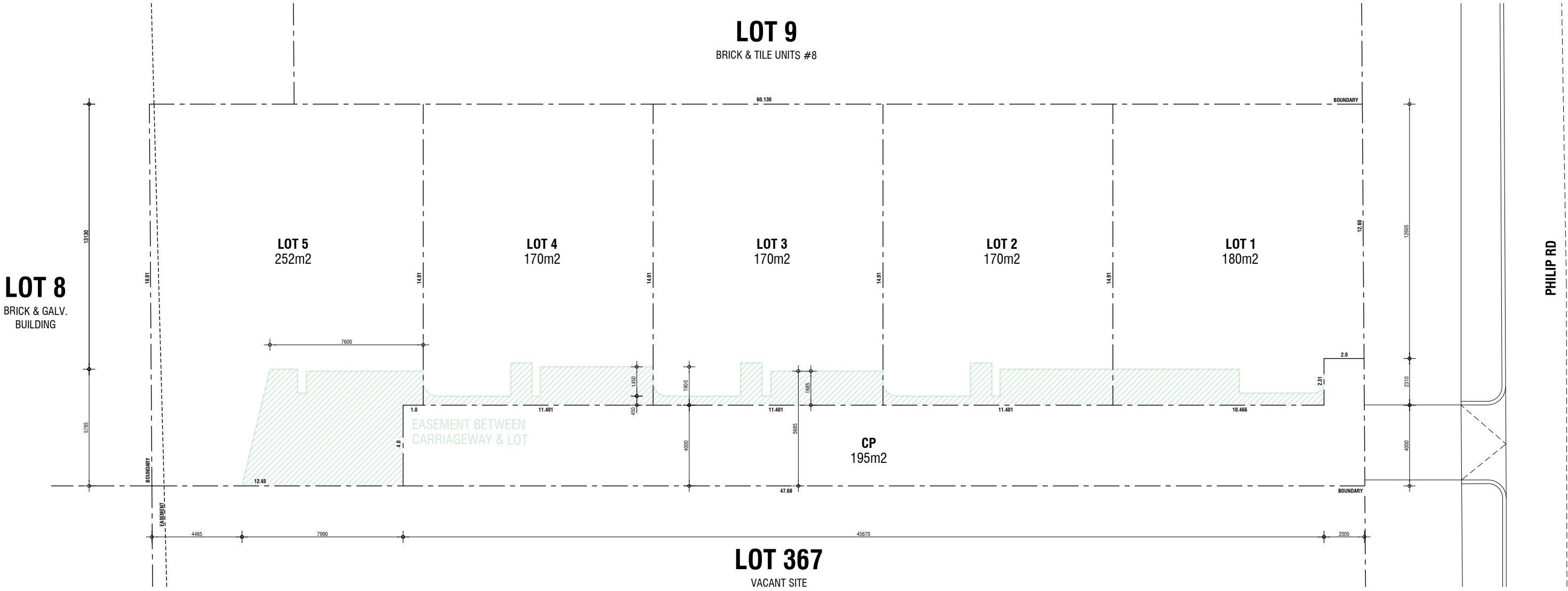
City of Nedlands
Amended Plans
Received
13 February 2024



City of Nedlands
Amended Plans
Received
13 February 2024



City of Nedlands
Amended Plans
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13 February 2024



PROPOSED LOT PLAN
1:200 @ A2

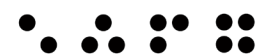


Philip Rd Townhouses

PERSPECTIVES

+

4 Philip Rd, Dalkeith 6009





View from Philip Rd



View from Philip Rd



Townhouse 2-4 (East Elevation)



Townhouse 2-3 (East Elevation)



Townhouse 2-4 (West Elevation)



Townhouse 2-4 (West Elevation)



Townhouse 1-2 (East Elevation)



View from Philip Rd

+

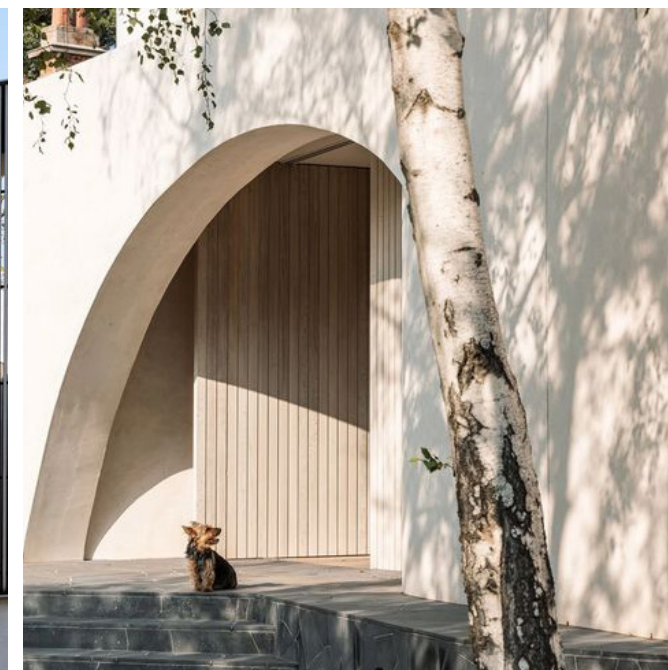
Look & Feel

Exterior Fabric

Selecting a group of materials that provide a composition containing movement, flow and a play on translucency and shadow. This project adopts a range of robust and natural materials which add additional layers of tactility and texture, bringing the architecture to a domestic scale.

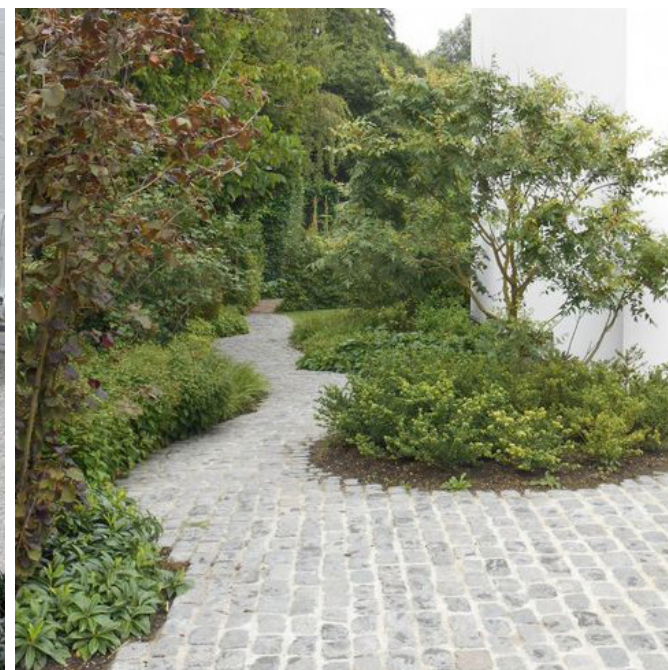
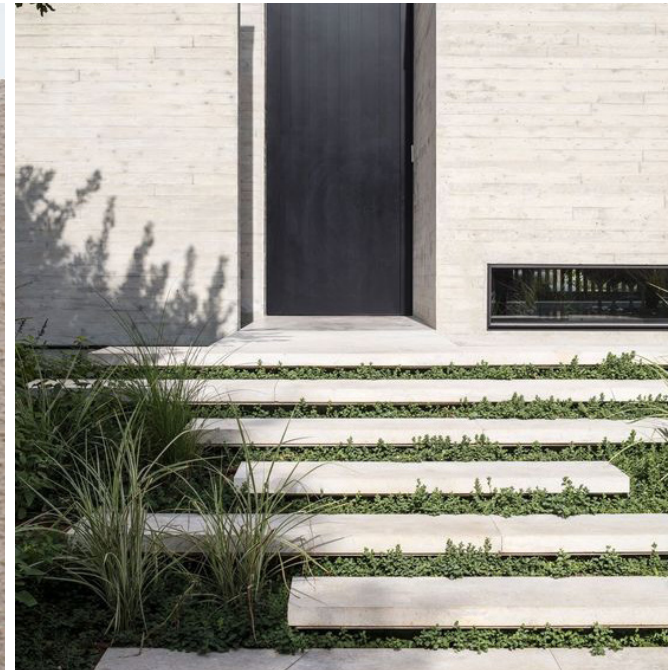
A careful balance between solid and translucent materials provide the perfect balance between openness and privacy. Screening acts as a veil but also a device to control direct sunlight and outlook.

The use of a more rich and natural material palette across the lower floors makes reference to the nearby urban fabric.



+ Look & Feel

Exterior Fabric





16.7 PD15.03.24 Consideration of Amendment No.13 to Local Planning Scheme No.3– Nedlands Stirling Highway Activity Corridor (NSHAC) and Adoption of NSHAC Strategy

Meeting & Date	Council Meeting – 26 March 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.
Report Author	Nathan Blumenthal – A/Manager Urban Planning
Director	Roy Winslow – A/Director Planning and Development
Attachments	<ol style="list-style-type: none">1. Amended NSHAC Strategy2. Scheme Amendment 13 Schedule of Modifications and Final Text3. Proposed zoning map4. Schedule of Submissions

Purpose

This report is being presented to Council to endorse a strategy (**Attachment 1**), and support with modifications to the Western Australian Planning Commission (WAPC) Scheme Amendment 13 (**Attachments 2 and 3**) altering development controls for the Mixed Use zone along Stirling Highway.

Recommendation

That Council:

1. supports with modifications Amendment No.13 to the City of Nedlands Local Planning Scheme No.3, as shown in the Scheme Amendment 13 Text (**Attachment 2**) and Zoning Map (**Attachment 3**) in accordance with regulation 41 of the Planning and Development (Local Planning Schemes) Regulations 2015;
2. affirms that the local government is of the opinion that the amendment is a Complex Amendment as it is an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality in accordance with Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015;
3. authorises the CEO to sign relevant documents and submit two copies of the Scheme Amendment 13 report and any other relevant documents to the Western Australian Planning Commission in accordance with Regulation 37(2) of the Planning and Development (Local Planning Schemes) Regulations 2015; and

4. endorses the Nedlands Stirling Highway Activity Centre (NSHAC) Strategy as a vision document to guide the development of land and creation of statutory instruments specific to this locality.

Voting Requirement

Simple Majority.

Background

The Nedlands Stirling Highway Activity Corridor (NSHAC) area includes the Mixed Use R-AC1 lots and the Residential R60 and R160 lots surrounding Stirling Highway as shown in Figure 1 below:



Figure 1: NSHAC area

The City has recently developed a local planning policy creating built form development controls for the Residential zones within the NSHAC area. However, there are currently no precinct-specific development controls for the Mixed Use R-AC1 lots along Stirling Highway (excepting the easternmost portion of the area which was covered under the recently adopted Broadway Precinct Local Planning Policy).

Height

Clause 26(3) of the City of Nedlands Local Planning Scheme No. 3 (LPS3) removes the Residential Design Codes (R-Codes) Volume 2 Acceptable Outcomes for building height from applying to land coded R-AC1. This means that there is little guidance for assessing what building height is appropriate on these lots. This has resulted in considerable community concern and an inconsistency in the scale of proposed development, with various developments proposing heights ranging from 9 to 24 storeys within the area.



Vehicle Access

City Officers have also identified issues with vehicle access to Stirling Highway, in that many lots within the NSHAC area cannot be accessed except directly from the Highway. This has potential to cause traffic safety and congestion issues and is inconsistent with recommendations from Main Roads advice and policies directing that access from individual lots to the Highway should be limited.

Consultation

In response to the lack of controls, the City has carried out numerous consultation exercises and background research for short sections of the NSHAC area. Most recently, in 2021-22 the City completed contextual studies and community consultation for the entire NSHAC area. The first stage of this work was carried out on the City's behalf by Fairplace and involved three workshops with a Community Reference Group of volunteers selected by the City.

Following these workshops, the values and principles were further tested and refined through wider public consultation that included an online survey and an open house where anyone could participate and add to the findings. The final work was compiled into a set of principles and value statements that led to a vision statement for the NSHAC area.

The consultation work was then translated into built form modelling by Taylor Burrell Barnett (TBB). The Community Reference Group was reconvened for two further workshops where the proposed built form controls (including height) were modelled and refined in an iterative process based on the group's feedback.

All of the above work formed the basis for the proposed NSHAC Strategy and Scheme Amendment 13.

The strategy and amendment were presented to Council at the 23 May 2023 Ordinary Council Meeting where it was resolved to advertise the strategy and progress the amendment through the approval process. The amendment was subsequently referred to the Western Australian Planning Commission (WAPC) for permission to advertise.

WAPC Amendments

On 18 October 2023, the WAPC advised the City that Amendment 13 could be advertised but must be modified prior to advertising to:

- Delete clause 26(3), which set out specific building heights;
- Delete clause 32.7, which set overshadowing criteria; and
- Modify clauses 32.9 and 32.10 and Schedule 5 to use consistent terminology to describe the rear accessways.



The WAPC changes and the recommended modifications are further discussed below.

Advertising has closed and the strategy and amendment are recommended to be progressed with modifications based on submissions received.

Discussion

The process for amending the Scheme could take at least 12 months or longer and needs consideration by the Western Australian Planning Commission (WAPC) followed by a final decision from the Minister for Planning. Due to the length of time before controls can be embedded into LPS3, City Officers propose adopting a strategy document for the NSHAC area. The strategy creates a desired future character for the area and will assist City Officers in the short term in assessing development along Stirling Highway, particularly in regard to building height.

The NSHAC Strategy

Overall, the proposed NSHAC strategy document (**Attachment 1**) sets broad objectives for the area based on the vision and values created by the reference groups. It also incorporates a range of contextual analysis and background work carried out by the City over a number of years. The strategy intends to set a long-term direction to do the following:

- Address the lack of building height consistency and controls
- Improve the amenity of Stirling Highway through provision of shade and easier pedestrian crossings
- Require the creation of rear carriageways that reduce or remove direct vehicle access from individual lots to Stirling Highway
- Change the zoning of land to create a critical mass of non-residential uses through the provision of three separate “hubs” along the Highway
- Prevent proliferation of low-density land uses along Stirling Highway
- Improve built form outcomes and promote site-responsive design.

There is no official procedure or way to adopt this strategy. It is recommended that Council endorses the proposed strategy as a vision to guide development, development assessments, and formulation of future statutory instruments. When LPS3 and the City’s regulatory Local Planning Strategy are next reviewed, elements of the NSHAC Strategy can also be incorporated into the Local Planning Strategy (subject to WAPC approval) to give these more weight.

In the interim, the height and other built form outlined in the strategy may be used to bolster the City’s arguments for acceptable height when assessing development applications. The strategy will also form the basis for the creation of future policy instruments, such as local planning policies.



Modifications post-advertising

After advertising, the strategy was amended to include a section in Part 1 on Infrastructure recommending that the City investigate a way to secure developer contributions for infrastructure upgrades such as water and power in the medium to long term.

Scheme Amendment 13

Scheme Amendment 13 initiates some of the proposals set out in the draft strategy. The specific items are set out below.

Modifications post-advertising

After the consultation period concluded, the following modifications were made to the proposed Amendment:

- Table 6 clause 32.3(1)(a) has been amended to be consistent with the intent of Amendment 13. The original clause required that laneways identified in the scheme be ceded to the City. Amended wording allows alternate arrangements to be made to the City's satisfaction, such as public access easements that would allow the land to remain owned and maintained by the landowner. This is the preferred approach as set out in Amendment 13.
- Clarification of clause 32.7 that new trees along Stirling Highway are to be outside the Primary Regional Road Reserve (ie: within the boundary of the developable lot).
- Rear carriageway network between Florence Road and Stanley Street was unintentionally omitted from Schedule 4 and has now been included to match the approved development.
- Nos. 125 and 134 Stirling Highway are to remain Mixed Use rather than be rezoned into Residential. See below for further explanation.
- The rear vehicle access network has been renamed the "rear carriageway network", consistent with Main Roads diagrams.

Building height

The draft Amendment deletes Clause 26 of the Scheme, which currently removes height as a development consideration for the area. The initial draft of the Amendment, endorsed by Council, included specific height controls in line with the draft Strategy (ranging from 6 to 12 storeys depending on location of the lot) and a prohibition on discretion. The WAPC required that the section adding specific height controls be removed prior to advertising. This deletion makes it increasingly important for Council to adopt the NSHAC Strategy as a way to guide assessments.

Deleting the clause that removes height as a consideration means that the building height guidance reverts to the R-Codes. R-Codes Volume 2 sets out an Acceptable Outcome height of 9 storeys. Further, the deletion of the clause allows the City to enact a local planning policy that sets out appropriate height controls, as described in the NSHAC Strategy.



Importantly, it is well established case law that neither the R-Codes nor a local planning policy can set an absolute limitation on height and remove all discretion. Ultimately, the specific criteria of the R-Codes and policies are a guide, with the development having to achieve the Element Objectives of Volume 2 of the R-Codes. The Element Objectives discuss the desired future scale and character of the area, which is where the strategy comes in. The strategy sets out the desired scale and character and provides a stronger argument for the intended heights when a development is assessed. In summary, although the WAPC removed the specific height controls, the City is in a stronger position through the deletion of Clause 26 and endorsement of the NSHAC Strategy.

Solar Access

The initial Amendment included a provision ensuring that large buildings would allow some daylight access to future large buildings. The WAPC required this provision to be removed prior to advertising as it is an item already covered by the R-Codes. Further planning controls may be implemented via a future local planning policy.

Trees

The Amendment imposes a requirement for one tree to be provided along the Stirling Highway road frontage and within the development lot per 12 metres of boundary length. This will improve the pedestrian experience along the Highway while also increasing the urban canopy. Main Roads recommended minor wording changes, which are supported by City Officers, specifying that the trees are to be located outside of the Primary Regional Road Reservation.

Vehicle Access

A requirement for 6 metre rear setbacks to lots identified in the Amended Schedule 4: Carriageway Network within **Attachment 2** is proposed in order to create vehicle carriageways for lots that only have a frontage to Stirling Highway. This will rationalise vehicle access away from the Highway and provide opportunities for landscaping and improved street frontages to the Highway.

As per Officer discussions with the WAPC, the clause does not prevent development from occurring on a lot if the access network does not yet extend to that lot (ie: lots in the middle of a street block). In those instances, it requires that the building be set back to create the future access way, and that the building be designed so that when the accessway comes online it can be modified to take access off of it. The clause also prohibits subdivision of properties that result in new lots with sole vehicle access to Stirling Highway.

The clause includes some flexibility should owners within a street block agree on a different proposal that allows those lots to have access to a street other than Stirling Highway. Should that occur, there is ability for a Local Development Plan to be submitted by affected owners and approved by the City. Alternately, an amalgamation across the block may mitigate the need for formal laneway access and may be approved through a development application.



As per the WAPC requirement for consistency in nomenclature, this network is now described as the rear carriageway network, which is wording consistent with that in Main Roads's planning documents.

Zoning

A series of zoning changes are proposed as shown in **Attachment 3**. The changes designate the lots between Dalkeith Road and Stanley Street as a Neighbourhood Centre, befitting its strategically important location and its identification by the Local Planning Strategy as the Town Centre. The areas to either side of the town centre are proposed to be rezoned from Mixed Use to Residential. Rezoning helps consolidate non-residential uses and encourages shopping, dining and entertainment uses to be concentrated within the Neighbourhood Centre zone. The adjoining residential zone will help to create a critical mass of local residents to facilitate growth of the Neighbourhood Centre. The lots proposed to be rezoned as Residential generally contain solely residential uses now. This amendment formalises and encodes that existing development pattern into the Scheme.

Two lots at the westernmost ends of the proposed Residential zones (125 and 134A-C Stirling Highway) are to remain Mixed Use for the following reasons:

- 134A-C Stirling Highway is a State Registered Place. The State Heritage Office has advised that a ground floor residential use would not be appropriate nor in keeping with the heritage significance of the building.
- 125 Stirling Highway contains existing single-storey shops and is located directly across Boronia Street from a petrol station.
- Both properties are at the far edge of the residential zone and are currently occupied by non-residential uses. These uses are expected to remain for the foreseeable future.
- Both properties are approximately 1100sqm, a size which precludes significant development of the type envisaged by the NSHAC strategy or this amendment. They are also adjoining large grouped dwelling strata lots with multiple owners, meaning that any amalgamation sufficient to achieve the density of R-AC1 will not occur in the short or medium term. Therefore, it is appropriate to leave the uses in place to allow flexibility until such time as the lots can be of sufficient size to warrant large-scale residential development.

Consultation

Consultation was carried out from 3 November 2023 through 15 January 2024 via a notice in the Post, letters to affected owners, and emails to residents. At the end of the submission period, 41 comments were received, 18 in support and 19 opposed with 4 comment only. The main comments are summarised below and included in full as a Schedule of Submissions in **Attachment 4**:



Comment	Officer Response
The rear carriageways impact on private property owners, devaluing land and limiting development without any compensation.	<p>The rear carriageways are an easement, not a ceding of land. This allows development to occur above or below subject to sufficient vehicle clearance.</p> <p>Use of rear carriageways reduces individual vehicle access to Stirling Highway, and reduces pedestrian and vehicle clash points. The proposal is consistent with Main Roads policy and requirements for previously approved development along the Highway. The construction of carriageways would only come about as a result of large-scale development. Many lots along Stirling Highway are too small to significantly redevelop as they cannot reach the existing density without amalgamating with neighbouring lots.</p>
Residential rezoning is unnecessary and will limit commercial uses.	<p>The majority of Stirling Highway remains capable of mixed use development. The lots to be rezoned currently consist of residential uses or uses that may be considered in a residential zone. The amendment formalises the existing prevailing land uses.</p>
The area is too high density and needs better public transportation.	<p>Neither the strategy nor the amendment contemplate a reduced density, and such a proposal would likely not be supported by the WAPC along an urban transport corridor. The strategy sets out an intent to promote public transportation, but this will have to be done in conjunction with Main Roads and other state agencies. The amendment does not impact density or public transportation.</p>
Plot ratio and building setbacks should also be addressed.	<p>Building criteria may be addressed through future policy creation, which will be based on the strategy.</p>
The carriageways were never discussed at the community reference groups.	<p>The carriageways were presented and discussed at the final two reference groups where built form was discussed. The carriageways are generally consistent with Main Roads carriageway plan.</p>
Height limits and additional trees are supported.	<p>Noted. As discussed above, the height "limits" in the R-Codes may be varied.</p>



State Heritage Office (SHO)

The SHO has provided the following advice:

- Part of the heritage significance of the Renkema Building (134 Stirling Hwy) is its commercial use at ground floor. A residential zoning would not permit commercial uses and would negatively impact the place's significance. The City should reconsider rezoning of this lot.
- The proposed amendment requirements for rear laneway access and the planting of trees along Stirling Highway for new significant developments has the potential to impact on access and significant views of State Registered places within the amendment area. The City should consider adding a clause that provides further guidance or discretion when there is a potential for heritage values to be impacted.

City Officers consider that discretion to vary requirements in cases of heritage significance already exists in the scheme through clause 34, which allows the City to vary development requirements.

Main Roads

Main Roads has provided the following advice:

- The movement network objective aligns with Main Roads' policies and future Stirling Highway design.
- Main Roads supports the proposed right of way network and notes that it matches Main Roads' more extensive laneway designs. Any future extension of the rights-of-ways should match the Main Roads design.
- Be advised that the future carriageway design for Stirling Highway includes a road cycle lane in both directions and central median to cater for central street trees and pedestrian refuges on Stirling Highway.
- Waste collection on Stirling Highway is to be avoided.

Main Roads has recommended the following amendments:

- Strategy wording should be corrected as it states the 6m rear setback is to the northern boundary when it should be to the rear boundary.
- All trees should be planted outside of the road reservation and the wording of the Amendment is recommended to be modified to clarify this position.

These have been incorporated into the Strategy and amendment as appropriate.

Strategic Implications

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

Vision Sustainable and responsible for a bright future



Pillar	Place
Outcome	6. Sustainable population growth with responsible urban planning.

Budget/Financial Implications

Nil.

Legislative and Policy Implications

The local government may amend a local planning scheme under the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#) (the Regulations). Under Regulation 41 in respect to a complex amendment, Council must resolve:

- a. to support the amendment without modification; or
- b. to support the amendment with proposed modifications to address issues raised in the submissions; or
- c. not to support the amendment.

There is no provision for adopting a strategy for a sub-area as proposed. However, the strategy can act as a visioning document and assist in the assessment of development applications and creation of planning policies. Elements of the strategy may be incorporated into the Local Planning Strategy and endorsed by the WAPC upon the 5 yearly scheme review intended to commence late 2024 or early 2025.

Decision Implications

Amendment

If Council resolves to support the Amendment it will be referred to the WAPC, which will make a recommendation to the Minister for Planning.

If Council resolves to support the Amendment with modifications, the amendment may have to be readvertised if the modifications are significant. Otherwise, the amendment will be referred to the WAPC which will make a recommendation to the Minister for Planning.

If Council resolves not to support the Amendment, it will not be progressed and the existing scheme provisions regarding lack of building height will remain in effect.

Strategy

If Council resolves not to endorse the NSHAC Strategy, there will be no guidance for the NSHAC area. Existing uncertainty about the desired future scale and character of the area will remain.



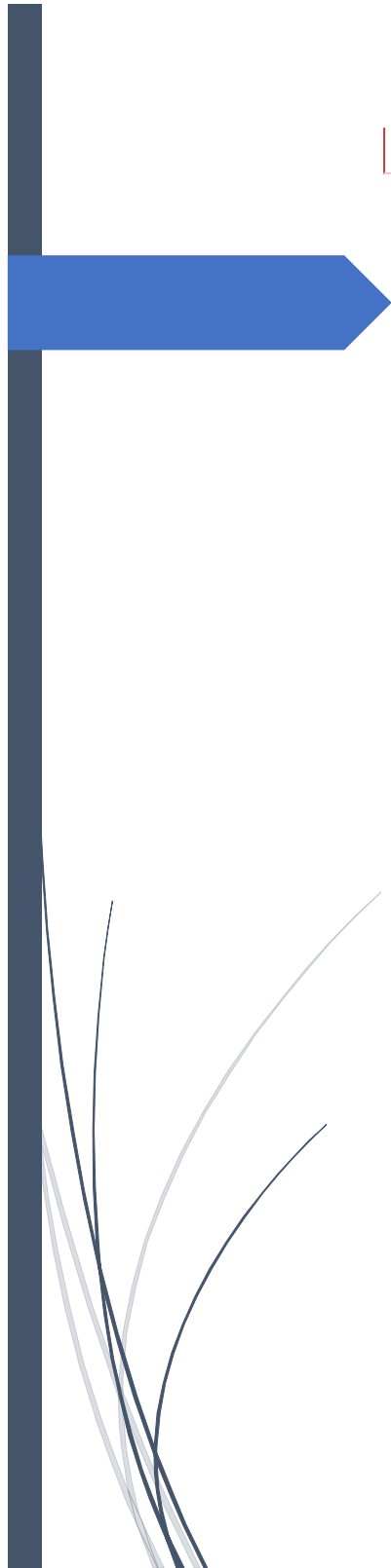
If Council endorses the strategy, it will come into effect immediately and be used as a guide for development assessments and future policy instruments.

Conclusion

It is recommended that Council support with modifications Scheme Amendment 13 and endorse the NSHAC Strategy to begin the process of creating locality-specific controls for development along Stirling Highway and within the NSHAC area.

Further Information

Nil.



Nedlands Stirling Highway Activity Corridor (NSHAC) Strategy

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CITY OF NEDLANDS

Executive Summary

The Nedlands Stirling Highway Activity Corridor (NSHAC) is a significant, high-density urban corridor that lacks planning and development guidance that is responsive to the local Nedlands context. This strategy is intended to align the NSHAC precinct with the City of Nedlands Local Planning Strategy and set out the desired future scale and character of the NSHAC precinct. The NSHAC strategy seeks to encourage carefully considered high-density development that responds to the current development context while meeting community expectations and anticipating future needs.

The NSHAC Strategy is guided by a community vision and a set of values statements that address the current issues and opportunities facing the precinct. These values are used to guide the overall objectives of the precinct so that future development is responsibly managed and in keeping with community expectations.

Significant background modelling and community input were used to develop approaches for the area centring around four key focus points: land use, built form, public realm and the movement network.

The overall approach sets out the creation of a neighbourhood centre near the midpoint of the corridor. The neighbourhood centre will have a high concentration of retail, recreation, entertainment and dining uses, as well as high density residential. Abutting the neighbourhood centre will be lower scale residential development. The eastern and western portions of the highway are envisaged to remain as mixed use and continue their identities as, respectively, primarily office and large format retail.

Building heights throughout the area are varied to reflect the differing functionality along the corridor. It is envisaged that a maximum of 12 storeys will be permitted in the highest intensity areas subject to discretionary criteria.

The scale and intensity of development is also set to gradually decrease through the residential zones as one moves away from Stirling Highway to the outer edges of the NSHAC precinct.

The NSHAC Strategy is intended to be used as a guide to the desired future scale and character of the area, and act as a blueprint for changes to the existing legislative framework.

This strategy has been drafted following the guidance of the Western Australian Planning Commission's State Planning Policy 7.3 – Precinct Design.

The document is set out as follows:

Part One: Strategy

This section contains the strategic maps and outlines the purpose, intent and objectives of the NSHAC area strategy. It sets out the desired future scale and character of the area and outlines requirements that will be applied when assessing subdivision and development applications within the NSHAC area.

Part Two: Background

This contains supporting information to Part One used to prepare the strategy and contains site and context analysis, stakeholder and community participation, vision, and character elements relating to land use, built form, public realm and movement network.

Technical Appendices

The technical appendices include the key documents used to inform the background and strategy provisions. These key documents include:

- Draft Vision and Implementation Framework – Consolidated Growth by Taylor Burrell Barnett (TBB) (2016) (**Appendix A**)
- Nedlands Town Centre Local Distinctiveness Study and Context Analysis by Hassell (2020) (**Appendix B**)
- Nedlands Stirling Highway Activity Corridor Precinct Engagement Outcomes Report by Fairplace (2021) (**Appendix C**)
- Character Analysis Report – Nedlands Stirling Highway Activity Corridor by Taylor Burrell Barnett (2022) (**Appendix D**)
- Consolidated Built Form Report by Taylor Burrell Barnett (2022) (**Appendix E**)

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Part One – Strategy

1 Introduction

This strategy document sets out the high-level direction for development within the Nedlands Stirling Highway Activity Corridor (NSHAC) precinct. It includes principles to guide integrated and context appropriate development consistent with the community's vision for the area.

The precinct comprises the high-density Mixed Use and Residential zones either side of Stirling Highway. The NSHAC area has been identified as an urban growth area and is intended to play a central role in accommodating the City's infill dwelling target by 2050, as established in the Department of Planning, Lands and Heritage's *Perth and Peel @ 3.5 million Framework*.

This strategy takes the approach of setting out overall objectives for the area as well as objectives for each sub-area by addressing four main elements: land use, built form, public realm and movement network.

1.1 Area

The NSHAC area sits within the City of Nedlands boundaries and covers the Mixed Use and Residential (R160 and R60) lots to the north and south of Stirling Highway from the intersection of Loch Street and Stirling Highway at the west to the Bruce Street and Stirling Highway intersection at the east (Refer Figure 1 below).

The NSHAC covers approximately 98.3 hectares and at the time of this report consists of 182 land parcels currently zoned Mixed Use R-AC1, with the remaining 200+ parcels being zoned Residential R160 or R60.



Figure 1: NSHAC Area

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2 Objectives

The NSHAC strategy seeks to guide redevelopment within the area to:

- 1) Set the desired future scale and character of the area to be compatible with the local setting and protect local amenity through appropriate building height, setback, landscaping and vehicle access controls.
- 2) Accommodate future growth of the area in a way that respects the existing character and historical buildings of the area while enhancing the experience of the journey along the highway.
- 3) Identify targeted areas for a concentration of retail, commercial or residential uses that function in tandem and improve the diversity of the area.
- 4) Provide a mix of land uses, public realm enhancements and movement network improvements that enrich the pedestrian experience and encourage neighbourhood activity.
- 5) Ensure new development improves upon the existing open, leafy character of local neighbourhoods by optimising retention of trees and increased tree canopy.
- 6) Encourage sustainable and high-quality built form that meets the needs of current and future residents in providing beneficial social, economic and environmental outcomes.

3 Operation

This NSHAC area strategy is a document used to guide the application of discretion for new development within the area. Part One includes objectives and criteria that set out the desired future scale and character of the local area for the purposes of consideration against the various Element Objectives within the Residential Design Codes Volume 2.

Part Two of this document provides contextual background support to Part One, provides additional context to support the assessment of new developments, and sets out an approach to future scheme amendments and other future statutory items to codify elements of this strategy into the planning framework.

4 Stakeholder and Community Participation

Throughout 2021, a series of workshops were carried out with local residents, landowners and businesses chosen to form part of a Stakeholder Reference Group. The initial consultation carried out by consultants Fairplace intended to set out a community vision and guiding principles for the NSHAC area. From this workshop, a vision and eight key values were identified as important to the community. Subsequent workshops carried out by consultants Taylor Burrell Barnett guided the expected built form of the area, setting out the preferred nodal approach and building height limitations. Using the results of these workshops, further consultation was carried out via online surveys and in-person casual drop-in sessions.

4.1 Vision

The below vision came out of the Fairplace workshops:

“Nedlands Stirling Highway Activity Corridor is a place for locals and new households incorporating development that respectfully adapts to the unique character of local streets, built heritage and the mature trees and gardens of Nedlands, providing an environment that supports and enhances established patterns of daily life and the safety and wellbeing of individuals, families and the broader community.”

4.2 Values

The stakeholder reference group identified eight key values to be retained and enhanced in future development within the NSHAC area. Each key value is further augmented by guiding principles for development. These values function as the desired character of the area and form the basis for a framework of future planning controls.

4.2.1 Leafyness (Treescapes)

Trees, especially the fine mature examples, are critical parts of the ‘material’ heritage and identity of place. Many of these are in private, historic properties or on adjacent streets.

- Principle 1: Retention and enhancement of urban tree canopy.
- Principle 2: Use landscape to manage bulk and scale.
- Principle 3: Support a leafy open character to development.
- Principle 4: Optimise landscaping and tree cover within streets, open spaces and new development.

4.2.2 Character + Place + Identity (Homegrown)

Development and growth should be appropriate to enhance the existing and traditional patterns of use, create distinctive places which will support a local neighbourhood ‘feel’, and celebrate Nedlands’ unique character and identity.

- Principle 1: Built form respects and enhances the experience of the journey along the Highway.
- Principle 2: Preservation of built heritage. The historic maisonette apartments in particular are unique as a collection of significance. They are repositories of story, memories and local identity.
- Principle 3: Respect the character of traditional, historical buildings when designing new development.
- Principle 4: Support an open character to development in residential zones.
- Principle 5: Identify areas for growth which build on local character, use and potential.
- Principle 6: Building types which respond to local character and landmark sites.
- Principle 7: Reflect domestic scale and character in residential streetscapes.

4.2.3 Connectivity (Walking + Getting Around)

The pedestrian and cycling environment should be improved to promote connectivity and increase safe crossing points to connect north and south.

- Principle 1: Safe and legible pedestrian crossings of Stirling Highway.
- Principle 2: Preserve the tranquil feel and walkability of local streets.
- Principle 3: Improved pedestrian and cyclist amenity along Stirling Highway.
- Principle 4: Expansion of off-highway cycling infrastructure.

4.2.4 Functionality (Traffic + Access)

Additional traffic access and egress (including servicing) will be needed in an already congested thoroughfare. This needs to be managed such that business activity and dwellings are serviced appropriately without local streets and properties being severely impacted. Alternate modes of transportation should also be supported to reduce road congestion.

- Principle 1: Integrate future road, footpath and intersection design to provide comfortable and attractive roadsides for people.
- Principle 2: Preserve the tranquil feel, safety and walkability of local streets.
- Principle 3: Comprehensive traffic management.
- Principle 4: Public transport connectivity and frequency, particularly with the Perth CBD, UWA and the Hospital Precinct, should be enhanced.
- Principle 5: Public parking should be planned and managed throughout the area.

4.2.5 Human Scale & Living Local

There is a local quality to the existing shops and services, a human scale and fine grain which makes them approachable. They are attached to the residential 'hinterland', acting as social places for the neighbourhoods adjacent and allowing people to 'live local'.

- Principle 1: Integrate future road, footpath and intersection design to provide comfortable and attractive roadsides for people.
- Principle 2: Building types which respond to local character.
- Principle 3: Walkable access to local services.
- Principle 4: Materiality and design elements which reflect human scale.
- Principle 5: Encourage small-scale retail as places to serve and employ locals near large residential nodes.

4.2.6 Breathing Room

More development intensity will also need open spaces and places for nature and tranquillity. Consideration is needed for these human needs in design of both the public and private realm.

- Principle 1: Support a leafy open character to development.
- Principle 2: Enhance existing public open spaces.
- Principle 3: Provision of new public open space.
- Principle 4: Create a diversity of spaces for active and passive recreation.

4.2.7 Biodiversity

Consider the NSHAC precinct as a type of system where the local, leafy streets are for walking, respite from the traffic and busyness, providing connections to the river

and act as the green 'ribs'. Consider how this 'local character concept' can be enhanced and then interpreted along the Highway and in new developments.

- Principle 1: Retention and enhancement of urban tree canopy.
- Principle 2: Preserve the tranquil feel and walkability of local streets
- Principle 3: Optimise landscaping and tree cover within streets, open spaces and new development.
- Principle 4: Provide amenity in parks and streets that help to create attractive, enjoyable places to live and work

4.2.8 Calm + Comfort

Consider the Highway as a place for people. An integrated vision which considers the design of the roadway and streets in conjunction with place quality of the adjacent environment such as footpaths, street trees, active transport and nature. Create an environment which supports business, living, human occupation and working.

- Principle 1: Integrate future road, footpath and intersection design to provide comfortable and attractive roadsides for people.
- Principle 2: Preserve the tranquil feel and walkability of local streets.
- Principle 3: Support a leafy open character to development.
- Principle 4: Promote building types which respond to local context.
- Principle 5: Consider comfort for pedestrians at ground level.
- Principle 6: Increase diversity of dwellings.
- Principle 7: Ensure that building design contributes to the amenity of residents, visitors and employees.
- Principle 8: Ensure that buildings embrace energy conscious design in both their construction and ongoing operation.

5 Strategic Approach – Sub Areas

5.1 Overview

The existing mixed-use character of the properties abutting Stirling Highway creates the opportunity for an expansion of a wide variety of commercial and retail businesses that are highly compatible with higher density residential development.

Development along Stirling Highway tends to cluster around three existing zones of activity, with land use intensity and built form stepping down between zones. There has been a consistent preference during engagement for codifying the existing informal zonal approach for future development along Stirling Highway.

The proposed range in bulk and scale along the Highway generally matches the topography of the land so that tall developments do not loom over the road. In the Medium Density Residential Zones, bulk and scale of new developments is intended to progressively decrease as one moves away from the Highway to the north and south in order to create a smooth transition to the lower density development outside the NSHAC precinct.

The key advantages to the nodal scenario are:

- Creation of distinct local centres and a concentration of activity;
- Limit highest density to existing/proposed hubs;
- Diversity and visual interest; and
- Proposed heights work well with topography.

Collectively, the approach along the Highway amounts to three primary zones, each with high-density residential potential but with a different non-residential use focus. Predominantly residential zones between them support the non-residential uses and create a focus of activity.

Building heights are to reflect changes in topography such that development will not tower over the activity corridor. Higher development is lower along the southern side of the Highway to account for solar access to adjoining sites.

The existing pedestrian environment is to be enhanced through improved connections, shade, vegetation and ground floor activation. Building design that responds to the local context, and excellent sustainability outcomes will be heavily emphasised.

5.2 Sub-Areas

The sub-areas within NSHAC are as shown in Figure 2 and as follows:

- **Neighbourhood Centre Zone;**
- **Western Mixed Use Zone;**
- **Eastern Mixed Use Zone;**
- **Stirling Highway Residential Zones;** and
- **Medium Density Residential Zones.**

Development within the sub-areas is to be consistent with the vision, objectives and criteria of each sub-area, as well as the overall criteria for the public realm and movement network.

Notwithstanding the built form described below, it is acknowledged that many of the mixed use lots do not have sufficient depth or frontage to reach the full built form development potential of the Acceptable Outcomes within the R-Codes or this Strategy without amalgamation.

5.1 Land Use

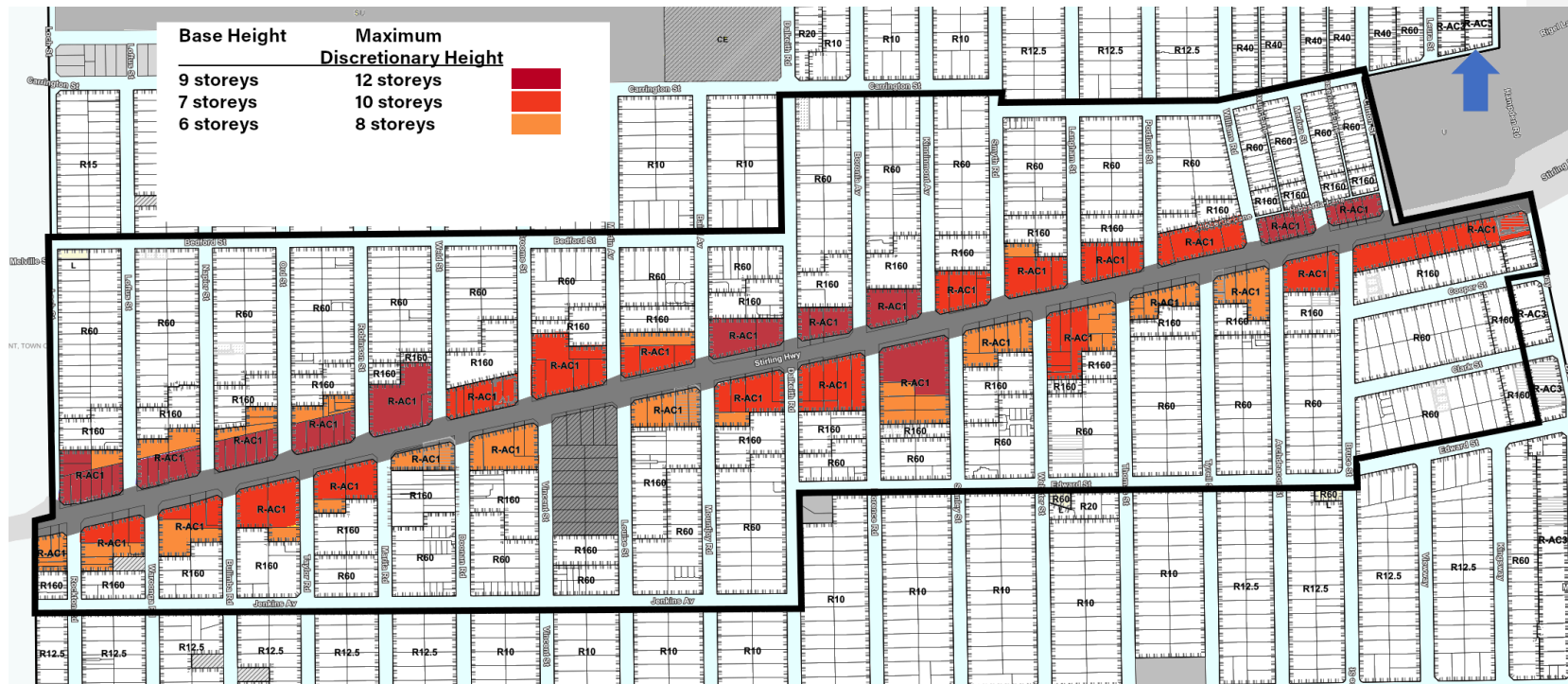
Part of the zone approach involves rezoning land along Stirling Highway, which is currently zoned Mixed Use. The introduction of a Neighbourhood Centre zone in the area identified within the Local Planning Strategy as the Town Centre will highlight the importance of this area and encourage a focus of development.

Areas to either side of the Neighbourhood Centre Zone are to be rezoned Residential to support the centrality of the Town Centre (Figure 2).



Figure 2: Proposed sub areas and zoning

Commented [AM4]: Same comment as before



Commented [NB6R5]: TBD in separate policy. Will say something generic in here as a sort of placeholder.

5.2 Neighbourhood Centre Zone

5.2.1 Vision

This location has been identified as the "Town Centre" in the City of Nedlands Local Planning Strategy and is intended to be a vibrant, welcoming, and lively hub. This zone will be the focal point for daily shopping, entertainment and dining along Stirling Highway and will accommodate a broad range of retail and entertainment uses including supermarkets, restaurants, cafes, speciality shops and recreation venues. Key to activation is well-integrated residential development located nearby, preferably above and/or adjacent to compatible land uses. This zone should contain the greatest bulk and scale of the NSHAC area, and the highest concentration of socialisation uses. Increased bulk and scale relative to the other sub-areas will be achieved owing to the greater depth of the lots within the zone, which allows for greater development potential. New development and amenity improvements should focus on greening the space to improve vegetation and tree canopy, enhancing the walkability of the area, and high-quality sustainable design.

5.2.2 Objectives

- 1) Create attractive, active and accessible spaces that reflect the strategic importance of the Neighbourhood Centre and have an emphasis on ground floor retail, commercial and entertainment land uses.
- 2) Promote high quality and environmentally sensitive design that respects and reflects the character of nearby traditional historical and landmark buildings while also being compatible with nearby residential neighbourhoods.
- 3) Provide for a mix of complementary uses including retail, commercial, entertainment, recreation, socialisation, leisure and dining that are designed to be compatible with nearby residential uses.
- 4) Support diverse and well-designed high density development compatible with its setting to turn the Neighbourhood Centre into a key lifestyle hub.
- 5) Maintain large mature trees while enhancing the overall tree canopy and vegetation cover to preserve the leafy feel of the area.

5.2.3 Land Use

Commercial activity is to be focussed on the lots north of the Highway, while lots to the south of the Highway will have a concentration of retail, dining, entertainment, and other socialisation uses.

A distinctive active edge along the southern blocks will act as a main street edge segment from Captain Stirling to the Windsor Cinema (Stanley Street to Mountjoy Road).

Office and residential uses on upper floors will provide employment and living opportunities in close proximity to high frequency public transport.

5.2.4 Built Form

Private land will be redeveloped over time to accommodate buildings of up to 12 storeys and preferably a minimum of 4. Generally, buildings beyond 12 storeys require a hard transition into the adjoining lower coded R160 and R60 Residential

Commented [AM7]: ALDI DA is going to be coming in this year. Intending to go to DRP in April. Their previous approval didn't have high rise and through current discussions, I don't think they are intending to provide high density development or high rise. Similar argument to the Woolworths site - if so, how do we tackle a low rise development given the base height and objectives for the Neighbourhood zone?

Commented [NB8R7]: I've modified objective 4 to 'support' density instead of 'deliver' consistent with our accepted argument that a shopping hub will encourage development of nearby land.

Commented [AM9]: Do we know what the status update is of Boronia Towers? Do the plans align with this vision?

Commented [NB10R9]: Don't know.

Commented [AM11]: This is good - we can push for 4 as a minimum.

zones. Due to the orientation and possible effects of overshadowing to adjoining lower-density residential development, buildings to the south of Stirling Highway will be limited to a maximum of 10 storeys in height.

Buildings will be designed to embrace the street at the ground floor with local-serving shops, offices, dining, exercise, recreation, socialisation and other uses that contribute to a thriving streetscape.

Landmark sites and heritage buildings will be encouraged to be retained and sensitively incorporated in new development to ensure that the history of the local area is not diminished. New development should reference this existing context.

5.3 Western Mixed Use Zone

5.3.1 Vision

This secondary hub at the intersection of Loch Street and Stirling Highway will grow its function as a local service zone that also provides a broad range of retail, showroom, bulky goods retailers, boutique office and other commercial uses to the wider locality. Existing uses will be incorporated into a more intensive built form arrangement that includes an expansion of apartments throughout the area. The zone will continue to offer opportunities for high-end bulky goods retailers, as this is a function not well served in other parts of the sub-region and is well established in this location.

5.3.2 Objectives

- 1) Maintain and expand on the existing a range of large-format retail, showroom, and commercial activities which draw visitors from outside of the local government area.
- 2) Ensure that building heights, setbacks, car parking, landscaping and access provide for a high standard of built form and open spaces.
- 3) New development is to be designed so as not to detract from the residential amenity of nearby properties.
- 4) Deliver quality high density development compatible with the predominant uses of the zone while providing active frontages to the Highway.
- 5) Increase the tree canopy, particularly along the Highway, and improve the vegetation to match the intended leafy green feel of the majority of Nedlands.

5.3.3 Land use

Development is encouraged to retain existing large-format retail, showroom and commercial uses while increasing the options of local-serving retail, small bars, restaurants and other socialisation uses on the ground floor. These land uses are to support an increase in residential density on upper floors and are to be designed so as not to cause a nuisance to nearby residential units.

Land uses that promote socialisation (such as restaurants, cafes, small bars, etc.) should have their frontages to a side street in order to take advantage of the lower vehicle environment while also being designed to protect the amenity of adjoining residential development.

5.3.4 Built form

The existing single and double storey buildings will be transitioned over time to accommodate buildings of up to 12 storeys. Generally, buildings beyond 12 storeys do not transition well into the adjoining lower coded R160 and R60 Residential zones. Due to the orientation and possible effects of overshadowing to adjoining lower-density residential development, buildings to the south of Stirling Highway will be limited to a maximum of 10 storeys in height. All heights will transition down to a maximum of 8 storeys as they approach the residential zones.

5.4 Eastern Mixed Use Zone

5.4.1 Vision

This tertiary hub is to build upon the existing predominantly commercial uses in the area. Future development is anticipated to integrate high density residential on the upper floor with ground level street activation such as offices, consulting rooms and other uses that will serve the community. Development in this zone will link in with the University of Western Australia and Queen Elizabeth II Medical Centre (UWA-QEII) hospital planning and facilitate the expansion of medical-related uses. Smaller retail and restaurant/café opportunities will be encouraged closer to the Broadway and Stirling Highway intersection to serve the hospital and the nearby university.

5.4.2 Objectives

- 1) Maintain and expand on the existing commercial and low scale retail and small cafes while delivering higher density residential compatible with those uses.
- 2) Facilitate development consistent with the proximity to UWA-QEII, including the structure plan currently being researched.
- 3) New development is to be designed so as not to detract from the residential amenity of nearby properties.
- 4) Maintain large mature trees while enhancing the overall tree canopy and vegetation cover to preserve the leafy feel of the area.

5.4.3 Land Use

Land uses are to accommodate a mix of uses compatible with the nearby hospital and university, such as offices, consulting rooms, and small scale retail and cafes. Development is not to include large scale recreation, entertainment or dining uses that would detract from the neighbourhood centre zone.

5.4.4 Built Form

The existing single and double storey buildings will be transitioned over time to accommodate buildings of up to 12 storeys. Due to the orientation and possible effects of overshadowing to adjoining lower-density residential development, buildings to the south of Stirling Highway will be limited to a maximum of 10 storeys in height.

5.5 Stirling Highway Residential Zone

5.5.1 Vision

The Residential zones between the Mixed use and the Neighbourhood Centre are links are of a lower scale than the other zones and provide a stepping down of

Commented [AM12]: DA could be coming in for student accommodation - 16 storeys and non active uses at ground level. Previous approval for 17 storeys was subject to heavy negotiations to provide an open active piazza to the public. Do we want to activate the ground level based on the plans we saw? How do we consider non-residential uses such as the short term? How does this align with our targets?

Commented [NB13R12]: The background and consultation of all this was done before student accommodation became a pressing issue, so it's not specifically addressed.

Commented [AM14]: Do we want to see student accommodation?

Commented [NB15R14]: I think that can be covered under a use compatible with the nearby university if we want to support them.

Commented [AM16]: Blackburne may be lodging a DA over 36 Stirling Highway - we have advised of the strategy.

building form in scale and intensity between zones. These areas provide a residential core that will concentrate density without detracting from the non-residential uses in the adjoining zones. Residential buildings promote walkability and an active street life, as well as lively neighbourhoods where public-realm life occurs during the day and evening.

Commented [AM17]: Not sure what this means?

5.5.2 Objectives

- 1) Encourage quality high-density and diverse residential development that will support the adjoining zones.
- 2) Provide gradual built form and scale transitions from the high density and highly active Highway frontage to the medium density residential zones to the north and south.
- 3) Ensure residential development respects the amenity, particularly privacy, of adjoining residential lots.
- 4) Maintain large mature trees while enhancing the overall tree canopy and vegetation cover to preserve the leafy feel of the area.

Commented [AM18]: Chantel has asked for the wording "improved" or "increased". This is just to avoid planting on structure. Can there be a link to deep soil?

Commented [AM19R18]: "meaningful deep soil zones to facilitate mature planting of trees to preserve the leafy feel of the area"

5.5.3 Land use

These areas are well suited to providing opportunity for predominantly residential development with the incorporation of smaller scale uses such consulting rooms where these have no impact upon the residential uses.

5.5.4 Built form

Residential zones are the lowest part of the stepping down of building bulk along Stirling Highway. Building heights within these areas are anticipated to be from 3 to 8 storeys.

Commented [AM20]: What are the links? Not sure what this means

Commented [AM21]: 8 storeys for RAC1 is less than the acceptable outcome. How can be get around this?

5.6 Medium Density Residential Zones

The lots coded R60 and R160 to the north and south of Stirling Highway function as medium density transition zones. These areas currently consist of predominantly lower density residential development, primarily in the form of single houses and some newer grouped dwellings. It is anticipated that over time these low-yield uses will be replaced with higher-yield developments appropriate for the density code. Such increased density should be encouraged, with development proposing significantly lower yields discouraged.

This zone shall facilitate a transition from the high density development on the Highway to the low density residential neighbourhoods of Nedlands. The zone spreads north and south from Stirling Highway, creating a place for people around a busy urban corridor. The zone will consist of local, leafy streets designed for walking, providing respite from the traffic and busyness of the Highway. Future development will encourage public realm interfaces that provides comfortable and attractive pedestrian journeys through the neighbourhood.

Commented [AM22]: Double paragraph below

Local streets will function as the green 'ribs' of the zone. Trees, especially well-established, mature trees, will be valued and preserved wherever possible. Trees are a critical part of the material heritage and identity of place in the zone, and their presence is highly valued by the local community. A variety of endemic and water-

wise plants will be planted throughout the private realm to safeguard the natural biodiversity within the City.

Environmental and cultural sustainability is important in the establishment of quality built forms. New development will be of a form and scale that is appropriate to the contemporary vision for the zone as a medium-rise and higher density residential, near-City urban neighbourhood. It will exhibit quality design that reflects the existing, traditional patterns of development. Through these measures the future form of development and growth in the zone will create distinctive places which will support a local neighbourhood feel.

The intensity of development in these zones is to be designed to have minimal impact on existing residents throughout the area through the provision of greater building separation, increased front and rear setbacks, and a sensitivity to height transitions, visual privacy and solar access. Development in these areas should respect the existing leafy green streets and highly vegetated front and rear setbacks.

Grouped dwellings within the R160 coding are to be discouraged in favour of larger multiple dwellings that more effectively utilise the higher coding and enable the City to achieve dwelling yield targets in Perth and Peel @ 3.5 Million. It would also allow development to better transition down from Stirling Highway towards the lower coded Residential lots and prevents outcomes where a small grouped dwelling could be constructed between two larger multiple dwellings. Such a configuration would cause issues for both developments, but most notably impact on the sunlight, ventilation and outlook of the smaller grouped dwellings.

5.7 Discretionary Criteria

Benefits for additional height and other areas of major discretion should be based on the development's contribution to the amenity and liveability of an area, and how much a development "gives back" to the area relative to the discretion it is seeking. Any proposed community benefits should be aligned with community wants and needs and may consider items such as public open space, affordable housing, housing diversity, additional trees with full deep soil, infrastructure upgrades not otherwise required by an external agency, or amenities intended to be enjoyed by the community and not primarily for the benefit of residents of a specific development.

The City is currently considering a Public Open Space strategy, which will help guide discretionary assessments. Additional research will need to be carried out by the City in regards to determining community needs and dwelling diversity requirements. This work may form the basis of a future policy that provides more concrete guidance on discretionary elements and development trade-offs.

Commented [AM23]: This is a good initiative, but if this is the case, then shouldn't grouped dwellings be identified as 'D' in the scheme? If it's P - the use is considered appropriate and refusing on this basis of the strategy will be difficult to argue, and even more so with the market.

Commented [NB24R23]: Correct. For now we can't do much except encourage. But this is setting us up for a future scheme amendment that separates the different residential types into their own permissibility.

Commented [AM25]: Is this section new?

6 Strategic Approach – Movement and Public Realm

6.1 Movement Network

6.1.1 Objectives for all sub-areas

- 1) Improve the pedestrian and cyclist experience at ground level by providing comfortable and attractive linkages throughout the area and minimising crossovers through consolidated access.
- 2) Encourage opportunities for improved north/south connections across the Highway.
- 3) Support initiatives for reducing car dependency and promoting alternative modes of transportation, including mid-tier public transport opportunities.
- 4) Eliminate crossovers and vehicle access to the Highway wherever possible.

6.1.2 Stirling Highway

Vehicle access will need to be rationalised and shared among lots through the creation of public carriageways to eliminate direct access to Stirling Highway. To facilitate this, developments without access to secondary streets or existing rights of way are to be set back 6 metres from the rear boundary, with that land burdened with public access rights in perpetuity when associated with a large-scale development. Development within these lots should be designed so that vehicle access can be taken from the laneway once it is connected to a secondary street or existing right of way. A map of future laneway need is provided below. *(Note: Required laneways exclude multiple adjoining sites owned by the same entity where one of those sites abuts a secondary street or existing laneway)*

Commented [AM26]: What happens if one of the lots is sold?

Commented [NB27R26]: Amendment 13 specifically deals with this and requires development to allow a 6m rear setback for future laneways and provision of public access at that time.



Commented [AM28]: Just same comment about before on resolution and size.

Pedestrian movements across the Highway, particularly at the Loch Street intersection and around the Rose Garden, Dalkeith Road and Smyth Road need to be safely facilitated. Better infrastructure, including possible provision of underpasses and overpasses, will improve connectivity across and between zones. The priority for crossing should be on the central Neighbourhood Centre zone, with other secondary links available throughout the area.

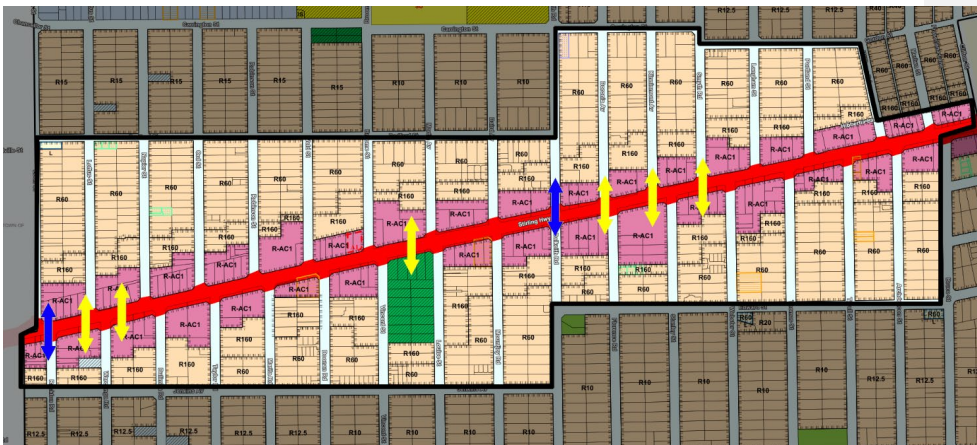


Figure 5: Community preference for bike (blue) and pedestrian (yellow) crossings.

Off-highway cycling infrastructure needs to be expanded to ensure greater connectivity throughout the local area and connect up to form a cohesive cycle network across local governments.

It is proposed that cycle infrastructure is upgraded in consultation with the Department of Transport, and focused on two key components:

- Creation of dedicated cycle lanes on Stirling Highway to provide the most efficient route for commuter cyclists travelling east-west.
- Upgrade and expansion of 'cycle friendly' streets, dedicated cycle lanes and shared use paths. While the City's existing infrastructure is provided in certain areas, the network itself is somewhat disconnected. This network should be reconsidered and expanded/upgraded as a component of future upgrades to local roads to ensure that key destinations within the local area and within other local government areas are better connected.

Commented [AM29]: This has been checked with Tech Services?

Commented [NB30R29]: No, this is based on consultation and the idea that the central neighbourhood centre zone should be the most connected.

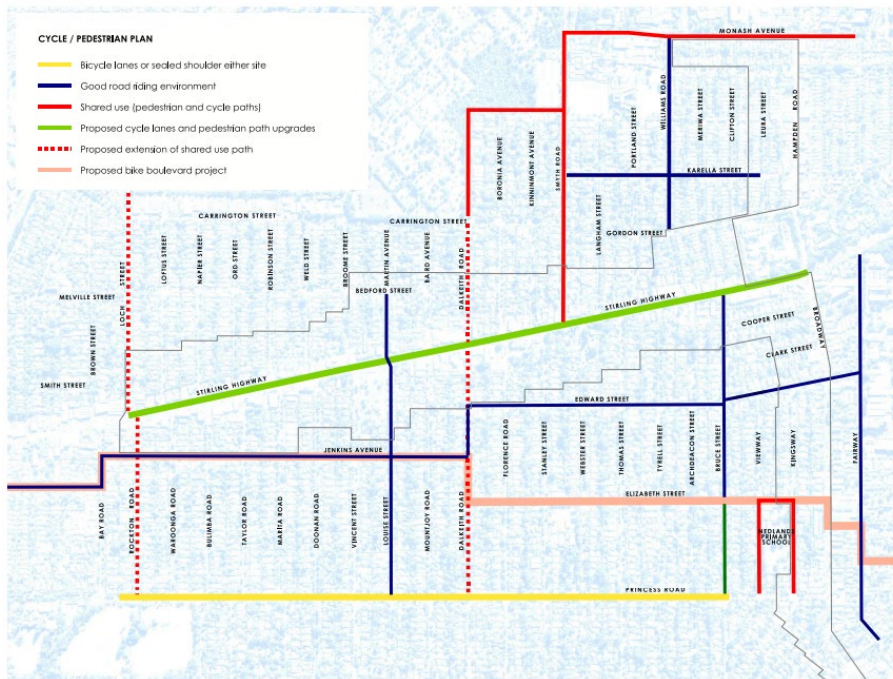


Figure 6: Overall cycle and pedestrian network

Connectivity between the Western Mixed Use zone and the Loch Street train station will be enhanced via improved pedestrian and cycle paths, along with the potential for direct bus linkages between the Highway and the station. Varied high frequency transportation methods are to be investigated with the help of the State Government to facilitate access along the Stirling Highway Corridor.

6.1.3 Residential zones

Movement along local streets is to be enhanced through ongoing upgrades to public infrastructure, including the possible expansion of footpaths to both sides of local streets and provision of additional street tree planting where desirable.

Vehicle access to development is to be consolidated and accommodated via rear or side accessways whenever possible to ensure that pedestrian movements along the street are prioritised. Particularly along long east-west blocks fronting a road and the 'safe active streets' throughout the City, access points are to be minimised to promote increased vegetation and pedestrian and cyclist safety.

6.2 Public Realm

6.2.1 Objectives for all sub-areas

- 1) Development should improve the public realm by providing shade, shelter, visual interest and character. Shade and shelter are of particular importance along Stirling Highway.

Commented [AM31]: 80 Stirling Highway DA - may strengthen MRWA's argument

- 2) Enhance walkability of the Highway and local roads through improved footpath provision, shade, and public infrastructure such as benches and pocket parks where appropriate.
- 3) Development should reflect the bulk, scale, setbacks and vegetation of properties along the street where they form part of a local road streetscape.
- 4) Parking areas are to be well landscaped or hidden from view of the street to ensure that they do not detract from the broader streetscape.

6.2.2 Stirling Highway

The public realm along Stirling Highway will be improved with the planting of trees appropriate to the environment, the restriction of direct vehicle access and parking to side and rear access points, and the provision of awnings to provide shade and shelter to pedestrians.

There is a lack of local open space currently serving the community. This shortfall will only be exacerbated as new development is built. Opportunities to expand (particularly for lots north of Stirling Highway) and enhance public open space will be sought. A Public Open Space Strategy will determine how resources can be used to increase public open space appropriately and where the need is most urgent.

7 Heritage and Character Areas

Character Areas are defined areas within a locality that have particular characteristic and cohesiveness worthy of retention. Characteristics can encompass, but are not limited to, architectural style, built form, building materials, front fencing and vegetation and includes the non-physical elements including front setback distances, the spacing of dwellings (side setbacks), and how these elements relate to the area.

A Character Area is not a Heritage Area. However, the recommended Character Areas are strongly influenced by the existing built form with a number of individual places displaying strong aesthetic heritage value.

The 2014 Municipal Heritage Inventory (MHI, now known as Local Heritage Survey), identified 17 potential Character Areas. Following a review by Stephen Carrick Architects, 13 Character Areas are being recommended for inclusion in the Local Heritage Survey (LHS) (see Figure 4). Of those, 7 are fully or partly within the NSHAC precinct.

Specific design criteria should be developed to ensure that new development reflects the character of the existing streets.

Buildings worthy of heritage protection should be placed on the Heritage List to be retained and enhanced, with new development respecting and reflecting the importance of nearby heritage properties. Development incentives to retain heritage significance should be considered, whether that is in the form of rebates or increased discretionary criteria.

Commented [AM32]: Very important - considering student accommodation doesn't provide anything. Can the POS Strategy tackle that?

Commented [NB33R32]: The POS strategy identifies where we have shortfalls and attempts to set priorities for acquisition of new public open space. DAs coming in can reference that and we can use it to argue for some sort of open space amenity in individual DAs (such as student accommodation) where subdivision will not occur.

Commented [AM34]: By the City?

Commented [AM35]: Local Housing Strategy (LHS)

Commented [AM36]: On incentives (not relating to heritage), has there been any discussion on public art to be considered at a later date once the priorities have been completed?

Commented [NB37R36]: Not to my knowledge. There haven't been any big champions of public art in council to push the issue and I haven't seen any community comments on it. Not that we can't consider it later, but it doesn't seem to be on anyone's radar.

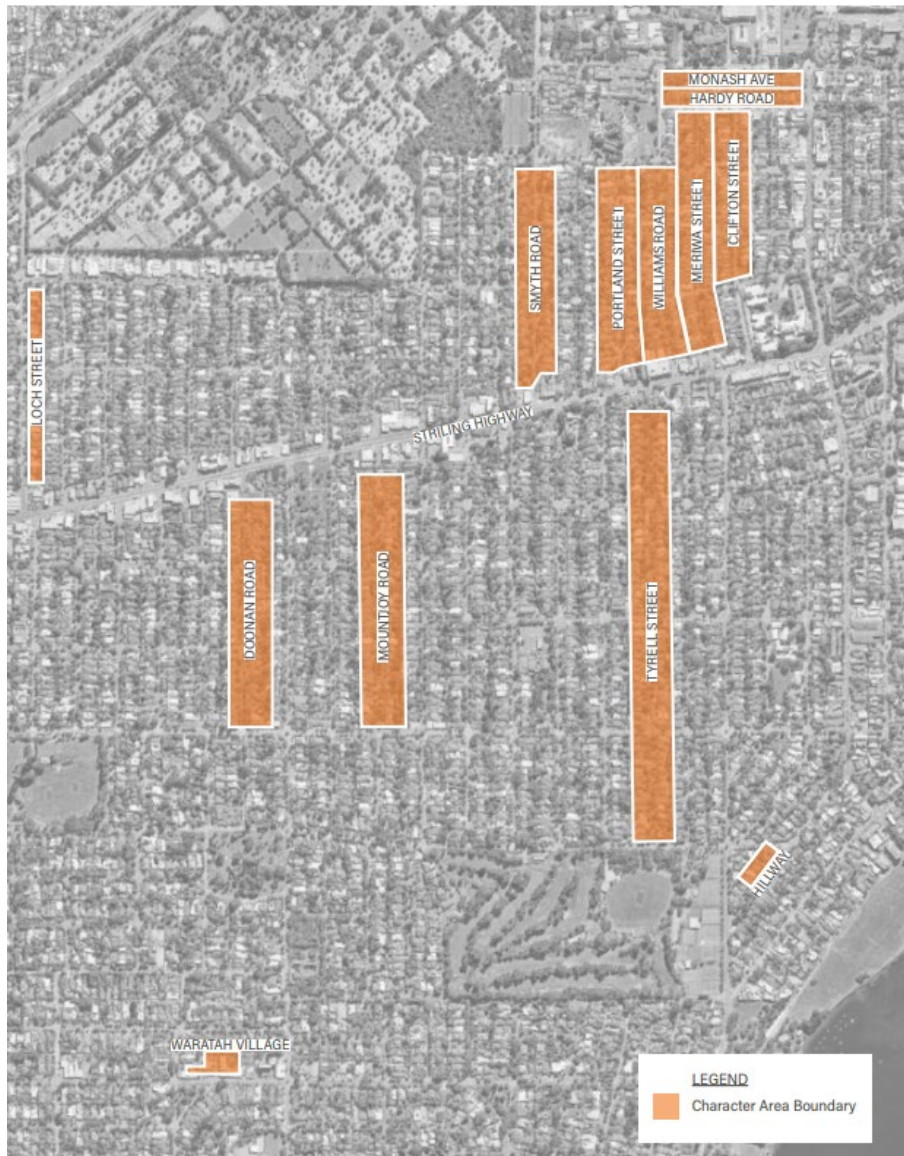


Figure 7: Character Areas for investigation

8 Infrastructure

Provision of water supply, waste treatment and electricity infrastructure is sufficient to cater for current demand but may need to be upgraded as higher intensity development is constructed. Stormwater retention is a current issue, with storm drains regularly overflowing and requiring extensive upgrades. This need will only

Commented [AM38]: Same comment on resolution.

Commented [AM39]: Just check on this - I know there's been issues with drainage infrastructure (without development) and a big budget to fix it. Have you check with Tech Services but also Daniel KS' team?

Commented [NB40R39]: This excluded stormwater. It was meant to only be for WaterCorp and Western Power services.

increase as further infill housing is created which results in more hardstand. The City aims to investigate ways to fund such upgrades through developer contributions, either through a developer contribution plan or a similar instrument. This would be an equitable way to avoid future developments being burdened with excessive costs to upgrade infrastructure that would benefit the entire locality.

Commented [AM41]: great

PART TWO: BACKGROUND

9 Planning Context

9.1.1 Perth and Peel @ 3.5 Million

The Perth and Peel @ 3.5 million land use planning and infrastructure framework sets out an overarching framework for the Perth and Peel regions in accommodating an anticipated population of 3.5 million people by 2050. Perth and Peel @ 3.5 million provides guidance on where development should occur over the next 30 years to ensure sustainable growth of the metropolitan area.

The NSHAC precinct is classified as an Urban Corridor in the Central Sub-Regional Planning Framework. This document identifies the NSHAC precinct as a connection between activity centres, station precincts and industrial centres, and operates not only for the movement of vehicles, but provides locations for increased and diversified places for people to live and work.

The Central Sub-Regional Planning Framework document references infill targets set in the Directions 2031 and Beyond policy, which aims for an infill growth increase of approximately 47 per cent within the Perth and Peel regions. The framework sets infill targets where Nedlands will accommodate 4,320 additional dwellings, increasing the population by approximately 9,500 by 2050. The delivery of higher density development within the NSHAC precinct will play a major contributing role in the City of Nedlands meeting the targets set out in these documents.

The city has identified that the lots zoned Mixed along Stirling Highway could support in the order of 2,000 to 2,500 dwellings to the 2050 planning horizon under current planning controls. The built form controls proposed within this NSHAC strategy would accommodate that number of dwellings across the whole of the Mixed use zone.

9.1.2 City of Nedlands Local Planning Strategy

The City of Nedlands Local Planning Strategy (2017) is a strategic document that sets out the City's long term strategic direction and vision for land use and development within the local government area through to 2030 and beyond. The Local Planning Strategy seeks to provide clarity towards achieving the planning goals and requirements set out by the State. The Local Planning Strategy has been prepared following the City's Our Vision 2030 project, which was implemented to engage the community in a shared vision for the future.

The NSHAC spans across three target precincts identified within the Strategy as: Stirling Highway, Nedlands North and Nedlands South, with each target area having specific precinct strategies. As shown in the Local Planning Strategy Map, transitional zones exist within the NSHAC precinct, creating a buffer between high and low density development, ensuring the retention of character within the broader suburb.

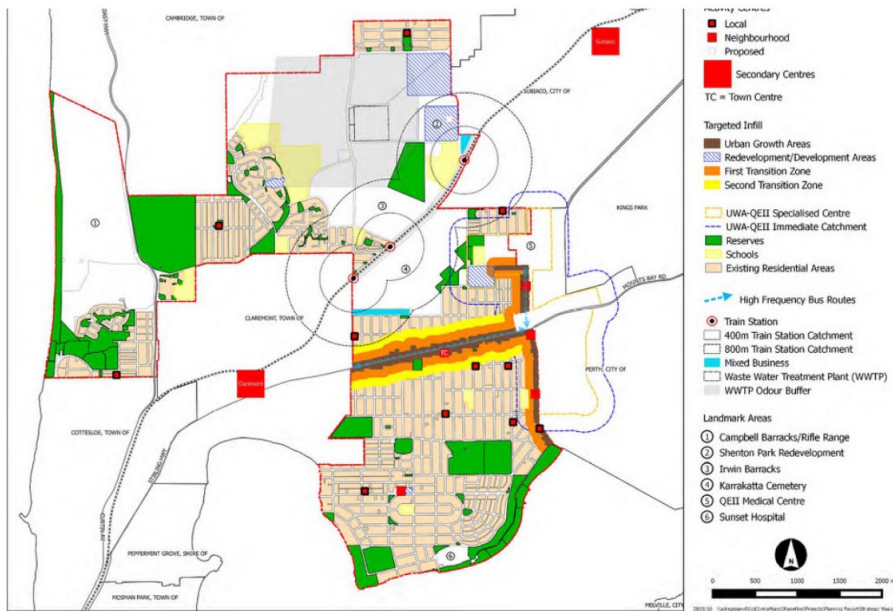


Figure 8: Local Planning Strategy Map

The NSHAC Strategy fits within the broader Local Planning Strategy and provides more context and fine-tuned controls for the lots around Stirling Highway while enhancing the importance of the Town Centre.

9.1.3 City of Nedlands Strategic Community Plan 2018-2028

The City of Nedlands Strategic Community Plan 2018-2028 continues on from the City's previous 2023 Strategic Community Plan and aims to guide the strategic vision for the City. In developing the plan, the vision, values, community aspirations, service delivery levels and affordability was considered. The City's strategic priorities are highlighted as follows:

- Urban Form – protecting quality living environment
- Renewal of community infrastructure such as roads, footpaths, community and sports facilities
- Underground power
- Encouraging sustainable development
- Retaining remnant bushland and cultural heritage
- Providing for sport and recreation
- Managing parking
- Working with neighbouring Councils to achieve the best outcomes for the western suburbs

The long-term concept map identifies Stirling Highway to be a major urban growth area, with a transition area ensuring appropriate densities are considered.

9.1.4 City of Nedlands Local Planning Scheme No. 3

LPS3 introduced substantial up-coding of densities along the Stirling Highway corridor and adjacent transition areas. Generally, these consisted of the up-coding of all lots along the Stirling Highway and adjacent R35 lots to R-AC1, with adjacent transitional lots up-coded to R160. The remainder of the previously low density R10 to R20 lots which comprise the NSHAC transition areas were up-coded to R60.

Notably, LPS3 also introduced a provision which effectively removed all maximum building height limits for R-AC1 coded lots. Clause 26 states: “The default Acceptable Requirement for building height limit (storeys) as set out in Table 2.1: Primary Controls Table does not apply.”

10 Background Analysis

10.1 Topography

A key component of the existing site context is the underlying topography across the study area. Site elevation, slope and aspect varies across the NSHAC precinct, with corresponding impacts on the existing character in terms of the perceived scale and mass of buildings, view corridors and solar access.

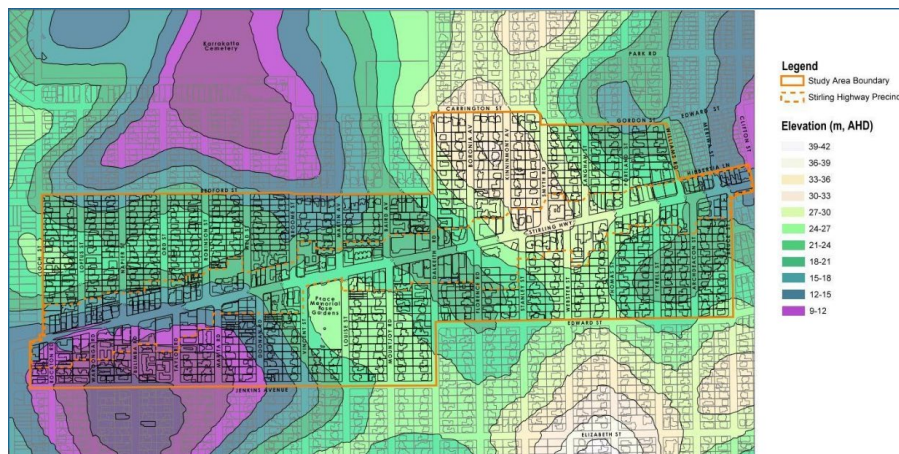


Figure 9: Stirling Highway topography

Site elevation ranges from approximately 3 metres to 42 metres Australian Height Datum (AHD) across the study area (refer Figure 4). Broadly speaking the study area's high point is to the north west of the precinct, around Boronia Avenue and Kinninmont Avenue, between Carrington Street and Stirling Highway. The low point is located to the south west of the precinct, around the intersections of Waroonga Road and Bulimba Road with Jenkins Avenue. Along the Stirling Highway itself, the low point is to the western end of the precinct at Waronga Road, at around 9 to 12 metres AHD, with the high point at Smyth Road of around 33 to 36 metres AHD.

The elevation, slope and orientation of individual sites are key considerations with implications for the overshadowing, privacy and visual impact of future development.

As such, location specific and site responsive development controls will be required to achieve a positive built form outcome for the study area.

10.2 Character Audit

10.2.1 Land Use

The dominant land use across the Stirling Highway Mixed use zone is that of commercial, which includes offices, retail outlets and restaurants, amongst other uses. In addition to commercial, there is also a significant presence of residential land uses, generally clustered towards the centre of the NSHAC area.

The Residential zone is dominated by residential development that can be characterised as spacious, low density, with generous setbacks and mature trees.

10.2.2 Dwelling Types

The mix of dwelling types differs markedly between the Mixed use lots along Stirling Highway and the lots in the nearby medium density residential zones. The dominant dwelling type on Stirling Highway is medium-rise apartment style development, while the residential areas predominately consist of single and double storey single residential dwellings on large lots (reflecting their previous low-density R-Coding). Lots with single houses tend to have generous setbacks and mature trees.

Though there are a limited number of residential land uses on the western portion of the Highway, the dwellings which do exist can be characterised as Art Deco double storey apartment buildings.

Residential lots south of Stirling Highway and east of Dalkeith Road have a greater mix of dwelling types, with slightly more grouped dwellings and multiple dwellings than the other NSHAC residential areas.

10.2.3 Setbacks

While setbacks vary across the Highway, the most common primary street setback is in the over 9m category. This contrasts with the Residential areas, which are heavily weighted towards the 3-6 and 6-9 metre range.

The trend throughout the entire Stirling Highway Mixed use area is that of diverse setbacks covering the full range from below 3 metres to over 9 metres. There is no clear pattern. However, the mix in commercial and residential land use and varying built form is reflected by the lack of a uniform setback pattern.

Setbacks in Residential areas tend to be larger, consistent with the low density single house nature of the areas.

10.2.4 Building Height

The predominant building heights across the NSHAC precinct are within the single to double storey range. There is a much greater presence of double storey built form along Stirling Highway as compared with the Residential areas, which are predominantly single storey.

Building heights along the Highway are consistently varied throughout the NSHAC area, albeit within the narrow range of one to three storeys. The large presence of residential uses to the east provides for a larger proportion of two storey buildings,

compared with the west, which has a predominance of commercial land uses that are typically single storey in height.

10.2.5 Building Conditions

The condition of individual buildings throughout the NSHAC area has a very distinct pattern, with buildings within the Residential zones being in predominately a newer well-maintained condition, in contrast to building conditions on Stirling Highway, which are in a predominantly 'not well maintained' condition. The well-maintained condition of dwellings within the Residential zones is typical of a residential suburb with high property values and higher owner occupier rates. The predominance of poorly maintained buildings along Stirling Highway has an adverse effect on the character of this area, with many sections suffering from a lack of recent investment.

10.2.6 Building Materials

The range and types of building materials are mixed within both the Stirling Highway subject area and the Residential areas. There are, however, notable variances which differentiate the Residential areas to the Stirling Highway area.

The overall dominance of face brick and render building materials along the Highway is consistent with the Residential areas, however, there is a greater presence of limestone and timber within the Residential areas and a lower proportion of glass construction, reflecting the dominance of residential dwellings within the Residential areas versus the mixed commercial uses along the Stirling Highway.

10.2.7 Dwelling Era

All sub precincts within the NSHAC area are characterised by a diversity of eras of dwelling construction and corresponding architectural styles. The California Bungalow, a popular style of housing in the inter war years (1920-1945), is the dominant style of character home within the Residential areas.

The California Bungalow style is noted for its generous verandahs, open gardens, gabled roof and balanced composition. Cottage Style dwellings also make up a notable share of dwellings across the Residential areas, with a range of other styles also represented including: Post War, 1950s – 70s Brick Veneer, 1980s, 1990s and contemporary dwellings. To a lesser extent (less than 5% of dwellings), older character homes such as Edwardian, Federation and Art Deco styles are also present.

The dominant architectural style of dwellings along Stirling Highway range from the Californian bungalow to Art Deco, with very few contemporary dwellings having been recently constructed along this portion of Stirling Highway.

10.2.8 Street Trees

The quantity and quality of street tree planting varies considerably between the Stirling Highway subject area and the Residential areas. While there is an abundance of street trees provided within the Residential areas, there are relatively few street trees existing along Stirling Highway. The Peace Memorial Rose Gardens, improves the character of this area, given it includes generous amounts of landscaping fronting the Highway, which provides relief from the dominance of hard

surfaces. The prevalence of street trees reduces moving towards the west along the Highway.

Only a small minority of lots within the Residential areas do not contain a street tree, with many containing two or more trees. The generous provision of street trees and combined considerable private landscaping has a marked positive impact on the neighbourhood character contributing to a 'leafy green' streetscape character.

10.2.9 Street Activation

There is a greater presence of both visually permeable and visually impermeable fencing within the suburban residential transition areas when compared to the more commercial Stirling Highway. Stirling Highway does not feature significant fencing, given the large presence of commercial land uses which for the most part does not require fencing.

Most of the Residential lots contain low or no fencing, with a higher prevalence of non-permeable fencing on the lots south of Stirling Highway.

10.2.10 Landscaping

The Residential areas provide for a good provision of landscaping, much of this in the front setback area, which contrasts heavily with the poor provision of trees across the lots fronting Stirling Highway. This disparity in private landscaping, combined with a similar pattern of street tree provision, provides for two distinctly different landscape characters settings: the 'leafy green' Residential areas and the hard-surface dominant Stirling Highway corridor. There are some trees within the front setback along the east of Stirling Highway, but this decreases to nil along the western portion.

The Residential areas are heavily weighted towards mature trees within the front setback. However, lots along the south-eastern portion of the Residential NSHAC area tend to contain fewer trees than the other Residential areas.

10.2.11 Vehicle Access

Across the NSHAC area there is a distinct contrast between the lots fronting Stirling Highway, which contain strong potential for access from secondary streets or laneways, and the Residential areas which are dominated by lots with primary street access potential only. An overwhelming majority of lots along Stirling Highway contain only one crossover, with more than half of the lots able to access side streets and relatively few able to access existing laneways.

A minority of Residential lots contain two crossovers, while most have only one. The high proportion of Residential lots with primary street-only access does not create a negative impact on streetscape due to wide lot frontages. However, the lack of laneways removes the opportunity for limiting the impact of vehicle access from the primary street as redevelopment occurs.

10.3 Heritage

The NSHAC contains a total of 36 places listed on the LHS, ranging from management categories 1 to 3. 6 places of exceptional (category 1) significance are listed.

The LHS notes that currently there are no statutory heritage protections for streetscapes or character areas within the city and as a result of the zoning and density changes, the City could lose many character areas which are not currently protected due to redevelopment and intensification.

The LHS identifies six Streetscape Character Areas within the NSHAC precinct that are worthy of protection as shown below:



Figure 10: Potential Character Areas

10.4 Character Statements

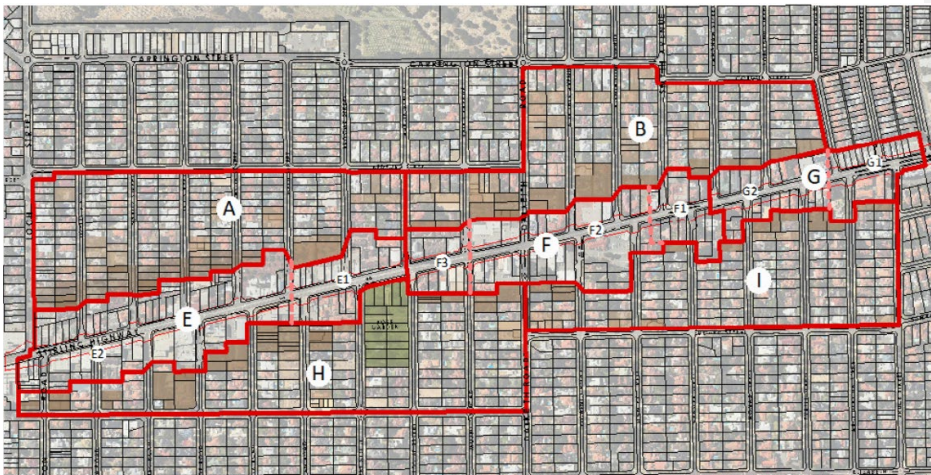


Figure 11: NSHAC sub-areas

10.4.1 Stirling Highway West (G)

The eastern end of the precinct offers a broad mix of commercial, retail enterprises and specialty services. It is distinguished by a fine grain, main street style character and showcases high quality examples of adaptive re-use and traditional low-rise, shop front style development. The Eastern Precinct is characteristically low rise in nature, reflecting the legacy of the existing, single residential homes in the area and the adjoining residential transition zones.

From the high point at the western end of the precinct the view looking east along Stirling Highway captures the University of Western Australia and its famous landmark, Winthrop Hall. The view east is bounded by the Stirling Ranges. The gently sloping topography of the precinct rises from Bruce Street on its eastern border up the hill to the iconic Nedlands library and Langham Street on its western edge. The natural ground level across the precinct falls from north to South across the highway into the transition zones beyond.

The historic Maisonette apartments and their unique character and charm are familiar landmarks. This unique collection of character housing stock sits between low rise housing and contemporary commercial buildings. Mature trees are a notable asset in this established residential setting, contributing to the distinct local sense of place.

(1) G1 Retail and Restaurant Sub Precinct (east)

Traditional, low-rise, retail, restaurants (TQR Restaurant, Itsara), cafés (Lawleys), and commercial premises are located in the east of the precinct along the northern edge of the highway. Most of the building in this area display nil or minimal setbacks. The buildings display traditional shopfront typology with attached awnings. This simple architectural typology provides a protected outdoor space and comfortable pedestrian experience along the highway edge. Specialty shops and medical services, showcase high-quality examples of adaptive re-use (post-war residential adaption) along this section of the highway.

(2) G2 Commercial and Residential Sub Precinct (west)

A section of large scale, contemporary commercial, mid-rise office buildings of note are located along the northern edge of Stirling Highway in the centre of the precinct. The commercial buildings display large well-maintained, attractive, landscaped setbacks to the lot boundary which integrates with the current street character.

Noticeable qualities include a well-integrated street frontage with signage, landscaping, furnishings, and a bus shelter. Commercial and retail tenancies to the north of the highway exhibit, deep rear setbacks and large areas of at grade parking that abut single residential properties to the rear.

Low-rise single, grouped and multi-residential dwellings are dispersed throughout the precinct. Most of the character housing stock (Maisonettes) are in the Eastern precinct. Together the Maisonettes form a historic collection of significance with a unique history and local identity. Many of the Maisonettes have unique materiality, façade articulation and proportions (location of balconies, openings, stepping in and

out of walls) which make them easily identifiable. The Maisonettes deep setback patterns with significant mature trees add character and value to the precinct.

Traditional, low rise grouped dwellings are dispersed throughout the precinct. The homes display established verges, deep highly vegetated setbacks with large shady trees and cleverly consolidated car parking courts that minimise the negative visual impacts of vehicle crossovers and parking hardscape.

Here, the design of parking hardscape and carports is critical to the retention of mature trees.

A diversity of front fencing typologies defines the boundary to private residential lots along Stirling Highway and provides a protected, quiet, refuge from the highway environment.

The western edge of the precinct is bounded by community and civic land uses (Nedlands Library and the Nedlands Council offices).

Generally, the street side zone along the precinct is inconsistent, hostile and unpleasant. Footpaths are uneven and in a state of disrepair. Footpaths are wide along the northern edge of the highway, reflecting commercial/retail character and narrower on the southern residential edge of Stirling Highway between Tyrell St and the Nedlands Library. Pedestrian accessibility across the precinct is generally limited by the number of vehicle crossovers along Stirling Highway (more on the southern side) and lack of pedestrian amenity, such as shelter or places to sit (with the exception of larger commercial tenancies along the, northern side of Highway mentioned previously)

10.4.2 Stirling Highway Central (F)

The Nedlands Town Centre Precinct showcases a diverse land use mix along Stirling Highway including offices, retail, residential, community buildings and, entertainment uses. Both the Peace Memorial Rose Gardens to the west and the civic buildings framing the east provide for a uniquely identifiable and green entrance to the precinct. The civic and cultural heart of Nedlands is located here.

Situated on opposite sides of the highway the civic buildings with their stands of mature trees form the entrance to the local centre down the hill. The local, fine-grain, human scale appeal of the town centre captures a slice of Perth's past. Longstanding shops and services continue to operate in this location that provide a wide variety of community needs. The centre of the precinct is characterised by a pocket of medium to large scale commercial development. The striking, art-deco Windsor Theatre and the historic Captain Stirling Hotel are some of Nedlands's most famous and much-loved landmarks.

These key destinations are much needed local gathering places and entertainment venues for the adjacent neighbourhoods and greater Perth. Timeless examples of heritage residential properties on large leafy blocks can be found dispersed across the precinct.

(1) F1 Community and Civic Sub Precinct (east)

The established community and civic centre are located at the high point of the eastern edge of the Town Centre Precinct. The historic Nedlands Council Offices, Nedlands Library, Drabble House and a notable cluster of heritage residential properties form the identifiable landmarks in this area.

From this high point the view west down Stirling Highway captures the iconic Captain Stirling Hotel, the town centre and the precinct's landmarks beyond.

The leafy, established setbacks and traditional building style found in this set of buildings contributes to the attractive, identifiable street interface and civic function of the area. The Low-rise Nedlands Council Offices and Drabble House display a modified residential style building form. The Nedlands Library exhibits a modern civic aesthetic and is surrounded by a densely landscaped set back with a defined pathway with clear signage leading to the Library entrance. The Nedlands Council Offices and Nedlands Library are well served by integrated bus shelters on both sides of the highway.

There is a significant number of landmark trees in the precinct. The trees are fine examples of the material heritage and identity of Nedlands.

Several low to mid-rise, heritage multi-residential apartments are found throughout the precinct. As noted, in the Eastern Precinct these properties display a unique material quality. Their characteristic deep setback pattern, replete with significant mature trees and well-kept gardens provide a tranquil juxtaposition to the busy highway environment. The traditional residential apartments provide an attractive and varied secondary vista to corner lots and residential streets intersecting the highway, which is a highly notable typology.

(2) F2 Town Core Sub Precinct (centre)

As seen in other precincts the topography of the Town Centre Precinct is undulating. In some areas the northern edge of Stirling Highway is markedly higher than the southern side impacting connectivity across the highway.

The precinct sits within a relatively low basin between the Rose Garden to the west and the civic buildings to the east. The corridor form of the highway is defined by significant mature trees, moments openness at highpoints and enclosure within the basin area which defines the experience of the highway.

Fine grain local services, retail and entertainment destinations are located within the centre of the precinct. On the southern edge of Stirling Highway there are two significant landmark buildings; the Captain Stirling Hotel and the Windsor Theatre that establish a sense of destination and arrival to the town centre.

The mid-rise Art Deco style Windsor Cinema is an easily identifiable highway landmark and is of high heritage value. The night-time lighting of the historic façade contributes to the identity, experience and appeal of the Town Centre.

Another key local destination and gathering place is the Spanish Mission style, Captain Stirling Hotel. A popular venue for the community the casual alfresco dining

offers quality landscaping and high street appeal. Limited opportunities for alfresco dining exist throughout the greater Stirling Highway Activity Corridor.

A diversity of low-rise retail buildings are co-located with the neighbourhood shopping centre along the southern edge of the highway. The retail character of this area displays an eclectic assortment of architectural styles (modern, brutalist, art deco), local materials and unique interface qualities. This is one of a few sections on Stirling highway with an activated, continuous, protected ground floor frontage for a range of tenancies. This affords pedestrians some amenity through legible entries and protection from the elements. Some of the Town Centre's identifiable and unique, retail architectural styles include,

- Low- rise modern retail (TBE bike shop)
- Low-rise Brutalist commercial and retail (Australia Post Frontage, Shopping centre,
- IGA)
- Low- rise main street style retail (Fish Tales)

Large areas of highly visible underutilised surface car parking and hardscape surround shops, services and facilities creating a general disconnect between land uses along the southern side of the Highway.

There is limited connectivity for pedestrian to cross the highway to reach key places. Peak periods of high traffic volume creates a barrier effect, impacting pedestrian safety and place quality along the highway. The area is served by one signalised intersection, which is located at the corner of Dalkeith Road and Stirling Highway. This compounds connectivity challenges between the northern and southern sides of the Town Centre.

Several mid-rise commercial developments of substantial height, are located at the intersection of Dalkeith Road and Stirling Highway. Most buildings have nil or reduced setbacks to Stirling Highway and in some locations, modest landscaping strips soften the interface between road and buildings. Some of the Town Centre's identifiable commercial architectural styles include:

- Mid-rise modern commercial (vet hospital)
- Mid-rise Art deco style commercial (AV Surrounds store front)
- Mid-rise contemporary commercial (Porsche dealership, King Living).

(3) F3 Residential transition Sub Precinct (west)

A collection of low to mid rise post-war art deco, townhouses and grouped residential dwellings and apartments are located on both the northern and southern edge of the highway. Key corner sites adjacent to the Peace Memorial Rose Gardens are attractive examples of larger footprint traditional, character apartments with porches, roof forms, deeper setbacks and established verges with large shady trees. As seen in other areas of the precinct, the traditional residential apartments provide an attractive and varied secondary vista to corner lots and residential streets intersecting the highway. Front fencing and walls politely moderate the effects of traffic.

Featured are the mid-rise postmodern and contemporary commercial buildings. The two large format commercial properties located here display considerable, well-maintained, landscaped setbacks to the lot boundary which integrates with the current street character.

10.4.3 Stirling Highway West (E)

The precinct is characterised by an eclectic selection of traditional low rise residential, retail and mid-rise commercial development that frame Stirling Highway. The Peace Memorial Rose Garden is a significant landmark on the edge of the Western precinct. Famous for its roses, the garden represents an important historic site and provides a valuable open space for the community.

The precinct is well serviced by local shops and services. Familiar to locals, the Chelsea Village offers a unique mix of commercial, retail, cafes and restaurant offerings. The small shopping centre with its inviting design represents a different era of shop building. The mid-rise commercial and retail development west of Doonan Road signals the beginning of the commercial and retail zone that stretches west along Stirling Highway and defines the precinct.

Commercial buildings have a significant presence in the precinct. The southern side of Stirling Highway is flanked by 'big box' commercial and retail buildings, while on the northern side, traditional buildings are more common. Loch Street forms the outer boundary of the Nedlands precinct and provides direct access to Loch Street Station.

(1) E1 Rose garden and Retail Sub Precinct (east)

The Peace Memorial Rose Garden is a valuable open space asset and provides an important passive recreation opportunity for residents.

The eastern end of the precinct provides a mix of specialty shops, restaurants, local services, and small-scale residential development. The northern edge of Stirling Highway displays a mix of heritage, low-rise apartments and low-rise shop front retail and commercial tenancies. Similarly, the southern edge of the highway is lined with traditional, low-rise main street style retail restaurants and commercial buildings. Low-rise (1-2 storey) retail, restaurants (Nandos, Chez Pierre) with some showcasing high-quality examples of adaptive re-use.

(2) E2 Retail + Commercial Sub Precinct (west)

There is a local quality to the existing shops and services at Chelsea Village and it is a unique example of a mid-rise, mixed-use development with a broad variety of speciality shops, offices, services, cafes and restaurants. Chelsea Village has aesthetic, historic, social and cultural heritage significance. The Chelsea Village adopts a courtyard typology. There are multiple entrances into an internal, landscaped and well-maintained courtyard creating a secondary, protected pedestrian space.

Fronting south on to Stirling Highway is a quality example of an active, fine-grain, and approachable interface. Features include alfresco dining, corner activation and the bespoke articulation of the ground level façade (angled stepping in and out).

Spacing and frequency of ground floor entries, glazing proportions, and signage contribute to the attractive vista.

Traditional, low-rise, small-scale retail and commercial built form footprints are dominant along the northern edge of the precinct. The eclectic collection of historic buildings (Turnstyle Collectables, Snadens Pianos) has a unique materiality with some exhibiting creative signage displays making them easily identifiable roadside landmarks.

The existing St Andrews Anglican Church is a heritage landmark and one of few community buildings fronting the highway.

Highly vegetated deep front and rear setbacks are characteristic of the northern edge of the Highway. Many of the precincts mature trees are located here. The setbacks provide refuge and relief from the busy highway environment and soften the interface with the low-rise residential areas that abut the precinct.

Mid-rise, traditional two storey residential apartments are visible throughout the precinct. Significant street setbacks of historic properties along Stirling Highway has provided the opportunity for consolidated crops of mature trees to flourish.

Large format, mid-rise contemporary commercial, retail and mixed-use buildings dominate the southern edge of the Highway. Generally, 'big-box' retail and commercial uses have smaller front setbacks and limited examples of mature trees. Occasional modest landscaping strips provide a softening of the interface between the road and buildings. In some locations the provision of larger setbacks is influenced by the desire for commercial parking and street side signage. These sites have small areas of attractive planting and landscaping.

The precinct has the only 24-hour shopping centre at Taylor Road IGA. This is a key area of existing activity.

The western edge of the precinct features the only other signalised intersection which connects the greater precinct to Loch Street and Loch Street Station to the north. This highly visible corner location is presently occupied by a car dealership. The topography of this precinct falls sharply north to south across the highway and into the southern residential transition zone. This section of the highway sits at the lowest topographical point of the Highway.

The street-side environment is exposed to the elements and in generally in poor condition. The footpath running the length of the precinct on both sides of the highway is in a state of disrepair and not well integrated into the majority of the ground floor tenancies that front Stirling Highway. There is limited integration between the transit infrastructure and the zones of activity along the highway.

10.4.4 Hollywood Sub Precincts

(1) Hollywood Central Transition Zone (E)

The Hollywood Central Transition Zone is characterised by large residential lots with low-rise residential development and attractive leafy streetscapes. The precinct lies to the north of the Nedlands Town Centre and the Stirling Highway East and West

Precinct. It extends from Williams Road to the east and gently climbs to a natural high point at Carrington Street terminating at Martin Avenue.

Smyth Road is a major thoroughfare that dissects the precinct. It is important connection between Stirling Highway and the civic function access road to Hollywood Medical Precinct, Hollywood Primary School and sports grounds.

Established, traditional character homes are interspersed with newer, contemporary style development. Inter-war Bungalow style character homes contribute significant aesthetic and cultural heritage value to the streetscape. These modest scale homes have a unique materiality and composition. Key character elements include large verandas, awnings, gabled roofs, and considerable front setbacks that are well-maintained and display, open leafy front gardens. Many properties in this precinct do not have front fencing contributing to the open, leafy character of the area.

Character homes have sizable and well landscaped side setbacks providing dwellings with considerable privacy and protection from overlooking. The side setbacks have allowed for the preservation of mature trees.

Residential properties have large rear yards with significant mature trees and landscaping. Residential lots run east-west between parallel streets. Adjoining backyards create vast corridors of connected green space that run north-south. The contiguous corridors provide habitats which are sanctuaries for a myriad of bird life and fauna. The rich natural environment hums with birdsong and activity.

Lots in Hollywood are notably smaller than other transition areas.

Free-standing carports and enclosed garages are common in this precinct. Singular driveways are generally accessed from the front and located along the side of the lot.

Some examples of traditional, low-rise grouped dwellings can be seen closer to the Highway. Only a few examples of contemporary townhouse style development and duplex development can be observed.

Tree-lined streetscapes have wide grassy, landscaped verges that are rich in mature canopy trees creating a cool microclimate. Footpaths located on one side of the street are shaded by tree canopies providing a comfortable, walking experience for pedestrians. The established vegetation character of this precinct is iconic to Nedlands.

(2) Hollywood West Transition Zone (A)

The Hollywood West Transition Zone is characterised by a mix of large lots with low-rise residential dwellings and areas of subdivision.

The precinct stretches from the western border with the Town of Claremont at Loch Street to Martin Avenue in the east. The precinct is bounded to the north by Bedford Street and to the south by Stirling Highway. The overall topography is relatively flat, gradually sloping down to Stirling Highway.

The residential area in this precinct typifies the traditional domestic character of housing seen throughout Nedlands's transition zones. The low-rise, detached single dwellings sit on large residential lots (approx 1000m²) at the eastern edge of the precinct. Smaller residential lots (approx. 700m²) can be observed on the western side of the precinct.

Established, traditional character homes are interspersed with newer contemporary style development. A small number of duplex, townhouses and group dwellings can be observed across the precinct.

Cottage and Inter-war Bungalow style character homes contribute significant aesthetic and cultural heritage value to the streetscape. These modest scale homes have a unique materiality and composition. Key character elements include large verandas, awnings, gabled roofs, and considerable front setbacks that are well-maintained and display open, leafy front gardens. Many properties in this precinct do not have front fencing, contributing to the open, leafy character of the area.

Character homes have sizable and well landscaped side setbacks provide dwellings with considerable privacy and protection from overlooking.

The side setbacks have allowed for the preservation of mature trees.

Free-standing carports and enclosed garages are common in this precinct. Driveways are generally accessed from the front and located along the side of the lot

Like other areas of Nedlands currently undergoing transition, subdivision has occurred in this precinct. Several low-rise, contemporary style duplex, townhouses and group dwellings can be observed across the precinct. This activity is notable in lots closer to Stirling Highway. Subdivision has led to a reduction in the size of the characteristically large and highly vegetated front and rear gardens to some degree. Most of the remaining significant mature trees are concentrated within the front gardens rather than the rear gardens as seen in other precincts. Increased numbers of crossovers and parking spaces have limited the opportunity for street tree preservation.

This precinct has a rare example of a local neighbourhood corner store located at the intersection of Bedford Street and Loch Street. Its current use as a catering business and café provides a community meeting place and casual dining experience.

Tree-lined streetscapes have wide grassy, landscaped verges that are rich in mature canopy trees creating a cool microclimate. Footpaths located on one side of the street are shaded by tree canopies providing a comfortable, walking experience for pedestrians. The established vegetation character of this precinct is iconic to Nedlands.

10.4.5 Melvista Sub Precincts

(1) Melvista East Transition Zone (I)

The Melvista East Transition Zone is characterised by large lots with low-rise residential dwellings and an open leafy character. The tree-lined streets of Melvista

East and its established character homes offers a standout example the unique qualities that Nedlands is renowned for.

The precinct is located south of the highway and gradually falls south-west from Stirling Highway to Edward Street. The northern and southern ends of the precinct are rich in local community landmarks. The Tresellian Arts Centre, Dalkeith Road Early Learning Centre and the Dalkeith Road Church of Christ can be found along the southern edge on Edwards Street. A cluster of significant civic buildings can be found to the north in the Town Centre. The precinct lies in close proximity to the University of Western Australia campus and the commercial and retail hub of Broadway. The unique leafy green established residential character of this area provides an attractive backdrop to the University campus.

The precinct's location south of the highway ensures easy access through comfortable, shady streets to the Swan River and substantial public open space and riverside amenities.

The residential area in this precinct typifies the traditional domestic character of housing seen throughout Nedlands's Transition Zones. Low-rise, detached single dwellings sit on large residential lots (approximately 900m² - 1000m²) and are the predominant dwelling typology. Few examples of traditional, low-rise grouped dwellings throughout the precinct closer to the highway. There are pockets of contemporary subdivision occurring across the precinct. A small number of duplex and survey strata style group dwellings can be observed. Established, traditional character homes are interspersed with some examples of contemporary style development.

Inter-war Bungalow style character homes contribute significant aesthetic and cultural heritage value to the streetscape. These modest scale homes have a unique materiality and composition. Key character elements include large verandas, awnings, gabled roofs, and considerable front setbacks that are well-maintained and display, open vegetated front gardens. Many properties in this precinct display a diversity of low height, unobtrusive, fencing delineating the private and public spaces.

Residential lots in this precinct display substantial leafy front gardens attached to generous lawned street verges that contribute to the perceived privacy and tranquility of the area. These features provide protection and relief from the busyness of the highway.

Residential properties have large rear yards with significant mature trees and landscaping. Residential lots run east-west between parallel streets across the precinct heading, downhill towards the river. Adjoining backyards create vast corridors of connected green space that run north-south. The contiguous corridors provide habitats which are sanctuaries for a myriad of bird life and fauna. The rich natural environment hums with birdsong and activity.

Character homes have sizable and well landscaped side setbacks to provide dwellings with considerable privacy and protection from overlooking. The side setbacks have allowed for the preservation of mature trees.

Free-standing carports, enclosed garages and visible hard-stand parking areas are common in this precinct. Singular driveways are generally accessed from the front and located along the side of the lot.

The mature tree canopy found in this area is notably more ubiquitous and is a reminder of famous, historic, Nedlands's streetscape character. Tree-lined streetscapes have wide, grassy, landscaped verges that are rich in mature canopy trees creating a cool microclimate. Footpaths located on one side of the street are shaded by tree canopies providing a comfortable, walking experience for pedestrians.

(2) Melvista West Transition Zone (H)

The Melvista West Transition Zone is characterised by large lots with a mix of low-rise residential dwelling typologies. The area is currently undergoing a wave of infill transition. Significant areas display new patterns of subdivision and contemporary redevelopment. The precinct lies between the Town Centre and the Stirling Highway West Precinct. It extends from Mountjoy Road to the east and gradually slopes south-west to the western side of Rockton Road.

The historic, Peace Memorial Rose Garden forms an attractive entrance to the precinct on the northern edge. This is a key area of green, open space which is highly valued by generations of Nedlands's residents. Vincent Street is a major thoroughfare that dissects the precinct. It is the access road to local shops, services and amenities at the Dalkeith Village Centre and the Swan River beyond. The precinct is serviced by the popular, Taylor Road IGA, located at the northern end of Bulimba Road.

Established, traditional character homes are interspersed with newer, contemporary style development.

Almost half the lots within the precinct remain low-rise single detached dwellings on large residential lots (approximately 900m² - 1000m²). The remaining lots, display examples of traditional low-rise battleaxe, grouped or multiple dwelling typologies and contemporary housing typically found on subdivided lots i.e. duplex, townhouses and survey strata style development.

Across the precinct there are examples of contemporary low-rise duplexes, townhouses, and survey strata style group dwellings. Subdivision activity has led to a reduction in the size of the characteristically large and highly vegetated front and rear gardens. On subdivided lots most of the remaining mature trees are concentrated within the front gardens rather than the rear gardens as seen in other precincts. In some instances, subdivision has resulted in the complete loss of mature canopy trees within the lots. In light of this, the remaining verge trees continue to provide the value of a tree lined vista.

Evidence of significant areas of subdivision occurring along Jenkins Avenue and Vincent Street are highly visible. Typically, one single lot will be subdivided into five contemporary townhouses, or two amalgamated lots will accommodate ten grouped dwellings. The need for an increased numbers of driveway crossovers on subdivided lots oriented north-south along Jenkins Avenue has shown to limit the opportunity for street tree preservation. The lots display significant areas of driveway and other hardscape, and most have enclosed garages. There is a notable reduction in the depth of setbacks to front and side lot boundaries. Some display some form of front fencing which has inhibited the open and leafy character seen with other traditional forms of development throughout Nedlands.

Older areas of subdivision to the west display atypically large setbacks and significant front and rear yards. This feature has facilitated the preservation of mature trees and landscaping.

Of the remaining established, traditional character homes, inter-war Bungalow style character homes contribute significant aesthetic and cultural heritage value to the streetscape. These modest scale homes have a unique materiality and composition. Key character elements include large verandas, awnings, gabled roofs, and considerable front setbacks that are well-maintained and display, open leafy front gardens. Many properties in this precinct do not have front fencing contributing to the open, leafy character of the area. Character homes have sizable and well landscaped side setbacks which provide dwellings with considerable privacy and protection from overlooking. The side setbacks have also allowed for the preservation of mature trees.

Residential properties have large rear yards with significant mature trees and landscaping. Residential lots run east-west between parallel streets.

Free-standing carparks and enclosed garages are common for this established typology. Singular driveways are generally accessed from the front and located along the side of the lot.

Tree-lined streetscapes have wide grassy landscaped verges that are rich in mature canopy trees creating a cool microclimate. Footpaths located on one side of the street are shaded by tree canopies providing a comfortable, walking experience for pedestrians. The established vegetation character of this precinct is iconic to Nedlands.

11 Issues and Opportunities

11.1 Land Use

11.1.1 Issues

- Non-residential land use intensification along the Highway will be constrained by land parcel size, fragmented ownership, traffic volume, access limitations and retail sustainability.
- The extent and scale for transition of land use and development intensity from the Highway to lower-density residential areas needs careful consideration.

- The provision of non-residential uses to the exclusion of residential development, as well as significant underdevelopment of high-density lots, erodes the ability to achieve target population growth.
- Current zoning and density across the lots abutting Stirling Highway results in an inability to create a critical mass of shop/retail and commercial services close to key zones and that act as an attractor for visitors and residents. The result is development that is spread out, uneven, and strategically misaligned with community expectations of a centralised Town Centre.
- Lack of a distinct shopping centre, particularly one that provides local retail, daily shopping and restaurant opportunities.
- Optimising the activation of key streets and centres will require management of ground level land uses.
- Land uses that are near other local government boundaries (City of Perth and the Town of Claremont) and which may experience future intensification and change do not align with the current planning framework of those other local governments.

11.1.2 Opportunities

- There is a long-term opportunity for land use and residential density synergies between Loch Street train station and Stirling Highway to encourage greater connectivity between these public transport nodes.
- There is a long-term opportunity for increased residential density within a 10 minute walk of Loch Street train station to take advantage of the high frequency public transport.
- The western portion of Stirling Highway includes a range of outlets and bigger box stores not offered elsewhere that draw visitors from outside the area.
- There is a substantial opportunity for increased building floor space and scale in existing western and central zones, particularly where these expand upon existing retail and commercial uses to create mixed-use, multi-storey development.

11.2 Built Form

11.2.1 Issues

- Smaller lots may need to be amalgamated to achieve a critical mass suitable for larger scale redevelopment and allow alternative access arrangements in lieu of Stirling Highway.
- Lack of existing residential diversity and affordability.
- Many buildings along Stirling Highway do not create a positive experience within the public realm.
- New buildings along Stirling Highway will need to address noise and amenity implications of the road.
- The transition of building height and scale from the key roads to lower-density residential areas needs to address matters such as resident amenity, overshadowing, streetscape and privacy.
- Parts of the Highway are dominated by unattractive buildings that do not add to the character of the area.

11.2.2 Opportunities

- Sites at gateway locations close to Hampden/Broadway/Stirling Highway intersection and Loch Street/Stirling Highway present a key opportunity for greater development.
- Larger lots with high development potential offer scope for comprehensive built form and land use outcomes
- Existing examples of positive street edge interfaces provide a good guide for future development, particularly those that contribute to activity and vibrancy within the street.
- The existing separation between zones enables transition between lower and higher building heights and scale.
- Redevelopment offers an opportunity to provide a range of dwelling sizes to ensure there is a diversity of product available to meet a variety of needs of residents at each stage of life.
- New buildings allow opportunities to improve the public realm, including walkability, connectivity, activated frontages and appealing design.
- Buildings with strong heritage value and/or that are considered landmarks can be retained and integrated sensitively with new development to create a distinct character and feel.

11.3 Public Realm

11.3.1 Issues

- There is limited public open space within the local area, with the Rose Garden the only dedicated open space area.
- There are limited tree plantings or shade structures along Stirling Highway, and this contributes to the area being inhospitable for pedestrians and cyclists, and fails to provide relief from the sun's glare for motorists.
- There are few safe opportunities for pedestrians and cyclists to cross Stirling Highway, thereby limiting north-south movement across the Highway.
- There is limited public open space within a walkable catchment of the NSHAC area.
- Main Roads reservations take up a significant portion of land directly abutting the highway and with no clear timeline or concept plan for road upgrades.

11.3.2 Opportunities

- The Rose Garden offers high quality amenity that should be capitalised on with residential densification surrounding the park, provided that this development maintains an appropriate relationship with the character and function of the open space.
- There is a good opportunity to enhance accessibility and functionality of the Rose Garden, provided that these enhancements do not detract from the heritage value of the gardens area.
- Major redevelopment proposals will provide opportunities to create publicly accessible private open spaces, particularly where these are adjacent to the street or existing public spaces.
- There is substantial open space within the broader regional area.

- There is a good opportunity to influence the design of Stirling Highway as a component of future upgrades to increase landscaping opportunities and public realm improvements and the north-south permeability (particularly around key desire lines).
- The introduction of rear and side vehicle access ways along Stirling Highway will provide opportunity for more extensive landscaping within the Stirling Highway verge areas.
- The close configuration of the Nedlands Administration Building, Drabble House and the library allows an opportunity to design a civic hub that enhances open space and options for community gathering.
- A landscape strategy of 'Quick Wins' can be implemented in the immediate future as a tactic to establish quick and immediately visible changes to the landscape along Stirling Highway, particularly as areas of reserve are ceded to the Crown without confirmation of the upgrade time frames.

11.4 Movement Network

11.4.1 Issues

- Stirling Highway is currently a very inhospitable environment for pedestrians/cyclists due to the lack of cycle paths and a lack of tree canopy or shelter.
- Stirling Highway acts as a hard barrier limiting north/south movements with few opportunities for pedestrians and cyclists to safely cross.
- Key intersections of Stirling Highway along Dalkeith Road and Loch Street are congested during peak hour periods.
- There is limited connectivity between the NSHAC area and Loch Street train station.
- The cycling network throughout the broader area is relatively disconnected, with a series of cycle paths, dual use paths and 'cycle safe' roads.
- Vehicle access directly onto or off Stirling Highway needs to be restricted or eliminated.
- There is a lack of easily accessible public transport options beyond buses.
- Opportunities for vehicle parking within the public realm are limited, as parking along Stirling Highway is not permitted, parking along side streets should be limited and there is currently no public owned land suitable for the construction of public car parking facilities.
- The progressive widening of the Main Roads reservation will occur in a piecemeal approach as adjacent properties within the reserved area are developed and subdivided and are required to cede their land as a condition of approval, or they negotiate sale of their reserved land to the Western Australian State Government.

11.4.2 Opportunities

- Opportunities to influence the future design of the Highway in partnership with Main Roads and the Department of Planning should be sought wherever possible.

- Several high-frequency bus routes run along Stirling Highway and within the University and Hospital precincts, and these should be better connected to the broader area.
- The opportunity exists to link up a long-term cycle network to other local governments.
- Opportunities to improve pedestrian connectivity at key intersections and attractors must be implemented to ensure these centres function efficiently.
- The majority of public parking will be provided on private development sites as a component of development, with shared access and parking arrangements a key component of development approval.
- Rear or side access arrangements will be required as a component of new development that fronts Stirling Highway. This allows for a future laneway network that reduces vehicle access points to all streets.

12Appendix

Schedule of Modifications for Amendment 13 to City of Nedlands Local Planning Scheme No.3

No.	Modification	Justification
1.	<p>Deleting the entirety of the following and renumbering the schedules accordingly:</p> <p>Insert new clause 26(3) Modification of R-Codes as follows:</p> <p>“26(3). In relation to land coded R-AC1:</p> <ul style="list-style-type: none"> (a) For the purposes of Acceptable Outcome A2.2.1 of the R-Codes, the building heights shall be the base heights shown on the map in Schedule 4, exclusive of plant and equipment such as lift overruns, air conditioning units and the like; and (b) The local government may grant development approval beyond the base height and up to the maximum discretionary building heights shown in Schedule 4 only where it is satisfied that all of the following are achieved: <ul style="list-style-type: none"> i. The development demonstrates high quality design; ii. The development exceeds Acceptable Outcomes with regard to the number of medium and/or large trees provided and which have sufficient dimension to promote healthy growth, and iii. The development incorporates at least two significant energy efficiency initiatives that exceed minimum practice. (c) The local government shall not grant development approval beyond the discretionary heights shown in Schedule 4 of the scheme.” 	<p>Required by WAPC prior to advertising as “building height is subject to Element 2.2 (Primary Controls) of the R-Codes (Volume 2 – Apartments)”</p>

2.	<p>Deleting the following and renumbering the remainder of Table 6 accordingly:</p> <table border="1" data-bbox="230 308 1149 740"> <tr> <th data-bbox="230 308 344 416">No.</th><th data-bbox="344 308 591 416">Description of land</th><th data-bbox="591 308 1149 416">Requirement</th></tr> <tr> <td data-bbox="230 416 344 740">32.7</td><td data-bbox="344 416 591 740">All land coded R-AC1</td><td data-bbox="591 416 1149 740">All development is to ensure a minimum 25 per cent of the northern elevation of the maximum building envelope on the adjacent lot(s) receives more than 2 hours of direct sunlight between 9.00am and 3pm on 21 June.</td></tr> </table>	No.	Description of land	Requirement	32.7	All land coded R-AC1	All development is to ensure a minimum 25 per cent of the northern elevation of the maximum building envelope on the adjacent lot(s) receives more than 2 hours of direct sunlight between 9.00am and 3pm on 21 June.	<p>Required by WAPC prior to advertising as “overshadowing is subject to Element 3.2 (Orientation) of the R-Cdes (Volume 2 – Apartments).”</p>
No.	Description of land	Requirement						
32.7	All land coded R-AC1	All development is to ensure a minimum 25 per cent of the northern elevation of the maximum building envelope on the adjacent lot(s) receives more than 2 hours of direct sunlight between 9.00am and 3pm on 21 June.						
3.	<p>Replacing all instances of the words “right-of-way”, “laneway” and “access network” with “carriageway” in clauses 32.9 and 32.10. The amended text shall read:</p> <table border="1" data-bbox="230 903 1211 1390"> <tr> <td data-bbox="230 903 344 1142">32.9</td><td data-bbox="344 903 613 1142">All land having a frontage to Stirling Highway</td><td data-bbox="613 903 1211 1142">Development shall not have vehicle access to Stirling Highway where the lot has legal access to a public street or right-of-way carriageway other than Stirling Highway.</td></tr> <tr> <td data-bbox="230 1142 344 1390">32.10</td><td data-bbox="344 1142 613 1390">All land having a frontage to Stirling Highway and adjoining the access network carriageways</td><td data-bbox="613 1142 1211 1390">In this clause ‘street block’ means a length of land fronting Stirling Highway, between a public street or public right-of-way carriageway and the next public</td></tr> </table>	32.9	All land having a frontage to Stirling Highway	Development shall not have vehicle access to Stirling Highway where the lot has legal access to a public street or right-of-way carriageway other than Stirling Highway.	32.10	All land having a frontage to Stirling Highway and adjoining the access network carriageways	In this clause ‘street block’ means a length of land fronting Stirling Highway, between a public street or public right-of-way carriageway and the next public	<p>Required by WAPC prior to advertising in order to use consistent terminology. The terminology of “carriageway” aligns with the Main Roads plans for Stirling Highway and to differentiate it from a “right-of-way”, as it may not necessarily require ceding to the City.</p>
32.9	All land having a frontage to Stirling Highway	Development shall not have vehicle access to Stirling Highway where the lot has legal access to a public street or right-of-way carriageway other than Stirling Highway.						
32.10	All land having a frontage to Stirling Highway and adjoining the access network carriageways	In this clause ‘street block’ means a length of land fronting Stirling Highway, between a public street or public right-of-way carriageway and the next public						

		<p>shown in street or public right-of-way</p> <p>Schedule 5 4 carriageway.</p> <p>Where there is no approved structure plan, local development plan and/or activity centre plan:</p> <ul style="list-style-type: none"> (1) All development and subdivision is to allow a boundary setback sufficient to facilitate a minimum 6m wide carriageway in the location shown in Schedule 5 4. (2) All development and subdivision is to take vehicle access from the carriageway shown in Schedule 5 4 where it connects, either directly or via another carriageway, to a public street other than Stirling Highway. (3) Where the access—network carriageway for the street block shown in Schedule 5 4 does not yet connect to a public street other than Stirling Highway, the development is to be designed to be modified in the future to take vehicle access from a rear carriageway once it connects to a public street other than Stirling Highway. 	
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			<p>(4) The local government shall not approve development or support subdivision that:</p> <ul style="list-style-type: none"> i. prevents any new or existing lot within the same street block from obtaining access from a public street or carriageway other than Stirling Highway; or ii. prevents any new or existing lot within the same street block from obtaining access to the access carriageways network shown in Schedule 5 4; or iii. creates a new lot with sole vehicle access to Stirling Highway. <p>(5) All development must account for any ground level differences in order to facilitate a carriageway across a street block.</p> <p>(6) The total 6m width may include portions of any existing public right-of-way carriageway.</p> <p>(7) Prior to issue of a building permit or subdivision clearance, suitable arrangements are to be made with the local government ensuring the 6m wide carriageway described in the above subclauses is burdened with public access rights in perpetuity.</p>	
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			<p>(8) The above clauses do not apply to an application for:</p> <p>(a) a change of use that does not involve works;</p> <p>(b) minor alterations or minor additions to an existing building or buildings where, in the opinion of the local government, the works do not impede an existing or future carriageway shown in Schedule 5 4; or</p> <p>(c) alterations and additions to single houses or grouped dwellings where, in the opinion of the local government, the works do not impede an existing or future carriageway shown in Schedule 5 4.</p>	
4.	Amend Table 6 clause 32.3(1) as follows:			To ensure that that the remainder of the scheme is consistent with the amendment and previous development approvals in that carriageways do not have to be ceded. The

<p>a. In clause 32.3(1) insert the text “, carriageway” after the word “right-of-way”;</p> <p>b. In clause 32.3(1)(a) insert the text “or otherwise ensure public access in perpetuity across” after the phrase “cede to the local government free of cost”;</p> <p>c. In clause 32.3(1)(a) insert the text “, carriageway” after the text “right-of-way”;</p> <p>d. In clause 32.3(1)(a) insert the text “to the satisfaction of the local government” after the phrase “land affected by the laneway or right-of-way”; and</p> <p>e. In clause 32.3(1)(b) insert the text “, carriageway” after the text “right-of-way”.</p> <p>The revised clause 32.3(1) shall read:</p> <p>1) The owner of land affected by a right-of-way, carriageway or laneway identified by the scheme, structure plan, local development plan, activity centre plan or local planning policy is to, at the time of developing or subdividing the land:</p> <p>(a) cede to the local government free of cost or otherwise ensure public access in perpetuity across that part of the land affected by the right-of-way, carriageway or laneway to the satisfaction of the local government; and</p>	<p>City’s current preference is that carriageways remain in the property of the landowner subject to another method of ensuring public access in perpetuity is imposed, such as an easement in perpetuity. This gives flexibility to proponents and allows easier basement construction to be built beneath the easement.</p>
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	(b) construct the relevant section of the right-of-way, carriageway or laneway to the satisfaction of the local government.	
5.	<p>Amending Table 6, Clause 32.7 [revised numbering] to replace the text “Stirling Highway road reservation” with the text “Primary Regional Road Reservation (PRRR) of Stirling Highway”</p> <p>The revised clause shall read:</p> <p>(1) All new development shall provide 1 medium or 1 large tree as defined by the R-Codes located adjacent to and outside of the Stirling Highway road reservation Primary Regional Road Reservation (PRRR) of Stirling Highway per 12 metres of Stirling Highway street frontage, measured at the future street boundary post road widening.</p>	As per Main Roads advice and to provide clarity that new trees are to be within the boundary of the development lot and not within the future road reservation.
6.	Modification of [renumbered] Schedule 4: Carriageways to include a carriageway between Florence Road and Stanley south of No. 4 (Lot 22) Florence Road and No. 7 (Lot 33) Stanley Street.	Unintentional omission. The carriageway shown is consistent with the location shown in a recently approved development application.
7.	Deleting Nos. 125 and 134A-134C Stirling Highway from the rezoning within the Scheme Map, resulting in them remaining Mixed Use.	<p>Amendment is related to submissions raised and supported for the following reasons:</p> <ul style="list-style-type: none"> • 134A-C Stirling Highway is a State Registered Place. The State Heritage Office has advised that a ground floor residential use would not be appropriate nor in keeping with the heritage significance of the building. • 125 Stirling Highway contains existing single-storey shops and is located directly across Boronia Street from a petrol station.

		<ul style="list-style-type: none">• Both properties are at the far edge of the residential zone and are currently occupied by non-residential uses. These uses are expected to remain for the foreseeable future.• Both properties are approximately 1100sqm, a size which precludes significant development of the type envisaged by the NSHAC strategy or this amendment. They are also adjoining large grouped dwelling strata lots with multiple owners, meaning that any amalgamation sufficient to achieve the density of R-AC1 will not occur in the short or medium term. Therefore, it is appropriate to leave the uses in place to allow flexibility until such time as the lots can be of sufficient size to warrant large-scale residential development.
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Planning and Development Act 2005

RESOLUTION TO AMEND LOCAL PLANNING SCHEME

City of Nedlands Local Planning Scheme No. 3 Amendment 13

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme as follows:

1. Delete clause 26(3) Modification of R-Codes.
2. Amend Table 6 clause 32.3(1) as follows:
 - a) In clause 32.3(1) insert the text “, carriageway” after the word “right-of-way”;
 - b) In clause 32.3(1)(a) insert the text “or otherwise ensure public access in perpetuity across” after the phrase “cede to the local government free of cost”;
 - c) In clause 32.3(1)(a) insert the text “, carriageway” after the text “right-of-way”;
 - d) In clause 32.3(1)(a) insert the text “to the satisfaction of the local government” after the phrase “land affected by the laneway or right-of-way”; and
 - e) In clause 32.3(1)(b) insert the text “, carriageway” after the text “right-of-way”.
3. Insert the following into Table 6 of clause 32:

No.	Description of land	Requirement
32.7	All land having a frontage to Stirling Highway	<p>(1) All new development shall provide 1 medium or 1 large tree as defined by the R-Codes located adjacent to and outside of the Primary Regional Road Reservation (PRRR) of Stirling Highway per 12 metres of Stirling Highway street frontage, measured at the future street boundary post road widening.</p> <p>(2) Sub-clause (1) does not apply to an application for:</p>

TEXT MODIFICATION

		<p>(a) a change of use that does not involve works;</p> <p>(b) minor additions or alterations to an existing building or buildings that do not significantly alter the scale of the building; or</p> <p>(c) additions or alterations to single houses or grouped dwellings.</p>
32.8	All land having a frontage to Stirling Highway	Development shall not have vehicle access to Stirling Highway where the lot has legal access to a public street or publicly accessible carriageway other than Stirling Highway.
32.9	All land having a frontage to Stirling Highway and adjoining the carriageways shown in Schedule 4	<p>In this clause 'street block' means a length of land fronting Stirling Highway, between a public street or public carriageway and the next public street or public carriageway.</p> <p>Where there is no approved structure plan, local development plan and/or activity centre plan:</p> <p>(1) All development and subdivision is to allow a boundary setback sufficient to facilitate a minimum 6m wide carriageway in the location shown in Schedule 4.</p> <p>(2) All development and subdivision is to take vehicle access from the carriageway shown in Schedule 4 where it connects, either directly or via another carriageway, to a public street other than Stirling Highway.</p> <p>(3) Where the carriageway for the street block shown in Schedule 4 does not yet connect to a public street other than Stirling Highway, the development is to be designed to be modified in the future to take vehicle access from a rear carriageway</p>

TEXT MODIFICATION

		<p>once it connects to a public street other than Stirling Highway.</p> <p>(4) The local government shall not approve development or support subdivision that:</p> <p>(a) prevents any new or existing lot within the same street block from obtaining access from a public street or carriageway other than Stirling Highway; or</p> <p>(b) prevents any new or existing lot within the same street block from obtaining access to the carriageways shown in Schedule 4; or</p> <p>(c) creates a new lot with sole vehicle access to Stirling Highway.</p> <p>(5) All development must account for any ground level differences in order to facilitate a carriageway across a street block.</p> <p>(6) The total 6m width may include portions of any existing public carriageway.</p> <p>(7) Prior to issue of a building permit or subdivision clearance, suitable arrangements are to be made with the local government ensuring the 6m wide carriageway described in the above subclauses is burdened with public access rights in perpetuity.</p> <p>(8) The above clauses do not apply to an application for:</p> <p>(a) a change of use that does not involve works;</p> <p>(b) minor alterations or minor additions to an existing building or buildings where, in the opinion of the local government, the works do not impede an existing or future carriageway shown in Schedule 4; or</p> <p>(c) alterations and additions to single houses or grouped dwellings where, in the opinion of the local government, the works do not impede an</p>
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TEXT MODIFICATION

		existing or future carriageway shown in Schedule 4.
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4. Insert Schedule 4: Nedlands Stirling Highway Activity Centre (NSHAC)
Carriageway Network as shown below:

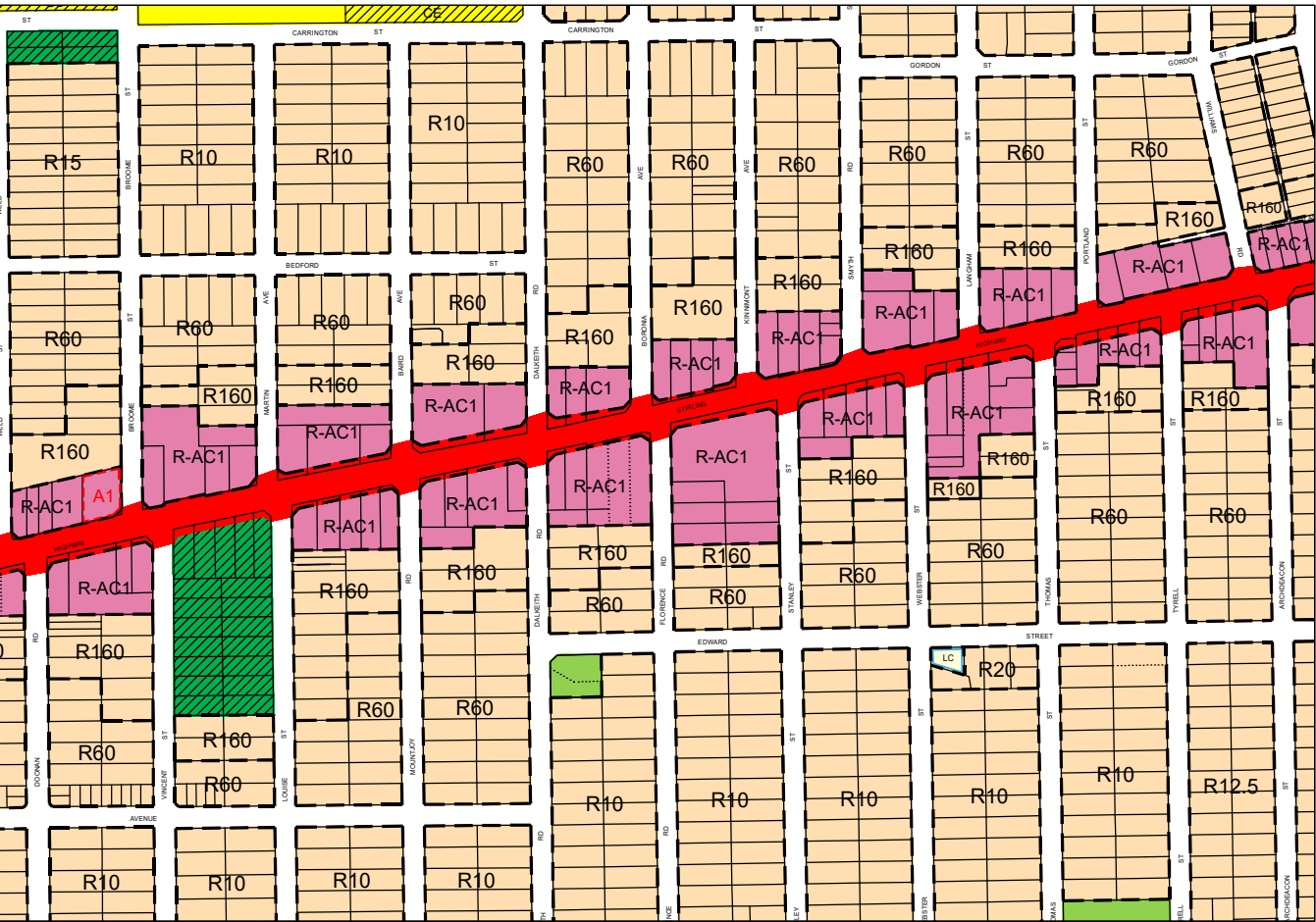
TEXT MODIFICATION



5. Rezone the following lots from Mixed Use zone to Neighbourhood Centre zone, and amend the Scheme Map accordingly:
 - a. Odd street numbers 81 through 105 Stirling Highway, Nedlands (inclusive);
 - b. Even street numbers 80 through 104 Stirling Highway, Nedlands (inclusive);
 - c. Even street numbers 2 through 6 Florence Road, Nedlands (inclusive);
 - d. Street numbers 7 and 9 Stanley Street, Nedlands;
 - e. Street number 4 Mountjoy Road, Nedlands; and
 - f. Street numbers 52 and 56 Dalkeith Road, Nedlands.

6. Rezone the following lots from Mixed Use zone to Residential zone and amend the Scheme Map accordingly:
 - a. Street numbers 128A through 128B Stirling Highway, Nedlands (inclusive);
 - b. Street numbers 1A, 1B and 3 Vincent Street, Nedlands;
 - c. Street numbers 108, 109, 110, 111, 112, 114, 115, 117, 119 Stirling Highway, Nedlands;
 - d. Street number 26 Broome Street, Nedlands;
 - e. Street numbers 34, 35 and 36 Martin Avenue, Nedlands;
 - f. Street number 33 Baird Avenue, Nedlands;
 - g. Even street numbers 36 through 56 Stirling Highway, Nedlands (inclusive)
 - h. Even street numbers 68 through 74 Stirling Highway, Nedlands (inclusive);
 - i. Odd street numbers 59 through 67 Stirling Highway, Nedlands (inclusive);
 - j. Odd street numbers 73 through 77A Stirling Highway, Nedlands (inclusive);
 - k. Even street numbers 50 through 60 Kinninmont Avenue, Nedlands (inclusive);
 - l. Street number 103 Smyth Road, Nedlands;
 - m. Street number 2 Stanley Street, Nedlands;
 - n. Street number 1 Webster Street, Nedlands;
 - o. Street numbers 1A, 1B, 2D and 2E Thomas Street, Nedlands;
 - p. Street numbers 2B and 2C Tyrell Street, Nedlands;
 - q. Odd street numbers 51 through 57 Portland Street, Nedlands (inclusive); and
 - r. Street number 52 Langham Street, Nedlands.

EXISTING ZONING



Legend

REGION SCHEME RESERVES (MRS)

- Primary Regional Roads
- Public Purposes

LOCAL SCHEME RESERVES

- Government Services
- Public Open Space

LOCAL SCHEME ZONES

- Local Centre
- Mixed Use
- Private Community Purposes
- Residential
- Neighbourhood Centre

OTHER CATEGORIES

- R10 R Codes
- A1 Additional Uses

PROPOSED ZONING



COUNCIL ADOPTION

This Standard Amendment was prepared by resolution of the Council of the CITY OF NEDLANDS at the ordinary meeting of the Council held on the

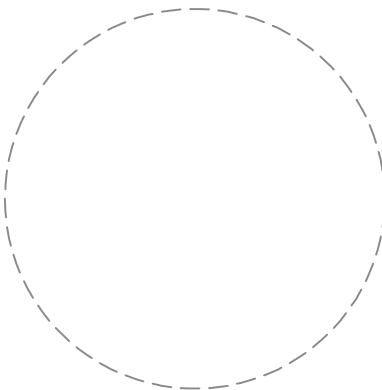
.....day of..... 20.....

Mayor

Chief Executive Officer

FINAL APPROVAL

- This amendment is recommended for support by resolution of the CITY OF NEDLANDS at the ordinary Meeting of the Council held on the day of20..... and the Common Seal of the CITY OF NEDLANDS was hereunto affixed by the authority of a resolution of the Council in the presence of



Mayor

Chief Executive Officer

2. RECOMMENDED / SUBMITTED FOR FINAL APPROVAL

Delegated under Section 16 of the Planning and Development Act 2005

Date

3. FINAL APPROVAL GRANTED

Minister for Planning and Infrastructure

Date



City of Nedlands

AMENDMENT No. 13

Rezoned the following lots from Mixed Use zone to Neighbourhood Centre zone:Odd street numbers 81 through 105 Stirling Highway, Nedlands (inclusive); Even street numbers 80 through 104 Stirling Highway, Nedlands (inclusive); Even street numbers 2 through 6 Florence Road, Nedlands (inclusive); Street numbers 7 and 9 Stanley Street, Nedlands; Street number 4 Mountjoy Road, Nedlands; and Street numbers 52 and 56 Dalkeith Road, Nedlands.

Rezoned the following lots from Mixed Use zone to Residential zone:Street numbers 128A through 128B Stirling Highway, Nedlands (inclusive); Street numbers 1A, 1B and 3 Vincent Street, Nedlands; Street numbers 108, 109, 110, 111, 112, 114, 115, 117, 119 Stirling Highway, Nedlands; Street number 26 Broome Street, Nedlands; Street numbers 34, 35 and 36 Martin Avenue, Nedlands; Street number 33 Baird Avenue, Nedlands; Even street numbers 36 through 56 Stirling Highway, Nedlands (inclusive); Even street numbers 68 through 74 Stirling Highway, Nedlands (inclusive); Odd street numbers 59 through 67 Stirling Highway, Nedlands (inclusive); Odd street numbers 73 through 77A Stirling Highway, Nedlands (inclusive); Even street numbers 50 through 60 Kinninmont Avenue, Nedlands (inclusive); Street number 103 Smyth Road, Nedlands; Street number 2 Stanley Street, Nedlands; Street number 1 Webster Street, Nedlands; Street numbers 1A, 1B, 2D and 2E Thomas Street, Nedlands; Street numbers 2B and 2C Tyrell Street, Nedlands; Odd street numbers 51 through 57 Portland Street, Nedlands (inclusive); and Street number 52 Langham Street, Nedlands.



Compiled: 17th April 2023
Amended: 7 February 2024
Scale: 1:7000 @ A3

Submissions on Scheme Amendment 13 and NSHAC Strategy

Support					
No.	Suburb	Support Amendment	Support Strategy	Submission	Officer Response
1.	Nedlands	Yes	Yes	With the rampant unsightly overdevelopment and destruction of tree canopies in the recent years, it would be in everyone's best interest to have a bit of thoughtfulness when it comes to planning. Examples are the development along Jenkins Ave and Vincent st.	Noted
2.	Dalkeith	Yes	No	Height limits, traffic control, density considerations and canopy trees all help to preserve a community and neighborhood lifestyle, whilst still enjoying the benefits of modern development. Commercial (and residential) development without non-commercial community considerations is unhelpful in preserving and enhancing our neighborhood and way of life for future generations. As such, I fully support the proposed amendments.	Noted
3.	Nedlands	Yes	Yes	Presume supporting amendment 21 is supporting amendment 13?? Fully support restrictions as proposed in amendment 13, especially height restriction, rear access and tree canopy.	An error in the survey question mis-numbered the scheme amendment and was subsequently corrected.
4.	Nedlands	Yes	Yes	As above. Seems like a reasonable approach to sensitive development.	Noted
5.	Dalkeith	Yes	No	Traffic on Stirling Highway is already very congested, and continuing to increase density is a recipe for disaster! Why aren't so many low-density areas being infilled instead of being developed on both sides of already congested Stirling Highway? Isn't it because the housing prices in this area are high? Beautiful words are all excuses, but they are actually driven by the interests of developers. Please stop increasing density on both sides of Stirling Highway!	This amendment does not attempt to modify density.
6.	Nedlands	Yes	Yes	Support retention and provision of large trees / mature vegetation. Do not support excessive heights. Need to provide a suitable pedestrian and cycling environment along Stirling Highway.	Noted
7.	Floreath	Yes	Yes	When I ran for Council approximately four years ago, I spoke to many people living along Stirling Hwy or in the blocks immediately adjacent to the Highway. It was clear then that the town planning for this area needed some really hard work to better reflect the needs and preferences of current and future residents. Some existing residents reported experiencing a high level of distress due to the impending imposition of buildings with significant height and density in the then proposed development near Dalkeith Rd. The council's engagement process with stakeholders is to be commended and while it has taken quite some time, brought local issues to the fore as well as reflected the need to accommodate an overall increased density approach in our popular locality via upgrades to our planning regulatory framework. I support the proposed Amendment.	Noted
8.	Dalkeith	Yes	Yes	It is hoped this will reduce the destruction of parts of Nedlands, which could easily turn into a jungle. Traffic movement is already (at some times during the day) at un-acceptable and dangerous levels. Every extra floor of a new building brings more people, most of whom do not live in the area. Already the changes in residential areas are having an impact on residents.	Noted
9.	Mt Claremont	Yes	Yes	I applaud this initiative. Hopefully it will limit the scourge of inappropriate development.	Noted
10.	Nedlands	Yes	Yes	I support the NSHAC in principal, subject to comment once I fully understand the proposed strategy. Of particular interest is 'how will the new Nedlands Village be integrated with these schemes? Of importance will be the village attractiveness and usefulness. This should be advanced early and be ahead of other schemes. I support the 4 amendments to Scheme No. 13.	Noted. A Vision Plan for the Town Centre was identified as a need in the recent Council Plan and will be progressed in the future.

Submissions on Scheme Amendment 13 and NSHAC Strategy

11.	Mt Claremont	Yes	Yes	Currently there is way too much ambiguity concerning jurisdiction over Stirling Hwy development, with developers too often riding roughshod over community interests and future amenity. Traffic flows, shade, and importantly, pedestrian safety (crossing Stirling Highway on foot is currently a suicide mission!!!) all need to be addressed forthwith. We want to see proper planning, which is people- centred. At the moment, the local codes re height, amenity and safety, appear to be pretty meaningless.	Note. The amendment and strategy are the first steps in providing additional planning overlays to this locality.
12.	Nedlands	Yes	Yes	The suburban planning fiasco that is presently developing at the corner of Hillway and Broadway is all the evidence that is necessary to support my views above. I commented to the Council at the time when residents were being asked for their views about the new building development in Broadway that parking in the vicinity was difficult even then and that cars drivers coming out of the proposed multi-storey building would find their sight-lines affected because of the location of the building exit, the nearness of the Hillway corner and the location of the bus stop.	Noted
13.	Dalkeith	Yes	Yes	It's great in every respect but should not be confined to Stirling Highway but also Jenkins Street in Nedlands for example.	Noted. A separate scheme amendment addressing vehicle crossovers around Jenkins St is being drafted by City Officers for presentation to Council by mid-year.
14.	Nedlands	Yes	Comment only	<p>Proposal 1. This would (hopefully) assist the local government in having more power to plan the future development of its own community. The local council is more likely to plan with a sensible foresight that the state government currently lacks in its reckless pursuit of infill targets, without proper consideration of the long-term consequences on various community values and amenities. In recent times the State government has obviously colluded with private developers and disregarded local council's important input in the decision making process and this comes at the expensive of residents and the character of local communities. Noting that I am not explicitly opposed to high rise apartments in certain locations along the highway, but consideration needs to be given on a case-by-case basis; how they are designed and how they impact on the immediate surrounding area and pre-existing residents.</p> <p>Proposal 2. This is an appropriate zoning that sees important residential areas on the highway maintained and the neighbourhood centre zone focused in one suitable area, around the library. *</p> <p>Proposal 3. Residential landholders on Stirling Highway should be entitled to full access to their own properties (albeit patience is key to safely exiting and entering during peak hours). It is not clear how this proposal would impact on private landholders in instances where it crosses lot boundary lines and is not conducive to the current property's layout, thus would not be feasible in those areas. This proposal would be appropriate for commercial properties seeing large numbers of non-residents accessing from the highway on a regular basis.</p> <p>Proposal 4. Strongly supported for obvious reasons that need not be elaborated. Looking at old photos it appears that mature native trees have been removed (in relatively recent years) from the actual footpaths on the highway, which is disappointing. Any protection of trees or requirements on new developments to include large trees should be a priority in all planning and approval processes. People want to move to the "leafy suburbs" and then remove all of the trees - this is a laughable and perplexing example of the complete folly which seems prevalent throughout our society in these strange times.</p> <p>* This area includes several buildings listed in the City's own Municipal Heritage Inventory, such as several of the first flats built throughout the 1930s. The character and aesthetic value that these buildings contribute to the area cannot be overstated. Several of the buildings in the City's own Municipal Heritage Inventory have been destroyed in recent years due to the fact that they are not state listed, with many more potentially under threat. Given the council's unique position and access to historical information, I think it would be very prudent for the local council to advance, in partnership with residents, applications for these heritage sites to gain proper heritage status and be listed in the state register. This would offer an appropriate level of protection to the unique (even by world standards) architecture in the area and allow this aesthetic value to be enjoyed for many more</p>	<p>Noted</p> <p>Noted</p> <p>Proponents would be required to use the carriageway network where available, and develop in anticipation of its use through the rear setbacks. Where not yet connected, direct access to Stirling Hwy will be allowed if that is the only option.</p> <p>Noted</p> <p>City Officers plan to introduce a suite of heritage initiatives this year.</p>

Submissions on Scheme Amendment 13 and NSHAC Strategy

				generations. Once these heritage sites have been destroyed, they are gone forever, and this is something that will be looked back upon with contempt by future generations for such absurdity having been allowed.	
15.	Dalkeith	Yes	Yes	<p>Zoning Map</p> <p>I support the rezoning of all mixed use lots along Stirling Highway, outside the proposed Neighbourhood Centre, to residential. The City of Nedlands does not need to encourage commercial and office uses outside the Perth City Centre. It will only make workers more car-dependant and parking will clog Nedlands streets.</p> <p>The rezoning of six mixed use superlots to Neighbourhood Centre is excessive and puts extra pressure on the Stirling Highway/Dalkeith Road intersection. It is poor planning to encourage a centre on four quadrants of a busy intersection. The centre should be confined to the two superblocks on the south-east corner, between Dalkeith Road and Stanley Street. The balance of the land designated for Neighbourhood Centre in the remaining four superblocks should be residential.</p> <p>Imposition of height controls</p> <p>My preference is not to reimpose height restrictions but to strengthen plot ratio requirements without height restrictions.</p> <p>Vehicle access restrictions and use of laneways</p> <p>This will require much work by the city and present maintenance issues for incomplete laneways. A preferred approach would be private owner led, with the city specifying no direct highway access and a minimum lot size for redevelopment.</p> <p>Vision and Leafyness</p> <p>The supporting documents discuss vision and leafyness but it is not clear what the vision is or how to get there. Different front building setbacks depending on building on use and height will result in an inconsistent streetscape. Requiring trees to be planted but allowing highway development to cover the whole of a lot without any restrictions on basements make it extremely difficult to accommodate trees.</p> <p>I propose starting with a vision for “Kings Park Road” leafiness and scale of development, which includes 20 percent of each lot to be landscaped (as defined in the R-Codes) and no building or basements within the 9m front setback or 6m rear setback areas.</p> <p>Only in this way will the streetscape be enhanced with redevelopment, where trees planted in the highway verge and on individual lots have space to grow and provide canopy.</p>	<p>Noted</p> <p>The Neighbourhood Centre stretches to Mountjoy Road to encompass the block that includes the existing theatre and restaurant. The future intention is to create easy pedestrian crossings of Stirling Highway in a way that precludes interaction with vehicles.</p> <p>Noted. Other planning controls may form part of future policy instruments.</p> <p>The carriageway network is intended to be owner-led and occur as part of large-scale developments. It is anticipated that minimum lot size for development will occur naturally and spur amalgamation, as most existing lot sizes are too small to support large-scale redevelopment that would be financially viable.</p> <p>The R-Codes provisions for landscaping will still apply. Implementation of leafiness may be addressed in future policy work. The proposed amendment sets the stage for creating a tree line along Stirling Highway and will require the trees to be located in deep soil areas.</p>
16.		Yes	Yes	<p>Whilst the purpose of the strategy is largely a policy guideline for development along the highway the proposed Scheme Amendment would have a greater over arching impact if it was adopted.</p> <p>Reference to the zoning map incorporated in the web site information pertaining to the proposal evinces that the City if attempting to restrict commercial development and more importantly commercial development opportunities to that section of Stirling Highway bounded by Stanley Street to the east and Mountjoy Road to the west, in the context of the southern side of Stirling Highway. This area is tightly held with the Captain Stirling Hotel site proposed for redevelopment to include the hotel at the front and a Woolworths Supermarket anchored</p>	Noted

Submissions on Scheme Amendment 13 and NSHAC Strategy

				<p>shopping centre to the rear, the former Captain Stirling Village shopping centre site is slated for an Aldi Supermarket and ownership and land sizes and dimensions severely restrict future development flexibility and opportunity to the west.</p> <p>Opposite, on the northern side of Stirling Highway, there is a large showroom development opposite the Captain Stirling Hotel site, some older style residential flats and an office building to the west thereof and an operating car yard approved for three very substantial residential apartment towers at the western end.</p> <p>State planning policy 4.2.2 provides that from a sustainability perspective a local government area should provide opportunities for 15% of the local population to be employed in the immediate locality or at least have the opportunity for that to occur. The loss of industrial and commercial land in Perth's western suburbs with the McCabe Street commercial strip now redeveloped as residential leaves only the western side of the showgrounds and the Carrington Street strip remaining for service commercial style uses etc within the western suburbs. The Carrington Street strip has a questionable future as a large portion of land holdings along this strip has been acquired by very wealthy individuals who would have obvious longer term alternative plans for the node that would not involve service commercial uses.</p> <p>Proposed Scheme Amendment No. 13 seeks to remove any prospect for new non-residential development along the Stirling Highway corridor within the City which is contrary to State planning policy. Various parts of the community have need for various uses within the immediate catchment rather than having to travel to Fremantle or Osborne Park for such uses and the Stirling Highway corridor provides the last and only opportunity for the placement of such uses within the western suburbs.</p> <p>Reasonable height limits rather than excessive height limits such as 20 storeys make sense and are supported. From a practical perspective, apart from one or two sites that are much larger than the typical site along Stirling Highway, most of the potential redevelopment sites along the highway strip would be incapable of supporting or accommodating excessively high development due to their inability to provide sufficient parking for such developments on site. You would be aware that most of the properties with Stirling Highway frontage have areas between 800 or 900 sqm up to around 1,400 sqm and a number of those sites have sloping topography which makes efficient development even more difficult.</p>	<p>The amendment only rezones a handful of lots along Stirling highway, leaving the vast majority as capable of mixed use development and local employment opportunities. Lots to be rezoned already consist of residential uses or uses that may be considered in a residential zone.</p> <p>Noted. These smaller lots are incapable of financially viable development and would need to amalgamate to be able to progress large-scale development.</p>
17.	Nedlands	Yes	Yes	<p>ALDI welcomes the opportunity to make a submission in relation to the proposed modifications to the Nedlands Stirling Highway Activity Corridor (NSHAC): Strategy and Scheme Amendment No. 13 which has been release for public comment.</p> <p>The NSHAC has been reviewed in the context of ALDI's landholdings at No.90 Stirling Highway, historically known as the Captain Stirling Shopping Centre. As the City is aware, a Development Approval was granted by the Metro West JDAP at its meeting held on 14 November 2018 for an ALDI store which was conceived and approved under the now rescinded City of Nedlands Local Planning Scheme 2 (LPS2).</p> <p>The proposed Strategy and Scheme Amendment No. 13 amendment provides greater clarity of the intended development in the locality and appropriately differentiates the Nedlands Activity Centre from the areas along the Stirling highway that will be predominately residential development. It will provide a more nuanced approach to planning for the area, whilst recommitting to the positive development that has been approved in recent times. As we have long asserted, we believe the combined effect of the ALDI and Woolworths developments will result a new heart for the City of Nedlands and wider community that will be valued by the local and wider community.</p> <p>We wish to advice the City of Nedlands of our general overall support of the proposed Strategy and Scheme Amendment No. 13. and offer the following consideration and recommendations that would assist in improving the resolution and implementation of a successful precinct.</p> <p>CONSIDERATIONS AND RECOMMENDATIONS</p> <p>NSHAC Strategy</p>	<p>Noted</p> <p>Noted</p>

Submissions on Scheme Amendment 13 and NSHAC Strategy

				<p>We support the introduction of the NSHAC Strategy (the Strategy) as a key document that provides strong planning basis for activity growth. Further, the Strategy is integral for the success of the NSHAC as it will ensure a consistent application of strategic planning principles that will influence both the Scheme and other planning mechanisms.</p> <p>As ALDI’s holdings are within the Neighbourhood Centre Zone, we support the characterisation of this zone and it’s intended development outcome. The ‘Vision’ within the strategy is supported, and we have included the extract below:</p> <p>“This zone will be the focal point for daily shopping, entertainment and dining along Stirling Highway and will accommodate a broad range of retail and entertainment uses including supermarkets, restaurants, cafes, specialty shops and recreation venues.”</p> <p>It should be further stated that there is genuine support for the preferred location of retail, dining, entertainment and other socialisation uses on the southern side of Stirling Highway, as depicted in the Strategy. ALDI intend, and have previously obtained planning approval for, the development of the land to align with the above principles.</p> <p>However, there is a concern that the Strategy has overstated the developability of the NSHAC project area, and that the minimum density is overly onerous for landowners, and impractical to be achieved on many sites. This is particularly given that the contemporary development of the NSHAC project area is in its early stages and such limitations prevent early takers to invest in the precinct. Most particularly the minimum prescribed height in the Strategy of 4 Storeys (refer section 5.2.3) is not practical. ALDI does not believe it is required to prescribe such a high minimum base height for the zone in order to generate the desired level of activity, especially where ALDI will develop a use that is by nature a high amenity use that will in turn attract more residents to the residentially zoned land. Examples of high functioning activity corridors with lower densities that work in collaboration with higher densities are listed below:</p> <ul style="list-style-type: none"> • Beaufort Street, Inglewood. • Rokeby Road, Subiaco. • Fitzgerald Street, North Perth. • Beaufort Street, Mt Lawley. <p>It is suggested that this be altered to exclude any minimum base height, with advertised maximum heights retained. This will allow for the development of key, catalyst land uses, such as supermarkets (ALDI) and other commercial sites, of which will provide the amenity to support higher density development. It is noted that the similar catalyst development approved on the Woolworths Site is at a maximum two storeys, and would not align with the height provisions prescribed.</p> <p>REQUEST: Should the NSHAC Strategy be adopted by the City of Nedlands, it is recommended that the minimum height for development within the Neighbourhood Centre Zone be removed. This will support a diversity of land uses and further allow for catalyst, amenity creating development to be delivered.</p>	<p>Noted</p> <p>The wording in the strategy has been amended to state a preference for a minimum of 4 storeys rather than a requirement. Further details and specific requirements would be encoded into a local planning policy or other statutory instrument.</p>	
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Figure 1 – Site Plan



Location of Right-of-Way

The document 'Schedule 4: Nedlands Stirling Highway Activity Centre (NSHAC) Rights-of-ways Network' has significant issues as it does not provide a continuation of the Right-of-way proposed over the ALDI land holdings, nor does it include the Right-of-way between Florence Road and Stanley Street (at the rear of the Woolworth site).

REQUEST: Amend Schedule 4 to include: 1. the continuation through to Dalkeith Road, and 2. include the connection between Florence Road and Stanley Street, as shown in the image below.



Agreed. Schedule 4 has now been updated to reflect this. These lots have been under discussion as part of submitted applications and are the likeliest spots for carriageways. The Florence/Stanley carriageway has already received approval as part of a development application, albeit with slightly modified design from that proposed in the Schedule. In the future, Clause 34 allows Council to vary these sorts of design issues where the intent of the carriageway is achieved.

Submissions on Scheme Amendment 13 and NSHAC Strategy

				<p>Provision of Trees</p> <p>Proposed Clause 32.7 of Table 6 is intended to provide for improved amenity along the Stirling Highway. Whilst this is acknowledged and accepted to a degree, it is also important that the site zoned 'Neighbourhood Centre' are differentiated from the Residential areas. There is a need to ensure that a different built form is achieved for the Neighbourhood Centre to improve the clarify and legibility of the place to ensure that it is logical for the community to find a heart in the town centre.</p> <p>It is more appropriate for the built form to have a nil setback to the Stirling Highway within the core Neighbourhood Centre, rather than having large setbacks and trees at regular intervals, that are not necessarily the best urban design response. The explanatory text states that tree should be used to 'obscure the built form of the building' which we do not believe is correct in an activity centre context. Therefore, we believe that the clause should only apply to the land zoned 'Residential'.</p> <p>REQUEST: Amend column 2 of row 2 of Table 6 to 'All land zoned residential having a frontage to Stirling Highway as shown below:</p> <table><tr><th>No.</th><th>Description of land</th><th>Requirement</th></tr><tr><td>32.7</td><td>All land zoned residential having a frontage to Stirling Highway</td><td>1) All new development shall provide 1 medium or 1 large tree as defined by the R-Codes located adjacent to and outside of the Stirling Highway road reservation per 12 metres of Stirling Highway street frontage, measured at the future street boundary post-road widening. 2) Sub-clause (1) does not apply to an application for: a) a change of use that does not involve works; b) minor additions or alterations to an existing building or buildings that do not significantly alter the scale of the building; or c) additions or alterations to single houses or grouped dwellings.</td></tr></table> <p>CONCLUSION</p> <p>ALDI conditionally supports to the NSHAC Strategy and Scheme Amendment No. 13, subject to a number of modifications as outlined in this submission.</p> <p>We wish to remain informed of the progress of the Strategy and Amendment and would like to opportunity to provide further clarification of our position should this be required or of benefit to the City.</p> <p>Thank you for the opportunity to provide comments in relation to this proposed local structure plan modification. Should you wish to discuss the contents of this submission, please do not hesitate to contact the undersigned.</p>	No.	Description of land	Requirement	32.7	All land zoned residential having a frontage to Stirling Highway	1) All new development shall provide 1 medium or 1 large tree as defined by the R-Codes located adjacent to and outside of the Stirling Highway road reservation per 12 metres of Stirling Highway street frontage, measured at the future street boundary post-road widening. 2) Sub-clause (1) does not apply to an application for: a) a change of use that does not involve works; b) minor additions or alterations to an existing building or buildings that do not significantly alter the scale of the building; or c) additions or alterations to single houses or grouped dwellings.	<p>The intent is to create more shade along the entirety of Stirling Highway. This may include building cutouts rather than full setbacks to allow space for trees. There are options for design responses that allow for trees that do not obscure signage. Additionally, clause 34 allows Council to vary this requirement should it be necessary for improved precinct design.</p>
No.	Description of land	Requirement									
32.7	All land zoned residential having a frontage to Stirling Highway	1) All new development shall provide 1 medium or 1 large tree as defined by the R-Codes located adjacent to and outside of the Stirling Highway road reservation per 12 metres of Stirling Highway street frontage, measured at the future street boundary post-road widening. 2) Sub-clause (1) does not apply to an application for: a) a change of use that does not involve works; b) minor additions or alterations to an existing building or buildings that do not significantly alter the scale of the building; or c) additions or alterations to single houses or grouped dwellings.									
18.	Nedlands	Yes	Yes	<p>Re zoning - agree with re zoning along the corridor</p> <p>Re Height restrictions - agree with limiting heights along the corridor</p> <p>Re right of access - Questions - how does the City propose to do the right of access at the back of my complex between Boronia & Dalkeith rd? There are only 3 parking bays at the front of the complex and the rest are at the rear on the back fence line. If you introduce a right of way we would lose parking and then have to park on side streets where the parking is already at a premium. Please advise.</p>	<p>Noted.</p> <p>Noted.</p> <p>City Officers have discussed with submitter that carriageways would come online as a result of large-scale development and not be imposed on existing development, except to retain a rear 6m setback.</p>						

Submissions on Scheme Amendment 13 and NSHAC Strategy

Oppose					
No.	Suburb	Support Amendment	Support Strategy	Submission	Officer Response
1.	Not supplied	Comment only	No	The heights proposed are excessive and will result in massive traffic issues, overshadowing of properties adjacent and create a masonry wall, just like Broadway is becoming.	The heights in the strategy take the R-Codes as a starting point, which sets out a 9 storey building height. The heights are lower than the unlimited height allowed for currently.
2.	Mount Claremont	No	No	There is no need for high density buildings , it devalues the character of the area and study have shown that high density living also promotes crime	No density changes are proposed in the strategy or the amendment. The lots are already coded R-AC1.
3.	Nedlands	No	No	I reject any development in the area. It changes the vibe	Noted
4.	Nedlands	No	No	We fully support the planting of trees, however object to the proposal for higher density and the removal of height restrictions. There is already too much high density occurring in Nedlands now, let alone creating more. Nedlands is fast losing its appeal with over development. The idea of creating access to properties via alternatives to Stirling highway is a good one due to ever increasing car numbers. Federal Govts policy of unsustainable immigration numbers is over taxing our natural resources such as water and ever increasing power usage to run air conditioners with the type of development Council is proposing. Neither the land, its resources or its inhabitants can sustain continued population growth.	Noted. No density changes are proposed in the strategy or the amendment.
5.	Not supplied	No	No	Terrible policy, too high density, no train line or other suitable public transport options to support, traffic impacts will be hugely significant on neighbouring quiet single dwelling residential streets.	No density changes are proposed in the strategy or the amendment. Public transport infrastructure does not form part of this amendment and is something that needs to be addressed at the State level.
6.	Nedlands	No	No	We already are going to have ridiculous height towers on the corner of Dalkeith road that will cause extreme congestion for traffic in addition to a 'precinct' of up to 11 storey high apartments, which are to be built on Smyth Road (where it borders Karella and Monash). To suggest that the whole street frontage along Stirling Hwy should be allowed to have no height limit is basically going to make the area closed in, quickly become a ghetto and something like what is happening to Canning Bridge. There is no view from this spot of any green space, there is no park to face onto like Claremont Oval. This seems poorly thought out and poorly designed. Why not put apartments along Victoria Avenue facing the river? It seems the council is just trying to get its density target where all the poorer people live as they know they have less power. A better planning strategy is needed than this. This is short sighted. Shona	There is currently no height limit now. The amendment proposes to remove the clause which removes height limits, effectively reverting height back to that shown in the R-Codes.

Submissions on Scheme Amendment 13 and NSHAC Strategy

7.	Nedlands	No	No	<p>The Scheme Amendment No 13 (SA13) accomplishes a number of useful objectives but leaves other things hanging. I hope the following comments will be useful</p> <p>1. Infill numbers - the Strategy declares that the changes to the SHAC will not alter the level of housing available to meet the 2050 infill target. Based on the AC-1 heights EO of 9 storeys rather than the unlimited heights contained in LPS3 by Clause 26(3), this means that there are some pluses to offset the minuses. It is not clear where this balance is presented.</p> <p>2. Height Limits - SA13 proposes on the north side of Stirling Highway (S/Hwy) a base height of 9 storeys and a maximum of 12 storeys. From the appendices, it appears that there was community support for extra height if the designs were exceptional. The assessment of the value of height bonuses (up to 33%) to developers should be explained and adhere to the clear principles of Section 2.8 of Volume 2 of the R Codes. The SA13 is grossly deficient in not addressing this matter given the deficiencies in the DAP system.</p> <p>3. Plot Ratio - density is described by the plot ratio calculation and stems from the balance between height, set backs and interior and exterior design. Plot ratio must also be addressed in equal importance to height in SA13. There is a suggestion of a maximum 0.5 plot ratio bonus (17%). Nevertheless, any bonus must be justified and balanced by incremental values of community benefit.</p> <p>4. Approval by WAPC/DoP - it is stated that the draft SA13 may take up to 18 months to be approved by the WAPC/DoP system. A major impact of the changes in SA13 is to remove the deletion in LPS3 of height limits for R AC-1 along Stirling Highway Nedlands. This deletion was imposed by the DoP with evidence suggesting it followed a Ministerial direction. The potential tremendous wealth transfer to developers at the expense of the community breaches the DoP's regulatory obligations with no justification. It will be one of the major incidents to be investigated in any Royal Commission. The City of Nedlands therefore needs to recognise that the DoP can be induced to agree to the desires of the City of Nedlands to SA13 and its timing. This must be exploited.</p>	<p>1. Estimated yields are based on plot ratio, which is unchanged.</p> <p>2. Officers originally included criteria for permitting extra height within the amendment, however, the criteria was removed by the WAPC prior to advertising. Such criteria could form part of a future local planning policy or another scheme amendment.</p> <p>3. Any incentives will be the subject of future policy work and tied to specific outcomes.</p> <p>4. Noted.</p>
8.	Nedlands	No	No	<p>I object on the following basis:</p> <p>The height ceiling the Council wished to introduce cannot be supported because:</p> <p>1) the height ceiling the Council is proposing to bring back in with this Amendment 13, is a means of the Council clawing back control lost when the Nedlands Town Planning Scheme was overruled by the State Govt. As such the proposed bring back in of the ceiling, is a means of wresting back control - which I most certainly object to. Since Council has an anti development stance.</p> <p>2) I object to the disingenuous way in which the Council has tried to allay fears in those proprietries affected by these proposals. By suggesting the ceiling limits are 'guides' for Town Planners when assessing proposals. This 'guidance' will provide a further hurdle to development and insinuates the Council back into the Approval process to which it is clearly disgruntled at losing. Again further passive aggressive but frankly underhanded subversion of the Town Planning Scheme as instructed by the State Govt. The approach is underhanded and not transparent.</p> <p>3) the changing of zoning from R-AC1 Mixed use to Neighborhood Centre: without further clarification from Council, I object to this because on the face of it, it is more restrictive than R-AC1. This provides Council with more rules to restrict development and therefore the value of my property.</p>	<p>1. Removal of unrestricted height is intended to bring more certainty to developers and the community, and set a future height that strikes a balance between community desires and continuing development. There is still ability for development to exceed the R-Code Acceptable Outcome heights.</p> <p>2. The ceilings in the strategy and the R-Codes are described as guides because they are not hard limits and can be varied through the R-Codes. Calling them 'requirements' or 'criteria' is potentially confusing to the public by implying a definitive limit that does not, in reality, exist.</p> <p>3. The zoning does not change the density but the allowable uses. The change is to highlight the importance of this area within the City</p>

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9.	Nedlands	No	No	<p>We are the owners of 125 Stirling Hwy which is located on the corner of Broome Street and Stirling Hwy. The property is zoned mixed use with 2 long term retail tenants, Glen Parker Bikes has been at the site for over 40 years. Surrounding our property is 26 strata townhouses and on the opposite side of the road is the BP service station.</p> <p>We don't believe the Council has given due consideration to the individual circumstances of each property along Stirling Hwy and by making a blanket residential rezoning it will decrease the development potential along Stirling Hwy and therefore slow down the development of Nedlands.</p> <p>We have spoken to a number of property developers and given the size of our property and location being opposite a service station, the financial and market attractiveness of a residential development proposed by the Council's rezoning does not work on our property.</p> <p>We request the Council keeps the mixed used zoning for our existing commercial property. This doesn't change the future option for our property to be acquired by a property developer who manages to consolidate all 26 townhouses next to us and make our property part of that larger development. Maintaining mixed used enables us to look at commercial development options in the near term that provide additional services to the Nedlands residents. The property has a number of restrictions as detailed above, however we believe there are commercial options available that would make better use of the property.</p>	<p>Given the relatively small size of 125 Stirling Hwy, significant development could only occur were it to amalgamate with the strata lot next door. Given the number of owners of the adjoining strata lot, this is unlikely to eventuate anytime soon. It is therefore appropriate to allow some dispensation for this lot to retain non-residential uses, as it currently operates with one or two shops. This is further discussed in the report.</p>
10.	Nedlands	No	No	<p>I have purchased a property on Stirling Highway, Nedlands in a good faith that the property can be used for commercial purpose and can be developed in the future. This amendment is contrary to my original intention of purchasing this property.</p>	Noted
11.	Nedlands	No	No	<p>We note that the existing Mixed-Use Zone that sits adjacent to the Highway, on both the northern and southern sides, provides for a diversity of land uses. The Mixed-Use zone will perform an important role in the local economy, allowing for the provision of essential services to the local catchment and diversification of land uses within the local government area as the area is progressively redeveloped in alignment with the City's Local Planning Strategy.</p> <p>Following a detailed review of the Amendment, we acknowledge that some aspects of the proposal are warranted to appropriately guide the future development of the lots adjacent to Stirling Highway, such as provisions related to laneways for vehicle access and additional tree planting requirements. However, the proposed removal of Clause 26(3) from LPS3 is not conducive to the progressive redevelopment of the Nedlands Stirling Highway Activity Corridor in a manner that will allow for contextually responsive design to determine the appropriate built form outcome.</p> <p>On this basis, and for the reasons outlined in our submission, we object to the Amendment and request that Clause 26(3) is maintained within LPS3.</p> <p>Submission</p> <p>With regards to the above, element provides the following comments and recommendations for the City's consideration:</p> <ul style="list-style-type: none"> • To protect the diversification of land uses and provision of services to the locality, Amendment No. 13 to LPS3 should be modified to exclude provisions 1, 4 and 5. <p>Zoning</p> <p>The Amendment proposes to rezone lots between Dalkeith Road and Stanley Street from Mixed Use to Neighbourhood Centre. The lots immediately east and west of the Neighbourhood Centre zone are proposed to be rezoned from Mixed Use to Residential. The City's Scheme Amendment Report states that this rezoning is to allow for the creation of a Neighbourhood Centre hub, with solely residential properties to be created adjacent to support these commercial uses.</p> <p>This change in zoning is considered to detract from the potential for the Mixed-Use zone fronting the Highway to provide various land uses along the City's main corridor. The length of the Mixed-Use zone will provide for a diverse experience for pedestrians and residents along the length of the Highway.</p> <p>The proposal to change the zoning of lots along the Highway from Mixed-Use to Residential, to provide residential properties to support the Neighbourhood Centre sites, is unnecessary, as the very nature of Mixed-Use zonings provides for residential and commercial dwellings to co-exist on the same site. In addition to this, the Mixed-Use zonings are surrounded by residential zoning both north and</p>	<p>Noted</p> <p>Though there is provision for residential uses to occur on Mixed Use lots, zoning to pure Residential will ensure that uses around the Neighbourhood Centre will not compete with the Centre. The Centre should remain the focal point for shopping and entertainment within the area.</p>

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			<p>south of the Highway, with density codes ranging from R160 to R60, and eventually to R10. The higher density residential developments planned for these areas will provide adequate local custom for commercial uses situated on the Highway. This local custom will be bolstered by the residential properties required to be provided on the Mixed-Use sites themselves, as per the objectives of the Mixed-Use zone within Part 3 of LPS3.</p> <p>The current zoning of the lots along the Highway already provides for the creation of a neighbourhood centre, as has occurred with the approval of major activity centres in proximity to each other, including Aldi at 90 Stirling Highway and Woolworths at 80 Stirling Highway, on the same site as the Captain Stirling Hotel. This soon to be developed neighbourhood centre has naturally occurred through market demand and the opportunity provided by these existing large sites. The large areas of residential zoning north and south of the Highway will provide adequate support for this neighbourhood centre, and other commercial uses that may occur along the Highway.</p> <p>Building Height</p> <p>The Amendment proposes to delete Clause 26(3) from LPS3, which states:</p> <p>26(3) In relation to land coded R-AC1, clause A2.2.1 in the building height element of the primary controls in the R-Codes is replaced by:</p> <p>(a) The default Acceptable Requirement for building height limit (storeys) as set out in Table 2.1: Primary Controls Table does not apply.</p> <p>The City's Scheme Amendment Report states that the planning framework provides no ability to control building height on the Highway, with Clause 26(3) of LPS3 removing the ability for the RCodes height recommendations to be applied. This statement oversimplifies the nuances of the state planning framework, which the City has previously utilised to assess and determine appropriate heights for proposed (and approved) developments.</p> <p>Building height can be appropriately controlled through the existing local and state planning framework, the function of the City's Design Review Panel and the development application processes, without the requirement to reference the "default" height control of Table 2.1 of the RCodes. This has been successfully proven in the case of the approved development on the subject site at 37-43 Stirling Highway. In the Responsible Authority Report the City's officers assessed the proposed 17 storey height against the R-Codes Element Objectives 2.2 for Building Height, resulting in their conclusion that 'the height proposed adequately achieves the element objectives and effectively responds to the desired future scale of the character of the street and local area'. The City's officer assessment is supported by the Department of Planning, Lands and Heritage officer commentary on this Scheme Amendment within the Statutory Planning Committee (10 October 2023) report, which states 'it is appropriate for building height to be controlled by Element 2.2 (Primary Controls) of the R-Codes...'. The commentary by both the City and DPLH demonstrates that the existing planning framework, design review and development assessment process provide adequate protocols and controls to appropriately manage and determine the ideal building height.</p> <p>The fractured nature of land ownership along the Highway, and the fact that many individual lots are relatively small, naturally constrains the capacity for development. Where lots are amalgamated and able to achieve the full potential of the R-AC1 density coding, the required building setbacks and plot ratio requirements of the R-Codes, in addition to the required rear laneway vehicle access proposed by this Scheme Amendment, will serve to inform the building height potential of a given development proposal. In this regard the proposed Scheme Amendment is considered to impose unnecessary planning controls on the Highway, as evidenced by commentary from both the City and DPLH as referenced above.</p> <p>Conclusion</p> <p>As stated, on behalf of the owner of 37-43 Stirling Highway, Nedlands, element objects to proposed Scheme Amendment No. 13.</p> <p>Changes in zoning along Stirling Highway are unnecessary. The development of a neighbourhood centre is already forming, since the introduction of LPS3 in 2019, with the Mixed-Use zoning allowing for contextually appropriate activity centres to occur. The proposed rezoning to Residential for lots along</p>	<p>The Neighbourhood Centre zone formalises the creation of a city centre and encourages dining and entertainment uses to be clustered in a single section along the highway.</p> <p>The developments in question were considered to achieve the desired future scale and character of the area because there was no strategy or other documentation formally adopted that set out what the desired scale and character was. The assessment was based on the fact that the scheme removed all height limits and that, therefore, tall buildings were the expected and desired scale. The proposed strategy formalises Council's and community's view on the appropriate bulk and scale within the area, and allows for a more nuanced assessment.</p> <p>Element 2.2 of the R-Codes is Building Height, so the DPLH is in agreement with the City that removal of unlimited height is appropriate. The height will default back to Element 2.2 of the R-Codes.</p> <p>Removal of the unlimited height clause will revert height back to Element 2.2 of the R-Codes and provide more certainty for the community for future development.</p>
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				<p>the Highway to provide additional custom for these commercial developments is unnecessary, with the objectives of the Mixed-Use zone in LPS3 requiring residential development to be included on Mixed-Use sites.</p> <p>The deletion of Clause 26(3) from LPS3, with height to be informed via the default requirements of Table 2.1 of the R-Codes, is also considered to be an unnecessary amendment to LPS3. Building height can be appropriately controlled through the local and state planning framework, the Design Review Panel and development application processes. The City has previously utilised this framework for the assessment of proposed developments, including the development approval for 17 storeys at 37-43 Stirling Highway.</p> <p>For these reasons, on behalf of our client Hot Sand Capital Pty Ltd, we object to the Amendment and request that Clause 26(3) is maintained within LPS3 and the zoning on Stirling Highway remains unchanged.</p>	
12.	Nedlands	No	No	<p>We are directly significantly detrimentally affected by the City of Nedlands proposal.</p> <p>The below are reasons why this proposal should not proceed. In particular, the focus of this submission relates to the proposal to establish rights of way (ROW proposal) at the rear of buildings but also proposes other means to achieve similar “infill development” outcomes.</p> <p>Lack of consultation</p> <p>As is said in the documents published by City of Nedlands:</p> <p>“Throughout 2021, a series of workshops were carried out with local residents, landowners and businesses chosen to form part of a Stakeholder Reference Group”.</p> <p>I was one of the landowners chosen to form part of that Group. While a series of different possibilities were put forward as to the development of Stirling Highway, at no stage was rear access to blocks fronting the Highway ever suggested or discussed.</p> <p>For that reason, the Stakeholder Reference Group should be reformed to consider this, as a key component of the City’s proposal.</p> <p>Not only were stakeholders not consulted on this issue during the workshops, the haste with which this has progressed, means, given that much of the period for making submissions is during the lead up to and during the Christmas/New Year/Summer holidays, that many families will have insufficient time to consider these proposals and make a submission</p> <p>I sent an email to Council in November requesting that the period for making submissions and further consultation be extended but I did not receive a reply.</p> <p>Reason for changes</p> <p>Upon enquiry of the City of Nedlands as to how the “ROW proposal” arose, I was advised that this was from Main Roads who have asserted that the proposal is to improve safety.</p> <p>No traffic study has been provided to show that there is a problem with safety or what that problem is. Similarly there is no evidence that this proposal will ameliorate this unknown and unsubstantiated problem. None of the reports provided consider different scenarios, it appears that we are asked to accept what is presented as the only solution.</p> <p>Further, no consideration is given to the increased traffic on side streets as a consequence, and ultimately, traffic returning onto Stirling Highway in any event, to depart the area.</p> <p>The terms of reference (TOR) given to the various consultants have not been provided and this should have been done for transparency and to ascertain whether the report is based on reasonable requests. Can you please provide the TOR now as an appendix to this consultation.</p> <p>None of the drawings or maps provided are clear about the size of the footpaths, nor is there a clear map showing Main Roads Stirling Highway Reserve or Metropolitan Regional Scheme (MRS, 2016) to understand the effect of what is proposed. The City of Nedlands informed us that it is not able to provide that information either in PDF or digital data format. So how can the City of Nedlands, residents and landowners assess properly the proposal put forward.</p>	<p>The carriageway network was discussed at the final 2 Community Reference Groups, which both dealt with built form and included indicative buildings that may be constructed under the proposed design controls. Work has been ongoing for several years, as evidenced by the numerous reports that make up the strategy’s appendix.</p> <p>The submission period was longer than the minimum, being from 15 November to 15 January. In addition, the City has continued to accept late submissions up to the Council report deadline.</p> <p>The carriageway proposal did not come directly from Main Roads, though it is aligned with Main Roads plan for Stirling Highway. The carriageway network is a way to reduce direct vehicle access to Main Roads, consistent with Main Roads advice received on development applications.</p> <p>The amendment does not address proliferation of vehicle traffic general, though the strategy has a general vision to encourage alternate methods of transportation.</p>

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				<p>Access way to the rear of properties to be constructed</p> <p>There are many reasons why this proposal is unfair, expensive and unworkable for property owners. Further, if the proposal is to encourage development, it will actually counter against development, given the enormous increase in cost per square metre by reason of the reduction in the size of developments caused by very large and unnecessary set backs.</p> <p>There is currently no public right of way along the “street block” (ie the blocks between the side streets) along Stirling Highway where our property is located. Based on published “intramaps”, this is true for most of the properties fronting Stirling Highway in the City of Nedlands. So, if the proposal is accepted as proposed (which we say should not) accessways would need to be created along all of the properties along our “street block” and most of the others as there are no existing rights of way.</p> <p>Further, the City of Nedlands proposal says: “ All development must account for any ground level differences in order to facilitate a right-of-way across a street block”.</p> <p>Given that the ground level across each of the 5 properties in our “street block” varies, it is not clear as to how, as a matter of fact, such a right of way could be created at all or at the very least without extensive and expensive engineering works, all of which City of Nedlands have said would be a cost to be borne by the owners. Given the slope of individual blocks, there being marked differences in height in some instances, over much of each individual block, having an access way at the rear would also require extensive and expensive engineering works over much of the individual blocks, not only of that portion that is the proposed accessway. For example, in relation to our individual block, compared to the block to our west, there is a marked difference in height and this is approximately 15 metres to the rear. The same or similar circumstances appears true of many of the blocks which would be affected by the City of Nedlands proposal, should it be accepted.</p> <p>At present, given the planning laws as they stand, I have been advised by a City of Nedlands planning officer that we can develop our block to all four boundaries. This will not be the case if the proposal is accepted.</p> <p>The City of Nedlands proposal is that there be a six metre accessway. This is excessive given that most of the existing (public) accessways in the City are several metres less than this.</p> <p>Diminishing amenity of area</p> <p>Rather than enhancing the amenity of the area, it will diminish it. Stirling highway will be huge developments, completely contrary to the existing developments along the Highway.</p> <p>A misconception is the idea that the proposal will create a “community” feel. Stirling Highway is and always will be a very busy road. While part of it is due to cars attending businesses along the Highway, much of it is traffic going to/from Perth/Fremantle. The NSAC will be basically 1 development wide with very limited foot traffic in a linear fashion over a 2km distance. Having an accessway at the rear does nothing to increase foot traffic or diminish the traffic to/from Perth/Fremantle.</p>	<p>There is no need for Main Roads reserves road design, as the amendment is not intended to impact design of Stirling Highway itself other than removing direct lot vehicle access. Indicative planning designs for multi-storey apartments have been carried on large lots and determined that the proposals are workable.</p> <p>Large developments already approved by JDAP include sole vehicle access from newly created/widened carriageways to the rear. This is expected to continue, and the amendment simply formalises this and attempts to prevent development that would stymie creation of these carriageways.</p> <p>The intent of this provision is to prevent excessive excavation or fill that would hamper development of the carriageways and that, where any works occur, they are to match the ground level of adjoining lots to facilitate a future carriageway. The 5 properties within this street block are, on their own, too small to be financially viable for large-scale development. The carriageway construction would likely need to be considered only when the lots are amalgamated in service of a large development.</p> <p>Six metres allows spaces for two vehicles to pass while also potentially including room for some landscaping.</p> <p>This amendment does not impact vehicle use, it is an attempt to rationalise vehicle access away from Stirling Hwy for new developments.</p> <p>The strategy and the amendment intend to improve the pedestrian feel</p>
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			<p>The rosy picture of liveable community interaction and extensive foot traffic is a fallacy.</p> <p>Particular configuration of each block of properties adjoining Stirling Highway The scheme does not distinguish or permit the particular circumstances of each “block” of properties between side streets along Stirling Highway to be taken into account. For example, in relation to our specific property, there are 5 properties in total between the side streets (to the west and east of us). Three to the west of us, and one to our east (a corner block which is double sized). That being the case, there is no reason for anyone to access their property through the rear of ours. Those to the west can access to the west and it is only us who would need to access to the rear via the adjacent corner property.</p> <p>If only the corner blocks were required to have rear access, to their lot alone, then on our street block, half or 3/6 of the blocks (the most easterly one being a double block) would have access that is not on Stirling Highway. There would be no need to have the complex, unfair and expensive rear accessway to the rear of all the blocks in the street block. This would be far less disruptive.</p> <p>Inconsistency with adjoining councils While I have not had the opportunity to examine whether all of the other Councils that have properties adjoining Stirling Highway have put forward proposals, I have noted the proposals of the City of Claremont. The City of Claremont, has put a proposal forward in relation to rear access which is very different from that put forward by the city of Nedlands. I was advised by a planning officer at the Town of Claremont that their proposals in relation to rear accessways applies only to corner blocks. We submit that all Councils should have consistent proposals in this regard, so that there could be a cohesive approach to all development along Stirling Highway. Without it, there will be a hodge podge approach, with some more favourable to some owners compared to others, dependent upon which Local authority the land falls within. That is poor planning and unfair.</p> <p>Public Transport In the reports not enough emphasis is placed on public transport. The given reason for the proposal, to purportedly increase safety, falls away if public transport is encouraged and enhanced.</p> <p>Other means of achieving same objective The City of Nedlands in this proposal, in an effort to achieve its stated objective is imposing all of the development and all of the burden on Stirling Highway. As I have mentioned above, I think that this proposal will actually hinder development. There are other options. Most of the residential properties in the City of Nedlands (that do not front Stirling Highway) are either R10 or R12.5. Many of these properties are also at or near 1000m2 and are 20m wide. Therefore, if the RCode was changed to say a still very low R20, then development could be spread more broadly and more fairly across the City, allowing in many instances two street front residences on existing blocks. Design requirements could be introduced to enhance new developments in addition to existing housing stock. Additional benefits should also accrue to corner blocks. The benefits in approaching in this way would not be immediate development (and neither is the City’s current proposal) but would be a stepped process of development across the City. It would allow existing residents to age in place which is also important for ongoing connection and a positive community.</p>	<p>of Stirling Highway, though it is acknowledged it will remain a busy road and not a pedestrian thoroughfare. Improving pedestrian amenity is one way of encouraging locals to walk rather than drive.</p> <p>The rear carriageways will only proliferate as large-scale development is proposed. The carriageway amendment forms part of clause 32 of the scheme, which Council has ability to vary under clause 34 should it be considered necessary and lead to an equivalent outcome (ie: one which removes direct access to Stirling Hwy for a street block).</p> <p>The Main Roads plan for the highway in regard to rear carriageways is likely the same along the length of Stirling Hwy. Therefore, any large scale development within Claremont is likely to be required to access a road other than Stirling Highway. It is not uncommon for adjacent local governments to have different planning regulations.</p> <p>The density along Stirling Highway is set to remain at R-AC1. Uptake of this density code with large-scale development is expected to occur gradually over a long time frame. The amendment and strategy aim to guide the inevitable development into a built form that enhances the amenity of the area and provides more certainty to developers and the community.</p>
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				<p>No compensation offered</p> <p>Finally, there is no compensation that is presently being offered to owners affected by this proposal. There will be a substantial detrimental effect to the value of properties subjected to this change should this proposal proceed, and owners should be compensated appropriately.</p> <p>In summary: all proposals in relation to the accessways at the rear should not proceed.</p>	<p>The land is not being taken, but burdened with an easement. It still belongs to the landowner with the possibility to build below it or above it provided sufficient clearance is allowed for vehicles. Similar outcomes have already occurred with large-scale developments approved by JDAP within the City.</p>
13.	Nedlands	No	No	<p>I purchased the property for redevelopment within the short term based on the current R-AC1 zoning. Any change is completely unacceptable to me.</p>	<p>Zoning of this property is not proposed to change.</p>
14.	Nedlands	No	No	<p>am against amendment No 13 as proposed. I believe the amendment is poorly designed and iniquitous. I believe the Amendment is poorly designed:</p> <p>I oppose deleting clause 26(3) Modification of R-Codes.</p> <p>Scheme amendment 13 proposes-</p> <p>Delete the existing scheme clause that removes height that removes height as a consideration for R-AC1 coded properties.</p> <p>My understanding is that this R-AC1 clause provided for a building height of up to 9 Storeys. The strategy that the council has outlined as a guide for assessment includes anticipated building heights for certain zones, ranging from 6 - 12 Storeys.</p> <p>The proposal for a 6-meter ROW at the rear of the property would see me lose 15% of the land area without compensation. In addition, it is highly possible that I would suffer a reduction in allowable height for future development.</p> <p>I believe it is likely that I would suffer a reduction in land area for development and a reduction in allowable building height.</p> <p>Vehicle Access</p> <p>"The Amendment includes some flexibility should owners within a street block agree on a different proposal that allows those lots to have access to a street other than Stirling Highway. Should that occur, there is the ability for a local development plan to be submitted by affected owners and proved by the City. Alternatively, an amalgamation and development across an entire block may mitigate the need for formal right-of way access."</p> <p>The resolution to amend planning schedule 3 Amendment 13 does not mention this mitigating circumstance. I believe the complex amendment should be altered to include the above passage concerning vehicle access, particularly the mitigation for a formal right of way access in the event of an amalgamation and development across an entire block.</p>	<p>Noted</p> <p>Noted</p> <p>The land is not being taken, but burdened with an easement. It still belongs to the landowner with the possibility to build below it or above it provided sufficient clearance is allowed for vehicles. Similar outcomes have already occurred with large-scale developments approved by JDAP within the City.</p> <p>It may be the case that developments would be lower in height than current standards, but plot ratio (dwelling yield) remains the same.</p> <p>The flexibility is already embedded in the scheme, as existing clause 34 allows Council to vary clause 33 where it will not adversely affect the future development of the locality.</p>

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				<p>I believe the amendment is iniquitous: I attended the meeting on the 29th of November 2023 and questioned the officers attending on the status of the right of way whether it would be private or for general public use, however the reply was ambiguous. Under clause 32.9.15 Local Planning Scheme No.3 Amendment 13 the council plans to vote:</p> <p>"Suitable arrangements are to be made with the local government ensuring the 6m wide right-of-way described in the above subclause is burdened with public access rights in perpetuity".</p> <p>Not only does this burden the landholder with future reduction of the value of the land, with the creation of a right of way, but has the immediate effect of greatly limiting development on the proposed right of way zone at the present time.</p> <p>This devalues the land currently as any reasonable contemporary development will be refused. There is no guarantee that future development will occur in the foreseeable future and yet the implication of Amendment 13 lowers the value of the land immediately.</p> <p>In addition, a future developer may be willing to create a ROW for the use of tenants but may be unwilling to create and maintain a ROW for the enjoyment of the general public.</p>	<p>The carriageway would have to allow public access in perpetuity.</p> <p>As above, the carriageway network will only begin to come online with the introduction of more and more large-scale development, not the existing small lots. The amendment intends to set up current development so that it does not inhibit future development.</p>
15.	Nedlands	No	No	Should be fair to the owners of those blocks and able to be mixed use for the needs in the future to allow more development and business along Stirling Highway.	Only a select number of lots are proposed to be rezoned Residential.
16.	Nedlands	No	No	<p>I believe the proposed changes will create many problems for residents and people using way highway for transport.</p> <ol style="list-style-type: none"> 1. Stirling highway is too narrow to allow for more traffic. 2. There is inadequate public transport without trains and more buses would add to the problem. 3. There are some heritage buildings that would be demolished. 4. A better choice would be the wider roads to the east of the city which would be enhanced with some new modern developments. 5. Parking in the side streets off the highway which is already over crowded. 6. It is in unDemocrat to force the residents to have our area of character homes demolished to line the pockets of greedy developers for no gain and just pain and damage on what has been a leafy green area. 7. Loss of our cooling green canopy, birds, bees and trees. <p>Living in Meriwa street close to the highway my way of life together with many others will never be the same.</p>	<p>The amendment does not address proliferation of traffic or lack of public transport, though the strategy aims to encourage alternate modes of transport.</p> <p>Demolition of heritage buildings is not contemplated by this amendment, as heritage buildings along Stirling Hwy are close to the street and the carriageway network is to the rear.</p> <p>The amendment and strategy aim to increase vegetation and trees in new development.</p>
17.	Nedlands	No	No	<p>I am against amendment No 13 as proposed. I believe the amendment is poorly designed and iniquitous.</p> <p>I oppose deleting clause 26(3) Modification of R-Codes.</p> <p>My understanding is that this R-AC1 clause provided for a building height of up to 9 Storeys. The strategy that the council has outlined as a guide for assessment includes anticipated building heights for certain zones, ranging from 6 - 12 Storeys. It is highly possible that I would suffer a reduction in allowable height for future development.</p> <p>The proposal for a 6-meter ROW at the rear of the property would see me lose 15% of the land area without compensation.</p>	<p>Noted</p> <p>Noted</p> <p>The land is not being taken, but burdened with an easement. It still belongs to the landowner with the possibility to build below it or above it provided sufficient clearance is allowed for vehicles. Similar outcomes</p>

Submissions on Scheme Amendment 13 and NSHAC Strategy

				<p>I believe it is likely that I would suffer a reduction in land area for development and a reduction in allowable building height.</p> <p>Vehicle Access</p> <p>"The Amendment includes some flexibility should owners within a street block agree on a different proposal that allows those lots to have access to a street other than Stirling Highway. Should that occur, there is the ability for a local development plan to be submitted by affected owners and proved by the City. Alternatively, an amalgamation and development across an entire block may mitigate the need for formal right-of way access."</p> <p>The resolution to amend planning schedule 3 Amendment 13 does not mention this mitigating circumstance. I believe the complex amendment should be altered to include the above passage concerning vehicle access, particularly the mitigation for a formal right of way access in the event of an amalgamation and development across an entire block.</p> <p>I believe the amendment is iniquitous:</p> <p>I attended the meeting on the 29th of November 2023 and questioned the officers attending on the status of the right of way whether it would be private or for general public use, however the reply was ambiguous. Under clause 32.9.15 Local Planning Scheme No.3 Amendment 13 the council plans to vote:</p> <p>"Suitable arrangements are to be made with the local government ensuring the 6m wide right-of-way described in the above subclause is burdened with public access rights in perpetuity".</p> <p>Not only does this burden the landholder with future reduction of the value of the land, with the creation of a right of way, but has the immediate effect of greatly limiting development on the proposed right of way zone at the present time.</p> <p>This devalues the land currently as any reasonable contemporary development will be refused. There is no guarantee that future development will occur in the foreseeable future and yet the implication of Amendment 13 lowers the value of the land immediately.</p>	<p>have already occurred with large-scale developments approved by JDAP within the City.</p> <p>It may be the case that developments would be lower in height than current standards, but plot ratio (dwelling yield) remains the same.</p> <p>The flexibility is already embedded in the scheme, as existing clause 34 allows Council to vary clause 33 where it will not adversely affect the future development of the locality. The carriageway would have to allow public access in perpetuity.</p> <p>As above, the carriageway network will only begin to come online with the introduction of more and more large-scale development, not the existing small lots. The amendment intends to set up current development so that it does not inhibit future development.</p>
18.	Nedlands	No	No	<p>Thank you for the opportunity to review and comment on these proposals. We appreciate the thought and effort that has gone into planning these changes.</p> <p>Both the proposed strategy and the scheme amendment are substantial improvements on the existing strategy and scheme. In particular, we support the reintroduction of residential areas and height restrictions along Stirling Hwy. We also support the proposed characteristics of the Residential Zones as described in Sections 5.5 and 5.6.</p> <p>However, we object to the proposed right-of-way network. It is incomplete, e.g., no complete passage between Florence and Dalkeith Roads. It also disproportionately affects wider but less deep blocks on the south of Stirling Hwy, particularly at 74 Stirling Hwy where we own a property. We would prefer a different approach that required developers to provide suitable vehicular access to properties, taking</p>	<p>Noted</p> <p>The carriageway network has been modified to show the connection between Dalkeith and Florence Road. The carriageway network is intended to remove direct vehicle access from individual lots to Stirling Hwy over the long term as properties are developed. Without this approach,</p>

Submissions on Scheme Amendment 13 and NSHAC Strategy

				<p>into account the specifics of the property location and nature of the development. We would support negotiated, but not mandated, easements.</p> <p>If the proposed right-of-way between Stanley and Webster Streets were to be approved, we would object to designation of 74 Stirling Highway as residential only. The remnant of the land when highway widening is taken into account would make residential development and living difficult if not unfeasible.</p>	<p>there would be no mechanism to remove access to Stirling Hwy.</p> <p>More than 50% of the existing lots along Stirling Hwy are too small to be developed to the intended density even without any height restrictions. It is anticipated that, in the long term, lots will amalgamate in order to create potential for large-scale development consistent with the density code. When this occurs, residential development will be able to be designed to fit the new larger blocks.</p>
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Submissions on Scheme Amendment 13 and NSHAC Strategy

19.	Nedlands	No	No	<p>Summary</p> <p>In the process and documentation about Amendment 13 of LPS 3 we found that there was a lack of communication and quite a few inconsistencies. The terms-of-reference for the consultants is not publicly available which would have helped when assessing the proposal.</p> <p>There is also a lack of digital data available, for example road reserves and design by Main Roads.</p> <p>The documents do not make it clear how the proposed laneways can be implemented. In some of the reports unrealistic assumptions are made like 'alfresco dining next to Stirling Highway would be desirable'. Or, that redevelopment along Stirling Highway will create a walkers' paradise with a community feel. Lack of detailed transportation information. The full submission will go into detail of these and other issues.</p> <p>I object to the proposed amendment in its current form. The concept planning has to be critically analyzed to come up with more realistic options.</p> <p>This submission regarding the NSHAC (sometime referred to as NSAC or SHACS) as Amendment 13 changes to LPS 3 raises questions and comments, with concluding remarks at the end of the document.</p> <p>1. <u>Insufficient consultation</u></p> <p>In the documents published by City of Nedlands it is stated:</p> <p><i>"Throughout 2021, a series of workshops were carried out with local residents, landowners and businesses chosen to form part of a Stakeholder Reference Group".</i></p>	<p>The strategy sets out a long-term vision for the precinct, with individual legislation needed to implement the proposals.</p> <p>There is no need to review the indicative Main Roads reserves road design, as the amendment is not intended to impact design of Stirling Highway itself other than removing direct lot vehicle access.</p> <p>The carriageways are implemented as large development comes online over a period of years, with criteria in place to ensure new development does not hamper creation of future carriageways. In this way, a middle lot is not reliant on its neighbours for development.</p> <p>There were a total of five community workshops carried out as part of the initial Stakeholder Reference Group. The rear carriageway network was introduced and discussed in the final two workshops. The majority of the draft strategy came from these workshops, along with previous background work carried out by the City. The area has been the subject of a number of discussions and reports over several years. The relevant parts have been collated into the draft NSHAC strategy, which can be seen as the culmination of all this work and the starting point for legislative change.</p>
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			<p>However, while a series of different possibilities as to the development of Stirling Highway were put forward, the proposal of the creation of a rear laneway to lots fronting the Highway <u>was never suggested or discussed</u>.</p> <p>Also due to insufficient or unavailable data provided with the consultation paper the consultation is insufficient.</p> <p>This is an initiative that could have long-term negative consequences so the current proposal and consultation should be suspended and the Stakeholder Reference Group can be reformed to consider the whole of the City's proposal.</p> <p>2. <u>Terms of Reference</u></p> <p>None of the reports referred to have any different scenarios, and ratepayers are asked to accept what is presented as the only solution. I would like to have the terms of reference, excluding remuneration, for the various consultant reports published, maybe presented as an appendix to the reports. In that way the reader can ascertain if the report is based on reasonable requests and if the requests have been fulfilled. It would be a great step in ensuring transparency.</p> <p>3. <u>Availability of reports and documentation</u></p> <p>None of the drawings or maps are clear about the size of the footpaths, nor is there a clear map showing Main Roads Stirling Highway Reserve or Metropolitan Regional Scheme (MRS, 2016). The City of Nedlands informed us that it is not able to provide that information either in PDF or digital data format. Therefore, it is impossible to assess properly if its planning designs can work.</p> <p>From the documentation it is not clear if individual owners are forced into having this laneway. Since laneways are part of the LPS they should be gazetted lanes that therefore are maintained by the City. The laneways / rights-of-way work best if they</p>	<p>The reports in the appendices cover a number of years and have primarily been referred to as part of the background. The strategy is a broad vision for the area based on the 2021 Stakeholder Reference Group engagement, which aimed to foster understanding of the precinct planning process, foster the City's awareness of community concerns and aspirations for the area, and obtain input from a diverse range of perspectives.</p> <p>There is no need for Main Roads reserves road design, as the amendment is not intended to impact design of Stirling Highway itself other than removing direct lot vehicle access. Indicative planning designs for multi-storey apartments have been carried on large lots and determined that the proposals are workable.</p> <p>The scheme amendment requires that development be set back 6m from the rear in order to create the carriageway. These carriageways do not have to be gazetted and currently it is the City's preference that ownership remain with the landowner and an easement be placed on the title to ensure public access. This was the method taken in recent large-scale developments along Stirling Highway.</p>
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continue from one side street to another. What is the set back from the rear boundary for any development now? If just a 3 storey building was developed would the laneway be needed? What happens when a middle block wishes to develop including the laneway, but neighboring blocks are not interested? We realize that the number of permutations are large but to list some possible scenarios would be very helpful for the readers.

None of the reports mention the increase in noise by vehicles traveling over these laneways.

A crucial point for businesses is also where can their customers park if the set back is 2.5m? Businesses need parking at the front of the business.

There is no reference to who is paying for these rights-of-way and who maintains them and it would be unfair to expect owners of the lots to do so given this would be, if successful, imposed on them

4. **Proposed design and layout**

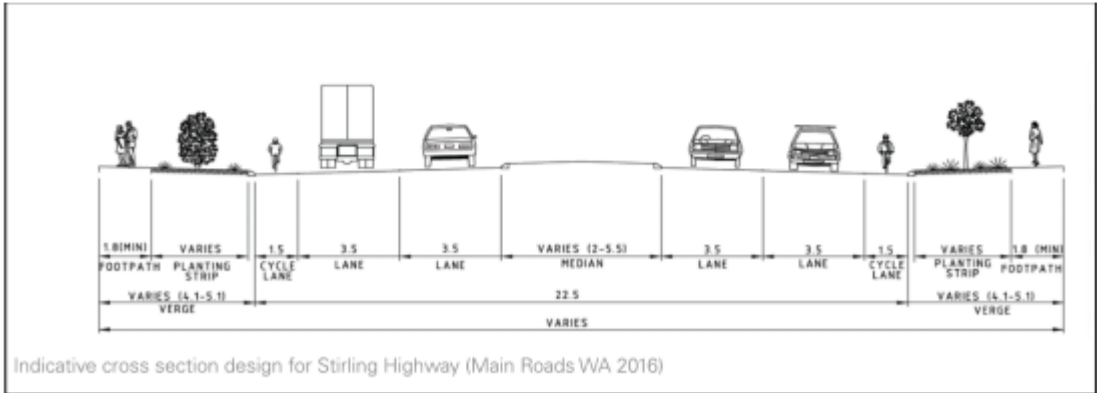


Figure 1. Suggested layout Stirling Highway by Main Roads (Appendix A, page 57).

As the carriageways only benefit a few properties, it is up to private owners to maintain them to the satisfaction of the City. As previously noted, these carriageways will only be constructed as part of large scale development.

Current setbacks are as per the R-Codes and generally allow 4 storey boundary walls. However, recent approvals for large-scale development have voluntarily set back their development to create a rear carriageway, allow ventilation and sunlight to habitable rooms, and reduce visual privacy impacts to adjoining lots. Further, it is only required that the carriageway be of sufficient dimension for vehicles. In theory, an upper floor could project above the carriageway provided there was sufficient clearance.

The carriageways will be primarily created by large scale development, which, in many instances, will require amalgamation of lots to create the necessary lot size to facilitate such development.

Middle blocks must leave a 6m setback for the future carriageway but may otherwise have vehicle access to Stirling Highway if there is no other access available.

It is envisaged that all parking will eventually be at the rear of development via the carriageways.

Noise will be considered as part of any development application.



Figure 2. Suggested layout Stirling Highway (Appendix A, page 63).

According to measurements from City of Nedlands' Intramaps the average distance between lot boundaries from the north to south side of the Stirling Highway is about 25m. In Appendix A, pages 57 and 63, (Fig 1 & 2) the verge's width is 4.1 -5.1m, 2 – 5.5m for the median strip, that adds up to 11.2 – 15.7m. The indicated lane widths in drawing on are added together it is 17m. Together that is 28.2 – 32.7m, a distance which is larger than the average of the cadastral distance between the lots of 25m. Clearly given these measurements this is not possible so what is the proposed design?

The reports are not really examples of the human scale factors as shown in figure 3 (Matan & Newman, 2016). This makes it very hard to visualize the planned designs.

It is unknown what the final layout of the Main Roads design will be. However, this information is not necessary to design built form controls and access requirements given that all development will occur outside of the Primary Regional Road Reservation.

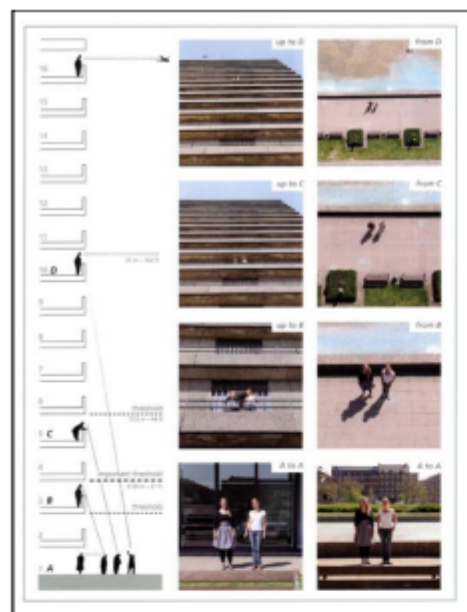


Figure 3. Indication "human-scale" regarding building heights (Matan & Newman, 2016).

In the same Appendix (F. 2.5.1 Intent)

"Along with Building Height, the setback of a building from the street is a key contributing factor defining the streetscape character of a precinct. The setback of a building should be carefully considered in the context of the building height, to optimise street level amenity and prioritise the comfort of pedestrians, delivering a sense of enclosure, allowing separation from vehicles and contributing to the sense of a 'human scale' of development at street level."

These are vague concepts but there are no examples in the reports of how to achieve this ideal.

5. Design

Do the numbers in figure 5 mean that for the first 5 storeys a minimum 2.5m setback is required and above this level, a setback of 5.5m, from the MRS boundary. If the plan is all high-rise why is this setback needed anyway, especially on the south side where there would be less overshadow problems when the facade is proposed to be pushed

The amendment does not propose any setbacks beyond those required to allow for trees along Stirling Highway. Any setbacks may form part of future legislation.

The heights noted by the submitter are correct, however, the referenced figures come from the TBB modelling, which forms part of the appendix to the NSHAC Strategy and includes indicative built form outcomes. These setbacks and heights are not proposed in any current legislation but may form part of future policy work.

towards the south? That ignores the benefits of building to the boundary, such as through the use of a portico, as occurs in southern Europe (Figure 6).

Recommended Primary Controls: R-AC1 Node	
Site R-Coding	R-AC1
Building height ^{1,2}	Maximum: 9 storeys OR Up to 12 storeys with development bonus Minimum: 4 storeys
Boundary walls ^{1,2}	Maximum Height: 5 storeys Length: Unlimited (subject to street and rear setback provisions) Location: To two side boundaries
Minimum primary street setback ^{4,5,6}	≤5 storeys: 2.5 metres (average) ≥6 storeys: 5.5 metres
Minimum secondary street setback	≤5 storeys: Nil ≥6 storeys: 3 metres
Minimum side setback ⁷	≤5 storeys: Nil ≥6 storeys: 6 metres
Minimum rear setback ⁸	≤4 storeys: 6 metres ≥5 storeys: 12 metres




FIGURE 14: LOCATION PLAN R-AC1 NODE SUB-PRECINCT

Figure 4 : Does this mean for the first 5 storeys 2.5m setback and above this level 5.5m from the MRS boundary.

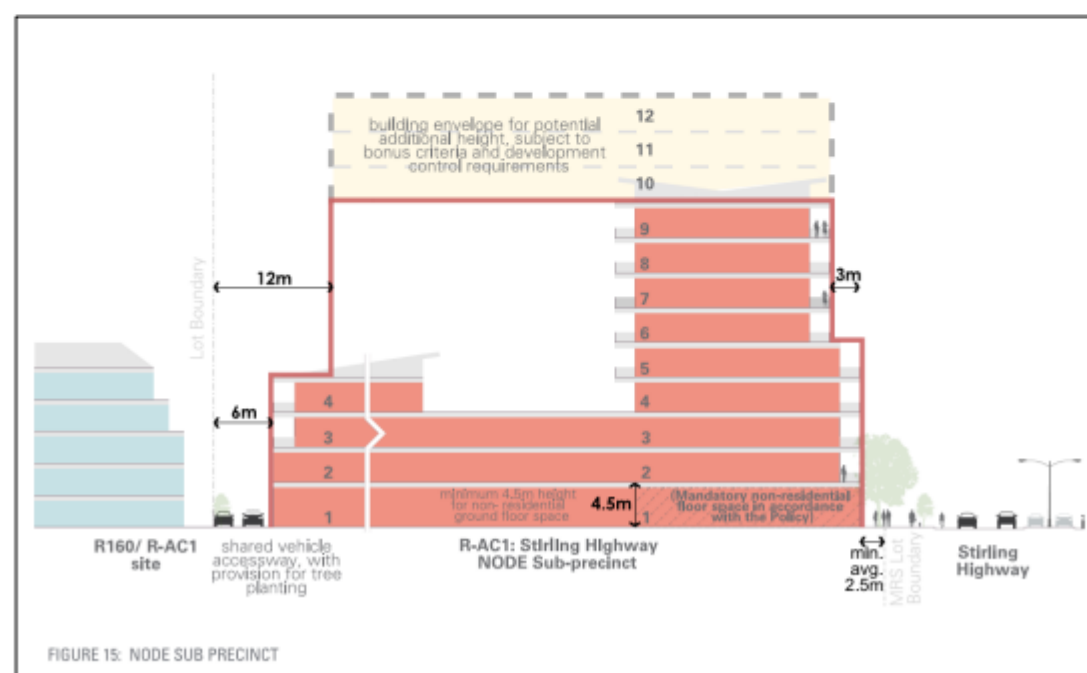


Figure 5 :A cross section example of a highrise building (Nedlands, 2022)

The drawing in figure 5 representing figures 15, 18 and 21 in appendix-F (Nedlands, 2022) gives the impression that the highrise is just on the Stirling Highway side of the development, so why were the higher levels not drawn as solids to the outline on the left? While the red outline is a more realistic presentation of the building envelope. It is understood that the maximum depth of the building from Stirling Highway depend on the size of the block, that is why there is the zigzag-break in the lower levels. Nevertheless, as presented it gives the wrong impression.

On the left of figure 6 the text "*shared vehicle accessway, with provision for tree planting*" is unrealistic in a lane 6m wide with traffic in two directions.



Figure 6. Portico under a modern building in Bologna, Italy.

In none of the reports is any indication that a *wind impact* modeling was carried out. The width, height, length and orientation of the allowed highrises will have an impact on how the airflow is affected (Lenzholzer, 2015). One scenario could there be a tunneling effect of wind especially in the afternoon when the "Fremantle Doctor" blows

The indicative designs show varying setbacks in order to allow for sunlight and ventilation to upper floor apartments, visual privacy setbacks, open space, and landscaping. As above, these setbacks and heights do not form part of this current proposal.

Noted, however, wind impact modelling is not necessary for the purposes of this amendment.

			<p>since Stirling Highway runs north-east to south-west. Could it be that walking along Stirling Highway becomes unpleasant in that case?</p> <p>6. <u>Who wants to walk along Stirling Hwy?</u></p> <p>It is a misconception that creating all these high rise dwellings and amenities will create a "community" feel that encourages people to walk. Because Stirling Highway is classified as a <i>Primary Distributor</i> (the highest class in the road hierarchy system; or within Main Roads traffic modeling a <i>Divided Arterial</i> road) there will always be a natural divide between the northern and southern side. The NHSAC will be basically one development wide with foot traffic in a linear fashion on either side of Stirling Highway over a 2km distance. It is unlikely that pedestrians switch regularly from one side to the other, especially since the number of safe controlled crossings are limited and the distance across is more than 20m. To form village centres will be very difficult since one block away from Stirling Highway it will all be existing "leafy" residential suburb development. That does not mean there should not be redevelopment and densification along Stirling Highway at all, we are saying the rosy picture of livable community interaction and extensive foot traffic is a fallacy.</p> <p>In Character Analysis 2.4.2 Street Activation (Nedlands, 2022a):</p> <p><i>"Additionally, locating active land uses such as shopfronts and cafes at ground level of commercial and mixed use buildings, as well as the presence of alfresco dining and other commercial and community activities which engage directly with the pedestrian sidewalk can greatly increase street activation. with the pedestrian sidewalk. The setback of buildings also contributes to street activation and is assessed elsewhere in this analysis."</i> (highlight by author)</p> <p>How does this work with the setbacks? Also, the statement above makes the assumption that people want to sit next to a busy Stirling Highway.</p> <p>7. <u>Pedestrian Crossings</u></p>	<p>It is acknowledged that Stirling Highway separates the area and a solution to join the two sides of the highway with one or more protected pedestrian crossings is ideal. The strategy shows indicative crossings preferred by the community groups, most notably adjacent to the proposed Neighbourhood Centre zoning. The strategy simply sets out the intended vision for the area. Implementation will occur via other future means.</p> <p>No street setbacks are currently proposed. However, there may be instances where an alfresco is appropriate (ie: on a secondary street or where adequate protection from the road is provided). As noted above, this is a vision document and many items may not eventuate.</p>
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Figure 7 shows that within 200m of Loch Street there are 3 pedestrian crossings, the next one is about 600m east at the Rose gardens. What about a crossing opposite the IGA shop on corner Taylor Street. That would be a safe way for the future residents to cross Stirling Highway. From Dalkeith Road to Smyth Road are 4 crossings marked, but nothing to the east. Shouldn't it be part of planning to have controlled crossings at regular intervals, e.g. 200m across such a busy road? These would also have the secondary impact of slowing traffic thereby improving safety.

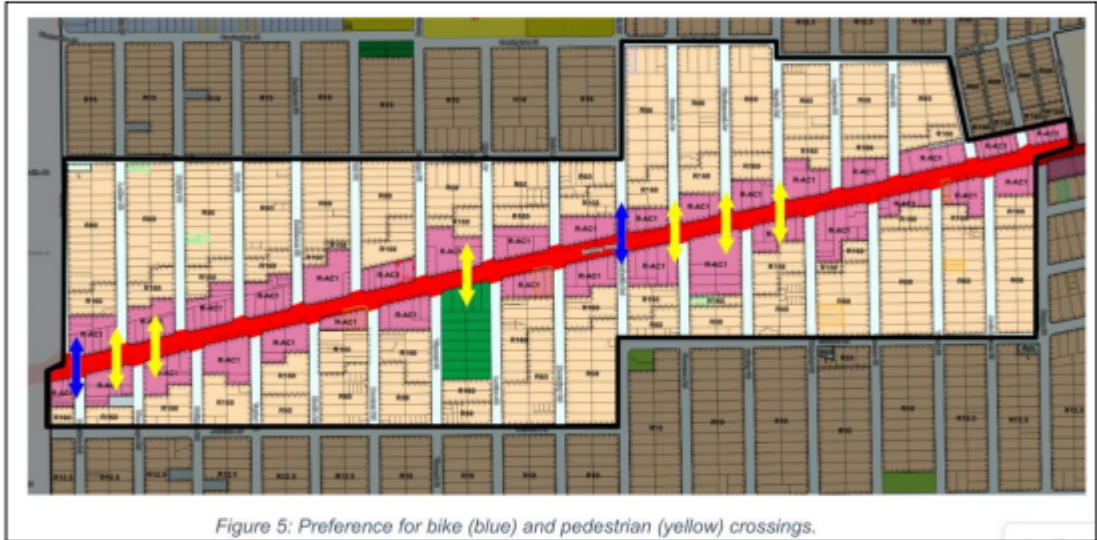


Figure 5: Preference for bike (blue) and pedestrian (yellow) crossings.

Figure7. Proposed pedestrian crossings (Figure5 in Nedlands, 2023).

8. Densification

With a growing population in Western Australia densification is necessary, to do it along Stirling Highway is a good idea and essential for sustainable development. Nowhere in the reports is a mention of the externalities associated with demolition and wasted embodied energy. We understand that these are only concept plans but nevertheless during a climate emergency *life cycle assessments* (LCA) need to be carried out. Is there an environmental assessment done using LCA? In addition, novel ways of building extra storeys while retaining the existing buildings need to be looked at as for example described by Boogaardt (2023).

Any pedestrian crossings would have to be approved by Main Roads. The markings in the strategy are indicative only. Ideally, there would be one or more protected pedestrian crossings that do not interface with traffic along Stirling Highway (ex: an overpass or underpass).

Noted. The City intends to formulate a sustainability strategy, which is intended to encompass the whole of the city and may lead to sustainability requirements for new development. However, that work has not been carried out and does not form part of this proposal.

9. Street Trees

From the reports it is unclear how more street trees can be planted along Stirling Highway since no maps are available to show where Stirling Highway road, footpath and road reserve exactly run. Having said that, the street tree cover as shown in Figure 11 (page 31 of Appendix A) is good and the City of Nedlands can start planting more trees now without this amendment.



Figure 11. Tree cover envisaged along Stirling Highway (Appendix A, page 31)

Appendix F. 2.8.1 Intent

Trees and landscaping make a significant contribution to the ecology, character and micro-climate of neighbourhoods. They provide habitat for fauna, shade, stormwater management and visual relief from high density built form, as well as improve apartment outlook and privacy. Historically, the character of the Stirling

Individual developments will have cadastral boundaries of their lots.

			<p><i>Highway has been defined by its established urban tree canopy. New development shall respond to and continue this tradition through the siting and massing of development and location of new trees.</i> (highlighted by author).</p> <p>Where are the examples of how it was? As said before there is no reason the City of Nedlands cannot start implementing a program to get back to the historic tree canopy now.</p> <p>10. <u>Transportation</u></p> <p>No traffic study was put forward to support the assertion as to safety by having laneway accessible from the side streets instead of entries and exits from Stirling Highway. There will be increased traffic in the side street but likely only between the laneway and Stirling Highway, this could be an annoyance factor for the adjacent properties on the side street. Most vehicular traffic will ultimately be returning onto Stirling Highway in any event, to depart the area. A traffic study could clarify these issues.</p> <p><i>SHACS seeks to plan for providing better amenity for residents, cyclists, pedestrians and public transport patrons.</i> (Nedlands, 2018a; page 14).</p> <p>Where is the link to Steven Piotrowski's report? Does this report also deal with road safety which as mentioned before is not reported on.</p> <p>If safety is the rationale for this amendment then how is a cycle path along a busy road on coloured bitumen with only a painted line between the cyclist and the vehicular traffic (as shown in Fig 3) safe? In Belgium they call this type of cycleways "murder strips" because of the high chance of a cyclist being killed. In the design there needs to be a physical separation between the cycleway and the road. With the trend of ever-increasing size of vehicles, especially SUVs, the safety of cyclists is in danger (Pucher & Buehler, 2016; RAC, 2024).</p>	<p>Noted.</p> <p>The carriageway network is consistent with Main Roads advice and their future planning for the area. Provision of carriageways rather than direct individual lot access to Stirling Highway will reduce the number of access points to Stirling Highway and encourage traffic flow.</p> <p>The City is working on an Integrated Transport Strategy as a starting point to determine future traffic network needs. This will be presented to Council at a future date.</p> <p>The strategy does not call for specific cycling infrastructure, nor a main path along Stirling Highway. The strategy is a high level visioning document that calls for more provision of bicycle infrastructure, with any works implemented at a later date and assessed for design, feasibility and safety at that time.</p>
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Submissions on Scheme Amendment 13 and NSHAC Strategy

				<p>In the reports there is not enough emphasis on public transport. The trackless tram needs to be considered in reducing vehicular traffic along Stirling Highway (Newman et al., 2019; Stirling, 2023).</p> <p>11. No compensation offered.</p> <p>Finally, there is no compensation that is presently being offered to owners affected by this proposal. Given the substantial detrimental effect on landowners who will be affected by this amendment if this proposal proceeds, then those owners should be compensated at full value.</p> <p><u>Conclusion</u></p> <p>In conclusion I object to Amendment 13 in its current form.</p>	<p>Noted.</p> <p>Noted. Anecdotally, the lack of building heights may skew the market, as developers have difficulty assessing the value of a property when there are few building controls in place and little indication of what local governments are intending.</p>
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Submissions on Scheme Amendment 13 and NSHAC Strategy

Comment Only			
No.	Suburb	Submission	Officer Response
1.	Nedlands	<p>Thank you for the opportunity to review and comment on these proposals. We appreciate the thought and effort that has gone into planning these changes.</p> <p>Both the proposed strategy and the scheme amendment are substantial improvements on the existing strategy and scheme. In particular, we support the reintroduction of residential areas and height restrictions along Stirling Hwy. We also support the proposed characteristics of the Residential Zones as described in Sections 5.5 and 5.6.</p> <p>However, we object to the proposed right-of-way network. It is incomplete, e.g., no complete passage between Florence and Dalkeith Roads. It also disproportionately affects wider but less deep blocks on the south of Stirling Hwy, particularly at 74 Stirling Hwy where we own a property. We would prefer a different approach that required developers to provide suitable vehicular access to properties, taking into account the specifics of the property location and nature of the development. We would support negotiated, but not mandated, easements.</p> <p>If the proposed right-of-way between Stanley and Webster Streets were to be approved, we would object to designation of 74 Stirling Highway as residential only. The remnant of the land when highway widening is taken into account would make residential development and living difficult if not unfeasible.</p>	<p>Noted</p> <p>The carriageway network has been modified to show the connection between Dalkeith and Florence Road.</p> <p>The carriageway network is intended to remove direct vehicle access from individual lots to Stirling Hwy over the long term as properties are developed. Without this approach, there would be no mechanism to remove access to Stirling Hwy.</p> <p>More than 50% of the existing lots along Stirling Hwy are too small to be developed to the intended density even without any height restrictions. It is anticipated that, in the long term, lots will amalgamate in order to create potential for large-scale development consistent with the density code. When this occurs, residential development will be able to be designed to fit the new larger blocks.</p>
2.	Nedlands	<p>Is there really any point in this? It appears to me that the State Government will impose its own set of rules, preferences and policies, in complete disregard to any TPS or LPS, via JDAP's and now, the even more powerful SDAU, which thus far has a 100% project approval track record, irrespective of the projects degree of compliance with local planning polices / schemes.</p> <p>With this current state government in power, it is difficult to muster the strength to continue to invest time and effort in reviewing / developing and or improving, local planning policies & schemes to only get 'shot down' by a higher planning authority that continue to show complete disregard for what local councils and their electorates/ communities actually want to see happen.</p>	<p>Noted. The strategy and scheme amendment are the first steps in creating new planning controls.</p>
3.	Dalkeith	<p>I strongly support planting of trees on Stirling Hwy to provide urban canopy cover. Ideally, these trees would be local natives to support the local birds and insects. Endemic species are also best placed to deal with the local climate and future warming. They are drought tolerant, and acclimatised to hot weather.</p>	<p>Noted</p>

Submissions on Scheme Amendment 13 and NSHAC Strategy

4.	Perth	<p>Thank you for the opportunity to provide comment on the Nedlands Stirling Highway Activity Corridor (NSHAC) Strategy and Scheme Amendment No. 13.</p> <p>The City, in partnership with the City of Nedlands, is in the process of preparing the UWA-QEIIMC Precinct Plan (Precinct Plan). A portion of the scheme amendment area and NSHAC Strategy area is located within the agreed indicative boundary for the Precinct Plan.</p> <p>The City appreciates the efforts to improve the traffic and the built form along Stirling Highway. However, detailed planning being undertaken within the Precinct Plan area ahead of the Precinct Plan may create confusion within the community.</p> <p>The preparation of the Precinct Plan will trigger modifications to both the City of Perth and City of Nedlands local planning frameworks. An additional scheme amendment will be required to align both local planning schemes to implement the Precinct Plan. Progressing a separate amendment to the planning framework may create uncertainty within the community. This risk will need to be managed through the precinct planning process.</p> <p>The City is happy to continue to work with the City of Nedlands on stakeholder engagement and change management within the Precinct Plan area, noting the importance of having an aligned approach for this area.</p>	Noted
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16.8 PD16.03.24 Adoption of Local Planning Policy 1.2 – Removal of Occupancy Restrictions

Meeting & Date	Ordinary Council Meeting – 26 March 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.
Report Author	Nathan Blumenthal – Acting Manager Urban Planning
Director	Roy Winslow – Acting Director Planning and Development
Attachments	1. Draft Local Planning Policy 1.2 - Removal of Occupancy Restrictions 2. Schedule of Submissions

Purpose

The purpose of this report is for Council to consider adoption of the amended Local Planning Policy 1.2 - Removal of Occupancy Restrictions (Attachment 1) post advertising. The draft Policy does not include the site area and car parking requirements that were originally recommended to be added when first presented to Council in August 2023 and keeps the existing Policy largely intact with slight modifications. This report outlines the changes and rationale for that choice.

Recommendation

That Council adopts the amended Local Planning Policy 1.2 – Removal of Occupancy Restrictions (Attachment 1) in accordance with Clause 4(3) of the Deemed Provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Voting Requirement

Simple Majority.

Background

The Additional Use restrictions for Aged and Dependent Dwellings within Town Planning Scheme No. 2 (TPS2) allowed an additional dwelling to be constructed, which did not meet the minimum and average site area, provided it was burdened with an occupancy restriction that at least one occupant be over the age of 55. This pathway no longer exists in the current Local Planning Scheme No. 3 (LPS 3).



Local Planning Policy 1.2 (LPP 1.2) was prepared after gazettal of LPS3 and responded to various requests from landowners received in the 2000s and the 2010s for removal of occupancy restrictions on their properties. The Policy was adopted by Council on 28 July 2020.

There are 32 lots in the City that had an additional use granted under TPS 2 for aged and dependent dwellings. Each lot contains two or more dwellings, except for two affected lots where the aged and dependent dwellings were either not constructed or have already been removed. A number of other properties within the City are burdened by the Aged and Dependent Persons restriction but were not recorded as having an additional use under TPS 2. This Policy measure only applies to restrictions imposed as an Additional Use under TPS2. It is estimated from the City's records that nine of the affected lots have either received approval for their occupancy restrictions to be removed or no longer require the restriction (including the two mentioned above).

On 22 August 2023, Council resolved to advertise a draft amended LPP 1.2 which included changes that would require any application for the removal of occupancy restrictions to be consistent with the current minimum and average site area per dwelling and the parking criteria of the Residential Design Codes Volume 1 (R-Codes).

At the close of advertising, one submission was received. Though the submitter indicated support for removing restrictions, their comment did not make mention of the site area and parking criteria.

During advertising of the Policy, the City received an application for the removal of an occupancy restriction. The application was assessed against the existing Policy and the draft advertised LPP. Officers were originally of the understanding that removing restrictions without assessing site area would have been contrary to the R-Codes, and the resulting undersized lots would require the discretion of the Western Australian Planning Commission. However, the City received advice refuting this and confirming that the City has the ability to grant planning approvals which remove the restriction on undersized lots without referral to the Commission.

As a consequence, and owing to internal deliberations surrounding the recent application for removal of restrictions, City officers determined that a more appropriate course of action would be to keep the existing policy largely intact, with revisions made to ensure it only relates to applications made under TPS2, and continues to exclude site area and parking as a consideration. This is largely on the grounds that the affected properties are few in number, the pathway to receive dispensation for burdening a property with the additional use no longer exists, and the Policy is to be modified to ensure that it only relates to Additional Uses under TPS2. The reasoning is further discussed below.

Discussion

New Layout and Formatting

The draft LPP has been reformatted for clarity and to provide consistency with the City's suite of LPPs.



The Impact of Site Area and Parking Criteria

An assessment of the site area and parking compliance of each lot burdened by the restrictions under TPS2 has been conducted. Compliance was assessed against each lot's current R-Code and zoning under LPS 3. The assessment also looked at the properties that have received approval for the occupancy restriction to be removed and compliance with the current parking and site area criteria of the R-Codes Vol. 1.

The results of the analysis show nine properties have either had restrictions removed, or the site does not require an occupancy restriction (i.e. The aged and dependent dwelling has been demolished, a different development is on site or the approval was never utilised). Of the 23 properties that are still burdened by an occupancy restriction, nine meet the site area requirements of the R-Codes Vol. 1 and 16 meet the parking criteria of the R-Codes Vol. 1. Five properties meet both requirements. There are four lots that do not meet both the site area and parking criteria and which are located in low density areas.

The assessment has helped to illustrate that the impacts of not proceeding with the site area and parking criteria as originally proposed will be negligible. The data suggests that traffic will not be negatively impacted as the majority of the affected properties would be compliant with the parking criteria of the R-Codes Vol. 1. Whilst the development of aged and dependent dwellings allowed for reduced parking criteria, many developments did not utilise this provision and opted to have two bays per dwelling.

Removal of the existing aged and dependent carer restrictions imposed under TPS2 will have little or no impact to surrounding properties for the following reasons:

- The policy has been amended to ensure that it relates only to removal of Aged and Dependent Dwelling restrictions imposed under the Additional Use provisions of the now superseded Town Planning Scheme No. 2. This pathway no longer exists, so there is no ability to subdivide contrary to the R-Codes on the condition that there be occupancy restrictions, and then simply remove the restrictions.
- Only a small number of lots (32) are affected by such restrictions. Further, over a quarter of these lots are in high-density areas where they would meet the existing site area requirements.
- The dwellings in question have been in place for approximately 30 years. The removal of restrictions is technical in nature and does not propose new built form, therefore, the change in use will be unnoticeable and have no impact on the amenity of the localities. The change in use will be particularly unnoticeable if the property is compliant with parking criteria, which data shows most affected properties are.
- Any new built form proposed will be assessed under the City's current planning framework and would result in a return to the density under the current local planning scheme at the time of assessment.
- The occupancy restrictions imposed no limitations on dwelling size and most, if not all, of the lots contain full-sized dwellings. The utility of promoting ageing in place, which was originally cited as one reason for the policy change, is limited.

Modifications have been made to the policy to improve readability and ensure that removal of such occupancy restrictions only applies to restrictions imposed under the specific Additional Use clause within former TPS2, and ancillary dwellings restricted under a



previous version of the R-Codes. It is anticipated that at some point the few remaining properties with such restrictions will remove them and the Policy will no longer be required.

Consultation

The draft LPP was advertised in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015.

At the close of advertising one submission was received. The submitter's comment stated that they believed there was little to be gained by keeping any occupancy restrictions in place, and that contemporary living arrangements need to be flexible and adaptive.

Due to the minor modifications to the draft Policy it is not recommended that the policy be readvertised. The draft Policy proposed in this report is not significantly different from the adopted and operational policy.

Strategic Implications

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

Vision	Sustainable and responsible for a bright future
Pillar	Place
Outcome	6. Sustainable population growth with responsible urban planning.

Budget/Financial Implications

Nil.

Legislative and Policy Implications

Clause 4(3) 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. Council must consider any submissions received and resolve to:

- Proceed with the policy without modification;
- Proceed with the policy with modification; or
- Not proceed with the policy.



Decision Implications

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

If Council resolves to endorse the recommendation with modifications, the Policy will be amended to include the modifications.

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

Conclusion

It is recommended that Council proceed (adopt) with modifications the amended Local Planning Policy 1.2 - Removal of Occupancy Restrictions. The removal of site area and parking criteria will have little effect on surrounding areas.

Further Information

Nil.

**LOCAL PLANNING POLICY 1.2: REMOVAL OF OCCUPANCY RESTRICTIONS**

CONTENTS		
1. PURPOSE		
2. APPLICATION OF POLICY		
3. RELATIONSHIP TO OTHER POLICIES, GUIDELINES AND LEGISLATION		
4. OBJECTIVES		
5. POLICY MEASURES	5.1	Occupancy Restrictions – Aged and Dependant Persons Dwellings (Over 55's Dwellings)
	5.2	Occupancy Restrictions – Ancillary Dwellings
6. OTHER CONSIDERATIONS – HEALTH AND BUILDING APPROVAL		
7. DEFINITIONS		



LPP 1.2: Removal of Occupancy Restrictions

1 PURPOSE

- 1.1** To outline the provisions relating to the removal of occupancy restrictions on residential properties and ancillary dwellings imposed under the Additional Use provisions of the City of Nedlands Town Planning Scheme No. 2 (TPS2) or the older version of the Residential Design Codes (R-Codes).

2 APPLICATION OF POLICY

- 2.1** This Policy applies to all applications for the removal of occupancy restrictions imposed on residential zoned lots under the Additional Use provisions of the former TPS2.
- 2.2** This Policy also applies to all ancillary dwellings within the City of Nedlands required to be burdened with occupancy restrictions under the older version of the R-Codes.

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 former TPS2 and the older version of the R-Codes.

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 Dwellings (Over 55's Dwellings) through the provision of an Additional Use and associated Development Approval issued under TPS2 shall no longer be required to maintain this occupancy restriction.
- 5.1.3** The properties shall remain burdened by the occupancy restriction mechanism imposed over the site by 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 via development approval from the local government 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.



LPP 1.2: Removal of Occupancy Restrictions

5.2.2 The properties shall remain burdened by the occupancy restriction mechanism imposed over the site by 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 via development approval from the local government 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 a notification on a Certificate of Title after development approval has been granted, refer to the *Procedure for the Removal of Notifications on Title (Over 55's Accommodation / Ancillary Dwellings)*.

6 OTHER CONSIDERATIONS – HEALTH AND BUILDING APPROVAL

6.1 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.

7 DEFINITIONS

7.1 For this Policy, the following definitions apply:

Definition	Meaning
Additional Use	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.
Aged Person	A person who is aged 55 years or over.
Ancillary Dwelling	As defined by the Residential Design Codes.
Dependent Person	A person with a recognised form of disability requiring special accommodation for independent living or special care.
Over 55's Dwellings	Dwellings where at least one occupant must be aged 55 years of age or over. Occupancy restrictions on the Certificate of Title or Strata Plan are often used as mechanisms to enforce this occupancy restriction.

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

Local Planning Policy 1.2: Removal of Occupancy Restrictions – Schedule of Submissions

Submitter, Suburb	Submission	Officer's Comment
Member of the Public, Nedlands	<p>Support the Policy</p> <p>“Contemporary living arrangements need to be flexible and adaptive. There seems little to be gained by keeping the restriction in place.”</p>	<p>Support noted.</p> <p>The draft policy allows flexibility by giving landowners the ability to remove restrictions on their properties. During advertising the proposed policy would have introduced restrictions to ensure compliance with the R-Codes for the smaller lot sizes. In the post advertising proposal, the policy will not change drastically from the current adopted policy. These modifications are in line with the submitters comment because restrictions are further eased.</p>



16.9 PD17.03.24 Consent to Advertise draft Local Planning Policy – St Johns Wood Estate Fencing

Meeting & Date	Council Meeting – 26 March 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest in this matter.
Report Author	Nathan Blumenthal – Acting Manager Urban Planning
Director	Roy Winslow – Acting Director Planning and Development
Attachments	1. Draft Local Planning Policy - St Johns Wood Estate Fencing.

Purpose

The purpose of this report is for Council to adopt for advertising the draft Local Planning Policy - St Johns Wood Estate Fencing (the Policy), found in **Attachment 1**.

Recommendation

That Council:

1. prepares the draft Local Planning Policy - St Johns Wood Estate Fencing (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 for the draft Local Planning Policy – St Johns Wood Estate Fencing will be for a minimum of 21 days.

Voting Requirement

Simple Majority.

Background

The draft St Johns Wood Estate Fencing Local Planning Policy seeks to retain the character of the streets of the Estate by providing design guidelines for fencing in key locations which have the potential to fall into disrepair or be altered, affecting the uniform appearance of the Estate.

Uniform fencing was created along a number of streets within the Estate as part of the original subdivision and are included as a restrictive covenant on the Title. These restrictive covenants are between the original developer and buyers of each lot, not the City. As such, the City has no current statutory authority to enforce any such provisions except where they overlap with existing statutory instruments such as the Residential Design Codes. In addition, fencing requirements contained in Town Planning Scheme No. 2 were removed from Local Planning Scheme No. 3. Consequently, there are currently no fence design requirements specific to this area.

Discussion

The draft Policy seeks to provide criteria for uniform fencing for key zones based on standards established during the original subdivision of the Estate. The draft Policy introduces fence design criteria for eight zones within the Estate, as shown in Figure 1.



Figure 1: St Johns Wood Estate Fencing Zones



The Policy provides objectives and figures supporting specific design and material provisions within the eight highlighted zones. These include:

Playing Fields

This zone is comprised of lots overlooking the Christ Church Grammar School Playing Fields. The original fencing style is red brick piers atop the limestone retaining walls with metal visually permeable infill panels. The design and materials are to remain unchanged to maintain the uniform appearance of the fencing from the public realm, as well as provide passive surveillance.

Montgomery Avenue (South)

The lots abutting Mount Claremont Reserve to the rear and the lots with side and rear boundaries to the southern portion of Montgomery Avenue retain the original unpainted pine timber lap panels with limestone block retaining and piers. As the original panels all remain, the draft Policy proposes that the design and materials remain unchanged. This portion of fencing faces City-owned public space as well as the main street entrance to the Estate and, as such, contribute to the character of the Estate.

Montgomery Avenue (North)

The fencing within the Montgomery Avenue (North) zone is constructed of red brick piers with a limestone and red brick wall in between. The fencing is intact and in a good condition. This zone is a large stretch along the main spine of the Estate contributing to its character. The Policy proposes the material and design remain unchanged.

Camelia Avenue and Mooro Drive

Fencing to properties with side or rear boundaries to Camelia Avenue or Mooro Drive consist largely of the original unpainted pine timber lap panels with salmon coloured brick piers. Much of this original fencing has fallen into disrepair, and it is expected residents will seek to replace these panels in time. A small number of these properties, mainly along Mooro Drive, have already replaced the fencing with a combination of solid brick and visually permeable panels. The Policy proposes maintaining the unpainted pine lap panels. As mentioned above, it is recommended that Council adopt the draft Policy for advertising to gauge residents' desire to maintain the unpainted pine timber lap panel or adopt another style of fencing.

Beecham Road

This zone comprises the lots abutting Beecham Road to the rear. A significant number of the original unpainted pine timber lap fences facing Beecham Road have been replaced by light green Colorbond panels. It is proposed Colorbond panels be adopted as the uniform fencing style along Beecham Road. There is a significant drop in ground level between the street and the rear boundary of the lots, thus the impact of the fencing on the lots along Beecham Road is reduced. This is further aided by vegetation planted in the nature strip along Beecham Road.



Grainger Reserve

This zone is comprised of the lots with boundaries abutting Grainger Reserve. To provide passive surveillance to the public open space the Policy proposes these fences be of an open style. A number of these properties already have this style of fencing. The fencing is to be constructed of limestone blocks or rendered masonry in neutral colours to complement the location.

Heritage Lane

The Heritage Lane zone consists of the lots on Hamilton Gardens which have a rear boundary abutting Mooro Park and visible from Heritage Lane. The fencing comprises limestone retaining and piers with visually permeable infill panels. To retain a uniform and high-quality fencing style it is proposed the requirement for visually permeable infill panels facing the public realm be maintained.

Directors Gardens

Fencing bordering the Directors Gardens are a mixture of unpainted timber lap and limestone. The proposes the design and materials remain unchanged.

Front Fencing

To maintain the open, spacious feel of the location the Policy is proposing the addition of a provision not allowing front fencing. The majority of properties in the location do not have front fencing.

Consultation

If Council resolves to adopt the Policy for advertising it will be advertised in accordance with the City's Local Planning Policy – Consultation of Planning Proposals, which involves the following methods of consultation:

- Minimum 21-day advertising period
- Notice in a local newspaper
- Notice on the City's notice board
- Notice on the City's Your Voice engagement portal
- Notice on the City's social media channels

Strategic Implications

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



Vision Sustainable and responsible for a bright future

Pillar Place

Outcome 7. Attractive and welcoming places.

Budget/Financial Implications

If Council proceeds with the Policy, there will be no immediate cost to the City other than those associated with advertising.

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. Further detail on the advertising of the Policy is provided in the Community Consultation section above.

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 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. Doing so will mean there will be no guidance or development criteria relating to fencing in the specified zones of the St Johns Wood Estate.

Conclusion

The Policy has been developed to provide lot owners and City Officers with clear and concise guidance and criteria surrounding the fencing requirements in the specified zones of the St Johns Wood Estate. It is recommended that Council adopts the Recommendation and formally advertises the Policy.



Further Information

Nil.

**LOCAL PLANNING POLICY 5.13: St Johns Wood Estate Fencing****CONTENTS**

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LPP 5.13: St Johns Wood Estate Fencing

1	PURPOSE
1.1	To outline the design standards of estate fencing within the St Johns Wood Estate, Mt Claremont.
1.2	To ensure the implementation of uniform, high-quality fencing visible from the public realm.
1.3	To maintain the design standards and specifications for fencing as constructed in the original subdivision.
2	APPLICATION OF POLICY
2.1	This Policy applies to all fencing along the streets and reserves within the St Johns Wood Estate.
2.2	Zones of fencing illustrated in Figure 1 are to be designed to the specification of the provisions contained in Parts 6 and 7 of this Policy.
2.3	Fencing that is in keeping with the provisions of this Policy does not require lodgement of a development application.
2.4	Any fencing within the St Johns Wood Estate that is not specified in Figure 1 is to be replaced on a like for like basis in line with the Residential Design Codes Vol. 1.
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 is to be read in conjunction with the following legislative instruments and its requirements apply unless specifically stipulated elsewhere in any of the below: <ul style="list-style-type: none"> • <i>Planning and Development Act 2005</i> • <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> • <i>City of Nedlands Local Planning Scheme No. 3</i> • <i>State Planning Policy 7.3 – Residential Design Codes</i> • <i>State Planning Policy 7.2 – Precinct Design</i> • <i>City of Nedlands Local Planning Policy 1.1 – Residential Design</i>
3.3	Where this Policy is inconsistent with a Local Development Plan or Structure Plan to a specific site, area, or density code, the provisions of that instrument shall prevail over this Policy.
3.4	Where this Policy is inconsistent with the provisions of another general Local Planning Policy, the provisions of this Policy shall prevail.
4	OBJECTIVES
4.1	Ensure new and replacement fencing built within the St Johns Wood Estate is appropriate and consistent with the character of the Estate.
4.2	Ensure fencing within the St Johns Wood Estate maintains the amenity established with the original subdivision of the Estate.
4.3	Maintain the open streetscape of the St Johns Wood Estate.



5 LOCATION MAP



- | | |
|--|---|
| ■ Playing Fields | ■ Montgomery Ave (South) |
| ■ Montgomery Ave (North) | ■ Camelia Ave and Moor Dr |
| ■ Beecham Rd | ■ Grainger Reserve |
| ■ Heritage Lane | ■ Directors Gardens |

Figure 1: Fencing Location Map



LPP 5.13: St Johns Wood Estate Fencing

6 GENERAL PROVISIONS

- 6.1** Where identified in Figure 1, all fencing is to be constructed and maintained to the specifications set out in Part 7 below.
- 6.2** Minor variations to fencing may be allowed by the local government where the variations are consistent with the objectives of this Policy and the immediately adjoining original fences.
- 6.3** Fences are to be constructed across the entirety of boundaries shown in Part 7 below with no gates permitting vehicle access.
- 6.4** Replacement of existing fences are to be on a like for like basis unless specified in this Policy or otherwise approved by the local government.
- 6.5** Additional screening or similar extending above the fence line is not to be attached to the fences.

7 DESIGN AND MATERIALS**7.1 Beecham Road****Figure 2: Beecham Road Fencing**

Design & Materials	<ul style="list-style-type: none"> Colorbond® fencing in Pale Eucalypt
Height	<ul style="list-style-type: none"> Maximum 1.8m from natural ground level as measured from the Beecham Road side.

**Figure 3: Example of Colorbond® fencing**



7.2 Montgomery Avenue (South)



Figure 4: Montgomery Ave (South) fencing location

Design & Materials	<ul style="list-style-type: none">• Unpainted pine timber lap panels atop limestone blocks with limestone block piers.• Limestone pyramid capping on piers• Entrances to cul-de-sacs shall be constructed of limestone blocks as illustrated in Figures 7 and 8.
Height	<ul style="list-style-type: none">• Wall: Maximum 1.8m above natural ground level as measured from Montgomery Avenue side.• Piers: Maximum 2.1m above natural ground level as measured from Montgomery Avenue side.



Figure 5: Example of fencing abutting Mount Claremont Reserve



Figure 6: Example of fencing along Montgomery Avenue

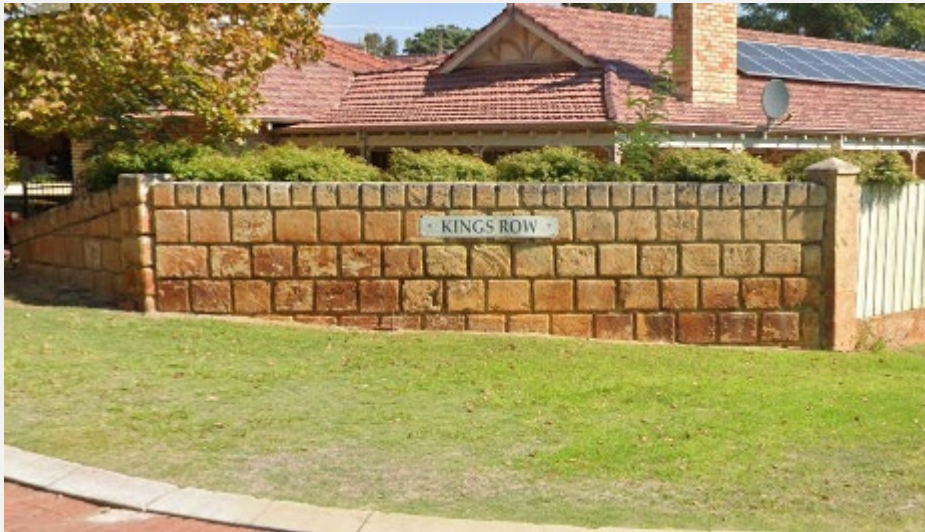


Figure 7 and 8: Example of fencing at the entrance to a cul-de-sac



7.3 Montgomery Avenue (North)



Figure 9: Montgomery Avenue (north) fencing location

Design & Materials	<ul style="list-style-type: none"> Traditional red brick piers and decorative horizontal courses, with limestone blocks atop limestone retaining. See Figures 10 to 12 below.
Height	<ul style="list-style-type: none"> Wall: Maximum 1.8m from natural ground level as measured from within property boundaries. Piers: Maximum 2.1m from natural ground level as measured from within property boundaries.



Figure 10: Example of fencing along Montgomery Avenue



Figure 11: Example of entry statement wall along Montgomery Avenue

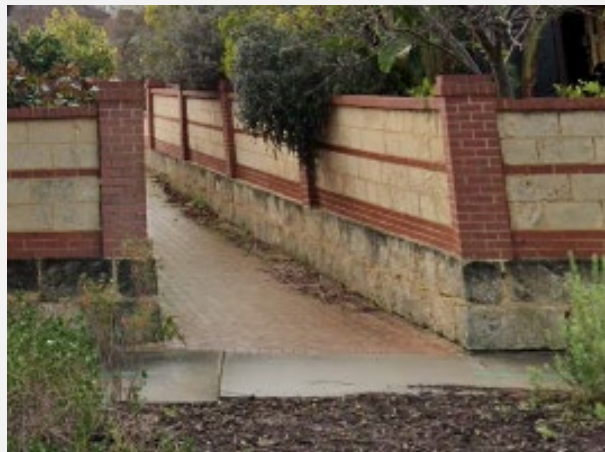


Figure 12: Fencing to pedestrian access between Montgomery Avenue and Ashbridge Retreat



7.4 Playing Fields

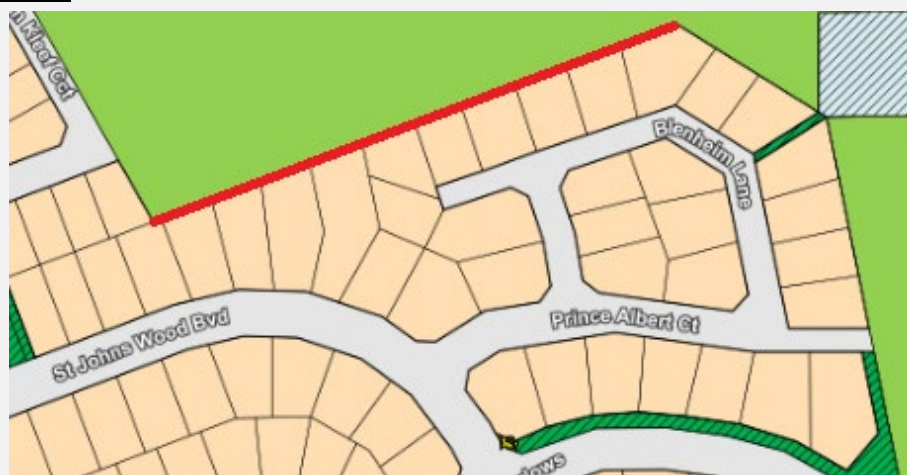


Figure 13: Playing fields fencing location

Design & Materials	<ul style="list-style-type: none">• Traditional red brick piers and wall atop limestone retaining.• Visually permeable wrought iron infill panels.
Height	<ul style="list-style-type: none">• Wall: Four courses of red brick below infill panels to a maximum height of 1.8m above natural ground level as measured from within the property boundaries.• Piers: Maximum 2.1m above natural ground level as measured from within the property boundaries.



Figure 14: Example of fencing abutting the playing fields.



7.5 Heritage Lane



Figure 15: Heritage Lane fencing location

Materials	<ul style="list-style-type: none">• Limestone block piers atop limestone retaining.• Visually permeable infill panels.
Height	<ul style="list-style-type: none">• Wall: Maximum 1.8m above natural ground level as measured from within the property boundaries. Visually permeable above 1.2m above natural ground level as measured from within the property boundaries.• Piers: Maximum 2.1m above natural ground level as measured from within the property boundaries.

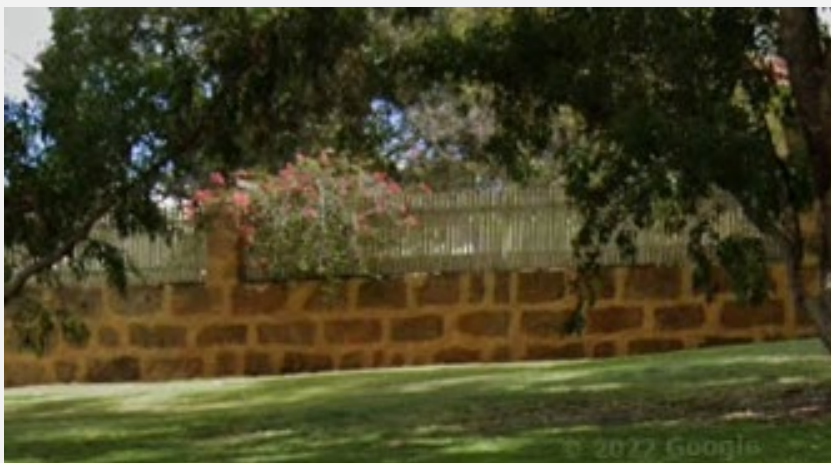


Figure 16: Example of fencing facing Heritage Lane and Norfolk Rise

Design & Materials	<ul style="list-style-type: none"> • Salmon coloured brick piers atop cream brick retaining. As shown in Figure 18. • Unpainted pine timber lap panels atop limestone retaining. • Entrances to Jubaea Gardens shall be constructed of cream rendered brick as illustrated in Figure 19.
Height	<ul style="list-style-type: none"> • Wall: Maximum 1.8m above natural ground level as measured from within the property boundaries. • Piers: Maximum 2.1m above natural ground level as measured from within the property boundaries.



11



Figure 19: Entry statement at corner of Camelia Avenue and Jubaea Gardens

**7.7 Grainger Reserve****Figure 20:** Grainger Reserve fencing location

Design & Materials	<ul style="list-style-type: none"> • Open style fencing to allow for passive surveillance of the park. • Limestone block or rendered masonry wall in neutral colours. • Visually permeable infill panels.
Height	<ul style="list-style-type: none"> • Wall: Maximum 1.8m above natural ground level as measured from within the property boundaries. Visually permeable above 1.2m above natural ground level as measured from within the property boundaries. • Piers: Maximum 2.1m above natural ground level as measured from within the property boundaries.

**Figure 21 and 22:** Examples of fencing adjoining Grainger Reserve



7.8 Directors Gardens

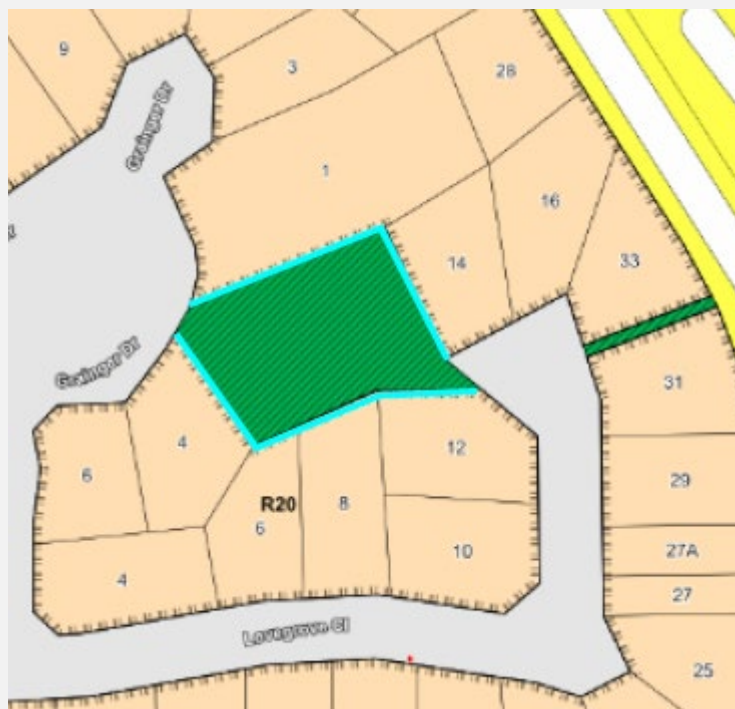


Figure 23: Directors Gardens zone fencing location

Design & Materials	<ul style="list-style-type: none">• Limestone blocks and unpainted pine timber lap panels.
Height	<ul style="list-style-type: none">• Wall: Maximum 1.8m above natural ground level as measured from within the property boundaries.• Piers: Maximum 2.1m above natural ground level as measured from within the property boundaries.





Figure 24 and 25: Examples of fencing adjoining the Directors Gardens

8.1 To maintain the open streetscape of the location, front fences within the primary street setback area are not appropriate for the lots indicated in Figure 23.

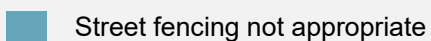


Figure 26: Location of where front fencing is not appropriate

Council Resolution Number	
Adoption Date	
Date Reviewed/Modified	



16.10 PD18.03.24 Adopt Amended Local Planning Policy 5.2 – Old Swanbourne Hospital Precinct

Meeting & Date	Council Meeting – 26 March 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest in this matter.
Report Author	Nathan Blumenthal – Acting Manager Urban Planning
Director	Roy Winslow – Acting Director Planning and Development
Attachments	1. Amended Local Planning Policy 5.2 – Old Swanbourne Hospital Precinct

Purpose

The purpose of this report is for Council to adopt the amended Local Planning Policy 5.2 – Old Swanbourne Hospital Precinct (the Policy), found in Attachment 1.

Recommendation

That Council adopts the amended Local Planning Policy 5.2 – Old Swanbourne Hospital (Attachment 1) in accordance with Regulation 5(2) of the Deemed Provisions of Schedule 2 of the Local Planning and Development (Local Planning Schemes) Regulations 2015.

Voting Requirement

Simple Majority.

Background

As part of the City's current program of reviewing its suite of Local Planning Policies, City Officers have reviewed the policy provisions of Local Planning Policy 5.2 – Old Swanbourne Hospital Precinct. The review focused on ensuring the provisions contained within the Policy reflect contemporary policy requirements whilst ensuring the Policy areas maintain the established character.

Discussion

The Policy applies to all development within the Old Swanbourne Hospital Precinct, located in and around Lot 416 (No.1) Heritage Lane, Mount Claremont. The current Policy includes



provisions of the Development Plan dated October 2005, which outlined the future development and land use of the site. There has been no comprehensive review and modification of the Policy since the initial adoption on 9 October 2007. Since this time, the development and subdivision outlined in the Policy has come to fruition.

The current Policy contains references to the City's Town Planning Scheme No. 2 (TPS 2). At the Special Council Meeting of 2 May 2019 Officers recommended Council resolve to revoke the Policy. Officers stated that the Policy was "not required under LPS 3 as the development has been completed. The residential lots have been zoned under LPS 3 and are subject to the R-Codes." Council resolved to not revoke the Policy, but to adopt without advertising.

The review of the Policy proposes to remove reference to the Developer, future development or future subdivision, as well as references to TPS 2. The draft Policy has been modified to ensure provisions continue to maintain the existing character and heritage significance of the site. The proposed modifications are in keeping with the intent of the original Policy whilst updating their relevance.

The draft Policy also proposes to include provisions resulting from the JDAP determination of 9 October 2023 for an amendment which sought to increase the capacity limit of Montgomery Hall. The amended conditions relating to capacity limits, as well as the new conditions for an Event Management Plan requirement have been added to the draft Policy.

Consultation

As amendments to the Policy are minor and do not seek to alter the built form or policy measures, no formal consultation has taken place or is proposed.

Strategic Implications

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

Vision	Sustainable and responsible for a bright future
Pillar	People
Outcome	1. Art, culture and heritage are valued and celebrated.
Pillar	Place
Outcome	6. Sustainable population growth with responsible urban planning.

Budget/Financial Implications

Nil.



Legislative and Policy Implications

Regulation 5(2) of the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#) allows the local government to make amendments to local planning policies without advertising the amendments if, in the opinion of the local government, the amendment is minor.

Decision Implications

If Council resolves to endorse the recommendation without modifications, the Policy will become operative and replace the existing Policy after public notice has been given.

If Council resolves to endorse the recommendation with modifications, and the modifications are significant, the Policy should be advertised prior to being put back to Council for adoption. If the modifications are minor the draft Policy will become operative and replace the existing Policy after public notice is given.

If Council resolves not to endorse the recommendation, the existing Policy will remain in use by the City when addressing development applications within the Policy area.

Conclusion

Local Planning Policy 5.2 – Old Swanbourne Hospital Precinct has been reviewed and updated to provide applicants and decision makers with clear and concise provisions for development within the Precinct. The updates maintain the existing provisions and continue a “business as usual” setting for the area. It is recommended that Council endorses the recommendation and formally adopts the amended Policy.

Further Information

Nil

**LOCAL PLANNING POLICY 5.2: Old Swanbourne Hospital Precinct****CONTENTS**

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1 PURPOSE

- 1.1** The purpose of this Policy is to provide guidance and development provisions for lots within the Old Swanbourne Hospital Precinct, located in and around Lot 416 (No.1) Heritage Lane, Mount Claremont, as shown in Figure 1.

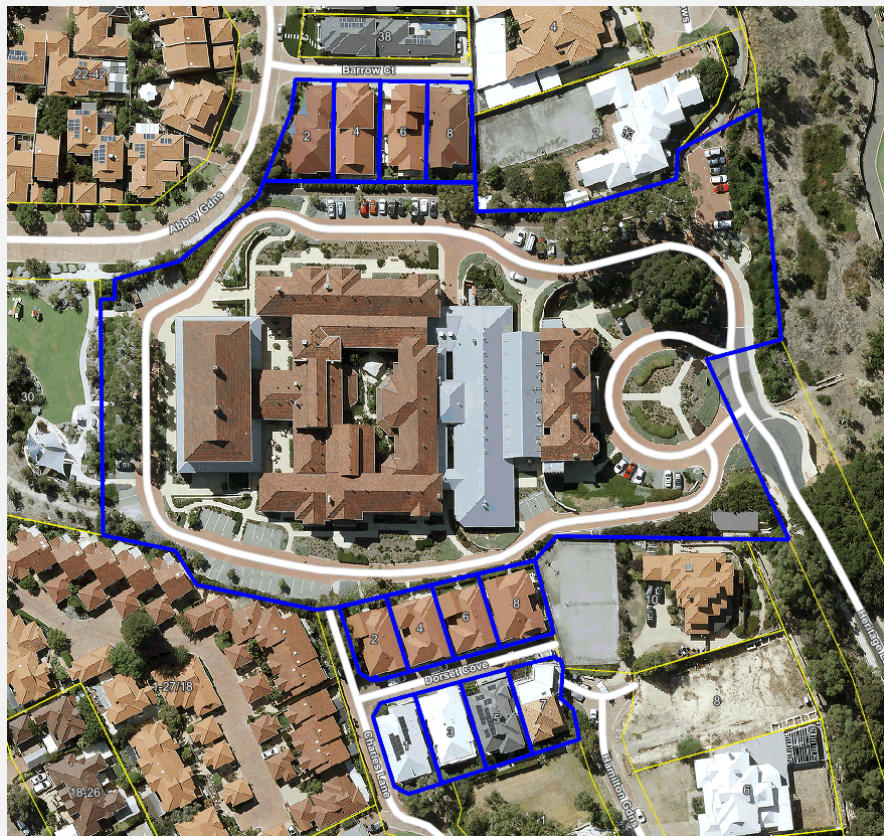


Figure 1: Policy area in blue

2 APPLICATION OF POLICY

- 2.1** This Policy applies to all development within the Old Swanbourne Hospital Precinct.

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 legislative 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*
 - *City of Nedlands Local Planning Policy 1.1 – Residential Development*
- 3.3** Where this Policy is inconsistent with a Local Development Plan or Structure Plan that applies to a specific site, area or density code, the provisions of that instrument shall prevail over this Policy.
- 3.4** Where this Policy is inconsistent with the provisions of another general Local Planning Policy, the provisions of this Policy shall prevail.



4	OBJECTIVES
4.1	To ensure that development in the Old Swanbourne Hospital Precinct takes place in accordance with community expectations and principles established in the Development Plan (Appendix 1).
4.2	To ensure that community concerns are addressed, including the following issues: <ul style="list-style-type: none"> i. ensuring public access throughout the site in perpetuity; and ii. ensuring that the amenity of neighbours to the site is not adversely affected, particularly with regard to traffic and parking demand generated by any development.
5	POLICY MEASURES
5.1	Heritage Buildings
5.1.1	All existing heritage buildings on the site are required to be retained and conserved in situ, given their inclusion on the State Register.
5.1.2	To ensure that the visual prominence of the Heritage Buildings is protected and retained, view corridors to and from the Heritage Buildings must not be interfered with, so that the profile of the buildings when viewed at close range or from a distance remains unchanged.
5.1.3	All development is to be derived from the architectural character of the existing heritage buildings without mimicking the heritage style.
5.2	Public Access
5.2.1	A high level of public access with the site shall be maintained in perpetuity. Public Right of Way Access (cyclists, pedestrians only) and Public Right of Way Access (vehicles) shall be retained.
5.2.2	Paths are to be coloured aggregate to blend into the heritage character of the site and soften the visual impact of the paths.
5.2.3	All dual paths on the site must be separate from vehicle access and shall integrate with the existing pedestrian network established beyond the site boundaries.
5.3	Vehicular Access
5.3.1	Vehicle access to Lot 416 (No. 1) Heritage Lane shall be via Heritage Lane.
5.3.2	There shall be no link between Heritage Lane through the site to the North or South Wings which would enable vehicular access to or from Heritage Lane to or from any other existing public road.
5.3.3	Public access (non-vehicular), to and from the south wing shown on the Development Plan (Appendix 1) via Charles Lane shall be maintained.
5.4	Parking
5.4.1	Sufficient parking for all future residents of the site, their visitors, and people using facilities on the site shall be provided on the site.
5.5	Agreements
5.5.1	All development is to be in accordance with any Conservation Plan or Heritage Agreement approved by the Heritage Council.
5.6	Landscaping
5.6.1	The verge planting for Abby Gardens must be maintained to prevent parking within the road verge.
5.6.2	Development is to adhere to any approved landscaping plan in perpetuity, unless otherwise approved by the local government.
5.6.3	Replacement of landscaping is to be on a like for like basis, unless otherwise approved by the local government.



5.7 Subdivision	
5.7.1	No subdivision for private ownership purposes shall be permitted of any portion of curtilage areas (refer to Appendix 1), so as to ensure that public access to and within this area remains unobstructed.
5.8 Curtilage	
5.8.1	Public access to and public ownership of the areas around the buildings is to be maintained in perpetuity.
5.8.2	No above ground structures of any type (including moveable furniture or equipment) will be permitted in the curtilage areas unless it is proposed for a community purpose and is approved in a detailed landscape plan.
5.8.3	The levels within all curtilage areas shall not be altered by more than 500mm calculated from the natural ground level shown on the Development Plan (Appendix 1).
5.9 Residential Limits	
5.9.1	A maximum of 28 residential dwellings may be developed in the area comprised by the existing Hospital Buildings, the associated courtyard, and the Administration Building.
5.10 Existing Hospital Buildings	
<i>The provisions in this section apply to the buildings and land in the central part of the site coloured light grey on the Development Plan (Appendix 1), including the existing Hospital Buildings, associated courtyard and curtilage areas.</i>	
5.10.1	A café, arts and/or community use may be considered within the existing buildings, having regard to the potential impact on the amenity of residents within and adjoining the site, including provision of parking.
5.10.2	Development of the Stores Building needs to be sensitive to the heritage values of the building, with a view to retaining the volume of the space. This will require inventive design solutions and negotiation with the Heritage Council.
5.10.3	Parking around the buildings and in the courtyard area shall be undercroft wherever possible. At grade parking shall not be covered.
5.10.4	Access to parking in the courtyard shall be via existing accessways.
5.10.5	The full extent of the areas to the north of the buildings identified in the Development Plan as "curtilage 23m min" and to the south of the buildings as "curtilage 20m min" shall be retained as the minimum width provided for in the plan for the purpose of: <ul style="list-style-type: none"> i. providing public access throughout the site; ii. retaining the conservation values of the buildings; iii. providing a visual separation between the heritage buildings and other development; iv. providing limited parking.
5.11 Montgomery Hall	
<i>The provisions in this section apply to the building labelled Montgomery Hall on the Development Plan and portions of land around the building coloured grey on the Development Plan (Appendix 1).</i>	
5.11.1	Any future use or development of Montgomery Hall must be considered in the context of other uses proposed for the site with particular regard to parking and traffic volumes, hours of use, noise levels and the heritage values.



- 5.11.2** Montgomery Hall is not to be used for anything other than a 'low key' use that does not generate traffic demand that would detrimentally impact residents of adjoining properties.
- 5.11.3** Montgomery Hall may be developed for private community uses including Real Tennis, café, meeting rooms, museum and rhythmic gymnastics uses, subject to a parking and transport assessment demonstrating the site can accommodate the expected number of patrons.
- 5.11.4** The land to the immediate south and north of Montgomery Hall may be used as a courtyard for uses associated with Montgomery Hall provided full public access to these areas and to the exterior of the building remains unobstructed.
- 5.11.5** Montgomery Hall shall not be used for residential purposes.
- 5.11.6** The interior volume of the Hall is of considerable significance and should not be subdivided into smaller spaces.
- 5.11.7** The undercroft may be utilised for service vehicle parking or other compatible uses (such as meeting rooms, café, etc.).
- 5.11.8** Public access to the exterior of the Montgomery Hall building must be maintained.
- 5.11.9** Access to any undercroft parking may only be taken from Heritage Lane, through the site. No access from Abbey Gardens will be permitted.
- 5.11.10** The capacity of Montgomery Hall is to be limited to 250 persons at all times.
- 5.11.11** Development applications for events or functions are to include an Event Management Plan (EMP) that includes, but is not limited to, provision of personnel, management of the on-site and off-site impacts by patrons leaving the premises, the measures used to manage parking and ride share pickup/drop off and a complaints process and management register created.

5.12 Administration Building

The provisions in this section apply to the areas to the Administrative Building and 'covered way' as coloured dark grey on the Development Plan (Appendix 1).

- 5.12.1** Uses within the building are as per the Additional Uses in the City of Nedlands Local Planning Scheme No. 3.
- 5.12.2** The curtilage is to be retained around the building as shown in light grey on the Development Plan.
- 5.12.3** Private access should be maintained through the 'covered way'. The area may also be used for carparking and/or courtyard areas. Use of this area shall be sensitive to the heritage values of the covered way.

5.13 East Wing

The provisions in this section apply to the areas to the east, north and south of the Administration Building which is coloured in green and labelled East Wing on the Development Plan, as well as the Circular Drive coloured in white on the Development Plan (Appendix 1).

- 5.13.1** The view corridor to and from the east to the Administration building shall be retained.
- 5.13.2** Pedestrian/cycle access shall be given priority.
- 5.13.3** Vehicle accessways are to be maintained for public access in perpetuity and in a finish and landscaping approved by the local government.
- 5.13.4** Access from Heritage Lane to the South Wing shall be maintained with sensitive use of paving treatments and landscaping to reinforce the pedestrian priority of the area.
- 5.13.5** Circular Drive and the tree to the immediate north, along with the trees along the northern boundary and along Heritage Lane, have been identified as having heritage significance and are to be retained.

**5.14 North Wing**

The provisions in this section apply only to the area to the north of the Hospital buildings coloured in yellow on the Development Plan and labelled North Wing on the Development Plan (Appendix 1).

5.14.1 No part of the adjacent curtilage area may be incorporated into the North Wing for subdivision or residential development purposes.

5.14.2 Access to lots shall only be via Abbey Gardens.

5.14.3 The finished level of the lots shall be at an RL of 35.5 AHD to minimise adverse impacts on neighbours to the east.

5.15 South Wing

The provisions in this section apply to the area to the south of the Hospital buildings coloured in yellow on the Development Plan and labelled South Wing on the Development Plan (Appendix 1).

5.15.1 The adjacent curtilage area may not be incorporated into the South Wing for subdivision or residential development purposes.

5.15.2 Design prohibiting vehicle access from Charles Lane or Hamilton Gardens to the existing Hospital Building area, including curtilage areas, shall be maintained.

5.15.3 An open style of fencing shall be provided on the southern and western boundaries abutting the public open space to provide casual surveillance of the open space.

5.15.4 The finished level of any residential lots shall be at an RL of 36.0 AHD to minimise adverse impacts on neighbours in the Norfolk Lane complex to the west.

Council Resolution Number	D19.08
Adoption Date	27 April 2004
Date Reviewed/Modified	28 November 2006 (D99.06) 21 February 2007 (17.1) 9 October 2007 (17.1) 12 February 2008 (13.3) 2 May 2009 (Item 6)

6 APPENDIX

6.1 Appendix 1 – Development Plan

Legend

-
- Site Boundary
 10% Public Open Space (POS)
 Private Open Space
 Vehicle Access (6.001m Wide Carriageway)
 Northern & Southern Subdivision Wings
 Pedestrian Access (3.0m Wide Dual-Path)
 Heritage Buildings
 Tree(s) To Be Protected

NO PUBLIC / AFFORDABLE HOUSING TO BE PROVIDED
EXISTING HERITAGE BUILDINGS TO BE RETAINED

MONTGOMERY HALL

- Retain heritage values.
- Possible uses: a private community use e.g. real tennis, café, meeting rooms, museum or rhythmic gymnastics.
- Use of Montgomery Hall needs to have regard to parking and traffic volumes, noise levels and heritage values of the building.
- Montgomery Hall is not to be used for residential purposes.
- Access to Montgomery Hall undercroft for service access only.
- Heritage Council does not support the removal of the arch or stage within Montgomery Hall.
- Two (2) courtyard areas of 110m² each may be provided north and south of Montgomery Hall.
- The interior of Montgomery Hall is of considerable significance and should not be subdivided into smaller spaces.
- Area between POS and Montgomery Hall can be sensitively landscaped to allow for car parking, to be and constructed in such a way as to have minimal impact on aesthetic qualities of the heritage buildings, to the satisfaction of The Heritage Council of WA.

PUBLIC OPEN SPACE (WEST WING)

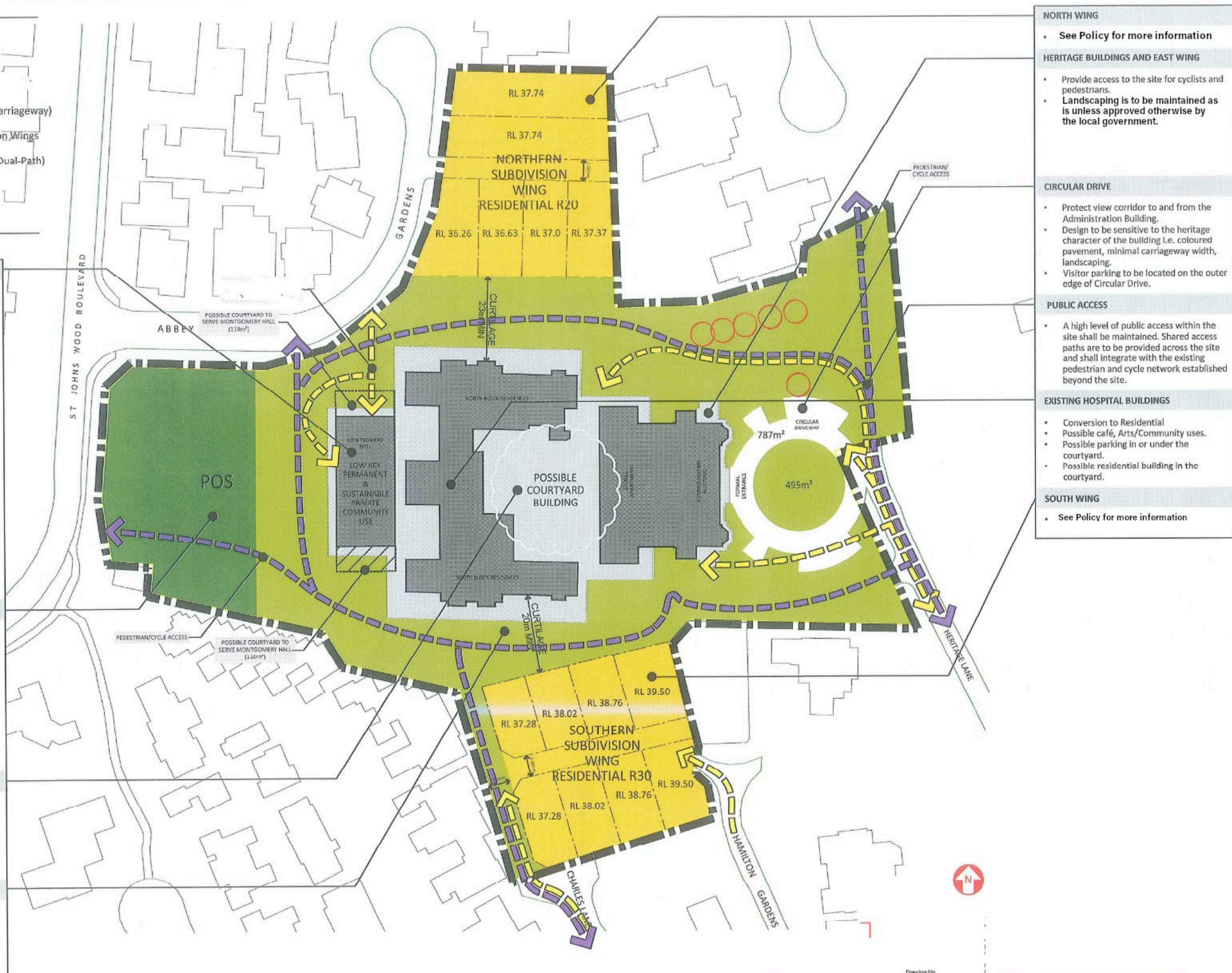
- Landscaping of the POS to the west of Montgomery Hall to protect and enhance the profile of Montgomery Hall and existing view corridors.
- Maintain and enhance pedestrian/cycle access.
- No parking shall be permitted in this area.
- Landscaping is to be maintained as is unless approved otherwise by the local government.

NEW COURTYARD BUILDING

- A new building may be constructed in the heritage buildings courtyard, limited in height so that the building should not be visible over the roofline of the existing heritage buildings forming the central courtyard from any point on the perimeter of the site.

CURTILAGE

- Curtilage shall be retained for providing public access across the site, retaining conservation values of the buildings, and for visual separation between heritage buildings and other development.



Drawing No.



16.11 PD19.03.24 Consent to Initiate Scheme Amendment 14 – Vehicle Access Restrictions

Meeting & Date	Council Meeting – 26 March 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest in this matter.
Report Author	Nathan Blumenthal – Acting Manager Urban Planning
Director	Roy Winslow – Acting Director Planning and Development
Attachments	1. Scheme Amendment No. 14 Report 2. Scheme Amendment No. 14 Map

Purpose

The purpose of this report is for Council to provide consent to initiate (adopt for advertising) the proposed Amendment No. 14 to the City's Local Planning Scheme No.3. This Amendment seeks to restrict vehicle access for corner Residential lots with a coding of R60 or higher.

Recommendation

That Council:

1. initiates Amendment No. 14 to Local Planning Scheme No. 3, pursuant to Section 75 of the Planning and Development Act 2005, by inserting the following provisions into Table 6 of Clause 32:

No.	Description of land	Requirement
32.10	Residential zones on corner lots coded R60 and above along Jenkins Avenue, Edward Street and Gordon Street, Nedlands.	Vehicle Access 1) Vehicle access is not permitted to be taken from Jenkins Avenue, Edwards Street or Gordon Street. 2) All new residential development and subdivision shall utilise a single shared vehicle access via common property, an easement, or the like.



		<p>3) All new development and subdivision shall be designed to allow future development within the same parent lot to take vehicle access to a street other than Jenkins Avenue, Edwards Street or Gordon Street.</p> <p>4) The above clauses do not apply to additions and alterations or changes of use for existing development.</p>
--	--	---

2. affirm that the City is of the opinion that Amendment No. 14 to Local Planning Scheme No. 3 is a Standard Amendment, in accordance with Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, as it aligns with the definition specified under Regulation 34 as follows:
 - a. an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
 - b. an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
 - c. an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;
 - e. an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment; and
 - f. an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.
3. refers Amendment No. 14 to Local Planning Scheme No. 3 to the Environmental Protection Authority Pursuant to Section 81 of the Planning and Development Act 2005; and
4. refers the proposed Amendment No. 14 to City of Nedlands Local Planning Scheme No.3 to the Western Australian Planning Commission and the Minister for Planning for consent to advertise and once consent is given, commence advertising in accordance with the procedures set out in the Planning and Development (Local Planning Schemes) Regulations 2015.

Voting Requirement

Simple Majority.

Background

The purpose of this report is for Council to consider the merits of preparing a scheme amendment to restrict vehicle access for Residential zoned lots coded R60 or higher. This report provides information and examples to support the preparation and need for the amendment.

Following the introduction of the City's Local Planning Scheme No.3 and the associated up-coding of lots north and south of Stirling Highway, the City has experienced an increase and intensification of development. This infill development has resulted in an increase in vehicle crossovers which impact streetscape and amenity. There is no mechanism with which to mitigate proliferation of vehicle crossovers under the current planning framework.

City Officers have previously attempted to address the design of vehicle access points and require ceding of land for laneways with Scheme Amendment No. 6 – Laneways and Vehicular Access. The Amendment was recommended for refusal post advertising and was subsequently refused by the Minister for Planning. Scheme Amendment No. 6 proposed clauses that duplicated existing provisions of the planning framework. Amendment No. 6 did not provide a mechanism for requiring consolidated access for new subdivisions. It also sought to require landowners to cede land for the purpose of a laneway, without setting out the laneway network. This Amendment was deemed superfluous to the existing planning framework and consequently, ineffective.

Scheme Amendment No. 14 (the Amendment) applies to the Residential zoned lots coded R60 and above located on corner blocks along Jenkins Avenue, Edward Street, and Gordon Street, Nedlands, as illustrated in Figure 1 below.



Figure 1: Lots affected by Amendment No. 14

An example of the effects of the proliferation of single user vehicle access points can be seen with recent subdivision and development of corner blocks along Jenkins Avenue involving 17 and 18 Doonan Road, 21 and 22 Vincent Street, 66 Dalkeith Road and 9 Florence Road, Nedlands, as illustrated below in Figures 2 and 3.

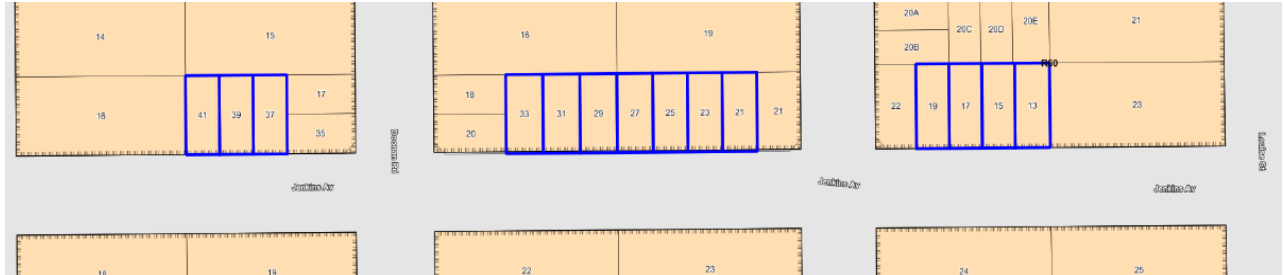


Figure 2: New developments along Jenkins Avenue with multiple single user vehicle access points

Development at 17 Doonan Road has resulted in a five-lot subdivision and five single houses, four of which have single user vehicle access to Jenkins Avenue.

Prior to subdivision and the subsequent development of 21 Vincent Street, the lot contained a single dwelling with one vehicle access to Jenkins Avenue. Subdivision has resulted in five lots, each with approval for single houses, with four of the vehicle crossovers on Jenkins Avenue and one on Vincent Street. These developments, along with those at 18 Doonan Road and 22 Vincent Street, have resulted in an increase from five crossovers to Jenkins Avenue, within a 230m stretch, to 14 crossovers.



Figure 3: New development along Edward Street with multiple single user vehicle access points

As shown in Figure 3, development of 66 Dalkeith Road and 9 Florence Road has resulted in the two corner lots each with a single house being subdivided into seven lots with five single user vehicle crossovers to Edward Street.

Discussion

Through the Amendment, vehicle access will not be permitted to Jenkins Avenue, Edward Street and Gordon Street for Residential lots coded R60 and above located on a corner. All new development and subdivision on these corner lots shall be designed to enable a single shared vehicle access via common property or relevant encumbrances on title. Vehicle access shall be via another adjoining street that is not Jenkins Avenue, Edward Street or Gordon Street.

An example of the typology of development this Amendment seeks to produce can be seen at 92 Smyth Road. This was originally a single corner lot with one vehicle access point to Gordon Street. It has been subdivided into five lots. These five new dwellings have a single shared vehicle access to the rear. This configuration has reduced the potential number of vehicle access points by four, as well as providing for landscaping at the front of the lots. This outcome also contributes to increased public safety and improved streetscape amenity.

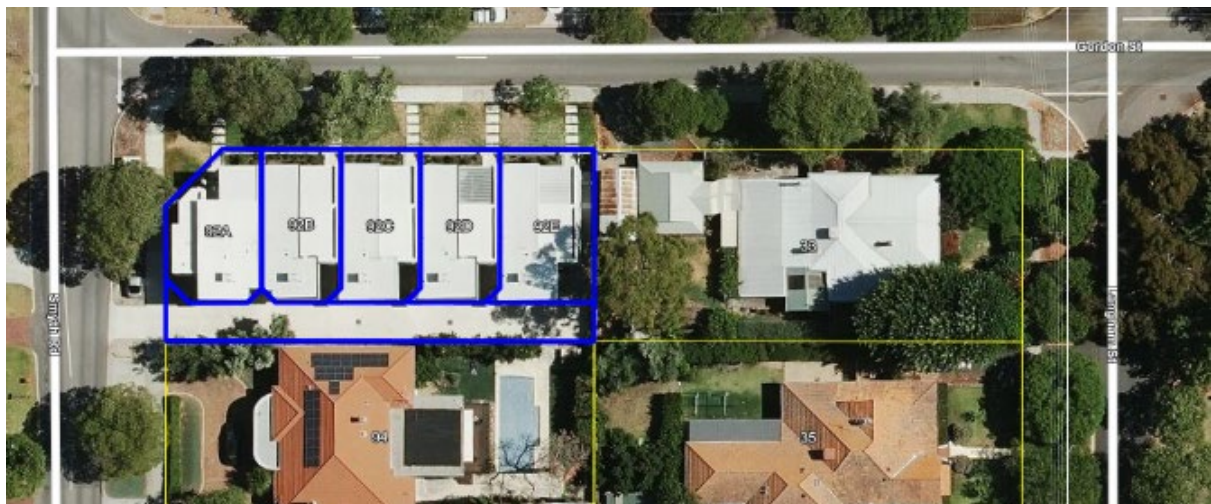


Figure 4: New development at 92 Smyth Road

The Amendment does not apply to other streets in the vicinity with an R60 or higher coding, such as Bruce Street, Carrington Street or Beford Street, Nedlands. This is due to the corner lots on these streets being narrower than the streets included in the Amendment, as well as the orientation of the lot making them unsuitable for the vehicle access restrictions proposed.

The proposed vehicle access limitation is a vital mechanism in maintaining areas for landscaping, while minimising the proliferation of single user vehicle access points. The overall results are reduced public safety risks and improved visual amenity impacts. These vehicle access provisions do not apply to alterations and additions or changes of use for existing development.

An amendment to the planning scheme is necessary for the Western Australian Planning Commission (WAPC) to enforce the City's recommendations during the subdivision process. The WAPC otherwise has no regard for local planning policies when determining subdivisions.



Consultation

Should Council grant consent to advertise the Amendment, it will be referred to the Minister for Planning (by way of the Western Australian Planning Commission) for permission to advertise, and to the Environmental Protection Authority (EPA). If granted approval to advertise, the Amendment will be advertised in accordance with Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015, and the City of Nedlands Local Planning Policy – Consultation of Planning Proposals.

Strategic Implications

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

Vision	Sustainable and responsible for a bright future
Pillar	Place
Outcome	6. Sustainable population growth with responsible urban planning.

Budget/Financial Implications

Expenses related to this Amendment are within the current year budget for community consultation and advertising. No additional budget is required to complete the work for this item.

Legislative and Policy Implications

The Amendment has been prepared in accordance with the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#). Under the Regulations, Scheme Amendments must be approved by the Minister for Planning.

Decision Implications

Should Council grant consent to initiate the Amendment, it will be referred to the Minister for Planning (by way of the Western Australian Planning Commission) for permission to advertise, and to the EPA. If granted permission to advertise, the amendment will be advertised in accordance with Regulation 47 of the Planning and Development (Local Planning Schemes) Regulations 2015, and the City of Nedlands Local Planning Policy – Consultation of Planning Proposals.

Should Council refuse to initiate the Amendment, the planning framework will remain as is and corner blocks will continue to have ability to subdivide in a way that results in multiple crossovers along the same street.



Conclusion

City Officers are currently without a planning mechanism with which to prevent proliferation of single user vehicle access points. This Amendment would provide Officers with such a mechanism as well as strengthening recommendations to the WAPC in the subdivision process.

Further Information

Nil.



City of Nedlands
Local Planning Scheme No. 3

Amendment No. 14

Scheme Amendment to introduce vehicle access restrictions for Residential-zoned lots with a density coding of R60 or higher.

FORM 2A

Planning and Development Act 2005

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

City of Nedlands Local Planning Scheme No. 3 Amendment No. 14

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. Inserting the following into Table 6 of clause 32:

No.	Description of land	Requirement
32.10	Residential zones on corner lots coded R60 and above along Jenkins Avenue, Edward Street and Gordon Street, Nedlands.	<p>Vehicle access</p> <p>(1) Vehicle access is not permitted to be taken from Jenkins Avenue, Edward Street or Gordon Street.</p> <p>(2) All new residential development and subdivision shall utilise a single shared vehicle access via common property, an easement, or the like.</p> <p>(3) All new development and subdivision shall be designed to allow future development within the same parent lot to take vehicle access to a street other than Jenkins Avenue, Edwards Street or Gordon Street.</p> <p>(4) The above clauses do not apply to additions and alterations or changes of use for existing development.</p>

Dated this _____ day of _____ 20__

(Chief Executive Officer)

City of Nedlands

Local Planning Scheme No. 3 – Amendment No. 14

Scheme Amendment Report

1.0 INTRODUCTION

Amendment No. 14 (the Amendment) to the City of Nedlands Local Planning Scheme No. 3 (the Scheme) proposes to insert a new clause requiring vehicle access restrictions for development on Residential zoned lots.

The intent of the Amendment is to provide improved streetscape, landscaping and pedestrian outcomes for areas within the City experiencing intensive development.

Protecting and enhancing the existing and desired streetscape character across the City provides a range of environmental, community and visual amenity benefits, including:

- Mitigating the urban heat island effect;
- Maintaining the City's 'leafy green' character;
- Enhancing pedestrian safety and comfort; and
- Maximising street parking.

2.0 BACKGROUND

Following the introduction of the Scheme and associated up-coding of lots north and south of Stirling Highway, the City has experienced an increase and intensification of development. This development has resulted in an increase to vehicle crossovers, the proliferation of which can impact streetscape and amenity outcomes without appropriate planning provisions.

Under the current planning framework the City is without a mechanism to mitigate the proliferation of vehicle crossovers in up-coded areas. This has seen the subdivision of a number of corner lots into five survey strata or green title lots, each with their own vehicle crossover. The City is seeking to introduce a Scheme provision to reduce the impact of vehicle access to its residential streets. Further details on the strategic benefits and alignment with contemporary objectives are provided in the Planning Justification section of this report.

3.0 PLANNING CONTEXT

Perth and Peel @ 3.5 Million

The Perth and Peel @ 3.5 Million strategic suite of documents has been developed to provide a long-term growth strategy for land use and infrastructure in the Perth and Peel regions. The framework outlines a number of overarching objectives in relation to urban form, economy and employment, community and social infrastructure, movement and access, service infrastructure, environment and landscape, and natural resources.

The City is located within the Central Sub-Regional Planning Framework. The Framework has been developed to guide detailed planning and decision making by State Government

agencies and local government. The key urban consolidation principle of the Framework relevant to this Amendment is as follows:

“Provide well-designed higher-density housing that considers local context, siting, form, amenity and natural environment, with diverse dwelling types to meet the needs of the changing demographics.”

The Amendment is aligned with the strategic intent of the urban consolidation principles and objectives of the Perth and Peel @ 3.5 Million, in identifying and mitigating the impacts of higher density urban development on the local context and amenity of the area.

Planning and Development Act 2005

As outlined in Schedule 7 of the *Planning and Development Act 2005*, the following are matters which may be dealt with by a local planning scheme:

- Cl. 2(3) Subdivision: The control of any activity, development or work arising as a consequence of subdivision.
- Cl. 8(j) Development standards: any other activity or requirement arising from the development.

The intent of the Amendment is to provide an improved framework for the consideration of vehicle access as part of the development process for the residential corner lots coded R60 and above along Jenkins Avenue, Edward Street and Gordon Street. The Amendment is therefore within the bounds of matters that may be dealt with under the Scheme.

Local Planning Strategy

The amendment is also aligned to the following intentions of the Local Planning Strategy:

- *Traffic and Transport*
 - *Seek to minimise the negative impacts of parking and congestion through careful consideration and continuous improvement of management techniques, while being open to innovation.*
- *Urban Design, Character and Heritage*
 - *Ensure the Local Planning Scheme and other development controls are in place to retain and enhance the existing character of each identified precinct.*
 - *Develop Mechanisms to promote and/or incentivise best practice urban design outcomes in areas experiencing change and in areas of transitions (for example, between precincts, corner sites, different densities/land uses, targeted infill areas etc.)*
 - *Further understand the elements that contribute to streetscapes to inform consistent statutory control.*

For residential areas subject to the Amendment, the Local Planning Strategy identifies the retention and enhancement of their character and streetscape as one of its key strategies.

This Amendment is aligned with the overall vision and objectives of the Local Planning Strategy, as well as maintaining the established character of the City's existing residential areas via the planning framework.

Local Planning Scheme No. 3

The Scheme outlines the objectives for the Residential zone as follows:

- *To provide for a range of housing and a choice of residential densities to meet the needs of the community.*
- *To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.*
- *To provide for a range of non-residential uses, which are compatible with and complementary to residential development.*
- *To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks.*

It is considered that the Amendment would support and encourage high quality streetscapes throughout residential areas and is considered to align with the objectives of the Residential zone.

Residential Design Codes Volume 1 and 2

The Amendment seeks to build upon the established R-code provisions by establishing planning mechanisms that enable improved vehicle access outcomes, in specific R-coded areas of the City.

4.0 PROPOSAL

1. It is proposed that the Scheme be amended by inserting the following provisions into Table 6 – of Clause 32:

Table 6 – Additional requirements that apply to land in Scheme area

No.	Description of land	Requirement
32.10	Residential zones on lots coded R60 and above along Jenkins Avenue, Edward Street and Gordon Street. Nedlands.	<p>Vehicle access</p> <ol style="list-style-type: none"> 1) Vehicle access is not permitted to be taken from Jenkins Avenue, Edward Street or Gordon Street. 2) All new residential development and subdivision shall utilise a single shared vehicle access via common property, an easement, or the like. 3) All new development and subdivision shall be designed to allow future development within the same parent lot to take vehicle access to a street other than Jenkins Avenue, Edwards Street or Gordon Street. 4) The above clauses do not apply to additions and alterations or changes of use for existing development.

Vehicle access would not be permitted on Residential zoned lots coded R60 and above to Jenkins Avenue, Edward Street and Gordon Street, Nedlands. All new development and subdivision shall be designed to enable a single shared vehicle access via common property or relevant encumbrances on title. Development and subdivision shall be designed for vehicle access via another adjoining street that is not Jenkins Avenue, Edward Street or Gordon Street.

This proposed vehicle access limitation is considered to be a vital mechanism in maintaining areas for landscaping purposes, while minimising the proliferation of single user vehicle access points. The overall results are of reduced public safety risks and improved visual amenity impacts. These vehicle access provisions do not apply to additions and alterations or changes of use for existing development.

The corner lots along Jenkins Avenue, Edward Street and Gordon Street are considered suitable for inclusion in this Amendment. The lots are conducive to subdivision and development subject to vehicle access from an alternate street adjoining these lots, and not Jenkins Avenue, Edward Street or Gordon Street. Recent development of up-coded lots along these streets indicates that the in the absence of a planning mechanism restricting access, these corner lots are most likely to see configurations of development which contribute to the proliferation of single user vehicle access.

The Amendment does not apply to other streets in the vicinity with an R60 or higher coding, such as Bruce Street, Carrington Street or Bedford Street, Nedlands. This is due to the corner lots on these streets being narrower than the streets included in the Amendment, as well as the orientation of the lots making them unsuitable for the vehicle access restrictions proposed.

Planning Justification

The Amendment provides statutory provisions to introduce vehicle access requirements aligned to the Sub-Regional Framework and Local Planning Strategy objectives. The proposed amendment relates to Residential zoned lots coded R60 and above along Jenkins Avenue, Edward Street and Gordon Street, as illustrated in Figure 1 below.

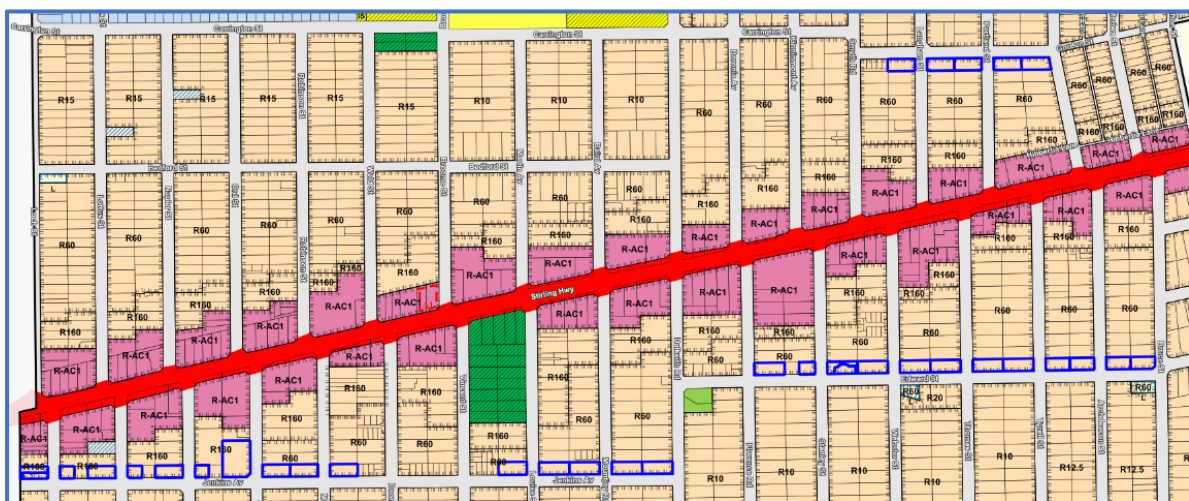


Figure 1: Corner lots R60 and higher affected by the Amendment

The provisions have been tested to determine if an R60 corner lot, illustrated in Figure 1, can achieve a five grouped dwelling yield, with the desired level of amenity, using a common property driveway to a street other than Jenkins Avenue, Edward Street or Gordon Street. The design testing took into consideration the R-Codes Vol. 1, as well as any relevant Local Planning Policies.

Testing based on No. 81 Dalkeith Road, Nedlands (Figure 2), a R60 corner lot with an area of 1012m² and site dimensions of 50.3m x 20.1m, has illustrated it is feasible to design a five-lot grouped dwelling development. In this location, 3 storey grouped dwellings are permitted. However, for purposes of testing, five, two storey dwellings which do not utilise lot boundary nil setback walls were tested and demonstrated a successful outcome. It can be safely assumed that if two storeys can work, three storeys would be successful as well. Figures 3 and 4 below illustrates the potential for a grouped dwelling configuration.

Lots which were of a similar size before subdivision, such as 22 Vincent Street, have produced the same yield as the testing has demonstrated. In the case of the existing 22 Vincent Street development, each of the dwellings have been approved with its own vehicle access to Jenkins Avenue, resulting in a proliferation of crossovers diminishing the streetscape amenity.

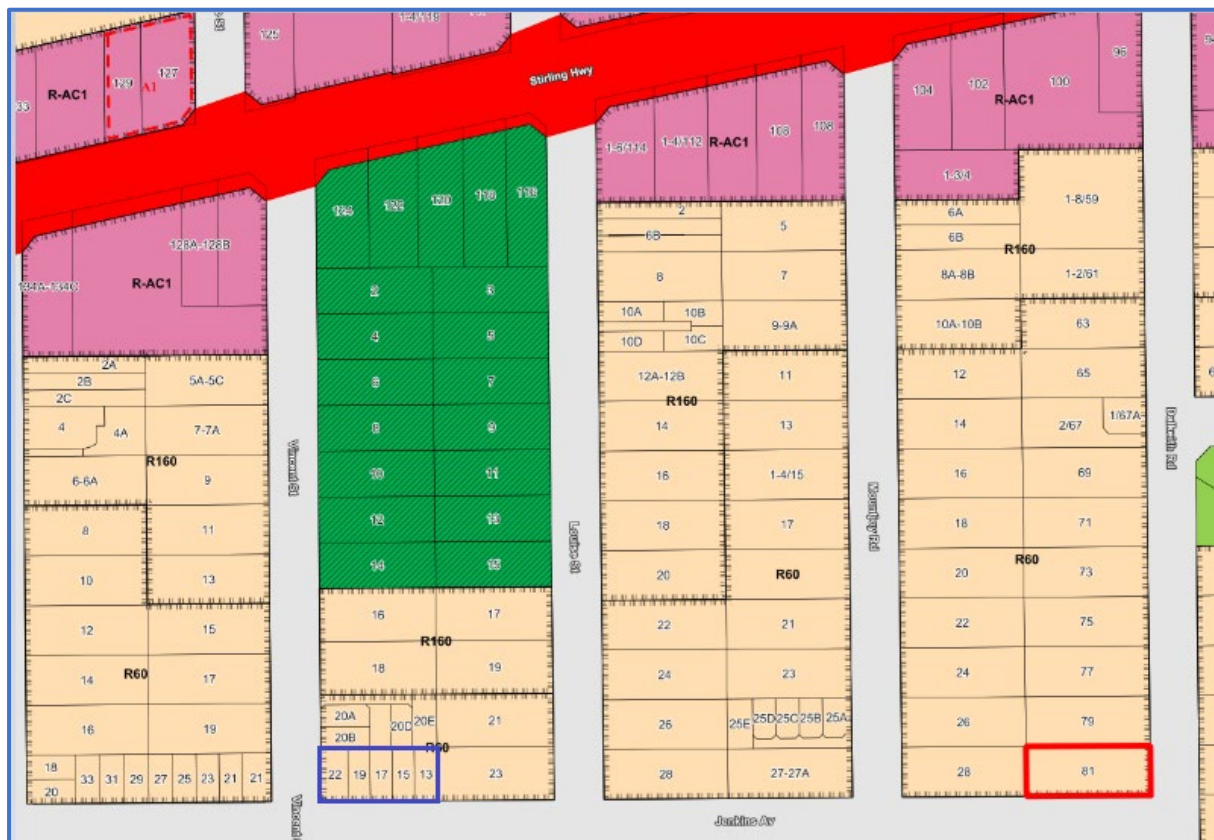


Figure 2: Location of 81 Dalkeith Road (red) and 22 Vincent Street (blue), Nedlands

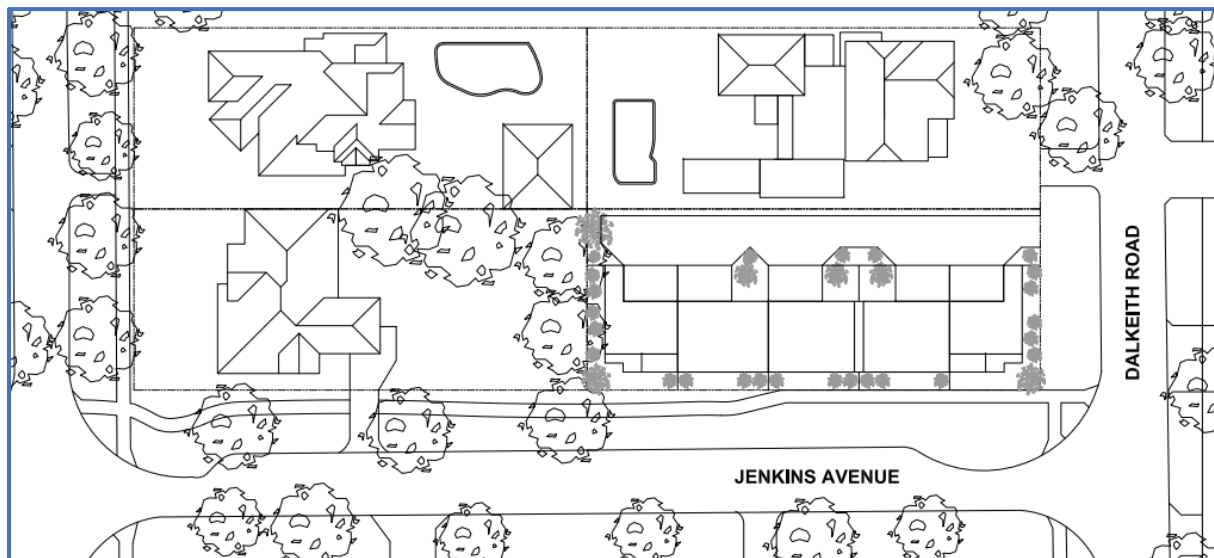


Figure 3: Proposed site plan – Typical development



Figure 4: Proposed floor plans – typical development

The practical land tenure mechanisms to achieve the desired amendment outcomes are consistent with established approaches to subdivision and development. These mechanisms include reciprocal rights of access via common property, restrictive covenants, easements and associated encumbrances to ensure legal practical access via a single access point, while restricting and limiting additional access points to a site.

The Amendment will also assist with strengthening referral recommendations to the Western Australian Planning Commission when considering conditions of subdivision approval.

The Amendment provides practical, site area based statutory provisions. It addresses a gap in the current planning provisions and facilitates improved outcomes in these infill areas. The Amendment is clearly aligned to the City's strategic objectives and State policy.

Consideration as a standard amendment

The Amendment has been considered against the criteria for a standard amendment as per Regulation 34 of the Regulations.

r.34 Criterion	Response
<p>(a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;</p> <p>(b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;</p> <p>(c) an amendment to the scheme so that it is consistent with a region planning scheme that applies to the scheme area, other than an amendment that is a basic amendment;</p> <p>(e) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;</p> <p>(f) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.</p>	<p>The Amendment is consistent with the objectives of the Residential zone outlined in the existing local planning framework. The Amendment has no impact to lots not specified in this report. Testing has shown there is no significant effects to yield of these lots but would enhance the amenity of the streetscapes of the area.</p>

5.0 CONCLUSION

The information and justification provided in this report is submitted to support the inclusion of vehicle access restrictions within Table 6 of the Scheme for Residential zoned lots coded R60 and above.

The proposed Amendment is broadly consistent with the vision and strategies contained within the City's endorsed Local Planning Strategy. As such, the Amendment is considered to be a Standard Amendment as defined by sections *a-c, e & f* of r.34 of the Regulations. The classification of the Amendment as standard will allow for a comprehensive community consultation process to be undertaken, ensuring that affected agencies and residents are provided with ample opportunity to comment on the proposal.

FORM 6A

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the City of Nedlands at the Ordinary Meeting of the Council held on the _____ day of _____ 20____.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the City of Nedlands at the Ordinary Meeting of the Council held on the held on the _____ day of _____ 20____, proceed to advertise this Amendment.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

Planning and Development Act 2005

RESOLUTION TO AMEND LOCAL PLANNING SCHEME

City of Nedlands Local Planning Scheme No. 3 Amendment No. 14

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme as follows:

1. Inserting the following into Table 6 of clause 32:

No.	Description of land	Requirement
32.10	Residential zones on corner lots coded R60 and above along Jenkins Avenue, Edward Street and Gordon Street, Nedlands.	<p>Vehicle access</p> <ul style="list-style-type: none"> (1) Vehicle access is not permitted to be taken from Jenkins Avenue, Edward Street or Gordon Street. (2) All new residential development and subdivision shall utilise a single shared vehicle access via common property, an easement, or the like. (3) All new development and subdivision shall be designed to allow future development within the same parent lot to take vehicle access to a street other than Jenkins Avenue, Edwards Street or Gordon Street. (4) The above clauses do not apply to additions and alterations or changes of use for existing development.

Form 6A

COUNCIL RECOMMENDATION

This Amendment is recommended for support by resolution of the City of Nedlands at the Ordinary Meeting of the Council held on the ____ day of _____, 20____ and the Common Seal of the City of Nedlands was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....

MAYOR

.....

CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

.....

**DELEGATED UNDER S.16 OF
THE P&D ACT 2005**

DATE.....

APPROVAL GRANTED

.....

MINISTER FOR PLANNING

DATE.....





16.12 PD20.03.24 Consideration of Draft City of Nedlands Public Health Plan

Meeting & Date	Council Meeting – 26 March 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Employee disclosure required where there is an interest in any matter of which the employee is providing advice or a report.
Report Author	Andrew Melville – Manager Health and Compliance
Director	Roy Winslow – A/Director Planning and Development
Attachments	1. City of Nedlands Public Health Plan

Purpose

The purpose of this report is for Council to consider advertising the draft City of Nedlands Public Health Plan for public consultation.

Recommendation

That Council approves the draft City of Nedlands Public Health Plan be advertised for public consultation for a period of six weeks on Your Voice Nedlands platform and at the City's administration building.

Voting Requirement

Simple Majority.

Background

For over 100 years, Western Australia's public health framework was led by the Health Act 1911. This legislation, including its subsidiary health regulations, was prescriptive in nature and its application was consistent across the State, regardless of the needs of individual local governments.

In 2016, the Public Health Act 2016 (Act) was introduced to replace the Health Act 1911. It is currently in a transition phase.

There are two aspects of the new Act which are currently pertinent and opportunistic for the City. Firstly, the Act is outcome based, which allows more flexibility for the City in achieving effective public health outcomes.



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

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

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

The Chief Health Officer published the [state public health plan](#) in 2019 to support local governments and ensure consistency with the objectives and policy priorities of the state.

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

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

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

The requirement for each local government to have a public health plan will be in Part 5 of the Act which has not yet been proclaimed. We anticipate that the requirement for local governments to finalise their public health plans will come into place in 2025 or 2026. Some local governments, however, are developing or have already developed PHPs in anticipation of the commencement of Part 5.

The City has a strong record of undertaking public health activities under the previous Health Act 1911, the current Health (Miscellaneous Provisions) Act 1911 and subsidiary regulations. Public health planning under the new Act provides the City with a significant opportunity to tailor its services directly to the unique needs of our community.

The nature of public health issues which affect our community are constantly evolving. Whilst we no longer have concerns resulting from unclean water and poor sanitation, other public health issues such as mental health, substance abuse (alcohol and illicit drugs, e-cigarettes and smoking etc.), infectious diseases, lifestyle choices, including diet and exercise, environmental pollution and the climate crisis have emerged.



Discussion

The Public Health Plan Working Group was setup to guide the development of the Plan. The Working Group comprises of internal and external stakeholders.

A community health profile was established as part of the Plan's development. It considered the analysis of health data specific to residents of the City and was provided by the Department of Health WA and North Metropolitan Health Services, and district demographic data was provided by the Australian Bureau of Statistics. The profile provided the Working Group insight information about the current health status of the community.

During the workshops, the Working Group translated findings of the community health profile into a set of pillars, outcomes and objectives. This includes identifying and developing achievable actions and a monitoring and reporting process.

The draft Plan identifies the areas of public health need for the City, and what capacities the City has to address these needs. Many of these needs have already been identified and are actioned as "business as usual" for example the City's food safety program and provision of walking paths.

Consultation

The draft Plan was developed in collaboration with a Working Group to guide its development. The group comprises of representatives from across the City directorates, external stakeholders including the North Metropolitan Health Services and an experienced public health consultant engaged by the City of Nedlands.

Subject to Council's approval, the draft Plan will be advertised for public consultation for six weeks. The draft Plan will be available on Your Voice Nedlands platform and at the City's administration building where the public is able to provide feedback about the plan. Following receipt of the feedback, the City will prepare a report to Council, incorporating the feedback into the Plan where appropriate, and provide commentary to Council on any feedback that has not been included.

Strategic Implications

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

Vision Sustainable and responsible for a bright future

Pillar People

Outcomes 2. A healthy, active and safe community.

3. A caring and supportive community for all ages and abilities.



Budget/Financial Implications

A budget allocation had been planned across financial year 2022-23 and 2023-24 for the development of the Plan. It is anticipated that the Plan will be completed within the allocated budget.

Actions identified in the Plan are funded or planned in alignment with the City's Council Plan 2023-33. Expenditure associated with the Plan has been planned for.

Legislative and Policy Implications

Section 45, part 5 of the Public Health Act 2016, which has not yet been proclaimed. Each local government will be required to have a public health plan finalised and in place within two years of the commencement of Part 5.

Decision Implications

If Council resolves to approve the recommendation, the City will make the draft Plan available on the Your Voice Nedlands platform and at the City's Administration for public consultation for six weeks.

Should the recommendation be voted against, the draft Plan will not be enacted by the City.

Conclusion

Each local government is required to have a public health plan and have its plan finalised and in place within two years of the commencement of Part 5 of the Public Health Act 2016.

The City has developed a draft Public Health Plan in advance of the formal requirement, in collaboration with Public Health Plan Working Group that comprises of representatives from across the City directorates, and external stakeholders including the North Metropolitan Health Services and an experienced public health professional.

It is recommended that the draft Plan be advertised on Your Voice Nedlands platform and made available at City's administration building for a period of six weeks where the public can access the draft Plan and provide feedback. Following receipt of the feedback, the City will prepare a report to Council, incorporating the feedback into the Plan where appropriate, and provide commentary to Council on any feedback that has not been included.

Further Information

Nil.

Public Health Plan 2024-28



City of Nedlands



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Introduction

The City of Nedlands Public Health Plan provides a strategic framework for the health and wellbeing of the local community. The Public Health Plan is the City’s roadmap to continue to enable a healthy, active and safe community.

Health and wellbeing are influenced by the built, natural, social and economic environments in which we live, work and play. The City has a role to ensure these environments are healthy, safe, clean, green and accessible.

The Public Health Plan aligns with the requirements of the *Public Health Act 2016*, including the objectives and policy priorities of the State Public Health Plan, and is integrated with the City of Nedlands’ Integrated Planning and Reporting Framework.

The City’s Public Health Plan is considered a rolling plan that will continue to be reviewed on an annual basis, enabling existing and emerging public health issues to be prioritised and addressed.



Acknowledgement of Country

The City of Nedlands acknowledges the traditional custodians of this land, the Whadjuk people of the Noongar Nation, and pays respect to the Elders both past and present.

Executive Message

The City of Nedlands is proud to present the City of Nedlands Public Health Plan 2024-28.

The nature of public health issues which affect our community are constantly evolving. Whilst we no longer have concerns resulting from unclean water and poor sanitation, other public health issues such as mental health, substance abuse, infectious diseases, lifestyle choices, environmental pollution and the climate crisis have emerged.

The development of a Public Health Plan for our City enables us to refine and enhance our public health service provision tailoring these services directly to the unique needs of our community.

The Plan identifies three key pillars to guide and prioritise the City's activities and resources:

- Inspiring, empowering and enabling healthy living.
- Preventing and protecting the community for a healthier future.
- Building resilient community health in a changing climate.

The City of Nedlands Public Health Plan 2024-28, documents our roles and responsibilities, and sets goals to maintain community health now and into the future.



Strategic Context

Legislative Requirements

Part 5 of the *Public Health Act 2016* (the Act) requires the State and local governments to develop Public Health Plans as follows:

1. A State Public Health Plan prepared by the state's Chief Health Officer.
2. A Local Public Health Plan prepared by each local government.

This requirement strengthens the responsibility for both the State and local governments to better plan for community public health outcomes.

The Chief Health Officer published the State Public Health Plan in 2019 to support local governments and ensure consistency with the objectives and policy priorities of the State.

A Local Public Health Plan must be consistent with the State Public Health Plan whilst responding to the health needs and risks of its local area.

It must:

- identify the public health needs of the local government,
- include an examination of data relating to health status and health determinants in the local government district,
- establish objectives and policy priorities for the promotion and protection of public health in the local government district,
- describe the development and delivery of public health services in the local government district, and
- include a report on the local government's performance of its functions under the Act.

The City's Public Health Plan has been developed in accordance with these legislative requirements.

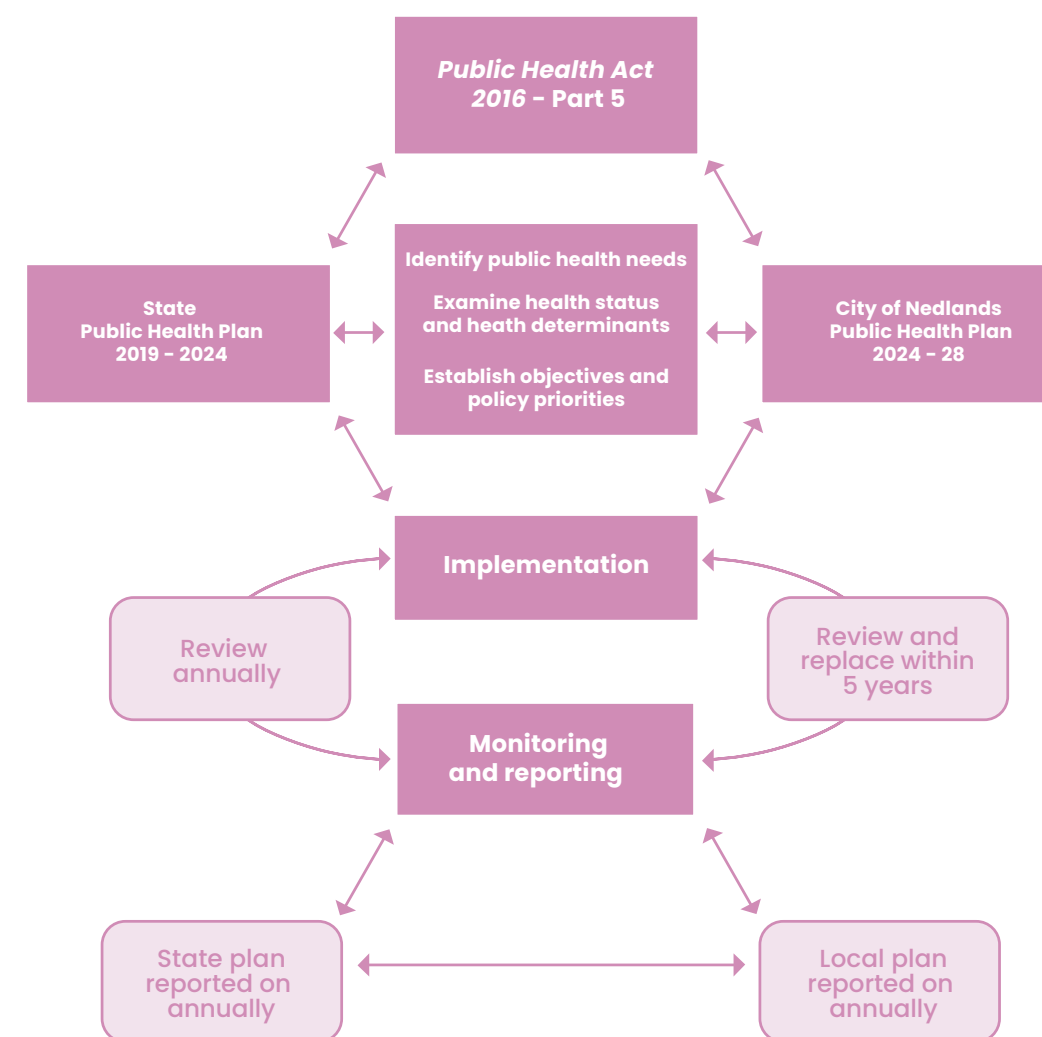


Figure 1. Developing Public Health Plan in accordance with Part 5 of the *Public Health Act 2016*

Integrated Planning and Reporting Framework

The *Local Government Act 1995* requires every local government to 'plan for the future'. The Public Health Plan is an important piece of future planning that is influenced by, and will feed into, the Council Plan to form part of the City's Integrated Planning and Reporting Framework.

The Council Plan sets out the clear strategic direction for the City reflecting the community's vision, outcomes and strategic priorities for the next 10 years (rolling) and forms the basis for the City's ongoing operations and service delivery over the next four years.

The Public Health Plan is an Issue-Specific Plan within the Integrated Planning and Reporting Framework, expanding on the direction set by the Council Plan in relation to addressing public health local matters.

The Public Health Plan works towards the Council Plan's five strategic pillars (People, Planet, Place, Prosperity, and Performance), in particular 'People', and 12 desired outcomes to achieve the community's vision, specifically:

- 'Outcome 2 – A healthy, active and safe community'
- 'Outcome 3 – A caring and supportive community for all ages and abilities'

Developing the Public Health Plan is a key action of the Council Plan (Action 2.1.1) for delivery in 2023/24.

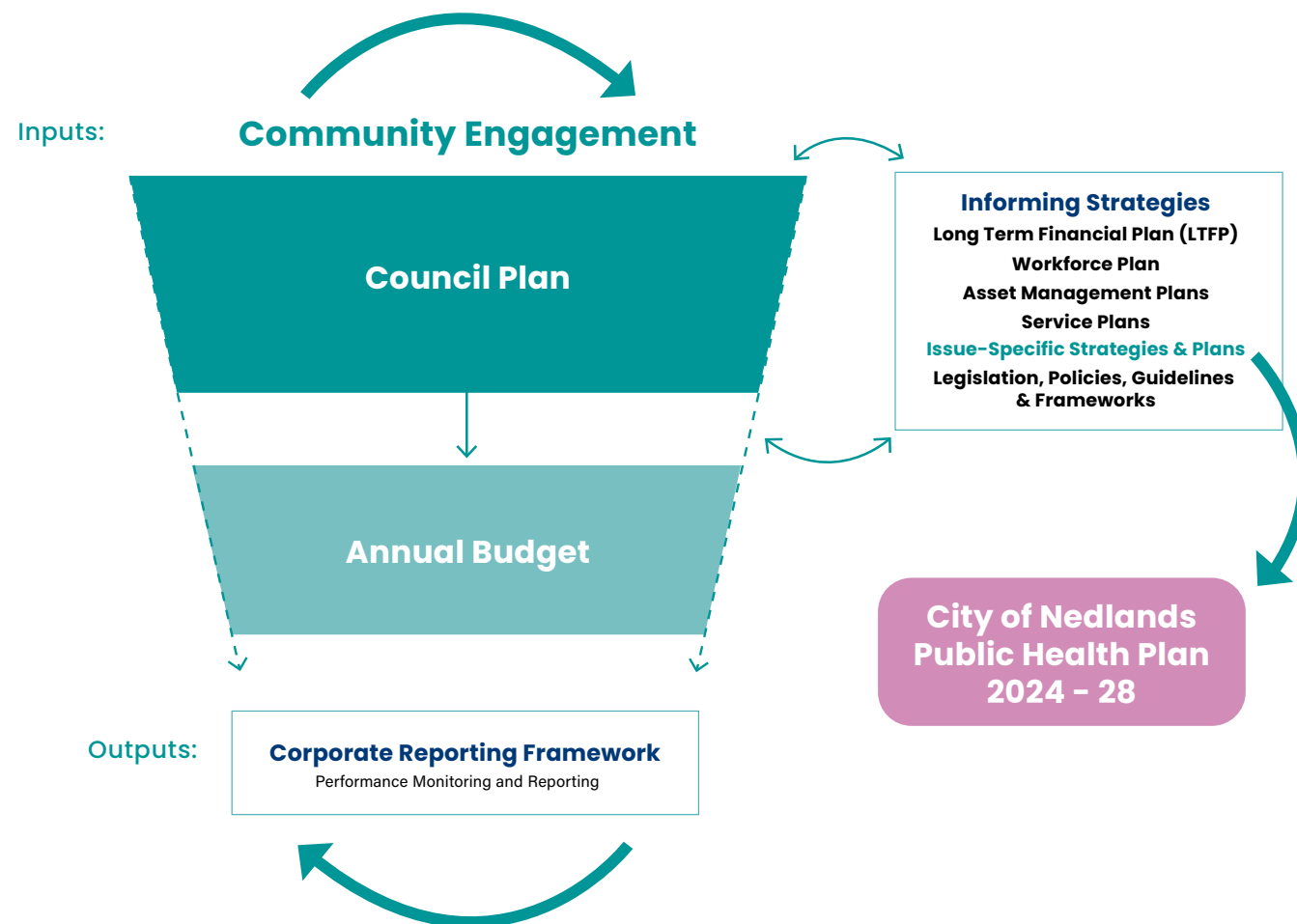


Figure 2. The City of Nedlands Integrated Planning and Reporting Framework

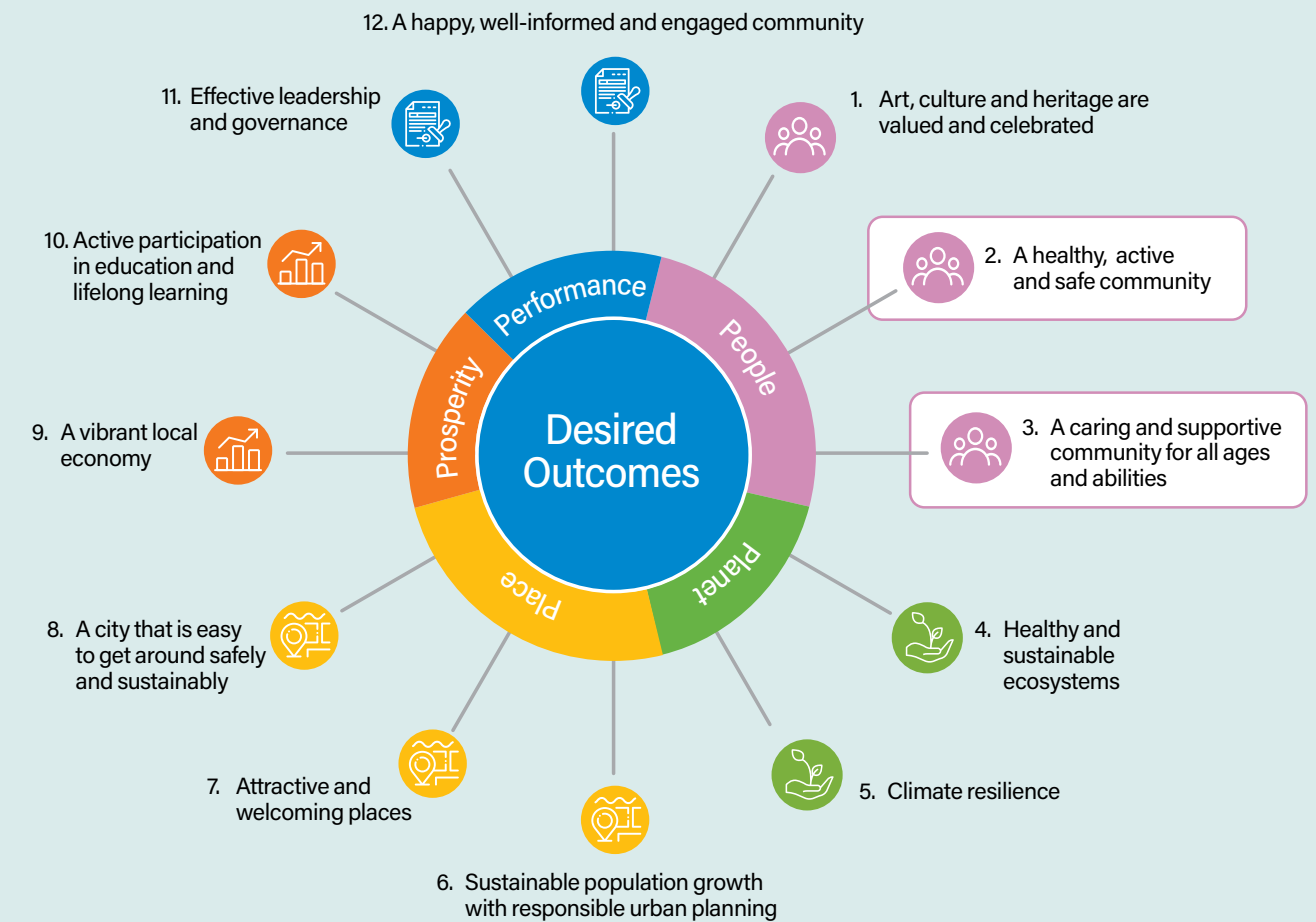


Figure 3. The City of Nedlands Council Plan Pillars and Desired Outcomes.



People

"We aspire to have a harmonious, inclusive and healthy community where people enjoy living through different ages and life-stages."



Background

What is public health?

The World Health Organisation (WHO, 2020) defines health as 'a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity.'

Health and wellbeing are driven by the interaction of individual characteristics and lifestyle factors, and the built, social, natural and economic environments within which people live. Factors such as income, racism, education, social networks, employment and housing heavily influence the health and wellbeing of communities and individuals. These are referred to by the WHO as the wider social determinants of health.

What are the State's public health objectives?

The State Public Health Plan identifies three main public health objectives to prioritise in Western Australia. These are:

- 1 Objective 1** – Empowering and enabling people to live healthy lives
- 2 Objective 2** – Providing health protection for the community
- 3 Objective 3** – Improving Aboriginal health and wellbeing

These objectives provide high level strategic direction that focus on the promotion, improvement and protection of public health and support for the delivery of preventative public health services.

What is the City's role?

Local governments are 'closest to the people' as they provide a range of services directly to the community, services which impact community health and wellbeing, and/or the social determinants of health.

Figure 4 depicts the relationship between the social determinants of health and the operations of local government.

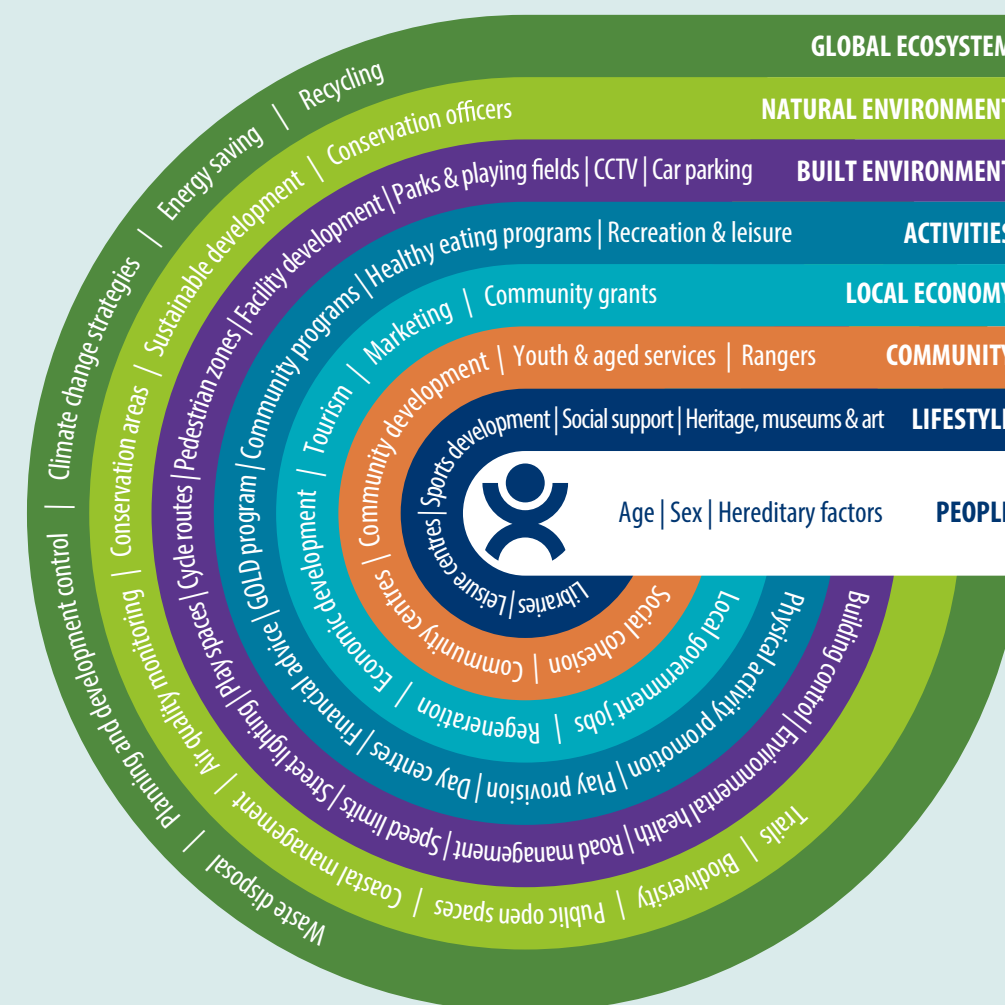


Figure 4: The social determinants of health as related to the work of local governments.
Source: World Health Organisation





What are we already doing?

As part of ongoing business-as-usual operations the City delivers services, assets and activities which impact on health and wellbeing outcomes of the community, some of which are detailed below*.

People	Planet	Place	Prosperity	Performance
<ul style="list-style-type: none">• Community Services• Community Development• Environmental Health Services• Ranger Services	<ul style="list-style-type: none">• Urban Landscapes, Parks and Conservation Services• Waste Management and Minamsation Services	<ul style="list-style-type: none">• Planning, Building, and, Transport, Development Services• Asset Management	<ul style="list-style-type: none">• Tresillian Arts Centre• Library Services	<ul style="list-style-type: none">• Community Engagement• Strategic Planning

*This is not an exhaustive list of the services, assets and activities provided by the City of Nedlands that impact on public heath and wellbeing in the local area.

The City’s Service Planning approach aims to continuously improve and enhance service delivery to the community.

Limitations of local government

It must be acknowledged that many factors affecting community health and wellbeing fall outside the role of local government and therefore many health services are delivered and/or facilitated by external agencies.

The City is committed providing community health and wellbeing services aligned to the objectives in the State’s Public Health Plan, however notes limitations with regards to local government provision of health and wellbeing services specific to ‘Objective 3 – Improving Aboriginal health and wellbeing’

The City acknowledges the health differences and needs between Aboriginal and non-Aboriginal populations and will provide support where possible that assist with improving the health and wellbeing of Aboriginal people.

Specific actions on this matter, however, are considered to fall outside the scope of this local Public Health Plan. The City will refer to the State Public Health Plan and the proposed City of Nedlands Reconciliation Action Plan (RAP) when addressing Aboriginal health and wellbeing matters in the local area.



How the plan was developed

Pre-planning

- A project plan was developed to identify the scope and limitations for a City of Nedlands Public Health Plan.
- The project plan identified three public health pillars as the primary focus aligned to State Public Health Plan objectives and Council Plan desired outcomes.
- A working group was formed consisting of internal and external stakeholders to assist with development.



Desktop review

- A desktop review of the City's documents and key State level documents was undertaken.
- A mapping exercise was undertaken by officers to identify the public health initiatives routinely undertaken by the City, including those activities undertaken with partner agencies, that contribute to public health outcomes.



Community health and wellbeing profile

- A community health and wellbeing profile was undertaken including analysis of local public health and wellbeing current state and available data on the social determinants of health.



Delivery strategy

- Based on the desktop review, the mapping exercise and the health and wellbeing profile, achievable outcomes, objectives and actions were developed.



Draft Public Health Plan

- A draft Public Health Plan was developed and provided to the community and key stakeholders for comment.

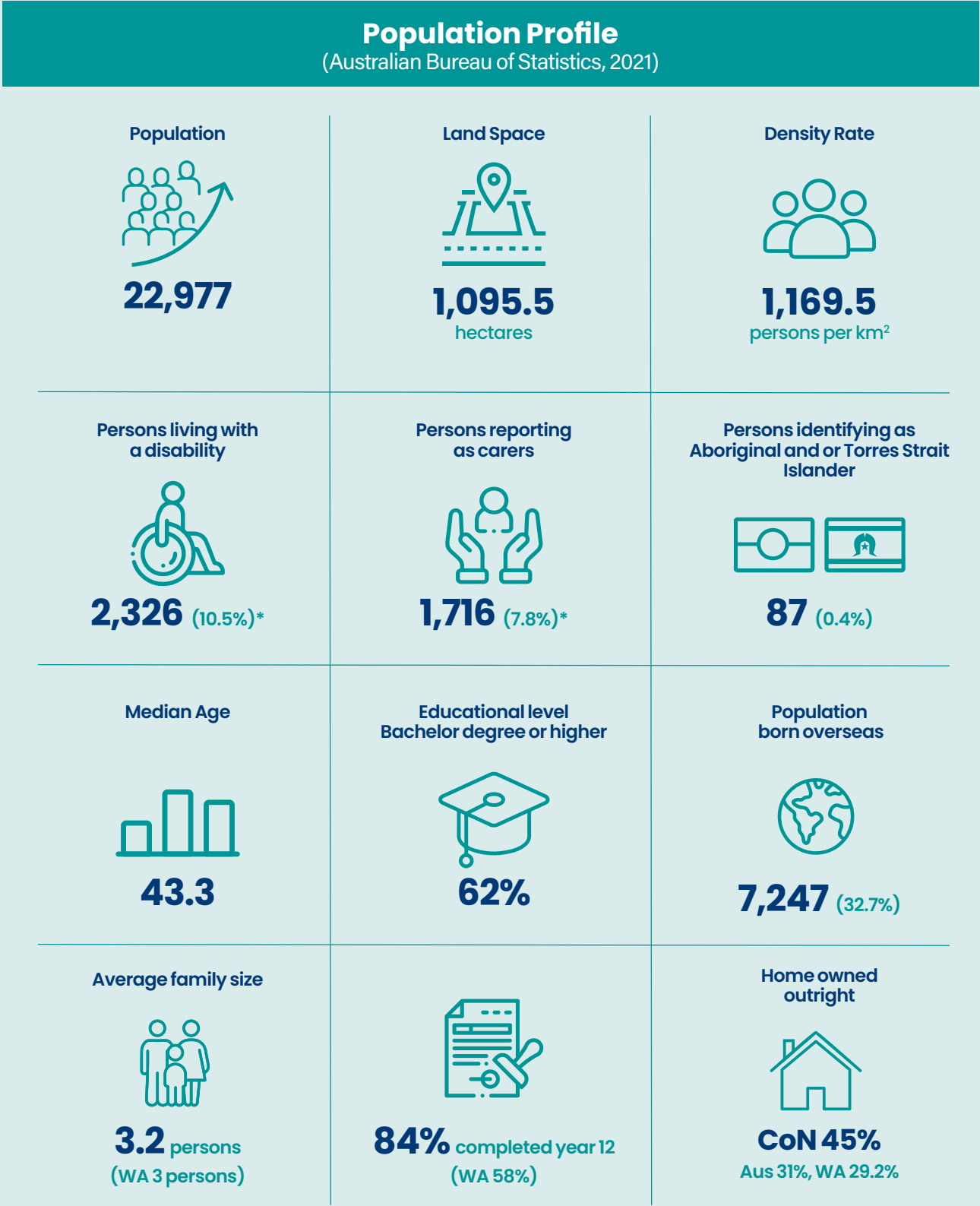


Final Public Health Plan

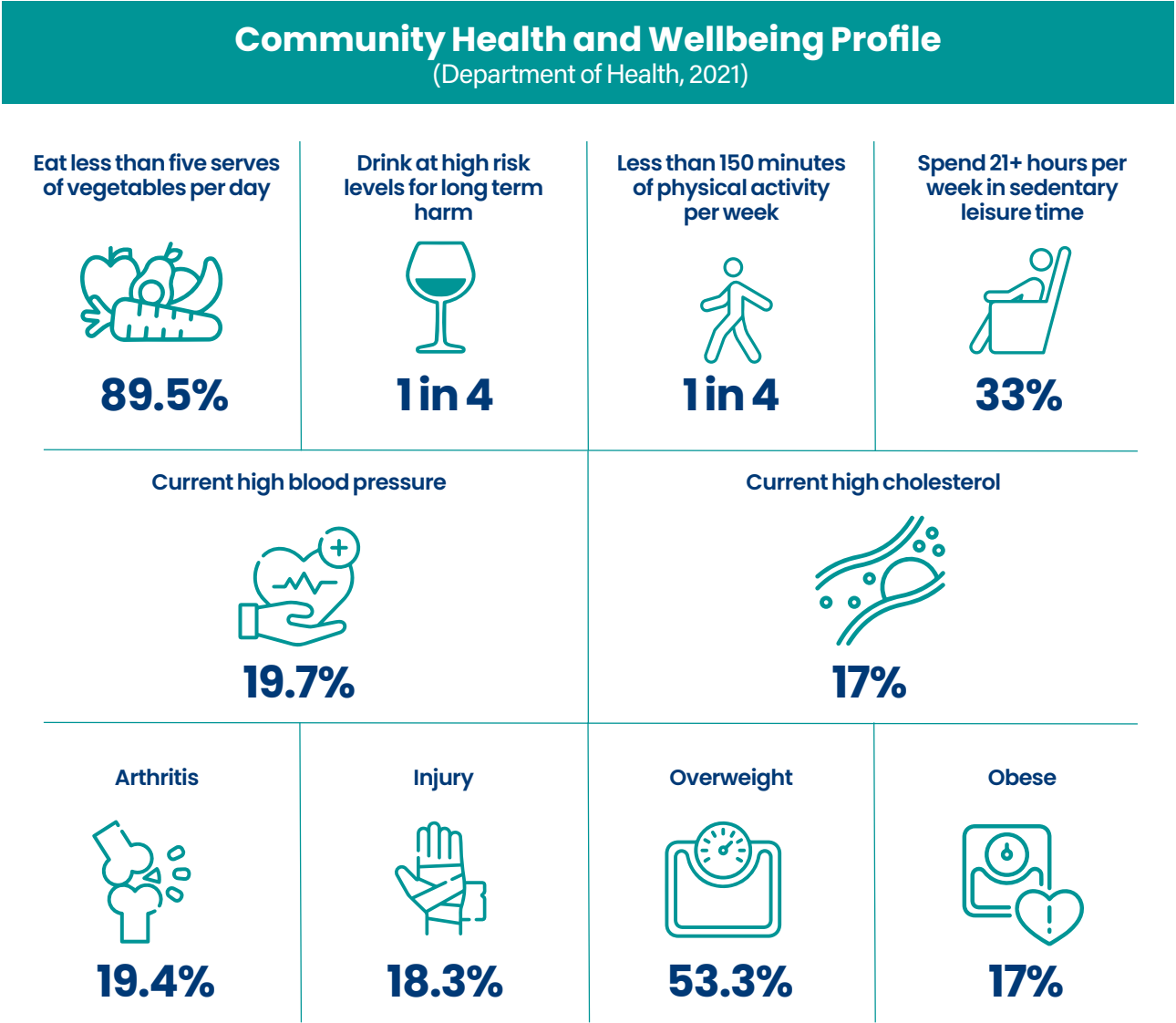
- The Public Health Plan was reviewed post community consultation and presented to Council for endorsement. Once endorsed, the Public Health Plan was circulated to key stakeholders where applicable and made available on the City's website.

City of Nedlands Community Profiles

The City’s community enjoy a high standard of living, live in safe neighbourhoods, have stable employment, secure housing, are well educated and have easy access to services; like schools, transport, health and social services. These social determinants of health contribute to improved health and wellbeing.



*ABS Census, 2018



Public Heath Plan Strategic Framework

The City’s Public Health Plan has been structured into a strategic framework consisting of three key pillars, each with related outcomes and objectives guiding the delivery of public health and wellbeing actions in the local area.

Pillars	Inspiring, empowering and enabling healthy living.	Prevention and protection for a healthier future.	Building resilient community health in a changing climate.
Outcomes	1. Improved health and wellbeing of our community. 2. A more inclusive and connected community.	3. Regulatory services are provided in accordance with statutory requirements. 4. High standards of public and environmental health are maintained across the community. 5. Health and wellbeing initiatives are identified and promoted.	6. Built and natural environments support sustainable and healthy living. 7. Emergency management arrangements are ready to activate.

Whilst some actions listed below fall directly from the Public Health Plan (Operating Projects, OP), the majority are undertaken as part of the City’s:

- business-as-usual operations including fulfilling legislative requirements
- Council Plan actions
- other Informing Strategies and Plans.



Delivery Strategy

Key		OP	Operating Project
BAU	Business-as-usual	UFS	Urban Forest Strategy
CP	Council Plan	DAIP	Disability and Inclusion Plan

Inspiring, empowering and enabling healthy living

This pillar focuses on the significant opportunities to improve the health and wellbeing of our community by improving the surrounding environment to create vibrant, liveable neighbourhoods that offer a sense of belonging, culture and spirit, and by facilitating behaviour change to support people to lead healthier lifestyles.

Outcome 1 – Improved health and wellbeing of our community

Objectives	Actions	Supporting Strategies and Plans	Lead	Action type	Funding 2024–28
1.1 Provide opportunities and support for the community to lead active lifestyles.	1.1.1 Provide and maintain environments and opportunities to enable the community to lead active lifestyles.	Asset Management Strategy Urban Planning – Strategic Service Plan Asset Management Service Plan City Projects Service Plan Community Development Service Plan	Manager Urban Planning	BAU	Funded
	1.1.2 Facilitate and promote grant opportunities for local sporting clubs, groups and organisations to build their capacity to deliver health and wellbeing activities.	Community Programs and Events Service Plan Sport and Recreation Service Plan	Manager Community Development	BAU	Funded
	1.1.3 Promote local sporting clubs, groups and organisations.	Communications and Engagement Service Plan Sport and Recreation Service Plan	Coordinator Communications & Engagement	BAU	Funded
	1.1.4 Incorporate Heart Foundation Healthy Active by Design and Western Australian Planning Commission Liveable Neighbourhoods guidelines into relevant planning strategies plans and proposals.	Urban Planning – Strategic Service Plan	Manager Urban Planning	BAU	Funded
	1.1.5 Integrate health and wellbeing components into the designing of new and upgraded facilities.	Capital Works Program Asset Management Service Plan	Manager Assets	BAU	Funded
	1.1.6 Ensure the City’s services and facilities are accessible and inclusive.	Disability, Access and Inclusion Plan Asset Management Service Plan City Projects Service Plan	Manager Assets	BAU	Funded

Objectives	Actions	Supporting Strategies and Plans	Lead	Action type	Funding 2024–28
1.2 Support opportunities available for the community to incorporate healthy food and drink options into their diet.	1.2.1 Promote local, state and federal health promotion/ campaigns to increase community awareness of health risks and opportunities to adopt healthy eating strategies.	Communications and Engagement Service Plan Community Development Service Plan	Coordinator Communications and Engagement	BAU	Funded
	1.2.2 Provide statutory services which assist with the delivery of the Mt Claremont Farmers Markets.	Environmental Health Service Plan	Manager Health and Compliance Services	BAU	Funded
	1.2.3 Provide guidance on healthy food and drink options into event funding guidelines.	Community Development Service Plan Environmental Health Service Plan	Manager Community Development	OP	Funded, planned 2023/24
1.3 Assist in the minimisation of the harm associated with tobacco, e-cigarettes and alcohol use.	1.3.1 Incorporate the banning of tobacco and e-cigarettes into user-agreements and leases.	Land and Property Service Plan	Land and Property Officer	OP	Funded, planned 2023/24
	1.3.2 Support State campaigns encouraging minimisation of the harm associated with smoking, e-cigarettes and alcohol use.	Environmental Health Service Plan	Manager Health and Compliance Services	BAU	Funded
	1.3.3 Investigate methods within the authority of local government, that will prohibit the sale of e-cigarettes within the local government area.	Urban Planning – Statutory Service Plan	Manager Urban Planning	OP	Funded, planned 2023/24



Outcome 2 – A more inclusive and connected community

Objectives	Actions	Supporting Strategies and Plans	Lead	Action type	Funding 2024–28
2.1 Recognise and celebrate local first nations peoples, places and stories.	2.1.1 Develop a Reconciliation Action Plan.	Community Development Service Plan	Manager Community Development	CP Action 1.2.1	Funded, planned 23/24
2.2 Provide and facilitate events, workshops and programs that bring community together.	2.2.1 Promote participation in volunteering, acknowledge and celebrate the efforts of volunteers.	Volunteer Services Service Plan	Manager Community Development	BAU	Funded
	2.2.2 Support the health and wellbeing of families and children.	Youth Development Service Plan Community Development Service Plan	Manager Community Development	BAU	Funded
	2.2.3 Provide events, activities and grants that connect local children, young people and their families with their local community.	Youth Development Service Plan Childcare Services Service Plan	Manager Community Development	BAU	Funded
	2.2.4 Provide a Positive Ageing Service to support people to age safely, happily with dignity and respect.	Positive Ageing Service Plan	Manager Community Services	BAU	Funded
	2.2.5 Advance opportunities, community participation and quality of life for people with a disability and their carers.	Disability Access and Inclusion Plan Community Development Service Plan	Manager Community Development	BAU	Funded



Prevention and protection for a healthier future

This pillar focuses on the provision of services which help prevent, reduce or eliminate the prevalence of many diseases, illnesses and injuries and build a healthier future. It includes the enforcement of public health legislation and standards, the management and implementation of surveillance and assessment programs and public information which are designed to provide clean air, safe food and water, and a hazard free environment.

Outcome 3 – Regulatory services are provided in accordance with statutory requirements

Objectives	Actions	Supporting Strategies and Plans	Lead	Action type	Funding 2024–28
3.1 Manage environmental hazards to protect community health.	3.1.1 Investigate a range of environmental parameters that manage risk to the public including animals, noise, pest control, air quality, litter/dumping and environmental nuisance.	Environmental Health Service Plan Ranger Services Service Plan	Manager Health and Compliance Services	BAU	Funded
	3.1.2 Provide solid waste collection and solid waste disposal services including domestic and commercial bin collection and bulk verge collection.	Waste Plan Waste Management Service Plan	Manager Assets	BAU	Funded

Outcome 4 – High standards of public and environmental health are maintained across the community

Objectives	Actions	Supporting Strategies and Plans	Lead	Action type	Funding 2024–28
4.1 Administer public and environment health legislation.	4.1.1 Provide regulatory services as legislated, including enforcing statutory responsibilities, that protect the community.	Environmental Health Service Plan	Manager Health and Compliance Services	BAU	Funded
	4.1.2 Ensure development is compliant with legislative and policy requirements.	Environmental Health Service Plan Building Services Service Plan	Manager Health and Compliance Services	BAU	Funded
4.2 Maintain safe food and water.	4.2.1 Ensure food premises operate to required standards.	Environmental Health Service Plan	Manager Health and Compliance Services	BAU	Funded
	4.2.2 Participate in Local Health Authorities Analytical Committee (LHAAC) food sampling regime.	Environmental Health Service Plan	Manager Health and Compliance Services	BAU	Funded
	4.2.3 Ensure food safety resources are available to local food businesses.	Environmental Health Service Plan	Manager Health and Compliance Services	BAU	Funded
	4.2.4 Monitor publicly accessible aquatic facility waters and Swanbourne Beach to assess fit-for-use water quality.	Environmental Health Service Plan	Manager Health and Compliance Services	BAU	Funded

Outcome 5 – Health and wellbeing initiatives are identified and promoted

Objectives	Actions	Supporting Strategies and Plans	Lead	Action type	Funding 2024–28
5.1 Assist the community to be better informed of health and wellbeing issues.	5.1.1 Facilitate community access to health and wellbeing information which is readily accessible and in a mix of formats.	Communications and Engagement Service Plan	Coordinator Communications and Engagement	BAU	Funded
	5.1.2 Raise awareness in the community of the health and wellbeing services provided by the City and how to access these services.	Communications and Engagement Service Plan	Coordinator Communications and Engagement	BAU	Funded
5.2 Maintain and improve partnerships with stakeholders engaged in communicable disease control activities.	5.2.1 Partner with stakeholders and the State Government to respond to and manage communicable disease control.	Environmental Health Service Plan	Manager Health and Compliance Services	BAU	Funded
5.3 Support an inclusive and healthy workplace for City staff to promote physical and mental health and wellbeing.	5.3.1 Continue to provide programs which ensure the City is an employer of choice by providing a safe, supportive, interesting and rewarding working environment.	Workforce Plan Human Resources Service Plan	Manager Human Resources	BAU	Funded



Building resilient community health in a changing climate

This pillar focuses on the climate crisis which poses one of the biggest threats to both the planet and the health of the people who live on it. The pillar aligns directly with the City's environment initiatives.

Outcome 6 – Built and natural environments support sustainable and healthy living

Objectives	Actions	Supporting Strategies and Plans	Lead	Action type	Funding 2024–28
6.1 Regulate and manage the built and natural environments to support sustainable and healthy living.	6.1.1 Prepare a Sustainability Strategy to guide the City's adoption of sustainability practices, improve community awareness and adoption of sustainable practices.	Urban Forest Strategy Integrated Transport Strategy Urban Planning – Strategic Service Plan	Manager Urban Planning	CP Action 5.1.1	Unfunded, planned 24/25 25/26
	6.1.2 Partner with and support community groups that promote environmental awareness and engagement with nature within environmental conservation areas.	Urban Forest Strategy Bushland Management Plans Environmental Conservation Service Plan	Coordinator Environmental Conservation	BAU	Funded
	6.1.3 Improve water management practices to achieve Gold Waterwise Status by 2025/26.	Parks Services Service Plan	Manager Urban Landscape & Conservation	BAU	Funded
	6.1.4 Continue to increase the cover of the Urban Canopy (goal was by 10% towards the eventual target of 20% by 2028).	Urban Forest Strategy Arboriculture Services Service Plan City Projects Service Plan	Manager Urban Landscape & Conservation	UFS Action 1.1	Funded
	6.1.5 Develop a planning policy to mandate sustainable practices to new builds.	Urban Planning – Strategic Service Plan	Manager Urban Planning	CP Action 6.1.3	Funded, planned 23/24 24/25
	6.1.6 Deliver a safe, sustainable road and foot path network.	Transport and Development Service Plan	Manager Assets	BAU	Funded
6.2 Support better waste management practices.	6.2.1 Improve the level of material either recycled or diverted from landfill either via education or new programs.	Waste Plan Waste Management Services Service Plan Communications and Engagement Service Plan	Manager Assets	BAU	Funded
	6.2.2 Encourage waste minimisation (reduce, reuse and recycle) in accordance with the City's Waste Plan.	Waste Plan Waste Management Services Service Plan Communications and Engagement Service Plan	Manager Assets	BAU	Funded
	6.2.3 Partner with waste collection contractors and processors to ensure efficient and effective collection and waste recycling practices to minimise waste going to landfill.	Waste Plan Waste Management Services Service Plan	Manager Assets	BAU	Funded

Outcome 7 – Emergency management arrangements are ready to activate

Objectives	Actions	Supporting Strategies and Plans	Lead	Action type	Funding 2024–28
7.1 Mitigate the impacts of public health emergencies through the management of environmental health risks that have the potential to affect the community.	7.1.1 Ensure internal emergency management prevention, preparation, response and recovery arrangements are in place.	Ranger Services Service Plan	Manager Health and Compliance Services	BAU	Funded
	7.1.2 Partner with relevant agencies (e.g. DFES, DoC) regarding emergency management arrangements via Local Emergency Management Arrangements (LEMA).	Ranger Services Service Plan	Manager Health and Compliance Services	BAU	Funded
	7.1.3 Providing conduit of State initiated emergency warning/information i.e. heatwave, pandemic	Ranger Services Service Plan Environmental Health Service Plan	Manager Health and Compliance Services	BAU	Funded





Resource Implications

Resourcing of the Public Health Plan is largely determined by the linkages it has with the Council Plan and legislative requirements. Many of the actions contained within the Public Health Plan are funded through existing service planning and budget processes.

New projects (specific Operational Plans falling directly from the Public Health Plan) are dependent on funding being secured through a combination of Council and external funding.

Council funding, including the allocation of cash and reserves, is approved by Council when setting the annual budget each year.

External funding is dependent on securing grants, loans, or other funds.

Review Schedule

In accordance with the Act, the Public Health Plan must be amended or replaced at least every five years, unless amended or replaced sooner.

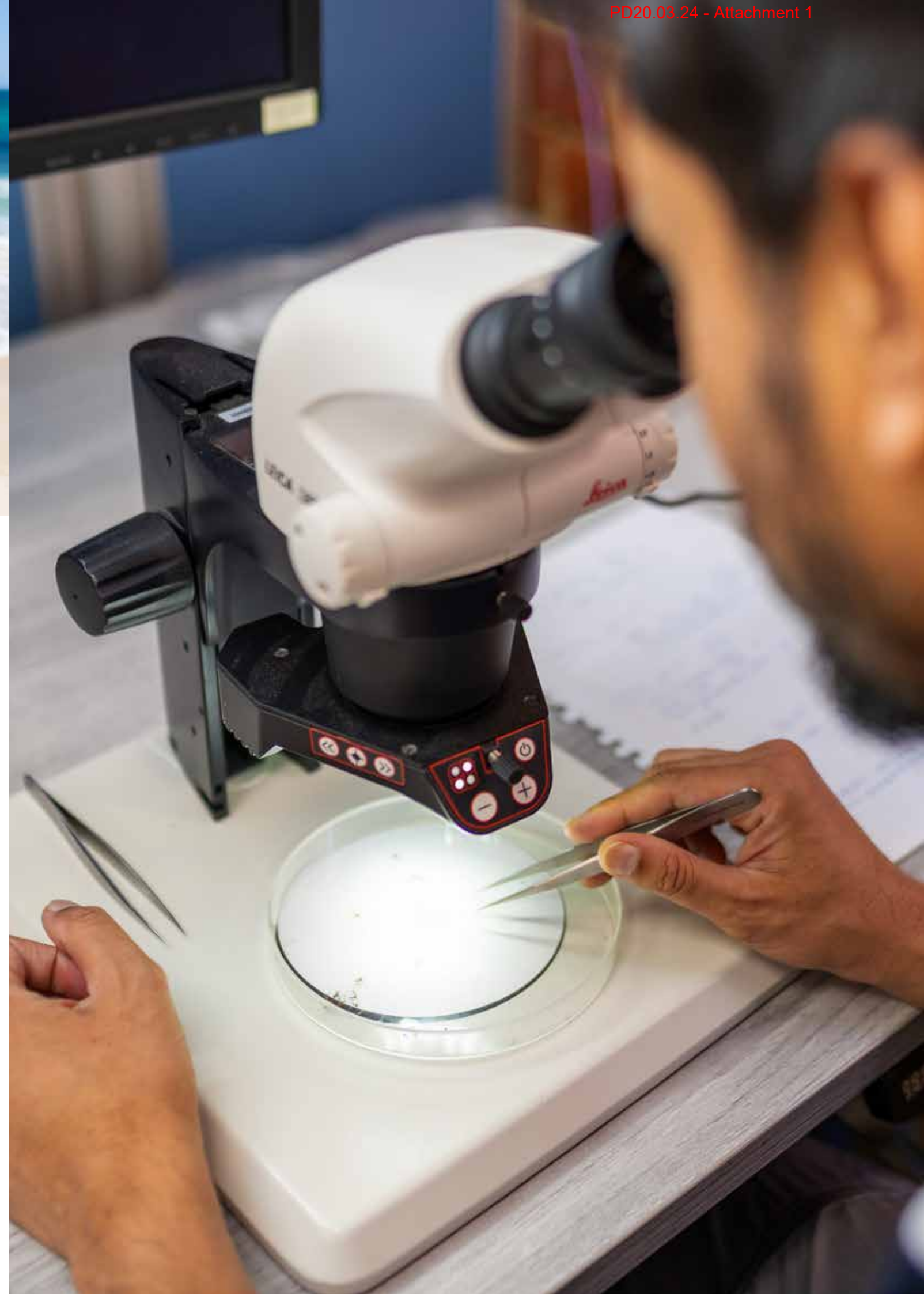
As such, the Public Health Plan will be regularly monitored and reviewed annually to ensure that the City's public health activities are aligned with the Council Plan, the State Public Health Plan and emerging public health needs of our community.

Epidemiological data will be reviewed as new data becomes available and where required, strategic framework and actions will be revised in-line with new evidence.

Monitoring and Reporting

Reporting will be provided on an annual basis to the Council and Chief Health Officer demonstrating the extent to which the City has successfully implemented the Public Health Plan in accordance with requirements under the Act.

Reporting of key delivery strategy actions will also be included in the City's Annual Report.





City of Nedlands

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16.13 PD21.03.24 Consideration of Public Signs in Public Places Policy

Meeting & Date	Council Meeting – 26 March 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Author	Andrew Melville - Manager Health and Compliance
Director	Roy Winslow – A/Director Planning & Development Services
Attachments	1. Signs in Public Places Council Policy

Purpose

The purpose of this Report is to seek Council's approval to adopt the Signs in Public Placed Council Policy.

Recommendation

That Council adopts the Signs in Public Places Council Policy as outlined at Attachment 1.

Voting Requirement

Simple Majority.

Background

City Officers are seeking Council consideration to how a variety of signs may be displayed within the road reserve and on public land in the City of Nedlands. Officers are striving for a clear framework regulating how, where they may be located, along with any conditions applicable to signs that may be displayed. This information will guide the exercise of the City's discretion on enforcement of the offence provisions contained within the local laws.

Discussion

It is proposed to establish reasonable and practical conditions whereby the City would not require an application, assessment and approval for placing out temporary portable directional and property transaction signs in a public place.

The conditions being proposed where a sign can be placed without a permit is when the sign is:



1. free standing and not affixed to any existing tree, sign, post, power or light pole, or similar structure;
2. at least 1.5 metres from the edge of the carriageway and 0.5 metres from the footpath;
3. erected at least 10 metres from any intersection of thoroughfares;
4. not closer than 50 metres to a signalised intersection or any speed indicator sign;
5. not placed on a median strip, roundabout or other traffic control device;
6. not placed within an intersection;
7. not placed within 50 metres of a pedestrian crossing;
8. not located in, or within 50 metres of, a 40kph school zone;
 - a. not placed so as to obstruct or impede:
 - b. a footpath, thoroughfare or carriageway;
 - c. the reasonable and/or safe use of City Land; or
 - d. access to a place by any person;
9. placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
10. not placed on a verge without the adjacent property owners permission;
11. not placed within 10 metres of any road work signs on the City Land;
12. maintained in good condition;
13. securely installed to retain their position in all weather conditions;
14. not attached to existing signs, including other advertising signs, or on any road related infrastructure such as traffic sign supports, or on or between trees or other vegetation;
15. not electronically illuminated, have an electronic or animated display, or exhibit spinning or erratic movement;
16. must not be displayed in a City park, reserve or on or adjacent to City municipal buildings;
17. all materials associated with the placement of the signs including rocks, bricks, star pickets etc., must be removed upon removal of the sign; and



18. not located in a position which would suggest that the sign has the endorsement of the City, including on premises leased from the City by third parties.

Subject to the above conditions, Officers are also proposing that portable signs and property transactions signs are only permissible to be temporarily placed in a public place subject to further conditions as outlined in the Policy.

With regards to enforcement of this Policy, Officers will exercise its enforcement powers to ensure compliance. This will involve an escalating compliance response that may include warnings, sign removal or the issuing of infringement notices. In extreme cases a court prosecution may be warranted.

Any impounded sign will be held for up to two months in accordance with the Local Government Act 1995. The signs can be collected by the owner who would be charged in line with the City's Fees and Charges Schedule. If the sign is not collected within the two month period, the sign may be destroyed or otherwise disposed of.

Consultation

The City received feedback on 11 November 2022 objecting to any restriction on Home Open and Property Transaction Signs from being located in the thoroughfare or public place.

In response to this written feedback, other conversations with real estate agencies working on behalf of residents, and other local businesses, selected sign types have been identified to be permissible to be placed in a public place subject to additional conditions for exemptions. These signs are generally temporary in nature and have had long standing practices of being placed on the thoroughfare to direct residents and visitors to the activity or event.

If the Policy is adopted, Officers will ensure this is directly communicated to local real estate agents, their affiliated contractors who install the signage, local charity organisations and businesses who frequent in this activity. The Policy will also be made available on the City's website.

Strategic Implications

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

Vision	Sustainable and responsible for a bright future
Pillar Outcome	People 2. A healthy, active and safe community.
Pillar Outcome	Place 8. A city that is easy to get around safely and sustainably.



Pillar Performance
Outcome 11. Effective leadership and governance.

Budget/Financial Implications

There are no financial implications associated with the adoption of the Signs in Public Places Council Policy.

Legislative and Policy Implications

[Local Government Act 1995](#) Section 2.7
[Local Law Relating to Thoroughfares 2000](#)

Decision Implications

If adopted, the proposed Signs in Public Places Council Policy will establish a clear framework regulating how, where and for what period of time signs may be displayed to minimise safety hazards and to maintain amenity.

If the Policy is not adopted, Officers will continue enforcing the provisions of the applicable local law.

Conclusion

The Policy strikes a balance between ensuring public places and verges are not proliferate with signage and allowing appropriate signage in line with community expectations. City Officers are recommending that the Signs in Public Places Council be adopted.

Further Information

Nil.



Signs in Public Places Council Policy

Council Policy Objective

The Policy establishes a clear framework regulating how, where and for what period of time signs may be displayed to minimise safety hazards and to maintain amenity.

This Signs in Public Places Council Policy (Policy) articulates how a variety of signs may be displayed on land owned and managed by the City of Nedlands (City).

Council Policy Scope

This policy applies where portable and property transaction advertising signs may be displayed in public places within the District; and also circumstances where signs may be removed from public places if displayed contrary to this Policy and/or a Local Law.

This policy does not cover:

- fixed directional tourism signs or other signs not defined in this policy;
- signs and advertising devices on or in the vicinity of highways and main roads that are under the control of the Commissioner of Main Roads; or
- signs, advertising or otherwise, that are covered under separate legislation (including election signage), public health, local planning policies, the local planning scheme or other City signage placed with CEO approval.

Council Policy Statement

The City allows flexibility in relation to signage and activities. Provided the provisions of this policy are met, placement of signage on the thoroughfare or public places does not need approval from City.

Definitions

Act means the Local Government Act 1995.

Authorised person means a person authorised by the City under section 9.10 of the Act.

Carriageway means a portion of a road that is improved, designed, or ordinarily used for vehicular traffic, and includes the shoulders, and areas, including embayment's, at the side or centre of the carriageway, used for the stopping or parking of vehicles.

City means the City of Nedlands.



City land means all land held in fee simple or under the care, control or management of the City and includes road reserves.

Council means the council of the City of Nedlands.

District means the district of the local government of the City of Nedlands.

Footpath means an area that is open to the public that is designated for, or has as one of its main uses, use by pedestrians’.

Public Place means a thoroughfare or place the public is allowed to be used, whether or not the thoroughfare is on private property, and includes local government land/property but does not include premises on private property from which trading is lawfully conducted.

Portable sign means a sign not permanently attached to the ground or to a structure, wall, fence or building and includes community information signs, garage sale signs, A Frames, and home open signs.

Private land means land within the boundaries of the City that is not City Land.

Temporary means where a sign is placed in a public place for a limited period of time as per the conditions for each sign type.

Thoroughfare means a road or other thoroughfare and includes structures or other things appurtenant to the thoroughfare that are within its limits, and nothing is prevented from being a thoroughfare only because it is not open at each end.

Property Transaction Sign means a sign designed to promote the sale or lease of a property and includes the words ‘for sale’, ‘for lease’, ‘coming soon’ or similar and where it is attached to the ground, wall, fence or structure adjacent the property that is ‘for sale’, ‘for lease’, or similar.

Policy

1. Signs on City Land

1. The City of Nedlands *Local Law Relating to the Thoroughfares 2000 / Public Places and Local Government Property Local Law 2023* (Local Law) establishes the need for a permit for signs on or within City Land.

2. Signage placement



Subject to the terms of this Policy, a permit for portable signs and property transaction signs to be displayed on City land will not be required under the Local Law where the sign is:

- a) free standing and not affixed to any existing tree, sign, post, power or light pole, or similar structure;
- b) at least 1.5 metres from the edge of the carriageway and 0.5 metres from the footpath;
- c) erected at least 10 metres from any intersection of thoroughfares;
- d) not closer than 50 metres to a signalised intersection or before any speed indicator sign;
- e) not placed on a median strip, roundabout or other traffic control device;
- f) not placed within an intersection;
- g) not placed within 50 metres of a pedestrian crossing;
- h) not located in, or within 50 metres of, a 40kph school zone;
- i) not placed so as to obstruct or impede:
 - (a) a footpath, thoroughfare or carriageway;
 - (b) the reasonable and/or safe use of City Land; or
 - (c) access to a place by any person;
- j) placed so as not to obstruct or impede the vision of a driver of a vehicle entering or leaving a thoroughfare or crossing;
- k) not placed on a verge without the adjacent property owners permission;
- l) not placed within 10 metres of any road work signs on the City Land;
- m) maintained in good condition;
- n) securely installed to retain their position in all weather conditions;





- o) not attached to existing signs, including other advertising signs, or on any road related infrastructure such as traffic sign supports, or on or between trees or other vegetation;
- p) not electronically illuminated, have an electronic or animated display, or exhibit spinning or erratic movement;
- q) must not be displayed in a City park, reserve or on or adjacent to City municipal buildings;
- r) all materials associated with the placement of the signs including rocks, bricks, star pickets etc., must be removed upon removal of the sign; and
- s) not located in a position which would suggest that the sign has the endorsement of the City, including on premises leased from the City by third parties.

3. In addition to Section 1, permits are not required for the signs outlined below and as per the signs provisions for exemptions:


Community Information Signs		
Additional Definition	A temporary sign relating to or giving directions to a charitable, cultural, educational, recreational, or other public or community function, exhibition, meeting, display, event or activity conducted by a community association other than for commercial gain.	 <p>Community Information Sign</p>
Conditions for Exemption	<ul style="list-style-type: none"> • No more than three separate signs shall be used. • Can not exceed 750mm in height or 1 square metre on any side. • Can have two sign faces. • Can be erected five days in advance of the activity and must be removed the same day after the activity. 	



Garage Sale Sign		
Additional Definition	Garage sale sign means a sign made from cardboard or other lightweight material that is used to direct persons to a garage sale at residential premises.	
Conditions for Exemption	<ul style="list-style-type: none"> • No more than two separate signs shall be used. • Can not exceed 750mm in height and 0.5 square metre total area. • Can be erected on the day of the activity and must be removed the same day. 	


Home Open Sign		
Additional Definition	means a temporary sign made from cardboard or other lightweight material (metal or aluminium) used to direct persons to a home for sale, lease or auction that is open for inspection and includes display homes.	
Conditions for Exemption	<ul style="list-style-type: none"> • No more than two sign to be on display. • Can not exceed 750mm in height and 0.5 square metre total area. • Can be erected on the day of the activity and must be removed the same day. 	



A Frames		
Additional Definition	Means a free-standing portable advertising device not permanently attached to a structure or fixed to the ground or pavement which is used to advertise a business.	
Conditions for Exemption	<ul style="list-style-type: none"> • No more than one sign to be on display per tenancy. • Contain two sign faces. • Can be placed on a footpath where 1.2m of access can be maintained at all times for pedestrians. • Can not exceed 750mm in height and 1 square metre per sign face. • Can be placed out during business open and closure times. Must be removed from the public place daily when the business has closed. 	

Property Transaction signs



Additional Definition	A sign designed to promote the sale or lease of a property and includes the words 'for sale', 'for lease', 'coming soon' or similar.	
Co for Exemption	<ul style="list-style-type: none"> • Maximum of one per street frontage. • Maximum of 3 square metre total area. • Sign must be placed parallel to the road. • To be removed within 14 days from settlement or leasing of a property. 	

2. Signs requiring a permit

A sign that does not meet the criteria outlined in this policy will require approval from the City of Nedlands.

3. Enforcement

- 1) Where a sign breaches this Policy, the Local Law or any other relevant law, or poses a health or safety hazard, the City will exercise its powers in accordance with the relevant legislation and City procedures to ensure compliance and/or remove any health and safety hazard as appropriate.
- 2) Placement of signs on a verge is permitted with the consent of the adjacent the landowner or occupier. The City will intervene if the sign is placed without consent, or the sign is not in compliance with this policy.
- 3) Some thoroughfares within the district of the City are controlled by Main Roads Western Australia (MRWA) under the *Main Roads (Control of Advertising) Regulations 1996*. MRWA should be contacted before erecting a sign on a main road.

**Related documentation**

Nil

Related local Law and Legislation

Local Law relating to Thoroughfares 2000

Public Places and Local Government Property Local Law 2023

Local Government Act 1995

Main Roads (Control of Advertising) Regulations 1996

Related delegation

Nil.

Review History

Adopted by Council DATE



17. Divisional Reports - Technical Services

17.1 TS06.03.24 Allen Park Trail Construction Options, Swanbourne

Meeting & Date	Council Meeting – 26 th March 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	Daniel Kennedy-Stiff, Manager City Projects and Programs
Director	Matthew MacPherson, Director Technical Services
Attachments	1. Allen Park Trail General Arrangement 2. Hospice Logistics Methodology Drawings

Purpose

To allow Council to decide on the construction timing and options for the Allen Park Trail construction, considering the projects integration with other works in the area.

Recommendation

That Council:

1. approves the preferred option, Option 2, being the deferral of the construction of the Allen Park Trail footpath until substantial works requiring ring road access at the development are complete; and
2. notes the potential positives and negatives identified for Option 2, being the deferral of the construction of the Allen Park Trail footpath until substantial works requiring ring road access at the development are complete.

Voting Requirement

Simple Majority.

Background

The Allen Park Trail pathway has been designed to connect and complete the existing sections of the Whadjuk trail and is funded as part of the 23/24 Capital Works Program. The new section of footpath will allow walkers to follow the Whadjuk trail from end to end.



The design process for the new path is complete and the City will be in a position, to commence construction in the coming months, pending confirmation of contractor availability. Administration is confident that construction will be complete by the end of the financial year.

As part of project planning City Officers have liaised with the Childrens Hospice project team to determine if those works would impact on the footpath's construction. These adjacent works are planned to start in the next 6 to 8 weeks.

The Children's Hospice project team, as part of their planning works, has requested access to land outside their property boundary for construction trucks to enter and exit site. Initial plans provided to the City indicate that these proposed areas will clash with sections of the footpath. The areas of known conflict are shown in Figure 1 as following and can be seen independently in Attachments 1 and 2.

The hospice site and Allen Park in this area has limited land available for site access as removal of existing trees is not permitted and the placement of existing facilities (i.e. the Bridge Club). The hospice team has indicated that granting permission to access the areas requested will lead to less disruption to the car park and a more efficient construction process.

It is not uncommon for developers of work on constrained sites to request access through adjoining lots. Conditional approval is typically granted noting access is generally interrupted during construction and any damage is rectified prior to the area being handed back to the owner.

Given the grade of the site where access is being proposed it is likely that some level adjustment will need to be made to facilitate access (if approved).

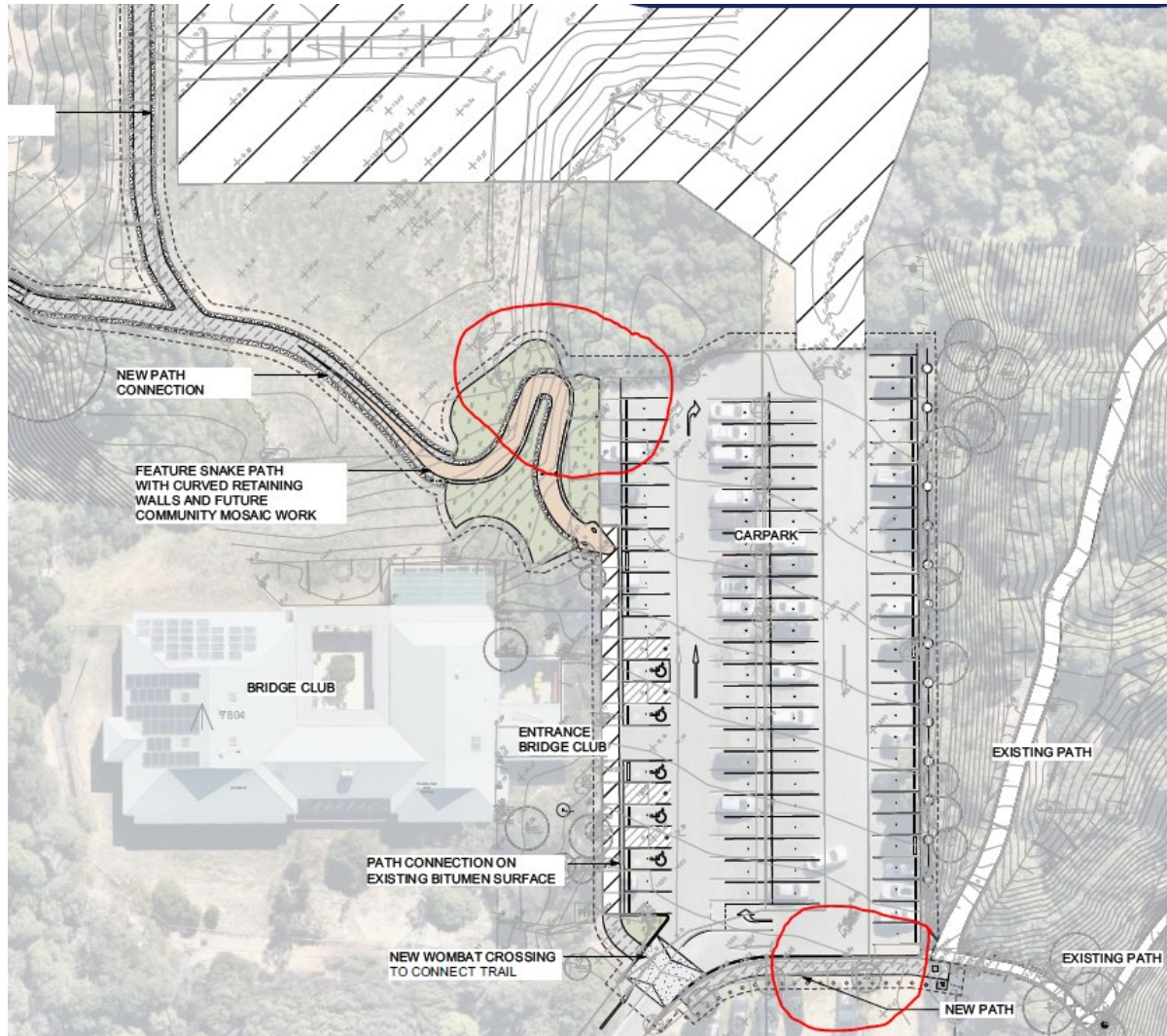


Figure 1 – Allen Park Layout

Four (4) scenarios have been identified as options for progressing the Allen Park Trail project. The financial, legal, and reputational impacts of each option are discussed in the next section. The long and short-term implications of each option should be fully considered prior to deciding as the outcome could impact future City of Nedlands works.

Discussion

A summary of the Options is provided below with all implications highlighted.

OPTION 1: Continue with Construction of full length of permanent path as Planned.

Summary	<p>Construct the Allen Park Trail as planned, with works completed by the end of the financial year.</p> <p>Interactions with the Children's Hospice works would need to be managed as they arise with careful consideration on the timing of activities.</p>
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Positives		Negatives	
<ul style="list-style-type: none"> The complaint footpath project would be completed as per the original project timeline. The Whadjuk trail will be complete this Financial Year. 		<ul style="list-style-type: none"> Increased Officer time and involvement to coordinate CoN and Children's Hospice works timings to avoid conflicts. Increased risk of damage to the new path resulting in large sections of the path unusable by the public until rectification work can be conducted. Increased risk of the footpath being closed shortly after construction is complete leading to Community backlash from path opening, then partially closing, then opening again. Hospice may consider alternate options to gain access to the desired portions of land for the access road – e.g. State Government intervention to extend the boundary of the current site south to encompass the proposed access route. Increased risk of reputational impacts for the City of Nedlands for an inability to work with other organisations to obtain the best solution for all. 	
Comments		There are potential legal and reputation consequences and associated risks which should be fully understood.	

OPTION 2: Defer until Hospice is substantially complete, CoN pay. and construct.

Summary		Defer the construction of the Allen Park trail for approx. 18 months until the Children's Hospice works are complete. City of Nedlands would then pay for and construct the path as per the current design.	
Positives		Negatives	
<ul style="list-style-type: none"> Path is able to be constructed without interference from the Children's Hospice, providing our contractor with full site access. No potential damage to the path from other construction activities. Decreased complication of construction and Officer time/involvement. 		<ul style="list-style-type: none"> A delay in the construction of the path. A delay in the completion of the Whadjuk trail. 	
Comments		Delay of the path construction would allow a simpler and more streamlined construction and avoid path closures.	

**OPTION 3: Construct sections outside other works, temp path for remaining sections until Hospice completion.**

Summary	Construct the sections of the path which do not conflict with the Children's Hospice works, approximately 50% of the proposed path, and defer the remaining for 18 months.	
Positives	<ul style="list-style-type: none"> Allows for sections of the path to be complete in accordance with the original project timeline. Allows for sections of the path to be improve to a higher standard (sand track to concrete path). 	Negatives
		<ul style="list-style-type: none"> A delay in the completion of the full length of the path. The completed sections may not be usable by the public during the Children's Hospice works, depending on construction works at the time. Potential damage to sections of the path from the Children's Hospice works, resulting in those sections being closed to the public until rectification can be completed. Broken construction schedule with loss of work continuity, leading to higher overall costs. Increased construction complication and Officer involvement with works timing to ensure the Children's Hospice works do not clash with the trail construction. Community backlash from the path only being partially completed and sections potentially closed due to damage. Finish quality of the path will be inconsistent due to split delivery timeframe.
Comments	<p>A staged construction increases the complication of the works and increases the potential for damage to new sections due to the long hold period and the Children's Hospice works.</p> <p>There will be additional costs incurred if the works are split into stages.</p>	

OPTION 4: Formalise existing 'goat track' path, defer the new path Construction.

Summary	Regrade and improve the existing beach path to improve accessibility and defer the new construction works for 18 months. A temporary path between the regraded beach path and the car park can be added to improve accessibility during construction of the Hospice.	
Positives	<ul style="list-style-type: none"> Improves access during the construction of the Hospice. Any damage to the temp path can be quickly and easily rectified with minimal costs/time implications. 	Negatives
		<ul style="list-style-type: none"> A delay in the completion of the path. The completed sections may not be usable by the public during the Children's Hospice works. Potential damage to sections of the temporary path constructed from the



	<p>Children's Hospice works, resulting in those sections being closed to the public until rectification can be completed.</p> <ul style="list-style-type: none">• Increase in costs due to the additional temporary path works, broken construction schedule, increased construction difficulty and potential rectification works.• The temp path will not be fully compliant.
Comments	A staged construction increases the complication of the works and increases the potential for damage to new sections due to the long hold period and other works in the area.

It has been brought to the City's attention that there may be some interactions between the project and the WA Bridge Club's leased area. City Officers are working with the Bridge Club to determine the best solution and it is not expected to cause issues for the project.

Consultation

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

As part of the City standard practice of project planning Officers have been liaising with nearby key stakeholders.

Strategic Implications

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

Vision Sustainable and responsible for a bright future

Pillar People

- Outcome**
2. A healthy, active and safe community.
 3. A caring and supportive community for all ages and abilities.

Pillar Place

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

Budget/Financial Implications

The Allen Park Trail has a budget of AUD\$140,000 in the 23/24 Capital Works Program.



Option	Budget / Financial Implications
1	No change to the City's budget but would incur additional reinstatement costs to the Hospice and loss of staff time to inspect and superintend.
2	No change to existing budget.
3	Increase in costs due to staged construction: <ul style="list-style-type: none">• Additional mobilisation and demobilization costs.• Increased construction difficulty.• Potential rectification works.• Additional internal hours to monitor other works during construction.• Additional internal hours to re-engage contractor.
4	Increase in costs due to staged construction and temporary path installation: <ul style="list-style-type: none">• Additional mobilisation and demobilisation costs.• Increase costs due to additional of a temp path into the projects SoW – estimated at \$5,000 excluding staff time.• Increased construction difficulty.• Potential rectification works.• Additional internal hours to monitor other works during construction.• Additional internal hours to re-engage contractor.

Legislative and Policy Implications

None noted at this stage, but Officers are awaiting legal advice on implications of the access request and its impacts on the project's timeline.

Decision Implications

The decision of the Council in respect to the construction options will have implications on financial requirements, legal situation, and the City of Nedlands reputation, which will be determined based on the preferred option.

Informing this report City officer considered several different recommendations broadly in line with the options presented above.

Alternate Recommendation for option 1:

That Council:

1. reaffirms its decision to continue with construction of the path beginning as soon as possible; and
2. notes the potential positives and negatives identified for Option 1, being the continued construction in full of the path.



Alternate Recommendation for option 3:

That Council:

1. **approves the preferred option, Option 3, requests the CEO to adjust the scope of works to deliver as much of the path as possible that will not clash with the proposed access road to the development and provide temporary path connections elsewhere; and**
2. **notes the potential positives and negatives identified for Option 3, being the continued construction in full of the path where possible and delivery temporary pathways until development completion.**

Alternate Recommendation for option 4:

That Council:

1. **approves the preferred option, Option 4, being the deferral of the construction of the Allen Park Trail footpath until substantial works requiring ring road access at the development are complete.**
2. **requests the CEO to adjust the scope of works to deliver a temporary path whilst construction of the development is underway; and**
3. **notes the potential positives and negatives identified for Option 4, being the deferral of the construction of the Allen Park Trail footpath until substantial works requiring ring road access at the development are complete and provision of temporary access pathways in the interim.**

For all alternate recommendations shown above Officers recommend engaging with the Hospice to seek a funding contribution for the path.

Following analysis of these alternate options, Officers conclude that presented recommendation which aligns with option 2, will have the greatest chance of project success, minimising additional costs and disruptions for all parties involved.

Conclusion

There are four (4) options for the construction of the Allen Park Trail, each of which have differing financial, legal, and reputational consequences which should be fully understood prior to making a decision.

Further Information

Nil.



DRAFT

NOTES


This drawing should be read in conjunction with REALMstudios PTY LTD prepared specifications and details. Should a conflict exist, advice and direction should be sought from REALMstudios prior to undertaking any construction works. All levels shown are in metres Australian height datum, and dimensions in millimetres unless otherwise noted.

All information relating to architectural, civil, structural, services and other works as represented on this drawing as prepared by REALMstudios is for REALMstudios' reference and coordination purposes only. All documentation to these and other works outside the scope defined for REALMstudios should be referred to the relevant consultants' drawings and specification for details. This drawing is confidential and shall only be used for the purposes of this project.

CERTIFICATION

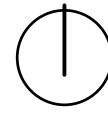
This drawing shall not be used for construction purposes unless Revised 0 issued for Construction and signed and approved by the Certifying Landscape Architect. Verify all dimensions on site before commencing work or order materials. Refer any discrepancy to Landscape Architect before proceeding with the works.
DO NOT SCALE FROM THE DRAWING

WARNING




Services shown on this drawing are approximate only. The exact location is to be confirmed on site by contractor prior to commencement of work.

DATE	REV	AMENDMENTS
31/01/24	A	100% Detailed Design
04/09/22	B	80% Schematic Design
08/09/23	C	100% Schematic Design



1 5 10 15 20

1:300 @ A1
1:600 @ A3



Melbourne
Ground floor, 79-81 Coppin Street
Richmond, Vic 3121
T: +61 3 9118 7346

Sydney
Level 4, 68 Wentworth Avenue
Surry Hills 2010
T: +61 2 5007 4903

Perth
Level 2, Commonwealth Bank Building
242 Murray Street, WA 6000
T: +61 8 9321 3299

Hobart
89 Macquarie Street
Hobart, TAS 7000
T: +61 3 6705 7061

CLIENT

City of Nedlands
71 Stirling Hwy
Nedlands WA 6009

PROJECT

Allen Park Trail Footpath

DRAWING

GENERAL ARRANGEMENT PLAN

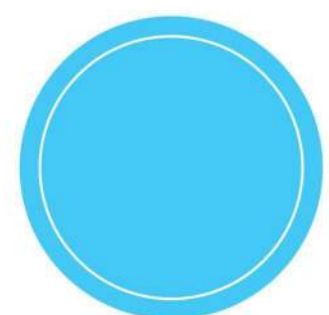
DRAWN	CHECKED	SCALE @
JP	DP	As Shown

STATUS

100% Detailed Design

DRAWING NO.	REVISION
23666-00-L200	C

WESTERN AUSTRALIAN CHILDREN'S HOSPICE SWANBOURNE WA



CONSTRUCTION REVIEW &
LOGISTICS METHODOLOGY

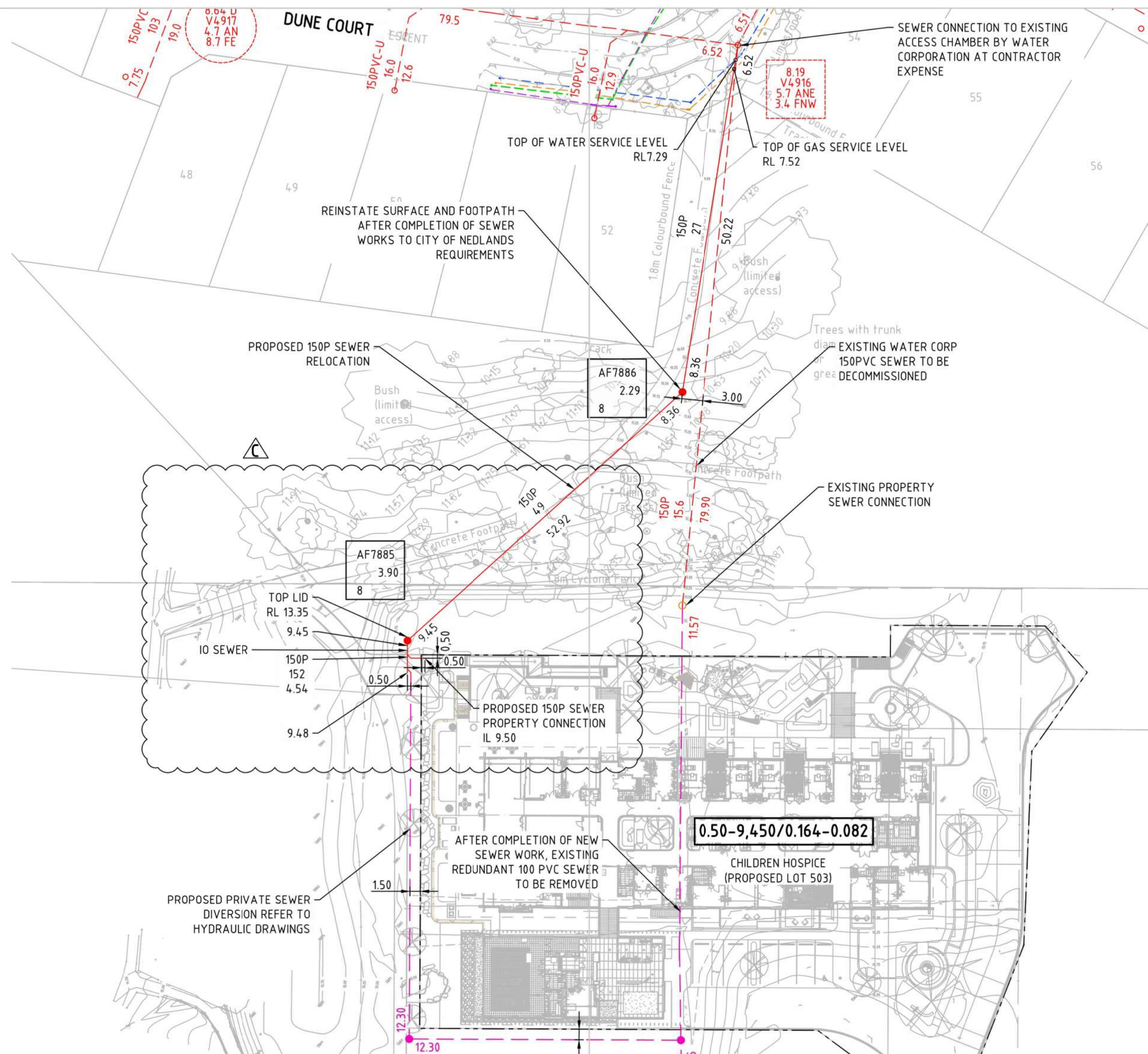


HESPERIA
encon.

PACT

- 1 SITE ACCESS / LOCATION
- 2 ENABLING WORKS - SERVICES CONNECTION 01
- 3 ENABLING WORKS - SERVICES CONNECTION 02
- 4 ENABLING WORKS - SERVICES CONNECTION 03
- 5 ENABLING WORKS - SERVICES & LOGISTICS - ACCESS
- 6 ENABLING WORKS - SERVICES & LOGISTICS - PARKING
- 7 BASEMENT FLOOR PLAN
- 8 GROUND FLOOR PLAN
- 9 FIRST FLOOR PLAN







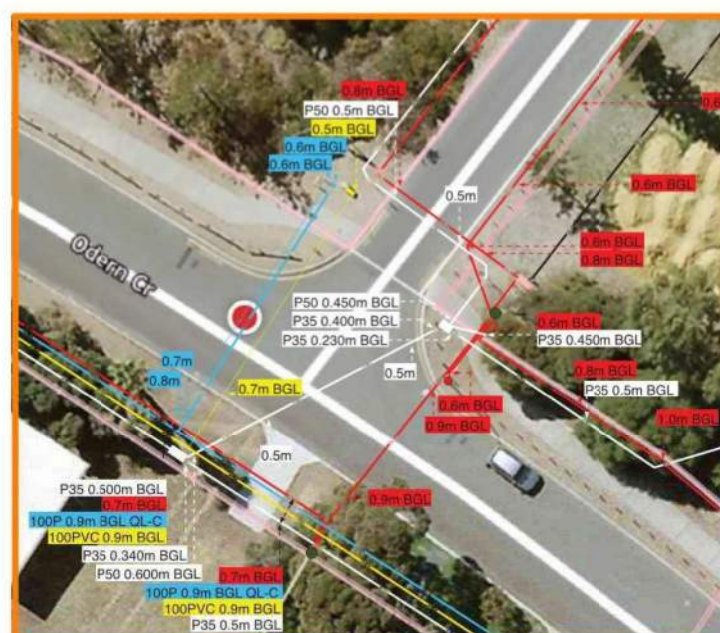
NB: WORKS TO BE SCHEDULED WITH WA BRIDGE CLUB WHEN NO FUNCTIONS / EVENTS ARE IN OPERATION

EXISTING 91 BAY CARPARK

NEW SERVICE CONNECTION TO LOT 504 - REQUIRE TEMPORARY ROAD CLOSURE TO RETICULATE EXISTING SERVICES

ESTIMATE 2-3 DAYS

REQ. WATER & POTENTIALLY GAS TO BE RETICULATED ACROSS ROADWAY



EXISTING CROSSOVER

PROPOSED TEMPORARY CROSSOVER TO FACILITATE ACCESS TO BRIDGE CLUB



EXISTING 91 BAY CARPARK

EXTENT OF CONTINUATION OF
SERVICES CONNECTION TRENCH

TRAFFIC MANAGEMENT

CONTINUOUS PUBLIC
PEDESTRIAN ACCESS TO BE
MAINTAINED DURING WORKS

SERVICES CONNECTION
TRENCH

SITE HOARDING - EXTENT FOR
DURATION OF SERVICES CONNECTION

TRAFFIC MANAGEMENT
PROPOSED CLOSURE OF HALF OF
EXISTING LOT 504 ACCESS
ROADWAY
TRAFFIC MANAGEMENT REQUIRED
FOR DURATION OF WORKS

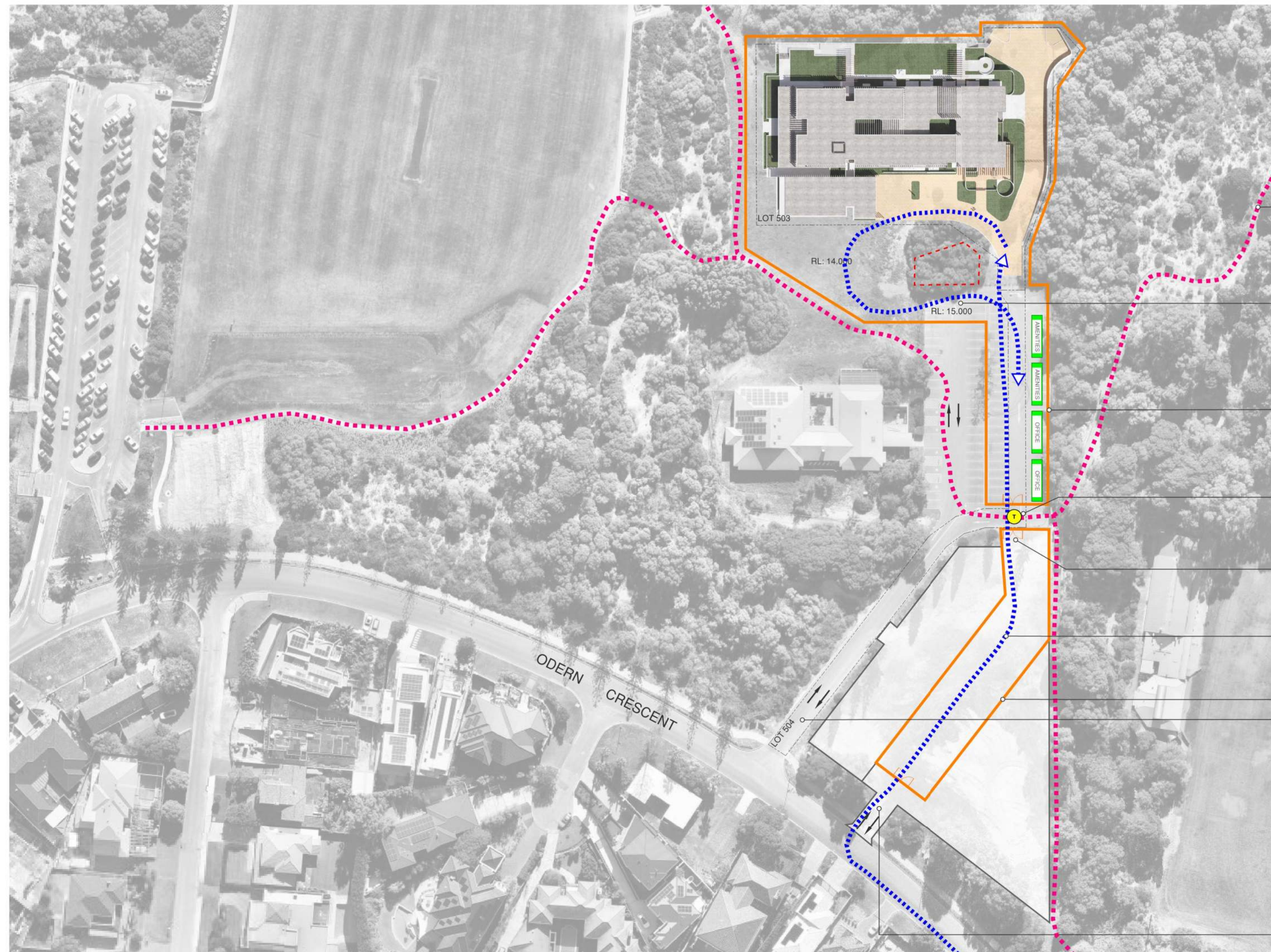
ESTABLISHMENT OF PROPOSED
SEPARATE CONTRACTOR PARKING

ESTABLISHMENT OF WA BRIDGE
CLUB 'MAKE-UP' PARKING

ESTABLISHMENT OF RUGBY /
CRICKET CLUB PARKING

ESTABLISHMENT OF PROPOSED
TEMPORARY CROSSOVER - TBC





PROPOSAL SEEKS TO MAINTAIN SEPARATION BETWEEN THE WA BRIDGE CLUB AND CONSTRUCTION VEHICLE ACCESS

PEDESTRIAN ACCESS TO BE MAINTAINED

PROPOSED TURNING CIRCLE / REVERSING BAY

SITE HOARDING - EXTENT FOR DURATION OF MAIN WORKS

TRAFFIC MANAGEMENT TO SITE COMPOUND ENTRANCE

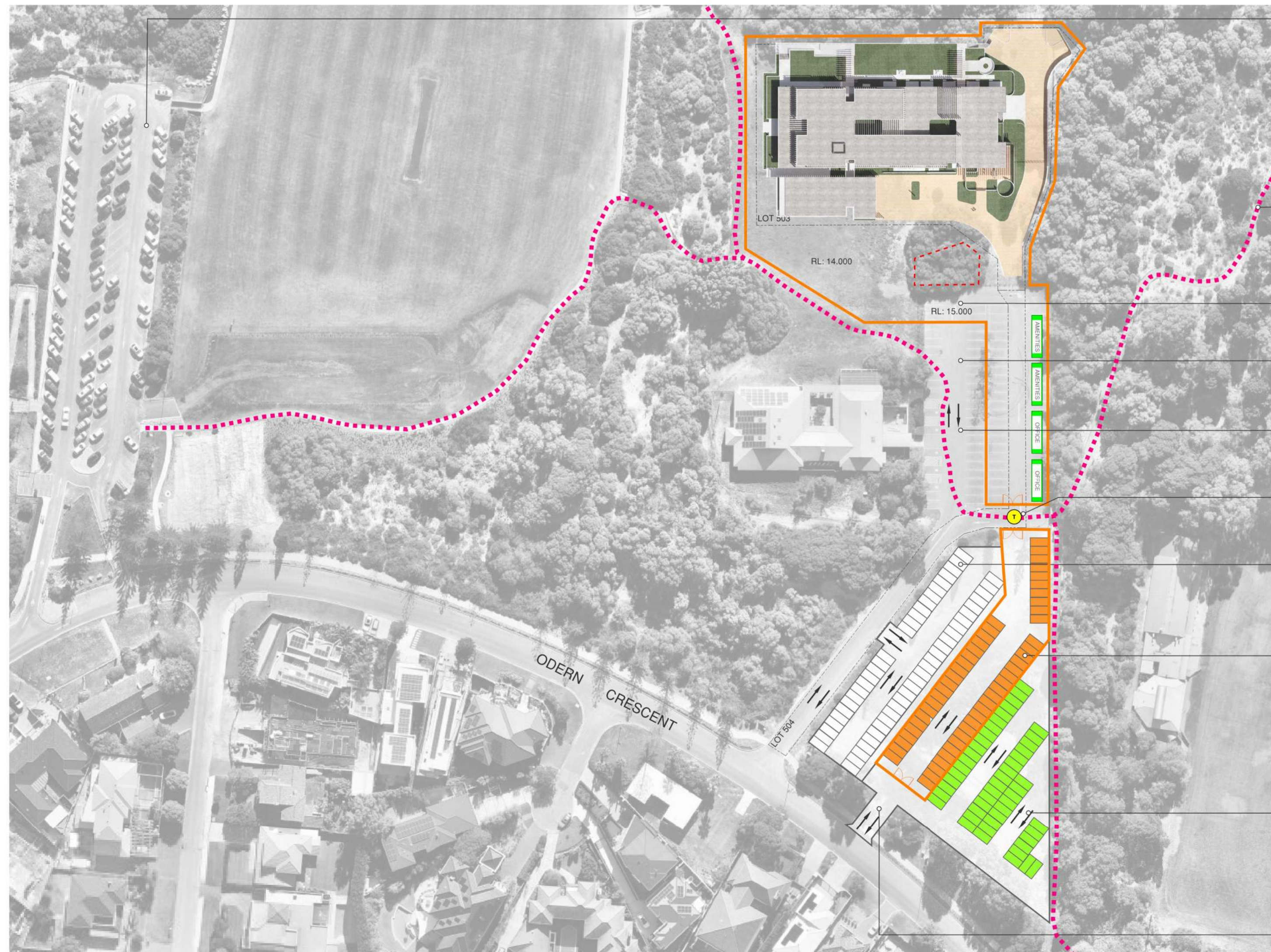
ACCESS BETWEEN EXISTING TREES

PROPOSED CONSTRUCTION VEHICLE ACCESS ROUTE

PROPOSED SUB-CONTRACTOR PARKING COMPOUND - 53 BAYS

ALTERNATE PROPOSED CONSTRUCTION VEHICLE ACCESS ROUTE - WILL REQUIRE FULL TIME TRAFFIC MANAGEMENT TO LENGTH OF ACCESS ROAD

PROPOSED TEMPORARY CROSSOVER TO FACILITATE SEPARATE ACCESS FOR CONSTRUCTION VEHICLES & ACCESS TO CAR PARKING



PROPOSED SEPARATE CONTRACTOR
PARKING ALLOWANCE WITHIN CITY OF
NEDLANDS SWANBOURNE CARPARK.
TO REVIEW WITH CITY.

PEDESTRIAN ACCESS TO BE
MAINTAINED

PROPOSED TURNING CIRCLE /
REVERSING BAY

EXISTING OVERALL BRIDGE CLUB
PARKING - 91 BAYS

PROPOSED REDUCED BRIDGE
CLUB PARKING - 35 BAYS

TRAFFIC MANAGEMENT TO SITE
COMPOUND ENTRANCE

PROPOSED BRIDGE CLUB
'MAKE-UP' PARKING - 55 BAYS

PROPOSED SUB-CONTRACTOR
PARKING COMPOUND - 53 BAYS

AVG. SUB-CONTRACTOR ALLOWANCE
ON SITE PER DAY = 80
CARBAYS = 40

PROPOSED RUGBY / CRICKET CLUB
PARKING - 50 BAYS

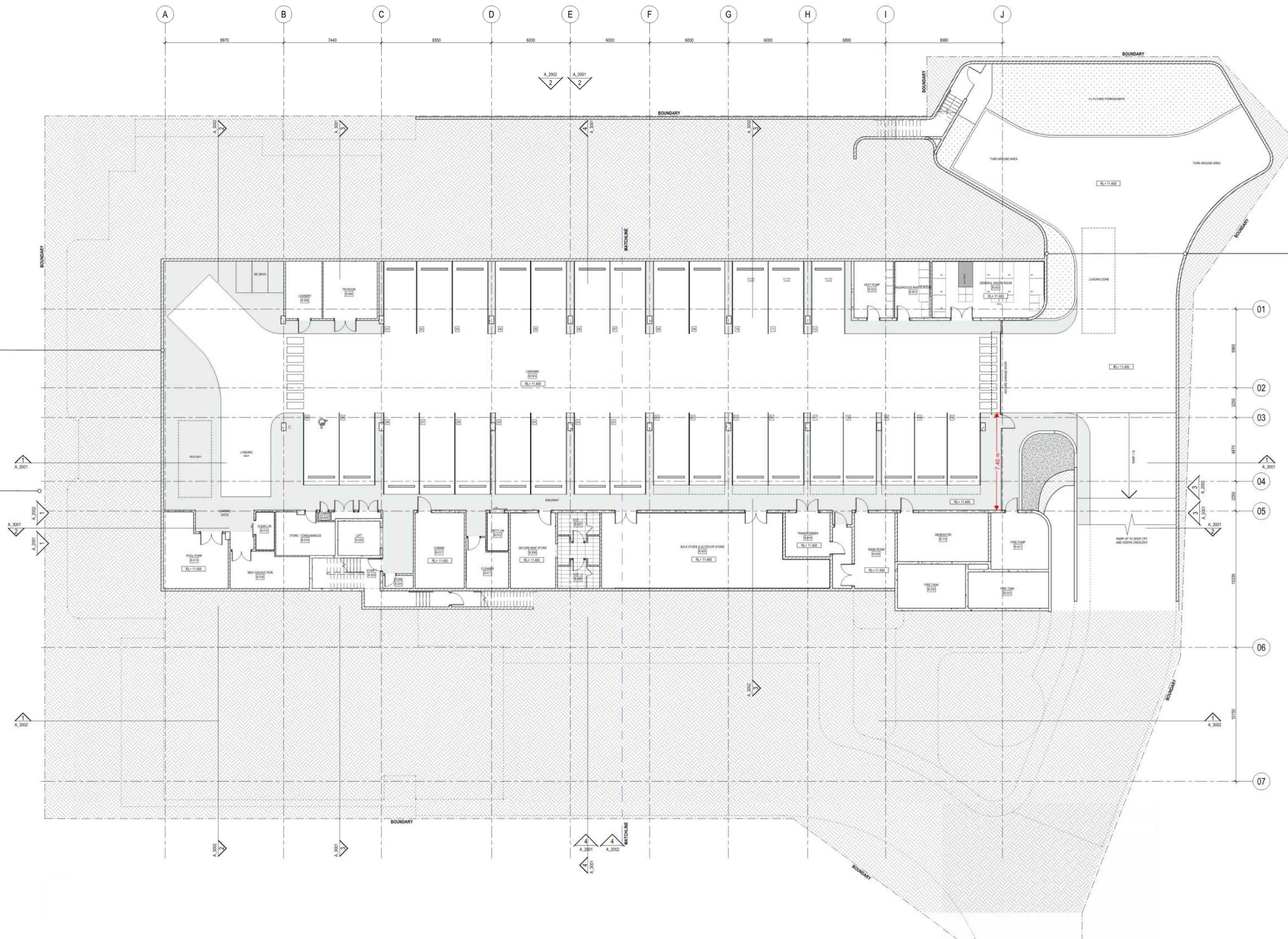
PROPOSED TEMPORARY
CROSSOVER TO FACILITATE
SEPARATE ACCESS FOR
CONSTRUCTION VEHICLES & ACCESS
TO CAR PARKING



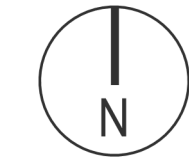
BASEMENT RETENTION WALLS WILL REQUIRE BACKPROPPING TO FACILITATE BACKFILLING PRIOR TO GROUND FLOOR SLAB POUR

REVIEW NEW SEWER LINE INSTALLATION SEQUENCE. REVIEW POTENTIAL FOR DISTURBANCE IF INSTALLED PRIOR TO BASEMENT BULK EXCAVATION

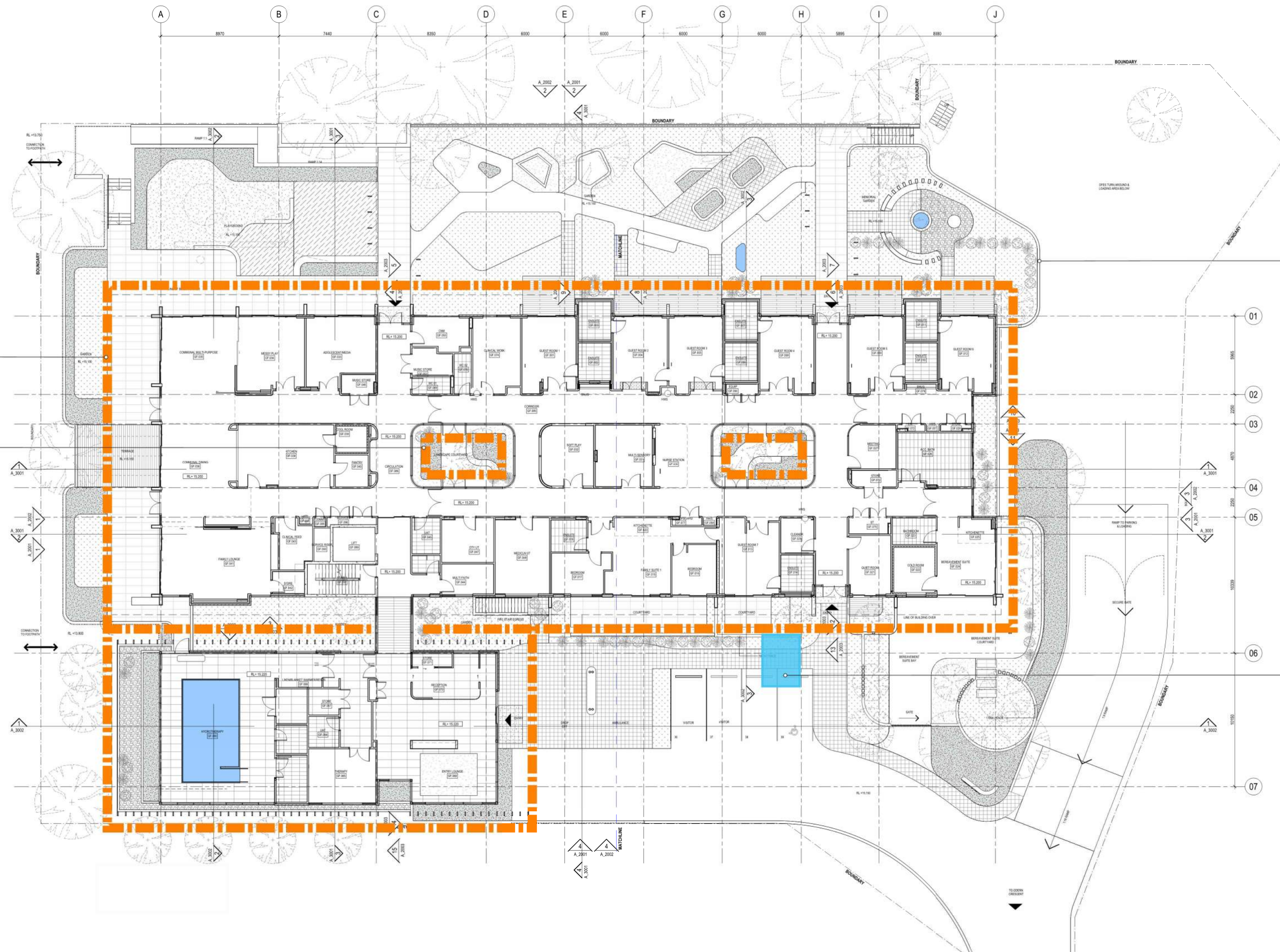
HANDRAILS REQ. TO EASTERN RETAINING WALLS



BASEMENT FLOOR PLAN

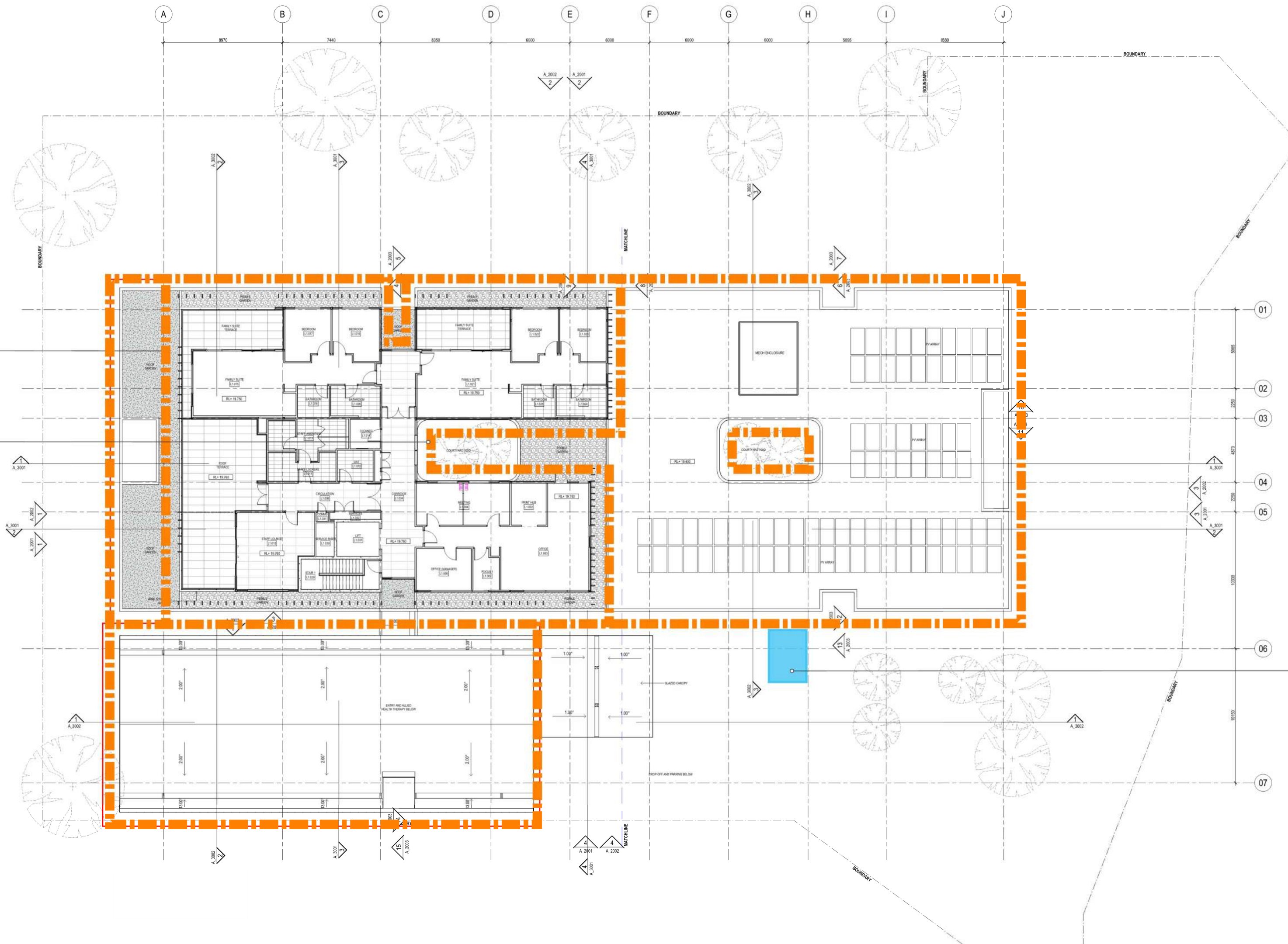


PERIMETER SCAFFOLD

SCAFFOLD TO INTERNAL
VOIDSHANDRAILS REQ. TO
EASTERN RETAINING WALLSPROPOSED HOIST
LOCATION TO FIRST FLOOR



PERIMETER SCAFFOLD

SCAFFOLD TO INTERNAL
VOIDSPROPOSED HOIST
LOCATION TO FIRST FLOOR



17.2 TS07.03.24 RFT 2023-24.07 Natural Area and Greenways Maintenance Services

Meeting & Date	Council Meeting – 26 March 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	Vicki Shannon – Coordinator Environmental Conservation
Director	Matthew MacPherson - Director Technical Services
Attachments	1. CONFIDENTIAL – Evaluation and Recommendation Report – Award RFT 2023-24.07 Natural Area and Greenways Maintenance Services 2. CONFIDENTIAL – Schedule of Rates RFT 2023.24.07

Purpose

The purpose of this report is to request Council award of RFT 2023-24.07 Natural Area and Greenways Maintenance Services, for an initial contract period of one (1) year with up to four (4) one (1) year extension options.

Recommendation

That Council:

1. approves award of RFT 2023-24.07 Natural Area and Greenways Maintenance Services to the Southeast Regional Centre for Urban Landcare, Natural Area Holdings Pty Ltd, Green Skills Inc. and Workpower Inc. for the provision of natural area maintenance services; and Sustainable Outdoors and Natural Area Holdings Pty Ltd for the provision of greenways maintenance services in accordance with the City's request for Tender RFT 2023-24.07 and comprising of that request; the City's Conditions of Contract and the respondents submission;
2. instructs the Chief Executive Officer to arrange Letter of Acceptance and Contract Documentation to be sent to the recommended Panel members; and
3. instructs the Chief Executive Officer to advise unsuccessful respondents of the outcome.

Voting Requirement

Absolute Majority.



Background

Request for Tender 2023-24.07 was advertised on 25 November 2023 in the West Australian Newspaper and 27 November 2023 on www.tenderlink.com/nedlands. The panel request period ended on 22 January 2024 and submissions were opened by officers of the City at 2pm on the 22 January 2024.

Request for Tender 2023-24.07 specified the requirements of the City and invited suitably qualified and experienced respondents to submit bids to enter into a contract for two Panels for the provision of natural area and greenways maintenance services.

The City sought to form a Panel arrangement with up to five suppliers for both the natural area maintenance and greenways maintenance Panels. The Panel contracts will be in place initially for a contract period for one (1) year with up to four (4) one (1) year extension options, with a proposed contract start date of the 1 April 2024. The objective of both the Panel contracts is biodiversity conservation and only companies that could demonstrate high quality biodiversity conservation services were considered.

Respondents were requested to clearly detail which Panel they wanted to supply services for and clearly label their response as either 1 - Natural Area Maintenance Services or 2 - Greenways Maintenance. If respondents wanted to be on both Panels, they needed to submit two separate responses (one for each Panel) and clearly label each response so that it was clear which response was associated with the Natural Area Maintenance Panel and which response was for the Greenways Maintenance Panel.

Discussion

Nine (9) submissions were received from six (6) companies, with five (5) companies submitting responses for the Natural Area Maintenance Panel and four (4) companies submitting responses for the Greenways Maintenance Panel.

Following the closure of the Request for Tender period the responses were assessed against compliance criteria, with no non-compliant submissions received. The responses were then assessed against the following qualitative criteria:

- Key Personnel Skills and Relevant Experience (40%)
- Respondents Resources (20%)
- Demonstrated understanding (35%)
- Sustainability (5%)

Upon completion of the evaluation the evaluation Panel nominated four (4) companies for the natural area maintenance Panel and two (2) companies for the greenways maintenance Panel as shown in the table below.



	Companies recommended for Natural Area Maintenance Services Panel	Companies recommended for Greenways Maintenance Panel
1	Southeast Regional Centre for Urban Land Care Inc	Sustainable Outdoors
3	Natural Area Holdings Pty Ltd t/as Natural Area Consulting Management Services	Natural Area Holdings Pty Ltd t/as Natural Area Consulting Management Services
4	Green Skills Inc	
5	Workpower Inc	

The companies detailed in the above table demonstrated that they will provide good value for money and they have the resources and relevant experience to perform the requirements of the Panel contracts to a high standard (refer attachment 1 and 2). They currently perform similar services for other local authorities in the Perth Metropolitan region, with majority of companies having recent City of Nedlands experience.

Consultation

Not required.

Strategic Implications

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

Vision Sustainable and responsible for a bright future

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

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

Pillar Outcome Place
7. Attractive and welcoming places.



Budget/Financial Implications

The costs associated with the contract services required for RFT 2023-24.07 are provided through the Parks Services and Environmental Conservation operational budgets.

The anticipated costs associated with the Natural Areas Maintenance Panel are estimated at \$550,000 (ex GST) annually and the estimated costs associated with the Greenways Maintenance Panel are estimated at \$200,000 (ex GST) annually. These costs are expected to rise each contract year in accordance with Perth Consumer Price Index as required under the contract.

Legislative and Policy Implications

[Procurement of Goods and Services Council Policy](#)
[Local Government \(Functions and General\) Regulations 1996](#)

Decision Implications

The current contract for natural area maintenance services (RFT 2019-20.01) is due to expire on 31 March 2024. Without a new contract in place prior to that date, the City would be operating under an expired contract and not fully compliant whilst a new contract is awarded.

The contract for greenways maintenance services (RFQ 2022-23.14) will reach the allowable limit of \$250,000 in the next few months and the City will no longer be able to utilise the contract to appoint greenway maintenance works. Without a contract in place the City will not be able to undertake greenways maintenance programs.

Conclusion

By endorsing the officer recommendation, contractors will be appointed to provide the required services to enable the City to deliver natural area and greenways maintenance services. If Council does not endorse the recommendation, then the maintenance programs will be postponed reducing the quality of natural areas and greenways within the City.

Further Information

Nil.



17.3 TS08.03.24 Adoption of Strategic Project Development Policy

Meeting & Date	Council Meeting – 26 th March 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	Matthew MacPherson, Director Technical Services
CEO	Tony Free, Acting Chief Executive Officer
Attachments	1. Proposed “Strategic Project Development Policy” 2. Strategic Project Portfolio Review 2024

Purpose

For Council to consider adopting a new policy, titled “Strategic Project Development Policy” and ratify a position on a number of Strategic Level projects identified using the methodology outlined in the draft policy as outlined in the Strategic Project Portfolio Review.

Recommendation

That Council:

1. adopt the proposed “Strategic Project Development Policy” as presented in Attachment 1;
2. endorse the following Projects as “Strategic Projects” as presented within attachment 2, the Strategic Project Portfolio Review 2024;
 - a. Underground Power in Phase 5 – Business Case, valued at between \$38,700,000 - \$47,300,00;
 - b. Stirling Highway Grade Separation (Tunnel) in Phase 2 – Definition valued at \$14,000,000;
 - c. Redevelopment of Melvista Park in Phase 3 – Planning valued at \$11,082,618 - \$16,623,927;
 - d. Redevelopment of Highview Park in Phase 3 – Planning valued at \$8,843,789 - \$13,265,684;
 - e. Town Centre Redevelopment in Phase 2 – Definition valued at \$2,191,700 - \$3,287,550;
 - f. Redevelopment of Lawler Park in Phase 3 – Planning valued at \$923,910 - \$16,031,940;
 - g. Nedlands Nature Network in Phase 2 – Definition valued at \$7,465,793;
 - h. Laneway Upgrade Strategy in Phase 4 – Investigation valued at \$5,395,485 - \$42,218,181; and
 - i. School Sports Circuit in Phase 4 – Investigation valued at \$2,318,460 - \$3,864,100; and



3. **request the acting Chief Executive Officer schedule a Concept Forum to discuss “Prioritisation and Planning for Future Development of Strategic Projects”.**

Voting Requirement

Simple Majority.

Background

- Overtime, all local governments will pursue projects on behalf of their communities which are of such a scale or span to be considered well outside of their core ‘business as usual’.
- These projects differ on a case-by-case basis from annual projects and from one another and required a far higher demand on resources over their lifespan to both eventuate and be successful.
- While the administration operates a Project Management Framework for Infrastructure Capital Works projects, this is fit for purpose to those recurring types of projects and not entirely transferable to projects beyond a certain scope.
- The City lacks a definition of when Projects should receive a different level of management and due diligence, particularly during the development phases.
- This lack of definition also means that not only determining projects is difficult, but the ability to progress the development of these over multiple years amongst changing staff is high on impossible.
- The City through numerous origins has several projects in varying states of approval, development and support which would benefit from the clarity a formal Council Policy.
- At a concept forum in May 2023, a discussion paper and draft “Major Project Development” policy was circulated, presented upon and discussed.
- Feedback indicated a preference for a different terminology (Strategic Projects), and additional commentary around phase gates.
- There was also an indication that there should be a sixth phase added; ‘de-brief’ or ‘lessons learned’, however Technical Services has adopted this as a standard process across all larger programs and projects as best practice, and developed a running register and tools accordingly which has been used for; the 2023 planting season, 2023 post storm season debrief, Rochdale Road resurfacing and the 2023 budget process amongst others.
- As part of the audit in 2023, finding 51 outlined:
“The City should:
 - 1) mandate and ensure a business cases is developed for all major projects to support needs identification, procurement planning and obtaining approval to proceed with purchase;
 - 2) define the financial threshold for projects that would be mandated to develop a business case; and
 - 3) update the procurement policy to reflect this.”
- Evidence provided to address this was the then draft ‘Major Project Development Policy’ which resolved the finding, however this needs to be formalised to remain valid.



- Further work has occurred amongst other undertakings and the City is now at a point to presented a consolidated approach to Council for adoption.

Discussion

Importance of Project Management Practices

An adopted Project Management Framework in Local Governments provide the following benefits:

1. Improved project planning and execution:

One of the key benefits of a project management framework is improved project planning and execution. By adopting a structured approach, local governments can ensure that all aspects of the project are accounted for, and that each step is executed effectively within the greater resourcing of the organisation and timeline within the overarching project. This can help to minimise the risk of delays, cost overruns, and other issues that can derail projects.

2. Increased transparency and accountability:

A project management framework can also help to increase transparency and accountability in local government projects. By establishing clear project goals, timelines, and budgets, governments can provide stakeholders with regular updates on project progress and ensure that they are accountable for the successful delivery of the project.

3. Enhanced risk management:

A project management framework can also help local governments to manage project risks more effectively. By identifying potential risks from the onset and throughout allows the City to develop strategies to mitigate them. In turn this can minimise the risk of delays, cost overruns, and other issues that can negatively impact project delivery.

4. Improved stakeholder engagement:

A project management framework can also help local governments to engage stakeholders more effectively. By involving the right stakeholders at the appropriate time in the planning and execution of projects, local governments can ensure that projects align with community needs and priorities, and that potential issues are identified and addressed early on in the project.

5. Targeted and justified expenditure:

In many occasions the desire to achieve the outcomes and deliverables of a project as soon as possible can increase pressure to minimise due diligence and oversight which would otherwise be expected if there were no time constraints. Further findings from adequate due diligence may either support or go against a prospective project, which in itself represents a risk to a project being delivered by changing stakeholder support.



6. Avoidance of sunk cost and erroneous spending:

Finally, and most importantly, early feasibility studies, market assessments, financial modelling and businesses cases can often highlight fatal flaws upfront, before significant investment and sunk costs are incurred on projects unlikely to succeed. Building upon and updating earlier due diligence at subsequent phases can help decision makers re-evaluate and re-prioritise projects within a broader portfolio amongst one another to allow limited resources and funding to flow to those with the greatest benefit and potential to succeed.

Given the Council's role is to make informed decisions for the benefit of the community, enshrining due diligence for certain projects into a framework will provide Council with an expectation of the information required to commit significant resources to undertakings.

Need for a Policy

It is proposed that the City adopt a 'Strategic Projects Development Policy' which provides an agreed Council position and thus definition of what does, and does not constitute a Strategic Project.

As such projects are more fluid in their lifecycle progression, and the City doesn't have capacity in terms of neither staff nor budget to make significant progress on a broad portfolio of strategic projects, it is critical to divert what little resources are available to a select group of approved and supported projects.

It is proposed that the phases for a Strategic Projects to progress between exist outside of annual budget cycles in contrast to general capital works projects and be through stand-alone Council approval. This permits flexibility to take advantage of opportunity as it arises (such as funding) or to cease or defer work on one project in favour of another and so forth.

Finally, such phase gates present the opportunity for Council to adjust its overall position in regard to specific Strategic Projects base on a phase's evidence and other community demands. Some scenarios might be:

- A market analysis may point to the success of a project being reliant on a third-party partner – thus the City would re-position from sole delivery principal to seeking a joint venture partner.
- The initial capital cost estimate extends beyond the financial limits and ability of the City – the City may propose to develop the project only to a certain phase and then adopt an advocacy position and lobby for another suitable stakeholder to undertake the remainder of the project, looking at other mechanisms to aid delivery.
- The Council may determine a project is no longer a priority, and may wish to cease listing it as a strategic project and commit no further resources to development, but use the work undertaken to adopt broader strategic policy positions to aid future decision making to achieve similar objectives to the originally proposed project.

The draft policy which provides details and outlines the phases is found in **Attachment 1**.



Audit of Prospective “Strategic Projects”

A stocktake of a number of potential projects from across the City has identified the following which if assessed against the proposed tests would likely be considered as Strategic Projects, warranting such treatment:

1. Underground Power
2. Stirling Highway Tunnel (between Langham Street and Dalkeith Road)
3. Redevelopment of Melvista Park sporting precinct
4. Redevelopment of Highview Park sporting precinct
5. Town Centre Development
6. Redevelopment of Lawler Park recreation precinct
7. Nedlands Nature Network Program
8. Laneway Upgrade Strategy & Program
9. School Sports Circuit

These projects are not presented in any order of priority and may vary in terms of how definitively they meet the Strategic Project tests.

For example:

- a Stirling Highway Tunnel would be considered a Strategic Project if the Council determined it would undertake a significant portion of the work, such as concepts, feasibility studies, stakeholder engagement on behalf of the likely asset owner, Main Roads Western Australia. It would not be considered a Strategic Project if the City simply adopted an advocacy position but offered to open dialogue with Main Roads WA if they are willing.

On the assumption the Policy would be adopted, a list of identified and qualifying projects has been considered for resolution by Council. This will allow Council to either ratify its position on these projects and sanction further development toward their implementation or reconsider them amongst other strategic priorities.

This review of the portfolio of projects is found in **Attachment 2**.

Consultation

- Council consultation occurred during a Concept Forum in May 2023 on a “Major Project Development Policy” with feedback considered and incorporated into the re-titled policy.
- No community consultation is required for Council adoption of the Policy or the designation of Strategic Projects presented.
- Wider consultation shall occur on a case-by-case basis as part of the development of the projects themselves.



Strategic Implications

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

Vision	Sustainable and responsible for a bright future
Pillar Outcome	People 2. A healthy, active and safe community.
Pillar Outcome	Planet 4. Healthy and sustainable ecosystems. 5. Climate resilience.
Pillar Outcome	Place 6. Sustainable population growth with responsible urban planning. 7. Attractive and welcoming places. 8. A city that is easy to get around safely and sustainably.
Pillar Outcome	Prosperity 10. Active participation in education and lifelong learning.
Pillar Outcome	Performance 11. Effective leadership and governance. 12. A happy, well-informed and engaged community.

Budget/Financial Implications

Adoption of the policy itself will not lead to any budgetary or financial implications directly but will aid in development of future budget allocations to assist the progress of projects themselves.

Moreover the adoption of the policy doesn't not mandate the allocation of staff resourcing toward development of strategic projects over other scheduled project tasks as there is no dedicated strategic project officer at the City, thus relying on labour hours which become available from other tasks.

It must be noted, however, that the total value of the Strategic Project Portfolio is estimated to range between \$90,921,755 - \$116,757,175 and adoption of these presents a risk to creating expectations of not only delivery, but affordability both initially and over the life of the projects. This portfolio of strategic projects represents a significant amount of time to develop and for many projects not taken on by other stakeholders, execute.

This will need to be considered against the backdrop of other City undertakings and commitments such as:

- the \$49,339,066 calculated infrastructure asset renewal backlog and



- the \$63,830,595 worth of unfunded projects identified in the Council Plan 2023-33.

It is worth noting however that some projects identified in the Council Plan are within the Strategic Project portfolio in part. An example is Laneway Upgrades which notionally proposes \$600,000 per annum for five years, but not the full project value.

Legislative and Policy Implications

There is no legislative or policy implications with the resolution of this report, other than the adoption of a new policy.

Decision Implications

Should Council endorse the recommendations, a framework for the development of Strategic Projects will be adopted, including the definition and standard phasing of their development.

Additionally, Council will have the opportunity to ratify its consolidated position in regards to the portfolio of Strategic Projects which have been identified in the review aligning with the policy creation for further development as resources such as funding and staff time permit.

Conclusion

Adoption of the recommendations herein will give maturity to the way the City approaches projects outside of the annual or cyclical nature of core capital work projects. It will give a degree of confidence to stakeholders about work rendered to date, justification and due diligence applied to developing these projects.

In a competitive environment for limited funding, the City will be viewed far more favourable compared to other project proposals lacking rigour and increase the chances of funding from external parties. Moreover, the early due diligence will directly translate into project delivery, increasing the likelihood of successful implementation and outcomes.

Moreover. This policy and the associated portfolio review will aid in the development of advocacy papers for potential future partnerships and funding opportunities.

Further Information

Nil.



Strategic Project Development Policy

Council Policy Objective

To support informed decision making through a consistent approach to projects of regional and strategic significance for the City of Nedlands. The framework shall outline the greater level of rigour, evaluation and justification that Strategic Projects require compared to other projects. This occurs throughout a project's initial development to ensure that projects which:

- Have clear measures and deliverables,
- Receive proper financial due-diligence,
- Are chosen on merit after exploration of various options and scenarios,
- Given consideration to long term impacts on the community and environment, and
- Are feasible.

go on to be endorsed by Council and have every possibility of being both delivered and achieving desired outcomes.

Council Policy Scope

This policy applies to the development of all Strategic Projects.

Strategic Projects are defined as a high-profile, one-off (non-repetitive), project that will require a significant level of resources to prepare (objectives, options, scoping), engage (advocate, gain approvals), evaluate (business case, financial model), implement (delivery), fund (capital investment) and operate (staff and/or contracts).

Council Policy Statement

1. Thresholds / Tests for Defining a Strategic Project

There are a total of **five tests** which define a Strategic project, **three of the following four** must be satisfied:

- a. HIGH-ENGAGEMENT - will attract a significant level of engagement with the community, elected members, internal or external stakeholders such as private parties or other levels of government,
And
- b. LONG LEAD TIME – a project which requires significant level of sustained resources over multiple years to evaluate, approve, tender and implement,
And
- c. FINANCIAL THRESHOLD
Investment or Capital Cost >\$1m. A Strategic project would normally have at least \$1m of capital or operating project expenditure. This may not necessarily be in one year, but the total for the program or undertaking; OR



Create an Operating Deficit incremental impact >\$100k per year during and after the project,

And

- d. UPGRADE / NEW – a project comprises of at least 30% upgrade/new, or if a project is >70% renewal but has a significant early renewal component.

A project is not defined as a Strategic project, and thus does not receive funding or resourcing unless it meets **the final test**:

- e. SUPPORTED BY COUNCIL – Council has given formal endorsement for the project to be evaluated and has had required resources/budget allocated.

2. Strategic Project Inclusions and Exceptions:

A Strategic project may:

- involve existing facilities which require master-planning or Strategic redevelopment,
- be transformational which can mean a completely new asset, new service or a significant change to existing service offering,
- be a project already underway which increases in size so much that it would be considered a Strategic project if subject to the five tests,
- not be restricted to physical, tangible assets, but also include services to the community,
- not be an asset which upon completion will be owned by the City.

A Strategic project, however, is not what would be considered as “business as usual” such as:

- a current, recurring operational activity or service,
- a project that is identified by the systems used to create the annual capital works program which by virtue of size and scale may meet the tests of a Strategic project. (e.g. major/large scale road renewal, building refurbishments to meet new building compliance requirements, road safety, replacement of a retaining walls along the river, other typically ‘like for like’ renewal).
- a collection of capital projects grouped as one for effective and efficient delivery as opposed to a series of individual projects. (e.g. combination of drainage replacement, road resurfacing, lighting improvements and intersection modifications treated as one project, but accounted for separately).
- any undertaking required by law or has an existing statutory methodology or mandate,
- an internally facing, process improvement undertaking,
- development of strategic documents or issue specific plans – noting actions or recommendations from which one or more Strategic Projects may be proposed.



3. Development Phasing

To be endorsed and progress to implementation, a Strategic project shall graduate through five distinct development phases. Over these phases, project information is refined as changes to pricing, opportunities, risks and stakeholder support occur. A Strategic project can only proceed through a gate to a subsequent phase following formal approval from Council.

The phases and their descriptors are:

Phase	Name	Description	Typical Deliverables of phase
1	Proposal	Gives broad statements about the project idea, its potential benefits and costs, risks, examples of success elsewhere, alignment with the City's role and strategy and how it might contribute to desired outcomes in the community.	A project scope statement with high level; assumptions, constraints, benefits, risks, critical success factors, potential parties, comparisons, costs and sketches.
2	Definition	Project is defined through the adoption of quantifiable objectives, project principles to follow during development and establishment of initial parameters for future assessment.	A Project Initiation Charter comprising of a more detailed; Project Governance Structure, Risks assessment, Opinion of probable implementation and operational costs, early options and scenarios for inclusion, macro-timelines, Identification of stakeholders and roles, Position of Council on Objectives, Principles, and Parameters.
3	Planning	A Project Development Plan is created outlining the proposed approach for the following investigation and business case phases.	The Development Plan has the following components mapped out for adoption; Gantt chart for investigation phase tasks, Procurement and resourcing plan, Engagement plan.
4	Investigation	There are four sub-phases which may occur concurrently during phase 4. These are: 4.A) Option and scenario creation and assessment 4.B) Concept Design and Feasibility 4.C) Stakeholder Engagement and early advocacy 4.D) Financial Modelling	Investigation deliverables will depend on the type of project. The outcomes of the four sub phases must be detailed enough to produce one or more acceptable project options to be assessed within the business case. This may include; Concept designs, Retail needs analysis or a Quantity survey, to be



			prepared by external consultants and so forth.
5	Business Case	<p>The final phase culminating the previous work in significant detail and considers long term implications on the City's strategic goals and sustainability. This represents the final decision on whether to proceed with the project. There are four likely outcomes for this phase:</p> <ul style="list-style-type: none"> I. Fund and resource II. Defer until funding and resourcing is available III. Advocate for a third party to deliver the project IV. Suspend the project indefinitely 	The business case assesses acceptable options and recommends one preferred option. It must be a stand-alone, self-contained document that summarises development of the project to date. It presents the most recent; Risk assessment, Detailed cost estimates, LTFP impacts, stakeholder support, project delivery schedule,

All projects and programmes of significance are subject to a debrief during a closeout phase, in accordance with the City's Project Management Framework, and addition to the City's Lessons Learned Register. For strategic projects, this will occur both at the end of their development cycle, prior to implementation, and at the end of their implementation activities or stages.

4. Strategic Project funding

To manage expectations, Strategic Projects will not be recommended to be funded in full until the relevant business case has been approved by Council.

Further, to minimise premature spending and risk sunk costs, dedicated budget allocation will not be proposed until Phases 4 and 5 and will be in line with relevant Council Phase approvals for External consultancy to support business case.

A provisional sum will be allocated for general Strategic Project Development on a per project basis for each Strategic Project in phases 2 and 3 to assist in progressing multiple proposed to later phases as opportunity and existing resource availability permits.

No funding shall be allocated or spent on projects in Phase 1.

5. Transparency and Audit Trail

To ensure transparency and a historic audit trail of project development, reports to Council for approval between phases shall form the key document record of development status.



Each Strategic project needs to have its own source audit trail/report for the budget that has been presented to Elected Members in some prior forum e.g. a business case, a tender report, a presentation to concept forum.

The Long-Term Financial Plan and/or the Capital Works Program are merely documents collating proposed budget values from other source documents or business information systems. As such these documents by themselves are not the means by which budgets for Strategic projects are approved, but rather the mechanism for Strategic Projects to be delivered following approval.

6. Policy Review

This performance of this Policy, and projects captured by it, shall be reviewed after each Ordinary Local Government Election.

Related documentation

City of Nedlands Long Term Financial Plan

Related local Law and Legislation

Nil.

Related delegation

Nil.

Review History

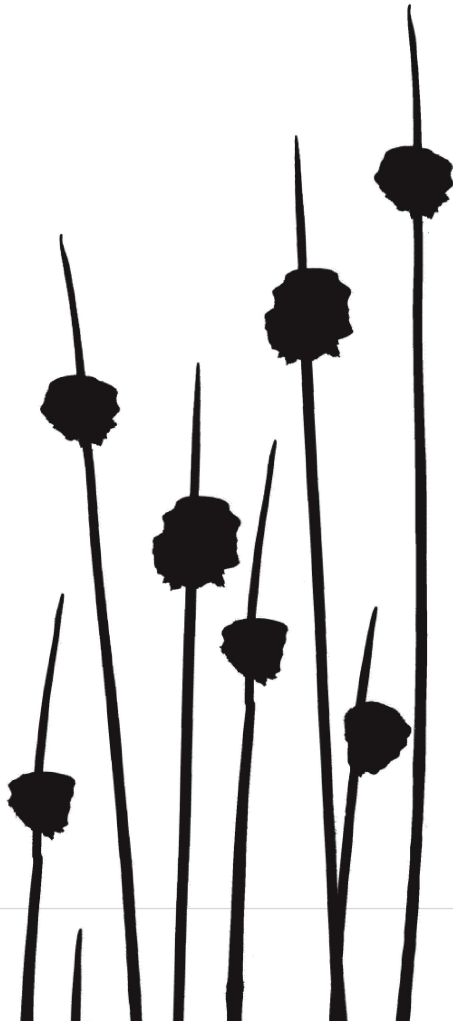
Adopted by Council XX XXXXX XXX

Strategic Project Portfolio Review 2024



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1 Introduction

As part of the proposed introduction of a “Strategic Project Policy” it was necessary to undertake a stocktake on all currently known projects which may be considered as “Strategic Projects” in accordance with the provisions and metrics in the policy.

Indeed, the lack of a formal policy framework historically has made the tracking, reporting, and progress of various projects not only difficult or near impossible, but the ability to conduct a review just as troublesome.

This review serves to attempt to re-define the suite of projects in the hope that it may used as a reset point or almanac for what will be efforts between many different staff, councillors, and stakeholders over potentially decades.

1.1. Scope of the review

The review was undertaken using the metrics within the draft policy at the time, and informed by all easily available information. It does not constitute a complete or in-depth forensic project assessment of individual projects, but rather a high-level overview of the portfolio as a whole to compare projects amongst one another.

Therefore, consideration is given to projects of significance irrespective of their current level of development. This review seeks to re-affirm those projects already formally approved and under development, or ratify those projects not formally approved and to be developed in future and so forth.

Data has been obtained through available electronic records and legacy documents. As such, a documented audit trail is paramount and considered the best source of truth, and taken back to the point or position of most confidence.

For example, later estimates of costs maybe found with little justification or basis (e.g. broad lump sum figures), whereas earlier estimates may have a greater level of detail and logic (e.g. unit rates, quantities and totals). In this case earlier estimates will be considered and adjusted to indexes and inflation to present value.

Conversations, ‘handshake’ agreements, and recollections of events must be discarded if they cannot be confirmed through formal documentation which commits not just individuals, but parties, to action. The rationale is that strategic projects persist in development or implementation well beyond a number of individuals’ efforts or tenure. More-over, any commitment to collaborate should be easy to confirm in writing if genuine and within an individual’s remit. Wherever possible, if other formal documentation (such as publications) exists which references or cross references projects, it will be noted for future information.

There may be instances where projects have had terminology change or segregate into separate projects, developing a life of their own. Some of these may have fallen away, or been completed in isolation. Where these anomalies may have occurred, assumptions have been provided in associated comments.

Further, there will be portions or elements of projects which cannot be determined with information available to a level of any confidence. In such circumstances, recommendations for further development work will be provided as ‘next steps’. Placeholder figures may also be provided where possible.

No indication of future work or completion schedule will be provided in any real terms. As the City does not have a dedicated strategic project officer, progress to develop each project either occurs as part of other associated substantive tasks – i.e. ‘while we are at it’, or by officers where both scheduled tasks and time critical tasks permit.

Finally, further discussion with Council will be required in order to provide direction to administration in terms of prioritisation, resourcing and funding which will help inform potential timelines for further development to delivery.

1.2. Methodology

As there is no central framework for projects which have been generated overtime, there is little to no consistency with information for a suitable determination of status to be made to any agreed metric. Put simply, relevant information on projects either exists in portion scattered throughout the organisation, or does not exist at all, despite perceptions otherwise.

Given this, the review of the project portfolio will be split into two portions:

1. Definition Assessment: Assessment of criteria against the proposed definition of a Strategic Project, and the nominated tests. As a final test is Council Approval to progress further, and many projects have varying levels of Council awareness and endorsement, this review will focus on the four initial tests;
 - a. High Engagement
 - b. Long lead time
 - c. Financial Threshold
 - d. Proportionality of Upgrade vs New

The outcome of this review will rest with Council to determine the final test and whether to endorse the project given all the known and unknown information on hand, defer the project, or adopt a different stance regarding the matter (advocacy, policy position, willing partner for another party etc).

Projects which comply with the initial definition assessment, but pending Council endorsement will go through to the review stage. Council endorsement may take varying forms dependent on the project but generally, relies on the notion that all Councillors have a clear understanding of the project, its benefits, approximate costs and scoping to the same extent and depth and decided to proceed knowing these factors.

2. Review Stage: Owing to a lack of historical structure and approach, a first principles assessment must be undertaken within the available time and resources. This excludes a preferred quantitative assessment.

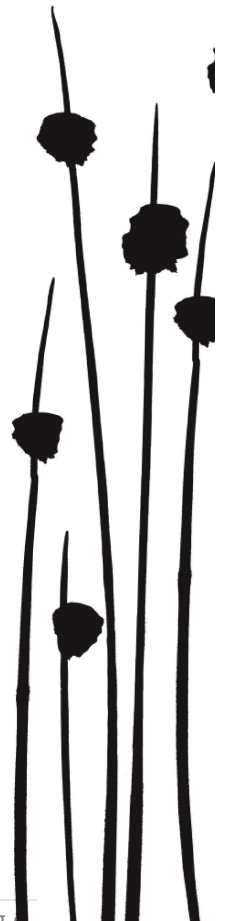
The Project Management Book of Knowledge (PMBOK) outlines 10 Project Management Knowledge Areas, that within each reside defined skillsets and best practice documentation that *should* exist to give a project every chance of successful completion and long-term benefits.

The review has been undertaken using a broad adaptation of these 10 Knowledge areas as follows:

- i. Project Needs & Business Case
- ii. Project Scoping and Deliverables
- iii. Project Planning and Scheduling
- iv. Project Costing and Resourcing
- v. Project Financing and Funding
- vi. Project Stakeholders and Communications
- vii. Project Risks

These knowledge areas will be critiqued in regard to “*what a new project manager would require to take the next steps as effectively as possible*” in each knowledge area, on the assumption that the City and Council have ALL ORGANISATIONAL KNOWLEDGE.

This is critical in the almost certain event of staff or elected member turnover, as well as for effective handover of projects should they be allocated to other parties/entities to take carriage of over its life.



2 Portfolio Overview

The following information can be considered 'headline' figures for Strategic level projects as determined in quarter 1, 2024.

2.1. Total Number of Projects Identified

- 11 Projects identified which may be deemed Strategic Projects
- 9 Projects were determined to be defined as Strategic Projects in accordance with the draft policy

2.2. Total Value of Projects

- Excluding annual expenditure the current range in estimated cost of projects is between \$90,921,755 to \$116,757,175
- The average value of a strategic project currently is \$12,216,408 when upper and lower ranges are utilised
- The lowest value project is an option for Lawler Park Redevelopment at \$923,910
- The highest value project is underground Power completion at \$47,300,000

2.3. Relative 'age' of Projects

- The oldest persisting topic noted during review which is deemed as a strategic project is either Underground Power completion or Laneway Upgrade Strategy and Program depending on the interpretation of the inception date
- Most projects have been touted for between 5-10 years
- The youngest project is the Stirling Highway Underpass proposed formally within the last year
- The spread of projects amongst phases is relatively even in distribution with one Phase 1, one Phase 5 and other projects
- All projects display development progress of a sporadic nature, with short bursts of work as opposed to measured and steady evolution

2.4. Key partners

- The project with the highest level of stakeholder engagement is Underground Power Completion
- The project with the lowest number of identified stakeholders is currently the Town Centre Development project
- Sporting and community Clubs are noted to be the most frequently mentioned stakeholders in early development

3 Strategic Project Portfolio - Definition Assessment

An overview and assessment has been conducted on each identified project against the four initial tests, plus one final test within the proposed policy. A strategic project must meet at least three of the four initial tests plus meet the one final test.

3.1. Strategic Project Tests

The Following tests are those to which Strategic Projects will be defined:

- A. **HIGH-ENGAGEMENT** - will attract a significant level of engagement with the community, elected members, internal or external stakeholders such as private parties or other levels of government
- B. **LONG LEAD TIME** - a project which requires significant level of sustained resources over multiple years to evaluate, approve, tender and implement.
- C. **FINANCIAL THRESHOLD** - Investment or Capital Cost >\$1m. A major project would normally have at least \$1m of capital expenditure (not necessarily in one year); OR Operating Deficit incremental impact >\$100k per year during and after the project.
- D. **UPGRADE / NEW** - a project comprises of at least 30% upgrade/new, or if a project is >70% renewal but has a significant early renewal component.

And

- E. **SUPPORTED BY COUNCIL** - Council has given formal endorsement for the project to be evaluated and has had required resources/budget allocated.

3.2. Strategic Project Test Results

The Following tests are those to which Strategic Projects will be defined:

Project	Major Project Tests					Definition Determined
	A High Engagement	B Long Lead Time	C Financial Threshold	D Upgrade / New	E Formal Council Support (Resolution & Budget)	
Underground Power	Yes	Yes	Yes	Unknown	Yes	Strategic Project
Comments	Requires frequent interaction with a large portion of the community.	Requires multiple years for planning and implementation.	Estimated to Cost tens of millions of dollars in total and multiple millions to the Community.	Asset unlikely to be City owned - however provision allows for future potential lighting ownership by City (as per current policy).	Has been resolved by Council to progress to later stages and has received separate budget funding for development. Costings and area / scope well defined etc.	
Stirling Highway Tunnel (between Langham Street and	Yes	Yes	Yes	Yes	Partial	Strategic Project
Comments	Requires support from multiple stakeholders including state government, private developers and community.	will take considerable time to advocate, design, develop, procure, plan and deliver.	Underpass will cost multiple millions of dollars, and likely require external funding to deliver.	ramps and facilities in public realm if falling to City likely to cost over \$100k per annum in Whole of Life Costs - more if additional assets fall to City.	City has a resolution from a Notice Of Motion to investigate, but has not endorsed any of the further details (sketches, plans, costing, delivery approach).	
Redevelopment of Melvista Park sporting	Yes	Yes	Yes	Yes	Partial	Strategic Project
Comments	Involves numerous clubs and park is of regional significance.	Precinct planning will take multiple years and demand assessment to ensure fit-for-purpose provision for many decades.	Building depreciation, maintenance and insurance of a new facility alone would cost in the hundreds of thousands. Estimates from other buildings under consideration indicate a capital cost upward of \$10m.	Many of the buildings are approaching the end of their useful life as are other park assets associated. This represents a likely new component of over 30% if the facilities are combined or well over 70% renewal if replaced like for like.	Council support to investigate through a notice of motion. Not fully scoped or costed in early development phase. Potentially awaiting actions from Council Plan regarding facility and recreation demand.	

Project	Major Project Tests					Definition Determined
	A	B	C	D	E	
	High Engagement	Long Lead Time	Financial Threshold	Upgrade / New	Formal Council Support (Resolution & Budget)	
Redevelopment of Highview Park sporting precinct	Yes	Yes	Yes	Yes	Partial	Strategic Project
Comments	Involves numerous clubs and park is of regional significance.	Precinct planning will take multiple years and demand assessment to ensure fit-for-purpose provision for many decades.	Building depreciation, maintenance and insurance of a new facility alone would cost in the hundreds of thousands. Estimates from other buildings under consideration indicate a capital cost upward of \$10m.	Many of the buildings are approaching the end of their useful life as are other park assets associated. This represents a likely new component of over 30% if the facilities are combined or well over 70% renewal if replaced like for like.	Council support to investigate through a notice of motion. Not fully scoped or costed in early development phase. Identified within Council Plan as project 2.2.2.	
Town Centre	Yes	Yes	Yes	Unknown	Partial	Strategic Project
Comments	Requires support from multiple stakeholders including state government, private developers and community.	Requires multiple years for planning and implementation. Implementation likely prolonged due to both construction and current level of project maturity.	Dependent on specification, but likely to cost over \$1m threshold when considering previous projects - such as Waratah Avenue precinct improvements.	Dependent on specification and degradation at time of construction. Likely to involve significant upgrade if quality is elevated to a level befitting the prominence of the location.	Identified in Council Plan to "develop a place vision..." project 9.1.2. This is sufficient approval to commence development through the phases.	
Redevelopment of Lawler Park recreation	Yes	Yes	Yes	Yes	Partial	Strategic Project
Comments	Involves numerous clubs and park is of regional significance.	Precinct planning will take multiple years and demand assessment to ensure fit-for-purpose provision for many decades.	Building depreciation, maintenance and insurance of a new facility alone would cost in the hundreds of thousands. Estimates from other buildings under consideration indicate a capital cost upward of \$10m.	Many of the buildings are approaching the end of their useful life as are other park assets associated. This represents a likely new component of over 30% if the facilities are combined or well over 70% renewal if replaced like for like.	Not fully scoped or costed in early development phase however options have been created and Council is aware of ongoing progress. Some limited dedicated funding provisioned for investigation. Identified within Council Plan as project 7.1.2 to develop a business case.	
Nedlands Nature	Yes	Yes	Yes	Yes	Partial	Strategic Project
Comments	Engagement with ~ 650 adjacent properties will be required to adequately implement along proposed route.	With current resourcing will take multiple years to plan, develop, engage and implement.	Estimates developed from industry pricing indicate that at proposed quality of finish the project will be beyond financial thresholds both initially and ongoing.	As the project does not specifically consider non-capital it is difficult to measure on this threshold. However, on the basis that a service or a type of amenity is being provided which was not previously it is considered 'New'	Council has received scoping and intended benefits via a Concept Forum, but not formally resolved to develop the project to implementation. Council may wish to consider current costings and scoping to endorse.	
Greenway Strategy &	Yes	Yes	Unknown	Unknown	Partial	Potential Strategic Project - review Strategic Project Status following Policy review
Comments	Involves community members across the entire City. Current policy indicates dozens of streets and parks which will need negagement to formalise.	With current resourcing will take multiple years to plan, develop, engage and implement. Previous level of delivery and progress indicative of need to properly re-scope and review.	Unable to determine financial impost on project at current time of review relative to progress rendered and outstanding. Further investigation needed.	Level of pro-active undertaking from the City unclear at this time. Has similarities with aspects of Nedlands Nature Network Project in part.	Council has a longstanding policy (Greenways Corridors Policy ~2001, Greenways Policy last reviewed 2019) position. Indicated to be reviewed in Council Plan, as project 4.1.2.	
Laneway Upgrade Strategy & Program	Yes	Yes	Yes	Yes	Partial	Strategic Project
Comments	Requires engagement with approximately 1 in every 10 residences in the City over 72 sections of laneway. Likely will require dedicated funding stream and support.	Dependent on rate of development / progress and desired program, likely to take multiple stages and years with current funding available and City resources. Previous level of delivery progress indicative of complexity.	Dependent of service and quality finish, pricing and cost estimates indicate a range between \$5.5m to \$25m across 72 sections of laneway.	Any change to outstanding laneways is likely a result of a current poor finish not meeting the expectations of the community. It is estimated that the new component and renewal of surfaces would bring this above the new/renewal metric.	Council has an outstanding Resolution to action the gap between expectations of future and current laneway provision across the City. The Council Plan identifies this for further progress to implementation as project 8.3.3 for systematic upgrade. Definition of scope, quality and policy still needs ratifying.	
School Sports Circuit	Yes	Yes	Yes	Yes	Partial	Strategic Project
Comments	Involves numerous high level stakeholders, such as 2 LGAs, 3 education providers, and 2 clubs plus all affected residents on route.	Has been a long standing project since circa 2014, and had varying levels of progress.	Previous cost estimates range between \$2.3 to \$3m to implement the project at the conceptual level and will be significantly impacted by proposed route and site factors. Cost likely to be much higher due to inflationary factors.	Will involve a series of connections which will be both new and improved.	Last Council resolution dated July 2018, outlining approval in principle to develop further and enter into formal arrangements with parties. No dedicated and allocated resources such as funding however, and unknown if Council supportive of prospective Whole of Life Costs.	
Redevelopment of Nedlands Foreshore Masterplan / Strategy	Yes	Yes	Unknown	Unknown	Partial	Potential Strategic Project - review potential projects in future
Comments	Requires engagement with state government and city wide engagement for feedback.	Projects identified in the Foreshore management masterplan/ strategie are likely multiple years for design and implementation.	Some individual projects are likely within range of the financial metrics as proposed, but may not be when the requirement to implement arises. Other projects may form part of other work programs and not require strategic project due-diligence.	Some projects are not fully scoped at this point in time and may accordingly have their final scope increased or decreased on a number of factors.	Council has indicated that an integrated approach to foreshore management is critical in the Council Plan as project 7.2.3. When adopted, potential projects might be nominated for Strategic Project Status.	

3.3. Strategic Project Test Findings & Recommendations

Following the review against the tests of 11 nominated projects for consideration to be defined as Strategic Projects, 9 are proposed to be defined as such and progress for further review.

Both the Greenways Policy project and the Foreshore Management Masterplan / Strategy are either in the process of review or progress toward adoption respectively, and outcomes of these tasks may:

- result in new strategic projects being defined, or
- be captured and developed via a different means such as through:
 - o the Council Plan or
 - o via the rolling five year capital works program.

4 Project Portfolio – Review Stage

4.1 Completion of Underground Power In City of Nedlands

Project Needs & Business Case	
Status	Project need well articulated in a variety of Council reports. Formal business case undertaken by ACIL ALLEN Consulting in 2023. Benefits from historic delivery of earlier portions.
Comment	Relatively mature in terms of documentation and basis of the project, including understood implications.
Project Scoping and Deliverables	
Status	Scope well known and defined for the three areas outstanding, with designs already completed.
Comment	Planning, scoping and design well advanced of what would be expected from development of a strategic project, allowing greater confidence in costings and subsequent delivery. Project principles and parameters not centrally located or clear.
Project Planning and Scheduling	
Status	Planning and delivery of the project development adequate, however limited implementation scheduling evidenced. Roles difficult to define amongst un-known / unendorsed project team. No dedicated resources allocated, or other matters deferred to make time to progress.
Comment	There is no running project timeline to understand impacts on acceleration or deferral relative to deadlines and other organisational demands or project requirements. There is no governance structure adopted to manage issues and guide the development.
Project Costing and Resourcing	
Status	Costing in the form of E10 estimates from Western Power have been received for two of the three project areas. Indication has been given to resource with a fixed term dedicated project manager / officer to delivery if agreed to proceed. Total project cost for all remaining areas is \$43,000,000 capital to a confidence of E10 (+/-10%)
Comment	Costing well defined, but no centralised tools such as models have been sighted.
Project Financing and Funding	
Status	Project financing still under discussion, variable revenue streams still working through and not referencing previous modelling scenarios which could have assisted. Western Power as a key stakeholder has given commitment to contribute \$18,300,000 with the balance to be met from ratepayers and the City equating to \$24,700,000.
Comment	Broad financing understood for general connections. Unknowns still exist regarding larger multi-unit or commercial developments or price discounts for retirees/ pensioners and how that might affect financing cash flows. Western Power have already committed to contribute.
Project Stakeholders and Communications	
Status	Communications with known stakeholders has been ongoing despite not having an broad plan on engagement. Council are well aware of engagement and early advocacy has been undertaken.
Comment	Stakeholder engagement has occurred as an when required, however given the duration of the project development, there has been periods of no engagement. Some engagement could have occurred in advance of eventual changes in the details of the project, which may have streamlined subsequent decisions.
Project Risks	
Status	Project risks inferred at various points but not centrally located, mitigated or planned for.
Comment	Risks and scenarios should go hand in glove and at an early junction discussion should be had around the what-if's when they are identified. Risks also apply to both positive opportunities and negative impacts and it is uncertain whether or not the community is aware of the full context of pursuing the project versus the impacts or delay in servicing in other areas of the community.
Project Summary	

Parties	Approximately one third of residents in the City, LGA, Western Power, Developers.
Total Cost	\$38,700,000 to \$47,300,00 for remaining areas in the City with the E10 provision.
Basis of cost	The cost is based on tender rates submitted to Western Power as part of their process for two of the three remaining areas. +/- 10% is accommodated for the range provided by Western Power.
Timeline	Expected to progress to delivery decision (Phase 5 – Business Case) in the coming months and implementation to begin in the 2024-25 financial year.
Phase	This project is closest aligned to the final phase, Phase 5 – Business Case , having had elements of previous due-diligence undertaken, albeit in a non-sequential order.
Recommendations for further work and development toward best practice of work thus far	
1	Project Documentation to be consolidated and centralised (project governance, filing, charter, estimating, planning and so forth)
2	Project Principles needed (i.e. intergenerational equity, timeline for delivery, relative priority)
3	Project rolling Gantt chart / delivery timeline needed to understand schedule & deadlines
4	Financial model needing to be created, centralised and maintained, uncertain of tally of costs spent to date in both direct and staff time.
5	Scenario planning advised for potential cost increases, decreases, delays, changes of standards mid-delivery, varying support project by project.
6	Risk assessment and register needed for the development of the project to flow through into the implementation for smooth delivery.
Potential next steps toward delivery	
1	Further engagement with community
2	Modelling of funding streams for Council consideration
3	Present to council to proceed from Strategic Project Development to delivery and resource accordingly.

4.2 Stirling Highway Tunnel – Improved Pedestrian access North / South of Stirling Highway.

Project Needs & Business Case	
Status	Need for better connectivity North South of Stirling Highway for pedestrians noted. Data provided by Main Roads Western Australia in early 2023, from video surveys in Sept 2022 support this. Four locations examined, all warrant improvement, in particular Stirling/Smyth/Webster intersection. The latter subject to future signalisation project already and will be addressed then. No early business case developed.
Comment	Need is able to be articulated well and supported by evidence. Benefit in tangibles such as return on investment and expected outcomes not investigated.
Project Scoping and Deliverables	
Status	Scoping is targeted around the future 'Town Centre' developments near Florence and Stanley Streets. Also emphasis is on grade separation via an underpass.
Comment	No option analysis has been done on preferred treatment or location, nor what the potential implications of a preferred treatment maybe compared to other options. The City is currently unable to answer in an evidenced based manner why an overpass in a slightly different location may not be a better outcome and presents a risk of poor planning and thus confidence in delivery. As this was began through a notice of motion, there has not been a follow-up defining report to consolidate uniform understanding of outcomes by Council.
Project Planning and Scheduling	
Status	There is no evidenced sequence of development tasks to evolve the project to garner support from stakeholders. There is no schedule for tasks, which is to be expected without dedicated resourcing to progress.
Comment	Project is being compiled and worked toward amongst other tasks as time permits, thus any sequencing in the form of a work breakdown structure would need to be estimates of duration of hours, and not relative to dates. A 'roadmap' with durations would assist.
Project Costing and Resourcing	
Status	There is no evidence of even early level estimates in any format to provide confidence. A notional figure of \$14m has been noted in documents but the basis of this cannot be justified or interrogated in any meaningful way. It is uncertain whether this includes design, approvals and service relocations or merely materials costs. Given the limited considerations thus far of potential options and scoping this figure could vary significantly. There is no dedicated budget line item to progress development of this project and relies on good will of other parties, available time, and potential savings in other associated undertakings.
Comment	Project lacks detail in development of a solution, and confidence to justify. Professional time needs to be invested to fill in these gaps considerably.
Project Financing and Funding	
Status	Stakeholders are currently being broached for potential support. There is no current clarity around level of support in terms of relative priority across an area/ electorate, nor whether the potential support is for investigation, design, capital or ongoing maintenance.
Comment	No known, annual funding scheme is available to fund such a project, which is well below the project threshold for Infrastructure Australia at \$30 million AUD and Infrastructure WA at \$20 million AUD and not of regional Perth significance. Level of commitment and financial support from participants also needs to be formalised.
Project Stakeholders and Communications	
Status	Roles between stakeholders unclear both for development, and into ongoing operation. Parties may be willing to contribute to development, design or capital but not maintenance into perpetuity and thus represents the risk of a 'white elephant' project. Communications with stakeholders are currently at the Mayoral and officer level with minimal formalisation, thus reliant on personal discussion and relationships.
Comment	Formalisation required of roles and level of support in the form of exchanges of letters for approval in principle, memorandums of understanding, or heads of agreement in attempts to address preceding concerns (see Finance and Funding, Costing and Resourcing).
Project Risks	
Status	Risks to both the development of the project and ongoing implementation are not documented and thus not able to be mitigated.

Comment	Risk assessment and register needed to address concerns in advance and give confidence of the long-term prospects of the project.
Project Summary	
Parties	Nearby Developers, Main Roads WA, Department of Transport, Local Member (state and federal), Adjoining residents of affected streets, nearby businesses
Total Cost	\$14,000,000
Basis of Cost	Unknown origin of cost without a concept, feasibility study or quantity survey. It is unknown if this includes design and or service relocation etc.
Timeline	A sequence of milestones has not been established.
Phase	There is sufficient evidence and documentation to support completion of Phase 1 – Proposal. Lack of risk consideration, formalisation of support from all stakeholders, a suite of options and basis of costs prevents it from being phased beyond Phase 2 – Definition at present.
Recommendations for further work and development toward best practice of work thus far	
1	Garner written approval in principle from key stakeholders regarding support and future responsibilities.
2	Develop a roadmap of tasks to progress to latter phases of development.
3	Consolidate supporting evidence within relevant project documentation for future use.
Potential next steps toward delivery	
1	Undertake a pre-feasibility study will provide answers to potential fatal flaws, indicative costs, and a potential methodology of delivery in one undertaking
2	Develop a concept sketch or suite of options to help inform the pre-feasibility study
3	Present to Council to progress to latter phases

4.3 Redevelopment of Melvista Park Sporting Precinct

Project Needs & Business Case	
Status	Currently undefined in a direct and dedicated format such as a needs assessment specifically for Melvista Park Sporting Precinct, however some need and nexus was identified in the "Strategic Recreation Plan 2020-2050" (SRP) by Dave Lanfear Consulting.
Comment	Facility capacity was discussed in the SRP and identified the benefit of rationalising (combining buildings). City wide demand was indicated in the SRP, however it was not aggregated to locations. This is not identified as a discrete project in the Council Plan.
Project Scoping and Deliverables	
Status	The SRP identified nine recommendations which at this juncture can form the basis of a scope and deliverables. A degree of option assessment was also included in the appendices of the SRP, but it is unknown the basis or preference of these.
Comment	There is a degree of coherence between the investigation and the proposed recommendations (recommendations 55-63, P89 of the SRP).
Project Planning and Scheduling	
Status	An implementation plan is provided at a very high level in the SRP (pp 102-104) identifying immediate (1 year) short (1-5 year), medium(5-10 year) and long term (10 year +) timescales, as well as responsibility.
Comment	The plan and scheduling is indicative only, and in isolation. It is not linked to any dependent activities, nor integrated into other overarching plans for the City. For instance, it does not define preceding activities or a critical path for delivery of Melvista or any other recommendation.
Project Costing and Resourcing	
Status	An indicative cost is provided within the SRP of \$11,082,618 (Appendix H, T22: 31 July 2020). There has not been any consideration for internal labour allocation or priority to implement the project alongside other tasks.
Comment	The basis of the estimate is at the Opinion/Order of probable cost level and broken down into units and quantities to an acceptable level to provide confidence, however excludes a number of critical elements likely to expand the cost considerably. It is estimated that this cost is potentially 50% under -represented against today's market rates with exclusions provisioned, (totalling up to \$16,629,927) but a more detailed estimate of a preferred option is required.
Project Financing and Funding	
Status	Funding is currently unknown as is general financing of the project, whether it be through leasing or external subsidisation.
Comment	A further financial assessment of the potential project is needed to develop a financial model to take into account potential capital and whole of life cost functions. The SRP indicates a need for funding and broadly assumes this will happen later as part of mentioned projects.
Project Stakeholders and Communications	
Status	There has been some engagement with the community on the SRP in general, but the level of communication with the Melvista Park stakeholders is unknown.
Comment	Further assessment and consideration of long term visioning, needs and responsibilities for the site is required. This may not be specifically part of this project but a broader undertaking such as the Land Asset Optimisation Strategy, or ongoing relationship building with the respective clubs.
Project Risks	
Status	There is no known register of risks for this project to be considered or added to as development of the project occurs.
Comment	In the SRP, the most risks identified are pertaining the hockey fields, which was deemed to be a subject of discussion at the time. This is not transferable or relevant to the Melvista Park Redevelopment Project at this time.
Project Summary	
Parties	~4 sporting clubs (Cricket, Croquet, Golf, Tennis), Residents, LGA, State department responsible for sporting, State sporting bodies.
Total Cost	Ranging between \$11,082,618 to \$16,629,927
Basis of Cost	A quantified order of probable costs with limited units and rates, but tabled and considered. Exclusions and inclusions clear, but unmeasured.

Timeline	Only defined as immediate to medium term (1 – 10 years)
Phase	Assessment is deemed to be between Phase 2 – Definition and Phase 3 – Planning, leaning closer to Phase 3 – Planning following minor document revision and consolidation.
Recommendations for further work and development toward best practice of work thus far	
1	A more articulated timeline for development is required with specific actions
2	A review of the Order of probable cost could be revised with provisional sums and current rates
3	A project charter extracting key details from the SRP will aid future reference and progress
4	Review and consolidate documentation into a workable project format aligning with the City's frameworks and standards.
Potential next steps toward delivery	
1	Await outcomes of review / adoption of the SRP, Strategic Active Sports Facilities Plan and the Land Asset Optimisation Strategy (Council Plan Projects 2.2.1 and 7.1.1 to ensure alignment with needs and other facilities offerings)

4.4 Redevelopment of Highview Park Sporting Precinct

Project Needs & Business Case	
Status	Currently undefined in a direct and dedicated format such as a needs assessment specifically for Highview Park Sporting Precinct, however some need and nexus was identified in the "Strategic Recreation Plan 2020-2050" (SRP) by Dave Lanfear Consulting.
Comment	Facility capacity was discussed in the SRP and identified the benefit of rationalising (combining buildings). City wide demand was indicated in the SRP, however it was not aggregated to precincts. This is identified as a discrete project in the Council Plan (project 2.2.2).
Project Scoping and Deliverables	
Status	Masterplan for Highview Park mooted as far back as 2009 but not presented further, more recently in 2018, then again it has been raised in the most recent Council Plan 2023-33. A Highview Park Masterplan was developed in June 2009, and it is unknown if it progressed further. The Masterplan was developed by Blackwell and Associates landscape architects who ran a number of community workshops.
Comment	The critical assumption with the development of the 2009 masterplan is that the need and deliverables were identified and agreed prior to commissioning the master plan work in the form of the brief provided. It provided a number of options and issues. At present, it is unknown if a preferred option exists or how valid the now 15 year old masterplan is.
Project Planning and Scheduling	
Status	There was little information given in the Blackwell and associates masterplan regarding planning and scheduling, which looked to be beyond their brief. An implementation plan is provided at a very high level in the SRP (pp 102-104) identifying immediate (1 year) short (1-5 year), medium(5-10 year) and long term (10 year +) timescales, as well as responsibility.
Comment	The plan and scheduling is indicative only, and in isolation. It is not linked to any dependent activities, nor integrated into other overarching plans for the City. For instance, it does not define preceding activities or a critical path for delivery of Highview or any other recommendation.
Project Costing and Resourcing	
Status	There is two forms of costing associated with this project. One from the earlier Masterplan and another from the SRP. There has not been any consideration for internal labour allocation or priority to implement the project alongside other tasks.
Comment	Both of the pricing / costings have been quantified to an opinion / order of probable cost (OPC) level, deemed acceptable for a project in development. Neither however, are against a preferred option. The Masterplan OPC totals \$6,018,828 (Pg23 at July 2009) and deemed expired, and the SRP totals \$8,843,789 (as at July 2020). Both exclude a number of critical elements likely to expand the cost considerably. It is estimated that this cost is potentially 50% under -represented against today's market rates with exclusions provisioned, (totalling up to \$13,265,683) but a more detailed estimate of a future preferred option is required.
Project Financing and Funding	
Status	A presentation to Council by officers in circa 2018 indicated that associated prep and site works such as access and irrigation could factor within a future capital work program (totalling approx. \$1.3m) and a staged implementation of facility replacement would occur from state government, such as Lotterywest, and Community Sport and Recreation Facilities Funding (CSRFF) in the magnitude of \$2.5m to \$3m. The presentation and data so far does not indicate annual funding to meet costs for the facility.
Comment	The funding proposal seems notional and not tied to any advocacy or funding plan. Further consideration will be required for whole of life funding as well as initial capital funding.
Project Stakeholders and Communications	
Status	Presentation from 2018 indicated that there was a proposal to liaise with Highview Clubs to discuss further. It is unsure whether this occurred and if so, by who. It is likely some engagement occurred as part of the development of the SRP. Moreover- there was historic engagement with stakeholders in the form of a workshop in circa 2008/2009 for the development of the masterplan.
Comment	Stakeholder awareness and engagement needs to be reviewed and undertaken in a wholesome fashion to understand needs and desires as well as manage expectations from 15 year previous.
Project Risks	

Status	There is no consideration of an integrated risk management approach for the project. The work from Blackwell and Associates however did provide notional risks about the masterplan based on perceptions and work rendered. Moreover, the work as part of the SRP did examine risks associated with the hockey field provision given the focus of stakeholders around the time.
Comment	Risks need to be tracked during the development of the project, and would best occur going forward.
Project Summary	
Parties	~ clubs(Bowling, Futsal, Hockey, Sand Sports) other community interest groups, LGA, nearby schools and hospitals, State government funding bodies.
Total Cost	Ranging between \$8,843,789 to \$13,265,683
Basis of Cost	A quantified order of probable costs with limited units and rates, but tabled and considered. Exclusions and inclusions clear, but unmeasured. Lower range set by SRP and upper with allowances.
Timeline	Only defined as immediate to medium term (1 – 10 years)
Phase	Assessment is deemed to be elements from three phases, dependent on the level of currency of the work done. Elements from Phase 2 – Definition, Phase 3 – Planning, and Phase 4 – investigation are present. On balance, the effort rendered aligns mostly to Phase 3 – Planning following document revision and consolidation.
Recommendations for further work and development toward best practice of work thus far	
1	A more articulated timeline for development is required with specific actions
2	A review of the Order of probable cost could be revised with provisional sums and current rates
3	A project charter extracting key details from the SRP will aid future reference and progress
4	Capture options and portions of options proposed for future consideration and assessment
5	Review and consolidate documentation into a workable project format aligning with the City's frameworks and standards
Potential next steps toward delivery	
1	Await outcomes of review / adoption of the SRP, Strategic Active Sports Facilities Plan and the Land Asset Optimisation Strategy (Council Plan Projects 2.2.1 and 7.1.1 to ensure alignment with needs and other facilities offerings)

4.5 Town Centre Redevelopment

Project Needs & Business Case	
Status	<p>There has been numerous reports and assessments of the Town Centre Precinct – largely from a planning and development perspective. Documents such as:</p> <ul style="list-style-type: none"> - Town Centre Precinct Plan – Niche Planning Studio 2019 - Nedlands Town Centre Local Distinctiveness Study 2020 <p>There is also additional documents which have been uncovered more regarding the public realm which is likely closer aligned to the interpreted objective of the 'Town Centre Redevelopment' project. The origin of the Town Centre Plaza – Final Concept Report by Place Laboratory 2020 is unknown. The need is highlighted within the Council Plan in project 9.1.2. Develop a Place Vision for Nedlands Town Centre.</p>
Comment	There is little quantifiable information regarding the need to undertake a redevelopment of the deemed 'Town Centre' nor a business case to support it at this time. The eventual development of the surrounding private land will elevate the quality of the built areas, and create a greater need for complimentary and equal quality public areas.
Project Scoping and Deliverables	
Status	<p>The scoping and deliverables are broad and not clearly defined in any order of preference. There is a consolidated list of design objectives within the place laboratory plan. It is assumed the deliverable is a preferred treatment, and eventual construction of a new Town Centre.</p>
Comment	There are elements of scope to be considered but deliverables for both the development portion of the project and eventual implementation need to be determined. A clear understanding of stakeholder roles is also needed.
Project Planning and Scheduling	
Status	There is no defined plan or scheduled timeline which could be used as the basis to develop this project.
Comment	There is much work to be done in defining the work to date and future steps. Page 83 of the Niche planning document identifies a list of other further and strategic work required.
Project Costing and Resourcing	
Status	There is no costing in total provided from any of the documents observed. There is however an order of magnitude costs provided within the Place Laboratory Plan deemed 'High Quality' equalling an aggregate cost of between \$400-600 per m ² based on area. This is below an opinion of probable cost estimate and does not define inclusions or exclusions well, thus subject to considerable range.
Comment	On the basis of the area rates provided in 2020, and allowing for modest inflation and unknowns, an addition of 10% for inflation and 45% allowance for variation, the total expected cost based on an area identified in the plan for both Florence Rd and the Stirling Highway Verge (page 12) is approximately 3535m ² provides a range of: \$2,191,700 - \$3,287,550
Project Financing and Funding	
Status	There is no evidence of consideration for funding and finance of the Town Centre redevelopment that could be found.
Comment	The funding mechanism of Town Centre or main street redevelopments should occur in parallel to nearby development to ensure the street is upgraded soon after private land construction. In many situations, Specified Area Rates on commercial properties or developer contributions, either in cash, or in kind (the developer undertakes some degree of public realm works) are common mechanisms to finance. Further financial modelling would need to occur to be included in a future business case.
Project Stakeholders and Communications	
Status	It is indeterminable the extent at which engagement has already occurred with adjoining property owners directly adjacent to the Town Centre area, nor the extent of awareness or support from the local community.
Comment	The community is currently focused on the temporary and long-term traffic implications. A clearly defined and articulated Town Centre redevelopment project would potentially add value for not only the patrons to the new commercial properties, but to the nearby community should the preferred treatment address both public amenity and traffic route concerns. Much further discussion is required and will need to be careful to try and find a win-win solution without a stalemate outcome not improving amenity or traffic concerns.
Project Risks	

Status	There is no known register of risks for this project to be considered or added to as development of the project occurs.
Comment	There are numerous risks associated with activity centre projects, not least managing the expectations of invested stakeholders. There is considerable need for time and effort to be spent to determine the desired outcome, and achieve it with minimal unexpected variations. Modifying projects 'on the fly' opens the City to financial and reputational risk, as was observed in the delivery of the Waratah Avenue project.
Project Summary	
Parties	2 Commercial property holders (many individual retailers in future), residents of nearby Florence Road, Stanley Street and Dalkeith Road, Main Roads WA, LGA.
Total Cost	Estimate ranges from \$2,191,700 - \$3,287,550
Basis of Cost	Using the price per m ² rate as provided by the Place Laboratory Plan. Pricing would need to be refined as materials, extent and scope are more defined, leading into detailed design.
Timeline	There is no timeline developed for the implementation of this project, or its development. The visioning is noted to occur in 2024 within the Council plan
Phase	There are elements which already have been rendered, and given the proposed task on hand is to adopt a vision for the Town Centre, it most closely aligns with Phase 2 – Definition .
Recommendations for further work and development toward best practice of work thus far	
1	Development of a roadmap to develop the Town Centre beyond the visioning required
2	Consolidate previous work to determine what could be utilised and aligns with current City strategic direction
Potential next steps toward delivery	
1	Continue with visioning work as per the Council Plan
2	Incorporate potential traffic patterns and routes into a preferred treatment
3	Develop a financial and funding model to be able to deliver the construction stages.

4.6 Redevelopment of Lawler Park Recreation Precinct (including Hackett Hall)

Project Needs & Business Case	
Status	Council resolved in Dec 2017 (report 13.10) accepting a needs study that a master plan be created. A draft masterplan was developed in 2021-22. Masterplan focused on the public open space only, and overlooked the associated facilities. Since then, Hackett Hall has been closed for safety, as has one of the nearby tennis courts. The toy library is under-utilised, and a wholistic approach is needed. This project is further supported by the Council plan project to create a business case for the future of the Lawler Park Precinct (Project 7.1.2).
Comment	The need is clear for a review of the site, comprising both the public realm and the facilities offered. Much work has already been done on needs and requirements, but this must be reviewed in the current light of the condition of the precinct.
Project Scoping and Deliverables	
Status	The scope of the original masterplan encompassed the public open space only. The understood scope of the overall redevelopment is for the need and provision of service on the entire site. This is not articulated but reasonably well understood by current staff. The actual deliverables are less clear, and interpreted to be a needs assessment of the facilities, integration with the public open space masterplan, and a business case for the facilities and services on the site going forward.
Comment	The work delivered thus far has occurred in an ad-hoc nature and not integrated with other deliverables on the site. Assessment will need to occur to determine whether previous work and plans are still relevant.
Project Planning and Scheduling	
Status	There is no schedule or timeline associated with this project, however the presence in the Council plan indicates the business case to be developed in 2023-24, however is unfunded. Presentations and updates to Council in concept forums during late 2023 did indicate next steps, including the aforementioned business case and needs assessment (potentially requiring an update only). A preferred option is yet to be determined, indicating further planning work is required.
Comment	Steps for broad option assessment and costing has been stepped through methodically within available time and resources, however, the needs assessment appears on a critical path with other undertakings within the Council Plan 2023-33, such as Strategic Active Sports Facilities Plan and the Land Asset Optimisation Strategy (Council Plan Projects 2.2.1 and 7.1.1 to ensure alignment with needs and other facilities offerings). This is similar to Highview Park and Melvista Park redevelopment projects.
Project Costing and Resourcing	
Status	High level cost options on 5 options have been developed ranging from a consolidated multi-function building, refurbishment of current buildings, like for like replacement, upgrade of individual buildings on similar footprints and removal of redundant facilities, and has been costed accordingly using market rates from a construction firm based on aggregate square meterage and a level of finish for sub-areas (wet, office, hall) and so forth and can be provided with a degree of confidence in line with the current stage of project development. There is no dedicated resource to progress this investigation and case, forming one of many projects allocated to Asset Management – the service area responsible for the most tasks within the Council Plan 2023-24. Cost estimates for options to date (including capital and annualised costs) range from \$403,910 – \$15,511,094 for the Facility portion and \$520,000 for the public open space portion totalling \$923,910 - \$16,031,940.
Comment	Costing to date is sufficient to inform a business case and a high level discussion on long term expectations and costs for the site, dependent on Council and Community desires. Resourcing and ownership of this data presents a risk, and the estimates and options are yet to form part of a financial model.
Project Financing and Funding	
Status	There has been notional discussion regarding third party contributions and funding, whether it be through lease arrangements, lottery west funding, state government contribution, election commitments or outright capital contribution in exchange for peppercorn leases over a suitable period by commercial or charitable 'anchor tenants'. Preferred funding for any option has not been determined.

Comment	Much work is still to occur on the financing and funding of the project, which will need to occur as preferred options are decided upon, as the difference between options will permit or limit funding streams.
Project Stakeholders and Communications	
Status	There are a large number of interested stakeholders, including current clubs and community groups, previous community groups, and potential future community groups. In addition there is an active ratepayer's group in the area, along with the family members of the Hall's namesake. Communication has been limited due to the uncertain nature of the next steps and limited continual development means an extended period between substantial updates.
Comment	While the City is slowly working toward resolution and future direction, the level of engagement and communication is not at the level expected by the community given frustration as there has been an identified need to improve the precinct since at least 2017. Consolidation of work thus far and future steps could be communicated when determined.
Project Risks	
Status	There has been no running risk register, however risks have been identified for future consideration. These include long term sustainability of future tenants, funding stream duration, inspections and management of the facility (pending a revised lease policy).
Comment	Now a number of risks have been identified, they will form a consideration in the development of the projects. When considered against other steps in the phasing they will be recorded and noted with relevant mitigations.
Project Summary	
Parties	~4 community groups/clubs, Local residents, LGA, potential users in the broader catchment.
Total Cost	Cost estimates range from \$923,910 - \$16,031,940 . The lower range involves facility removal and park amenity upgrade only, the upper range is for a multi-function facility and the public open space
Basis of Cost	The costs are based on market rates per m ² from a builder experienced in delivering council halls and buildings, the masterplan pricing is derived from the allocation provisioned in the rolling five year capital works program proposed in 25-26 and 26-27.
Timeline	There is no timeline developed for the implementation of this project, or its development. The business case is noted to occur in 2023-24 within the Council plan, but unfunded.
Phase	Upon review of the project elements, earlier phases are present but lack a documented audit trail. Pending the consolidation of information into project documentation, and noting the desire for a business case is documented, it already complies with deliverables from Phases 1 and 2. Further, early options have been assessed, costed, and there has been a degree of stakeholder engagement – typical activities for Phase 4. On balance, it would likely be consigned to Phase 3 – Planning , and benefit from a roadmap, milestones, and considered engagement planning with stakeholders, whilst working toward investigation with a needs assessment (update).
Recommendations for further work and development toward best practice of work thus far	
1	Development of a roadmap to develop the Lawler Park Precinct and in particular, the facilities on site
2	Consolidate previous work to determine what could be utilised and aligns with current City strategic direction (needs assessment, masterplans)
Potential next steps toward delivery	
1	Create a schedule/ timeline for the investigation
2	Begin developing an engagement and communications plan
3	Develop a financial model to include costs and funding
4	Decide whether to await outcomes of review / adoption of the SRP, Strategic Active Sports Facilities Plan and the Land Asset Optimisation Strategy (Council Plan Projects 2.2.1 and 7.1.1 to ensure alignment with needs and other facilities offerings)

4.7 Nedlands Nature Network

Project Needs & Business Case	
Status	Originally proposed at a concept forum, based on the park connector network (PCN) in Singapore. It indicated an alignment to State Policy and National Policies and a list of potential stakeholders and contributors was present. Consideration of Environmental and Economic benefits of the project were presented if not quantified.
Comment	The presentation itself on the Nedlands Nature Network (NNN) has hallmark elements of Phase 1 – Proposal. There is a lack of documentation leading out of this after, however, and there is no Council resolution to adopt a position. This makes consistency of delivery all but impossible without an audit trail to continue.
Project Scoping and Deliverables	
Status	A route was proposed during the concept forum presentation and broad deliverables were indicated, with a preference to avoid infrastructure upgrades. Actual deliverables have not been fully articulated or endorsed by Council as a preferred approach and is currently notional only.
Comment	The route and the deliverables need to be clearly defined and specified. The Concept forum presentation correctly points out a trial would be a wise first step. In this instance, the Trial may well form part of the project development framework to provide a proof of concept.
Project Planning and Scheduling	
Status	There was original desire to do a limited trial in 2022 and then begin implementation in 2023. No schedule was determined to be developed which would have included programming of other required tasks, such as design of irrigation, community engagement, procurement of plants or services, approval from utility providers and so forth.
Comment	A standardised timeline of delivery should be developed to understand the potential phasing for any section of the NNN. It is envisaged that this would follow a similar pattern to annual capital works projects, and this an entire works program would need to be developed first to determine following years and early design and engagement to avoid carry forwards.
Project Costing and Resourcing	
Status	The City's officers have engaged a contractor to price the design and delivery all the components of the NNN in line with the understood desired scope of works at today's market rates (2023). A consultant and contractor is required as the City does not have capacity. This was then extrapolated across the entire network of 22 streets, based on individual frontages area to develop a cost estimate. The cost estimate totalled \$7,465,793 inclusive of design, installation, overheads and contingent.
Comment	The project has been costed with the information at hand across the entire route proposed. Staff time to develop and implement from procurement to engagement was not considered in the proposal and would need to be accounted for and billed accordingly. The demand would be dependent on the timeline for delivery of the entire network, ranging from a dedicated project officer if proposed in a short timeframe, to sections being undertaken annual as a project, amongst other listed projects for delivery from the same limited labour hour pool. No delivery options were considered or approved by Council – for instance potential comparative between A) a City led implementation as costed, B) a resident led implementation supported by materials/rebate (see below).
Project Financing and Funding	
Status	Originally the trial was proposed to be delivered as part of the Smyth Street road renewal, utilising the capital budget, however, this project was not only state funded for the roadway only, but over budget, and thus could not be accommodated. At present there is no funding or finance model to determine how the City will afford delivery.
Comment	A funding mechanism was modelled broadly by officers to attempt to resolve the significant funding gap. A potential rebate model was examined where residents would undertake works in line with a standard treatment and with City approval and be rebated. It is estimated that there is approximately 650 properties along the route directly affected (irrespective of size). Even if the rebate was \$1,000 each totalling \$650,000, there would be a considerable shortfall to the direct cost of the project which would need to be met by the adjoining residents.
Project Stakeholders and Communications	
Status	A list of 10 stakeholders were indicated to have pledged support. The extent of which cannot be confirmed in writing. There is estimated to be 650 properties which will need direct

	engagement at the appropriate time, and direct liaison if they are to connect residential irrigation to water the network, which will take considerable time.
Comment	If the project is desired to be progressed by Council, formalisation of support would be required.
Project Risks	
Status	There was no discussion of project risks during development or delivery. Any work in the verge takes considerable effort to avoid current and future conflict. Some of the risks may not be clear in a small scale trial, and will be different from location to location depending on context.
Comment	While not considered a risky project in isolation, risks are considerably higher if the project is not scoped and phased properly to avoid conflicts and re-work.
Project Summary	
Parties	Numerous stakeholders (10 nominated) approximately 650 property holders, utility providers, LGA
Total Cost	\$7,465,793 for capital based on indicative pricing. A component may also be required if ongoing maintenance falls to the City to ensure a high quality / consistent landscaped finish. A total of \$213,775 additional budget would be required annually.
Basis of Cost	Capital / initial budget is based on a design and construct m ² rate by a well-regarded practitioner in greening verges. Maintenance costs are based on a flat rate per property of \$45 each, with a visit per quarter, and is deemed to be the aggregate contractor cost that the City would employ to deliver the service.
Timeline	No timeline or milestone sequence is defined.
Phase	The proposal is well articulated and sufficiently detailed given the context to almost fully align with typical outcomes of Phase 1 - Proposal. The missing risk profile, schedule, formalisation of stakeholder involvement and option assessment aligns it closer to Phase 2 – Definition . This is reasonable given it is one of the most recently proposed Strategic Projects.
Recommendations for further work and development toward best practice of work thus far	
1	Formalisation of support from stakeholders to be gained
2	Options to be defined for delivery
3	Risk register for project to be created
4	Specification for treatment to be adopted
5	Sequence of milestones/events in the form of a roadmap to be captured
Potential next steps toward delivery	
1	Options, specification, understanding of risks, potential sequence of events / roadmap and stakeholder support to be presented to Council to proceed to Phase 3
2	Scoping of a potential trial project for Council consideration of results prior to developing a long-term implementation program

4.8 Laneway Upgrade Strategy

Project Needs & Business Case	
Status	There is a clear expectation gap between the community and the current provision of laneways in the City. A Notice of Motion in early 2022 gave rise to a more encompassing upgrade of laneways, which also requires policy consideration. It is a nominated project in the Council Plan (project 8.3.3). research indicates there has been conjecture regarding lanes as far back as 1999 when development conditions required a contribution.
Comment	It would appear that the debate for laneways has been back and forth from 1999, 2004-05, 2015 and again in 2022. With approximately 15% of properties accessing laneways and it expected to increase with development, the desire for a higher level of service is likely to increase.
Project Scoping and Deliverables	
Status	The scope for the laneways is well defined being every laneway in the City which is not at a 'constructed' finish. The deliverables are clear in that there is a preference to systematically construct laneways until all are to the defined finish. What is not decided upon is the desired level of finish/ service that should be worked toward – if any.
Comment	Development in scoping and deliverables is well matured, with 13 different treatment scenarios able to be manipulated within the model. Deliverables are automated and can be easily programmed.
Project Planning and Scheduling	
Status	There is no milestone sequence of events laid out in formal documentation, however there is a list of tasks relating to future decisions points for Council which is being worked toward amongst other tasks with limited staff. A prioritisation system has been developed to consider a large number of variables to generate a quantitative order of works, adaptable to changing situations in future.
Comment	Work and background information / research has been considerable, but staff labour limitations and scheduled tasks (budget, audit, valuation) has limited progress.
Project Costing and Resourcing	
Status	The financial model is extremely robust and adaptable to aid in Council decision making and programming of works. There is provision for design requirements, however there is no resourcing consideration in the model, and if implemented, the program resourcing would be delivered as part of a Capital Works Program and resourced in line with other required works. Operational costing has also been included in the model. Based on aggregate rates compiled from contract actuals and areas, a range for works has been estimated to span from \$5,395,485 to \$42,218,181 in capital investment depending on finish. Annualised costs for maintenance and depreciation are estimated at an additional \$46,407 depending on the level of service adopted.
Comment	If there is a desire to do systematic laneway upgrades, in addition to required works (over and above) dedicated project management will be required. Further, the model on the deliverables of the project does not account of intangible outputs, such as community engagement.
Project Financing and Funding	
Status	The financial model includes provision for scenarios around finance and funding from multiple streams. 27 funding scenarios have been developed for future Council consideration based on: 1) timeline for completion 2) level of quality finish and 3) cost recovery options. Developer contribution was modelled using actual development figures and was not viable.
Comment	Finance and funding is the next decision Council will need to make. All work leading up to this point is thorough and useable through the life of the project, including through delivery if it progresses. The financial model itself is well beyond what is expected in early development phases.
Project Stakeholders and Communications	
Status	1365 properties adjoin laneways subject to potential upgrade in the City of Nedlands and form the core group of stakeholders. To date largely reactive engagement has occurred through enquiries. The majority of engagement is understood to have occurred in 2019-20 during a review of LPS 3 – Laneway requirements, which was presented to Council and lost in February 2020. No new engagement or engagement plan has occurred.

Comment	Given the history of the matter, an engagement plan to understand desires of the community without causing past anxieties is required. Council will need to determine whether this occurs before or after a preferred approach/treatment or shortlist is determined.
Project Risks	
Status	There has been no running risk register, however risks have been identified for future consideration. These include property disputes, utility implications, servicing of properties, front/rear access expectations, widening and truncations, upkeep and maintenance.
Comment	Now a number of risks have been identified, they will form a consideration in the development of the projects. When considered against other steps in the phasing they will be recorded and noted with relevant mitigations.
Project Summary	
Parties	1365 residents, variable number of developers, LGA
Total Cost	Capital investment ranges between \$5,395,485 to \$42,218,181 Annual costs incur an estimated increase of \$46,407 per year.
Basis of Cost	Cost derived from the financial model developed using market rates, area, and maintenance costs.
Timeline	No timeline or sequence of milestones has been adopted.
Phase	The robustness of the model, and the historic need and limited scope, stakeholders, and funding streams, make earlier phases simpler to meet requirements. Stakeholder engagement and project funding remain the biggest barrier to next cross, and most likely align with the project being in Phase 4 – Investigation . Pending sub-phase 4C for stakeholder engagement the work can be presented to Council for final culmination of work prior development to Phase 5.
Recommendations for further work and development toward best practice of work thus far	
1	Consolidate options, financial model and parameters into project documentation.
2	Risk register for project to be created
3	Specification for treatment to be adopted
4	Sequence of milestones/events in the form of a roadmap to be captured
Potential next steps toward delivery	
1	Determine a list of preferred options
2	Take preferred options to community through a well-constructed engagement plan
3	Present to Council to progress through Phase 5 – Business Case to Implementation/ Delivery.

4.9 School Sports Circuit

Project Needs & Business Case	
Status	A very well constructed Project Synopsis was created June 2017 and is noted as a 'project proposal'. It contains all the elements of a well thought out and constructed proposal document, including proposed routes, stakeholders, estimates, timeline and clear definitions of deliverables as well as logical stages. This was revised in part in the form of a discussion paper in July 2022. The project was first initiated in 2014, and a Council position adopted in July 2018. The project is not nominated specifically in the Council Plan, but could be considered under a broader project regarding path improvements (Project 8.1.2).
Comment	The documentation from 2017 forms the benchmark template of what should be expected from project proposals and scoping. While it lacks risks, it identifies issues in a similar vein. The fact that a comprehensive project document took three years to collate, after tens of thousands of dollars were already spent highlights the need for a methodical framework, with the proposal document returning to Council for consideration prior to progressing.
Project Scoping and Deliverables	
Status	As above, the scoping and deliverables were well defined, but may be out of date and require confirmation of status.
Comment	Well documented, but could be supplemented by some of the concept and preliminary design specifications undertaken between inception and the proposal document; including a review of a small trial section (named C2) apparently constructed in 2016/17. The route established in the plan is the only given preferred route and relies on all stakeholders participating. No alternatives have been proposed should not all stakeholders support the route.
Project Planning and Scheduling	
Status	As above, the proposal document included a detailed schedule of the timeline for the project, including macro periods (months required), a projected deliver date and notes as to completion.
Comment	The timeline is well sequenced, but lacks clear critical paths and dependencies. Further it lacks labour hours required to achieve such tasks so it is uncertain whether '2 months' is optimistic or pessimistic.
Project Costing and Resourcing	
Status	Costs have been accounted in a per m ² manner and based on sites and stages to a point that could be modelled and updated relatively easily. It uses a flat rate, however and completely ignores complexity and differences between sites – for instance if one site needs more earthworks or retaining. There is, however, a table of on costs / overheads presented in the Synopsis in addition to the direct construction costs, indicating a good understanding of the implementation costs. Total cost estimated in the synopsis was \$3,091,280 and a review in 2022 did not indicate confidence in this figure. Given inflation, it would be reasonable to assume this figure could range +/- by approximately 25% to equal from \$2,318,460 - \$3,864,100
Comment	Costing table presented in the Synopsis is useful but in need of update and review. It is quantifiable and could be acceptable for use as an early Opinion of Probable Costs.
Project Financing and Funding	
Status	The Synopsis mentions the prospect of funding and grants twice, once in the preface, and again in the task schedule 'investigate funding opportunities including state and federal' (page 48) noted to be ongoing. A council update memo from August 2021 indicates the lack of an approved bike plan will hamper potential funding. The discussion paper from 2022 details the need to re-prioritise non-critical projects and transfer to/from reserve as potential solutions for progressing stages, but not the entire project.
Comment	Funding and financing is one area of glaring omission from the discovered documents. Considerable re-framing and advocacy would need to occur for the project to be packaged in such a way to attract programmed / competitive funding schemes. In lieu of this preferred approach, funding would need to be via rates and delivered as part of the rolling capital works program when implementation is approved by Council.
Project Stakeholders and Communications	
Status	A handover memo dated March 2019 indicates that engagement has largely been with larger trip generating stakeholders and key land managers to date (schools, other local governments, clubs etc).

	There is a number of Memorandum of understandings which have been executed with some parties, with others outstanding. There is a line item in the Synopsis schedule for 'consultation with neighbouring landowners and community' noted to be ongoing. It is unknown to the extent which this occurred or the community level of awareness, however the handover memo stated that at an Ordinary Meeting of Council 28 June 2016, item 4 Petitions, 4.1 received: "Council received the petition from Mr Garry & Mrs Simone Bloom of 11B Mayfair Street, Mount Claremont including 36 Petitioners against the proposed School Sports Circuit." This indicates a level of awareness, and a position toward, the project as understood the community.
Comment	This project will affect a large number of key landholders and community members. The sequence of tasks outlined in the synopsis as well as the discussion paper correctly indicates that the stakeholders who land access is required from are to be engaged first to ensure support for further community wide engagement. The validity of previous MOUs and outstanding MOUs needs to be revisited.
Project Risks	
Status	<p>Risks are identified in the Synopsis as 'Issues' and shows a degree of consideration on a stage-by-stage basis.</p> <p>The Councillor update memo dated August 2021 stated that: "an external consultant was engaged to facilitate a Risk Workshop for both the School Sports Circuit and the Asquith Street play space. This process highlighted a number of high-risk items, which will need to be considered during the design and planning stage of these projects. Addressing these risks adequately will likely result in the requirement to increase the Project budget.</p> <p>The Administration will commence formal negotiations with the Golf Club around access for both the School Sports Circuit and play space within the Golf Club's lease area. These negotiations are expected to commence in late August. Council will be informed of the outcome of these negotiations, the impact on the project and the results of the Risk Workshop later in the year."</p> <p>A risk report was completed by a consultant (NS Projects) in June 2021 which includes a comprehensive risk register and details.</p>
Comment	The level of risk assessment between the synopsis and the commissioned report in June 2021 is significant. It is likely the risks observed in the report are still valid and useful going forward. This report may not be in accord with the Current City risk appetite and policy and may need a degree of revision.
Project Summary	
Parties	~7 Landholder stakeholders (club and education providers), LGA, all residents along route,
Total Cost	Estimate may range between \$2,318,460 - \$3,864,100
Basis of Cost	Original estimates from the Synopsis with a 25% confidence allowance provisioning for both inflation and unallocated overheads.
Timeline	Indicated in Synopsis with 'ongoing tasks' and no updated new sequence of events
Phase	Given the high level of detail and assessment done so far, the rendering of trials and numerous consultant reports, it is beyond the initial phases of development. Lacking full engagement with all key stakeholders, a funding model to create a program for delivery and no alternative options / scenarios if there is not full support, it would be deemed to be in the mature stages of Phase 4 – Investigation.
Recommendations for further work and development toward best practice of work thus far	
1	Consolidate all project documentation into the project format, such as timeline, risk, and estimates.
2	Review MOUs and previous engagement for validity
3	Assess outcomes of trial locations for lessons learned
4	Review risk report in light of current City risk policy
Potential next steps toward delivery	
1	Gain new MOUs and approval in principal to continue
2	Develop a broad engagement plan for the community
3	Review costings based on the potential route pending landholder support
4	Consider alternative options if support not obtained
5	Develop a funding and finance model to inform program delivery

5 Table of phase status, costs, and future budget treatment.

5.1. Project Summary Phases, costs and budget eligibility.

In accordance with the draft policy point 4. "Strategic Project Funding", Strategic Projects will receive more targeted budget allocation as they progress through development phases. The following table summarises the determined phase, the quantum of estimated costs to date, and the eligibility for dedicated budget allocation.

Project Summary			
Project	Determined Phase	Estimated Cost (capital)	Future Budget Allocation
Underground Power	Phase 5 – Business Case	\$38,700,000 - \$47,300,00	Dedicated Funding Allocation for next steps
Stirling Highway Tunnel	Phase 2 – Definition	\$14,000,000	Progress through available "Strategic Projects Consultancy Funds"
Redevelopment of Melvista Park	Phase 3 – Planning	\$11,082,618 - \$16,623,927	Progress through available "Strategic Projects Consultancy Funds"
Redevelopment of Highview Park	Phase 3 – Planning	\$8,843,789 - \$13,265,684	Progress through available "Strategic Projects Consultancy Funds"
Town Centre Redevelopment	Phase 2 - Definition	\$2,191,700 - \$3,287,550	Progress through available "Strategic Projects Consultancy Funds"
Redevelopment of Lawler Park	Phase 3 – Planning	\$923,910 - \$16,031,940	Progress through available "Strategic Projects Consultancy Funds"
Nedlands Nature Network	Phase 2 – Definition	\$7,465,793	Progress through available "Strategic Projects Consultancy Funds"
Laneway Upgrade Strategy and Program	Phase 4 – Investigation	\$5,395,485 - \$42,218,181	Dedicated Funding Allocation for next steps
School Sports Circuit	Phase 4 – Investigation	\$2,318,460 - \$3,864,100	Dedicated Funding Allocation for next steps
TOTAL COST RANGE FOR CURRENT PORTFOLIO		\$90,921,755 - \$116,757,175	

5.2. Possible budget allocations

As per the above, three projects are eligible to be recommended to commission more intensive support and consultancy for their final phases of development, being Phases 4 and 5. The specific allocations and what they will be utilised for will rest with Council for further review and consideration regarding each project.

The remaining six projects are eligible for a provisional allocation through a general "strategic projects consultancy funds" line item to be created in the budget. Council may wish to allocate a value for each project in these phases, being 2 & 3. Council may wish to provision for instance \$7,500 per project (deemed to be approximately sufficient for a basic professional report). This would total \$45,000 and officers would seek to progress development of these projects in accordance with agreed priorities, emergent opportunities and available time. The budget would be administered by the CEO and be managed with a bottom line approach as some project work may require more complex assessment than others.

The higher provisional allocation, the more likely multiple tasks can be achieved in any given year.



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18. Divisional Reports - Corporate Services

18.1 CPS09.03.24 Monthly Financial Report – February 2024

This item will be dealt with at the Council Meeting.

18.2 CPS10.03.24 Monthly Investment Report – February 2024

This item will be dealt with at the Council Meeting.

18.3 CPS11.03.24 List of Accounts Paid – February 2024

This item will be dealt with at the Council Meeting.



18.4 CPS12.03.24 Lease, Licence, Exclusive Licence and Hire of Community Facilities Policy

Meeting & Date	Council Meeting – 26 March 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	Aleisha Smit - Land and Property Officer
Director	Michael Cole - Director Corporate Services
Attachments	1. Current policy - Use of Council Facilities for Community Purposes 2. Draft - Lease, Licence, Exclusive Licence and Hire of Community Facilities Policy

Purpose

The purpose of this report is for Council to consider the new Lease, Licence, Exclusive Licence and Hire of Community Facilities Policy. The purpose of the policy is to guide lease, licence, exclusive licence and hire practices for Council facilities used for community purposes.

The new policy promotes consistent and equitable terms and conditions and establish a minimum standard and seeks to ensure lease, licence, exclusive licence and hire practices contribute to a sustainable City. The new policy also assists with responsibly managing and mitigating any risk to the City of Nedlands.

This report also seeks to revoke the current policy that was last reviewed in February 2021.

Recommendation

That Council:

1. **revokes the Council Facilities for Community Purposes Council Policy as per attachment 1; and**
2. **adopts the Lease, Licence, Exclusive Licence and Hire of Community Facilities Policy as per attachment 2.**

Voting Requirement

Simple Majority.



Background

The City has reviewed the current Use of Council Facilities for Community Purposes and proposes a new policy for the Lease, Licence, Exclusive Licence and Hire of Community Facilities.

The draft policy has been considered by Elected members at several concept forums during 2022 and 2023. In addition, Administration has consulted with current lease and licence holders of Council facilities.

Community facilities include halls, pavilions, change-rooms, clubrooms, and other buildings used for community purposes, as well as sporting fields.

Discussion

The proposed Lease, Licence, Exclusive Licence and Hire of Community Facilities Policy seeks to clarify arrangements for specific users of Council facilities plus provides for casual hire.

For each arrangement, the proposed policy clearly sets out the responsibilities of the City and the lessees, licensees, exclusive licensees, and hirers of Council facilities.

Under the proposed policy, Council can acknowledge the social return achieved through the delivery of community benefits from the use of Council facilities for community purposes when determining key terms of any lease or licence.

The proposed policy also seeks to address the issue of funding structural maintenance of Council facilities. Under the current policy, peppercorn lessees are required to maintain a fund for structural maintenance and are responsible for all maintenance. The proposed policy will require new leases to include an annual maintenance contribution to be held in a City Reserve as well being responsible for Preventative maintenance and Non-structural maintenance.

The proposed policy also introduces an environmental levy and includes provision for temporary or permanent signs advertised, displayed, or erected on property owned or managed by the City of Nedlands.

Maintenance Contributions and Environmental Levies will be included in Fees and Charges that are reviewed by Council annually as part of the Annual Budget process.

To maximise use of its hire facilities, Council may allow bookings by individuals and businesses. However, priority for bookings will be given to community groups and organisations. All bookings are approved by the City's Administrative staff.

Bookings by hirers can only be made for a maximum of 1 calendar year at a time.



Community groups and organisations, sporting clubs, individuals and businesses are all eligible to use the City's hire facilities. However, priority will be given to the following users:

- Incorporated, not-for-profit, community organisations and sporting clubs
- Informal community groups.

Private parties with alcohol are not allowed in Council owned facilities. However, the ban on private parties with alcohol in City facilities does not prevent sporting clubs or community groups that are regular users of a City facility from holding events with alcohol, providing they meet all necessary requirements. An exception to this are the rooms at the Mt Claremont Community Centre. These rooms will not be hired out for events with alcohol, even to sporting clubs or community organisations that are regular users of a Council facility, due to the Centre's proximity to residences.

The overarching rationale for Council's facility hire policy is to enable orderly, short-term use of Council facilities by multiple community-based users.

From time to time, Council will consider the cost of providing the City's community facilities portfolio as a whole and decide on an appropriate rate of cost recovery, to be implemented through the City's Schedule of Fees and Charges.

Consultation

The revised draft policy has been circulated to all tenants of community facilities that have a lease of licence. In June 2023, 22 tenants from our community facilities were surveyed regarding feedback on their leasing policy, feedback on the City and a cost recovery model. From the 22 surveyed, 17 tenants are willing to offer additional community benefits, 5 tenants are interested in considering their change of use within the facility and 3 tenants responded positively to the option of changing operating days.

With respect to financial sustainability and higher cost recovery; 7 tenants would consider relocating and 3 tenants would consider co-locating.

Strategic Implications

This item relates to the following elements from the Council Plan 2023 – 2033.

Vision	Sustainable and responsible for a bright future
Pillar	Performance
Outcome	11. Effective leadership and governance 12. A happy, well-informed and engaged community



Budget/Financial Implications

There are no financial implications of the new policy. The policy will assist in determining the rate of recovery for community facilities. Any change in fees or charges will be reflected in the Fees and Charges presented to Council when adopting the Annual Budget each year.

Legislative and Policy Implications

Section 2.7 of the *Local Government Act 1995* requires:

1. That Council:
 - a. governs the local government's affairs; and
 - b. is responsible for the performance of the local government's functions.
2. Without limiting subsection (1), the Council is to:
 - a. oversee the allocation of the local government's finances and resources; and
 - b. determine the local government's policies.

Decision Implications

Council is asked to endorse the new Lease, Licence, Exclusive Licence and Hire of Council revised Community Facilities Policy. Should Council not endorse this proposal, the existing policy will remain.

The revised policy will require any additional income generated by the policy to be put aside in reserve for community facility maintenance. There will also be an expectation from lessees and licencees that the City will fund future maintenance of community facilities. This would apply for all new leases and licences as they are renewed. Subject to the Council's adoption of the Policy.

Conclusion

The existing policy for the lease licence and hire of Council facilities has been reviewed.

Many of the City's facilities are underutilised buildings and rooms within buildings that are not occupied for several days of the week, and in some cases for a several weeks. Therefore, the new Lease, Licence, Exclusive Licence and Hire of introduction of a Community Facilities Policy would aid in providing broader opportunities for the community as well as our community and sporting groups to hire new spaces for their recreation purposes.

Further Information

Nil.



Use of Council Facilities for Community Purposes

Status	Council
Department	Community Development
Objective	To provide guidance on the use of Council-owned facilities for community purposes.

Scope

- This policy applies to the use of Council-owned facilities for community purposes only.
- Therefore, it applies to the use of Council facilities by sporting clubs; community groups and organisations; government departments; and individual community members, when using a Council facility for a community purpose.
- It does not apply to tenancy of Council facilities for residential or commercial purposes. In these instances, commercial considerations will apply.

Definitions

Community purpose	means a purpose that is primarily aimed at benefiting the local community. It includes use by an incorporated sporting club or community organisation or community group. It may also include use by a government department, where the City considers that usage to be of particular value to the local community. It excludes use by a privately owned, profit-based business entity.
Community facilities	include halls, pavilions, change-rooms, clubrooms and other buildings used for community purposes, as well as sporting fields.



Statement

- Council recognises the key contribution that sporting clubs and community organisations make to the local community.
- Therefore, the City provides a range of facilities for their use, as well as use by individual community members.
- Council will structure its fees for use of community facilities on the basis of building community sector capacity and in a way that is financially sustainable for Council.
- Council will make its community facilities available to users on the basis of one of the following:
 - Lease
 - Management Licence or
 - Hire.
- Leases are generally for long-term, formal tenancy arrangements. Management licences are generally for medium-term tenancy arrangements. Hire arrangements are generally for short-term or casual usage.
- Council reserves the right to decide whether a particular facility (or part of a facility) is offered for use on the basis of a lease, management licence or hire arrangement.
- Generally, Council aims to maximise use of its facilities. Therefore, use of community facilities by multiple users is the preferred model. However, under some circumstances Council will consider offering exclusive use of a facility to one specific user, formalised by a lease or management licence.

Leases

- *Purpose:* community-purpose leases aim to provide sporting clubs and other community-based user groups with secure, long-term tenure of Council-owned facilities that are developed and maintained by the tenant.
- *Approval:* all leases of Council-owned property must be approved by Council unless authority to approve has been formally delegated by Council to the CEO.
- *Eligibility criteria:* Council may consider offering use of a community facility under a lease in the following circumstances:
 - The user group requires exclusive use of a facility. (Example 1: greens used by a bowling clubs cannot be shared by other sport types. Example 2:



a bridge club requires such constant use of a facility, and under such conditions, that the bridge club's use would be incompatible with other uses.)

- The user group has the capacity to manage and maintain the facility, including any capital development required.
 - The user group is incorporated as a not-for-profit sporting club or community organisation; or a government department.
- However, meeting the eligibility criteria listed above does not confer a right to a lease. Council reserves the right to decide whether a facility is offered on the basis of a lease; and if so, to whom the lease is offered.
 - *Rationale:* the overarching rationale for Council's community-purpose leases is to *provide* the facility to the user-group free of rental charge, and at no cost to Council. While Council does not seek to profit from community-purpose leases, nor should such leases result in a financial impost on Council and therefore rate-payers generally. The principle underlying community use *leases is that all costs associated with the facility must be met by the lessee.*
 - *Key features:* the City's community-purpose leases will be based on a Standard Lease, with the following key features:
 1. No rental fee to be paid by the tenant;
 2. Tenant maintains, develops and operates the facility;
 3. Term of 10 years, plus a 5 year option to renew.
 - In exchange for use of a rent-free facility, the tenant is responsible for all *maintenance* of the facility, including responsibility for the facility's structure, as well as any capital development and replacement of the facility.
 - The facility must be maintained to the standard required by Council and fit for the purpose of the use specified in the lease.
 - The tenant is also responsible for all utility costs associated with the facility.
 - Council may consider CSRFF application: Notwithstanding the tenant's responsibility for capital development of the facility under the terms of their lease, Council may consider formal applications from sporting clubs for capital development grants under the Community Sport and Recreational Fund program, as outlined in Council policy "Capital Grants to Sporting Clubs".



Management Licences

- ***Purpose:*** community-purpose management licences aim to provide sporting clubs and other community-based user groups with secure, medium-term tenure of a Council facility that is maintained by the City.

Approval: all Management Licences authorising the use of Council-owned facilities must be approved by Council, unless authority to approve has been formally delegated by Council to the CEO.

- ***Eligibility criteria:*** Council may consider offering use of a community facility under a management licence in the following circumstances:
 - Council elects to offer use of that facility through a management licence..
 - The user group's needs can be met by a management licence in the City's view.
 - The user group has the capacity to meet the costs outlined in the management licence.
 - The user group is an incorporated, not-for-profit, sporting club or community organisation.
- However, meeting the eligibility criteria listed above does not confer a right to a management licence. Council reserves the right to decide whether a facility is offered on the basis of a management licence; and if so, to whom the licence is offered.
- ***Rationale:*** the overarching rationale for Council's management licence agreements is to enable secure medium-term use of community facilities that are maintained by the City..
- ***Key features:*** the City's community-purpose management licences will be based on a Standard Management Licence, with the following key features:
 1. Licence fee to be paid by the tenant
 2. City maintains and develops the facility
 3. Term of 3 – 5 years.
- The City is responsible for all maintenance of the facility, including responsibility for the facility's structure, as well as any capital development of the facility.
- The City will maintain the facility to the standard it determines as required for a general, shared-use community building. The City will not fit-out or maintain a shared-use building to meet the particular requirements of any specific user.



- If a user group has specific requirements beyond those determined by the City as *appropriate* for a general, shared-usage community facility, that user group may request City permission to install the additional requirements. The City may or may not support this request. Any costs associated with these additional requirements must be met by the user group.
- *The* user group will be responsible for payment of all utilities for the time period for which they are licenced to use the facility.
- Management *licence fees*: Management licence fees will be determined by taking into account:
 - the cost of maintaining the City's community facilities portfolio as a whole;
 - the size of the specific facility being offered under management licence; and
 - the amount of time the user group uses the facility.
- User groups will be charged a management licence fee, approved in Council's *annual Fees & Charges*, to offset the cost of maintaining the City's community facilities.
- From time to time, Council will consider the cost of providing the City's community facilities portfolio as a whole; and decide on an appropriate rate of cost recovery, to be implemented through the City's management licences.

Hire

- *Purpose*: the primary purpose of providing halls and community centres for hire is to provide community-based users with short-term use of public facilities that are provided and maintained by the City.
- *Approval*: bookings of the City's hire facilities are approved by Administrative staff.
- *Eligibility*: community groups and organisations, sporting clubs, individuals and businesses are all eligible to use the City's hire facilities. However, priority will be given to the following users:
 - Incorporated, not-for-profit, community organisations and sporting clubs
 - Informal community groups.
- However, meeting the priority categories listed above does not confer a right to hire a Council facility. Council reserves the right to decide whether a facility is offered for hire; and to whom the facility is offered.



- **Maximising Use:** In order to maximise use of its hire facilities, Council may allow bookings by individuals and businesses. However, priority for bookings will be given to community groups and organisations.
- **Ineligibility:** private parties with alcohol are not allowed in Council owned facilities.
- However, the ban on private parties with alcohol in City facilities does not prevent sporting clubs or community groups that are regular users of a City facility from holding events with alcohol, providing they meet all necessary requirements.
- Rooms at Mt Claremont Community Centre will not be hired out for events with alcohol, even to sporting clubs or community organisations that are regular users of a Council facility, due to the Centre's proximity to residences.
- **Rationale:** the overarching rationale for Council's hire facilities is to enable orderly, short-term use of Council facilities by multiple community-based users.
- **Key features:** the City's hire arrangements will be based on a hire agreement with the following key features:
 1. Hire fee to be paid by the hirer
 2. City maintains the facility, including all capital expenditure
 3. Short term hire of a minimum period of 1 hour, over a maximum term of 1 year.
- Bookings by hirers can only be made for a maximum of 1 calendar year at a time.
- The City is responsible for all maintenance of the facility, including responsibility for the facility's structure, as well as any capital development of the facility.
- The City is also responsible for all utility costs associated with the facility.
- The City will maintain the facility to the standard it determines as required for a general, shared-use community building. The City will not fit-out or maintain a shared-use building to meet the requirements of any specific hirer.
- The City will not provide signage for hirers.
- **Hire Fees:** Users will be charged a hire fee, listed in Council's annual Fees & Charges, to off-set the cost of maintaining its community facilities.
- From time to time, Council will consider the cost of providing the City's community facilities portfolio as a whole and decide on an appropriate rate of cost recovery, to be implemented through the City's hall hire fees.



Summary of Usage Types:

The key features of the different ways that Council facilities can be accessed are summarised below:

Lease	Management License	Hire
<ul style="list-style-type: none"> No rental fee paid by tenant Tenant maintains facility Tenant responsible for capital development Tenant pays utilities 10-year term + option to renew for 5 years 	<ul style="list-style-type: none"> Annual licence fee paid by tenant Council maintains facility Council responsible for capital development User group pays utilities 3 – 5 years terms 	<ul style="list-style-type: none"> Hire fee paid by user Council maintains facility Council responsible for capital development Council responsible for utilities Booked period = 1 hour – 1 day, depending on availability of facility; Repeat bookings taken for a maximum period of 1 year.

Related documentation

Procedure – Use of Council Facilities for Community Purposes (not yet developed)
Council Policy – Capital Grants for Sporting Clubs

Related Local Law/legislation

Property Law Act 1969 (WA)
Disability Services Act 1993 (WA)
Local Government Act 1995 (WA)
Land Administration Act 1997 (WA)

Related delegations

Nil.

Review History

23 February 2021 (CEO Report 13.1)
24 March 2015 (Report CPS07.15)



Lease, Licence, Exclusive Licence and Hire of Community Facilities

Status Council

Department Corporate and Strategy

Objectives

1. To guide lease, licence, exclusive licence and hire practices for Council facilities used for community purposes.
2. To realise a level of financial return to reduce reliance on budget for maintenance.
3. To achieve a level of social return through the delivery of services or activities aimed at providing a community benefit.
4. To support a fit for purpose property portfolio that meets the needs of the City of Nedlands.
5. To ensure the appropriate use of a Council facility for a bona fide community purpose or function to an eligible user, which includes the review of financial statements on a regular basis.
6. To promote consistent and equitable terms and conditions and establish a minimum standard.
7. To ensure lease, licence, exclusive licence and hire practices contribute to a sustainable City.
8. To assist with responsibly managing and mitigating any risk to the City of Nedlands.

Scope

This policy applies to all land and building assets owned or controlled by the City of Nedlands used for community purposes. It excludes land and building assets used for residential or commercial purposes.

Definitions

Community facilities include halls, pavilions, change-rooms, clubrooms, and other buildings used for community purposes.

Community purpose means a purpose that is primarily for the provision of educational, social, or recreational activities or services that aim to promote the welfare of the community through the delivery of community benefits.

Discount means a reduction in the user contribution for an eligible user to support their sustainable operating capacity to deliver a social return.

Eligible User means a non-commercial entity including sporting clubs, community groups, not-for-profit incorporated organisations, government agencies and individual community members (also referred to as tenant within this policy).



Exclusive Licence	means a contract outlining the terms and conditions under which one party is granted permission to jointly use a facility owned by another party. The intention is to allow multiple parties to collocate under a share-use arrangement for a medium term, therefore a portion of the facility is made available at set times to facilitate seasonal use.
Facility User	means a non-commercial entity including sporting clubs, community groups, not-for-profit incorporated organisations, government agencies, individual community members and commercial entities.
Hire Arrangement	means an agreement to hire out a facility or a portion of a facility pursuant to the City of Nedlands Local Law Relating to Council Halls. Fees and charges for facility hire are adopted on a yearly basis by Council as part of the annual budget process as determined by the City of Nedlands and based on a proportion of cost recovery. The basis of hire may be casual (one off) or regular (usually seasonal) and is generally intended for a short term.
Lease	means a contract outlining the terms and conditions under which one party agrees to exclusively use a facility owned by another party for a specified term. It confers an interest in the land and is capable of being secured against the title. The intention is to provide formal security of tenure for one party over a long term.
Licence	means a contract outlining the terms and conditions under which one party is granted permission for non-exclusive use of a facility owned by another party for a specified term. It does not create an interest in the land. The intention is to allow multiple parties to collocate under an ad hoc arrangement for a medium term, therefore a portion of the facility is made available for hire during the licence term.
Non-Structural Maintenance	means the continuous, diligent, and ongoing inspection, maintenance and repair of all non-structural components that do not have an intrinsic bearing on the support to any other integral member of the facility such as, by limitation, the roof structure, posts, load bearing walls, foundations, girders, floor joists, footings, and other load bearing members.
Preventative Maintenance	aims to reduce significant expenses arising from unexpected repairs by proactively managing the facility through routine and programmatic maintenance, including but not limited to fire servicing



equipment, mechanical services, hydraulic services, gutter cleaning, pest control and electrical compliance testing.

Social Return means the delivery of services, initiatives and activities that provide benefits which support the needs of the community and assists the City in the delivery of its strategic objectives.

Structural Maintenance means the continuous, diligent, and ongoing inspection, maintenance, and repair of all structural components of the facility that ensures good state of repair and safe usage, in compliance with all applicable laws including all required alterations, replacements, major repairs, modifications or upgrades to the structural components of the facility.

Structural Maintenance Fund means a reserve fund set aside to fund the structural maintenance of the City's buildings and the replacement of any structures or improvements. The fund may also be used for capital development.

User Contribution means the cost payable by an eligible user to occupy a community facility (includes maintenance contribution and licence fee only).

Statements

- Council recognises the key contribution that sporting clubs, community groups and not-for-profit organisations make to the local community and aims to provide a range of facilities for their use, as well as use by individual community members.
- Council will ensure the level of financial contribution is based on a methodology that considers balancing cost recovery with social return in a way that is financially sustainable for Council.
- Council will acknowledge the social return achieved through the delivery of community benefits from the use of Council facilities for community purposes.
- The utilisation of Council facilities is to be considered in the context of the best approach to support or facilitate the delivery of services in a way that is efficient and minimises unnecessary cost.
- To maximise use of Council facilities, multiple users collocating under a non-exclusive shared use arrangement are preferred. However, under some circumstances Council will consider offering exclusive use of a facility to one specific user, formalised by a lease.



- Council will make its community facilities available to eligible users based on a lease, licence, exclusive licence, or facility hire arrangement, subject to evaluation and approval process.
- Council reserves the right to decide whether a particular facility (or part of a facility) is offered for use based on a lease, licence, exclusive licence or hire arrangement.
- Lease, licence, exclusive licence and facility hire arrangements impose certain obligations on landlords and tenants with respect to maintenance and upkeep, engagement and interaction with neighbours and ongoing compliance with applicable laws and regulations. The conditions of tenure will consider matters relating to obligations, costs and compliance.
- Council is committed to delivering services within its agreed budgets and financial plans and to ensure the highest possible value for money is achieved. Therefore, lease, licence, exclusive licence or facility hire arrangements will only occur where there is a budget identified and the proposed costs or revenues are in line with budgets.
- Council is committed to transparency and maintaining the highest standards so far as the use of ratepayer's funds are concerned. Therefore, Council will strictly observe and enforce its policy and procedures in relation to related-party transactions, conflict of interest and confidentiality in all its dealings regarding the leasing, licensing, exclusive licensing and hiring of facilities.

Principles

To provide consistent and equitable terms and conditions of tenure, the utilisation of Council facilities will be based on the following principles:

- Supporting local groups/clubs.
- Social return through community benefits.
- Environmental sustainability through considered future upgrade works/alterations.
- Financial sustainability through considered fiscal management.
- Equity.
- Transparency.
- Consistency.
- A healthy community.
- Strategic future of underlying land assets.

Tenure Conditions

- Occupancy agreements over the City of Nedlands facilities will be administered in a consistent and equitable manner through standard tenure conditions based on a lease, licence, exclusive licence, or facility hire arrangements.
- The standard conditions of tenure within this policy are non-negotiable terms.

Leases

Purpose

Leases are formal occupancy agreements that aim to provide Tenants with secure long-term tenure of a community facility and the right to its exclusive use.

Eligibility

- Lease proposals and renewals will be assessed against the evaluation criteria.
- The City of Nedlands may undertake a social cost-benefit analysis should a proposal for lease not achieve a cost neutral outcome.

Conditions of Tenure

A lease will be subject to the following standard conditions of tenure:

LEASE		
Term	10 years	
Further term	5 years	
Use	Community purpose	
Possession	Exclusive	
Share use venue	No	
Bond	N/A	
Maintenance inspection clause	Yes	
Change over clause	N/A	
Redevelopment clause	Yes	
Capital improvements	Permitted with prior written consent from the City of Nedlands. Approval may be withheld or subject to conditions.	
Alcohol	Prohibited without prior written consent from the City of Nedlands. Approval may be withheld or subject to conditions.	
Signage	Prohibited without prior written consent from the City of Nedlands. Approval may be withheld or subject to conditions.	
Alterations/Additions	Prohibited without prior written consent from the City of Nedlands. Approval may be withheld or subject to conditions.	
Sublease	Prohibited without prior written consent from the City of Nedlands. Approval may be withheld or subject to conditions.	
Responsibilities	Tenant	City of Nedlands
Annual maintenance contribution	✓	



Annual environmental levy	✓	
Preventative maintenance	✓	
Non-structural maintenance	✓	
		The City of Nedlands may offer to undertake structural maintenance provided the Tenant contribute to a Structural Maintenance Fund in addition to the annual maintenance contribution.
Structural maintenance	✓	
Cleaning and general presentation	✓	
Immediate surrounds	✓	
Operating costs	✓	
Utility costs and outgoings	✓	
Building insurance premium and excess	✓	
Fit-out costs	✓	
Legal costs (agreement preparation, execution & registration)	✓	
Capital upgrade costs	✓	
Public liability insurance	✓	
Contents insurance	✓	
Workers compensation (if applicable)	✓	
Building insurance		✓
Delivery of social benefits to the community	✓	
Access and security	✓	
Annual financial statements and occupancy statistics	✓	

Maintenance Contribution

- The maintenance contribution will be determined in accordance with the City of Nedlands adopted Schedule of Fees and Charges, based on a minimum cost recovery target for the subject facility to be quarantined in a Building Maintenance Contribution reserve with reference to the specific lease area in the reserve subsidiary ledger within the City's financial management system, to fund structural repairs and maintenance as determined by the City's capital works program.
- Council may consider the cost of providing the City of Nedlands community facilities portfolio as a whole; and decide on an appropriate minimum rate of cost recovery, to be implemented through the City of Nedlands leases.



Environmental Levy

- The environmental levy will be determined in accordance with the City of Nedlands adopted Schedule of Fees and Charges, based on a set fee to be quarantined in a Building Maintenance Contribution reserve with reference to the specific lease area in the reserve subsidiary ledger within the City's financial management system, to fund environmental initiatives.

Compliance

Tenants must comply with:

- all terms and conditions within their occupancy agreement including the standard conditions of tenure;
- all statutes and local laws;
- all consents, approvals, authorities, licences and permits;
- all relevant state and commonwealth law and all relevant codes;
- any obligations relating to the payment of fees and charges; and
- all orders, notices, requisitions or directions of any competent authority relating to the facility or to the business/operation the Tenant undertakes at the facility.

Approval

All leases must be approved by Council. To consider an approval the City of Nedlands must be satisfied that the use is consistent with the nature of the land and building asset and the applicant can ensure the safe and appropriate use of the facility.

Licences

Purpose

Licences are formal occupancy agreements for non-exclusive use and aim to provide Tenants with secure, medium-term tenure of a community facility that is shared with other users.

Eligibility

- Licence proposals and renewals will be assessed against the evaluation criteria.
- The City of Nedlands may undertake a social cost-benefit analysis should a proposal for licence not achieve a cost neutral outcome.

Conditions of Tenure

A licence will be subject to the following standard conditions of tenure:

LICENCE	
Term	5 years
Further term	N/A



Use	Community purpose	
Possession	Non-Exclusive	
Share use venue	Yes	
Bond	N/A	
Maintenance inspection clause	Yes	
Change over clause	Yes - Minimum 2 weeks required	
Redevelopment clause	Yes	
Capital improvements	N/A	
Alcohol	Prohibited without prior written consent from the City of Nedlands. Approval may be withheld or subject to conditions.	
Signage	Prohibited without prior written consent from the City of Nedlands. Approval may be withheld or subject to conditions.	
Alterations/Additions	Prohibited without prior written consent from the City of Nedlands. Approval may be withheld or subject to conditions.	
Sublicence	Prohibited without prior written consent from the City of Nedlands. Approval may be withheld or subject to conditions.	
Responsibilities	Tenant	City of Nedlands
Annual licence fee	✓	
Annual environmental levy	✓	
Preventative maintenance		✓
Non-structural maintenance		✓
Structural maintenance		✓
General presentation	✓	
Immediate surrounds	✓	
Cleaning		✓
Cleaning costs	✓	
Operating costs	✓	
Utility costs and outgoings (proportionate)	✓	
Building insurance premium and excess (proportionate)	✓	
Fit-out costs	✓	
Legal costs (agreement preparation & execution)	✓	
Capital upgrade costs		✓
Public liability insurance	✓	
Contents insurance	✓	
Workers compensation (if applicable)	✓	
Building insurance		✓
Delivery of social benefits to the community	✓	
Annual financial statements and occupancy statistics	✓	
Access and security	✓	
Card access set up		✓



Licence Fee

- The licence fee will be determined in accordance with the City of Nedlands adopted Schedule of Fees and Charges, based on a minimum cost recovery target for the subject facility to be quarantined in a Building Maintenance Contribution reserve with reference to the specific lease area in the reserve subsidiary ledger within the City's financial management system, to fund preventative, non-structural and structural repairs and maintenance as determined by the City's capital works program.
- Council may consider the cost of providing the City of Nedlands community facilities portfolio as a whole; and decide on an appropriate minimum rate of cost recovery, to be implemented through the City of Nedlands licences.

Environmental Levy

- The environmental levy will be determined in accordance with the City of Nedlands adopted Schedule of Fees and Charges, based on a set fee to be quarantined in a Building Maintenance Contribution reserve with reference to the specific lease area in the reserve subsidiary ledger within the City's financial management system to fund environmental initiatives.

Compliance

Tenants must comply with:

- all terms and conditions within their occupancy agreement including the standard conditions of tenure;
- all statutes and local laws;
- all consents, approvals, authorities, licences and permits;
- all relevant state and commonwealth law and all relevant codes;
- any obligations relating to the payment of fees and charges; and
- all orders, notices, requisitions or directions of any competent authority relating to the facility or to the business/operation the Tenant undertakes at the facility.

Approval

All licences must be approved by Council unless authority to approve has been formally delegated by Council to the Chief Executive Officer. To consider an approval the City of Nedlands must be satisfied that the use is consistent with the nature of the land and building asset and the applicant can ensure the safe and appropriate use of the facility.

Exclusive Licences

Purpose

Exclusive licences are formal occupancy agreements for non-exclusive use and aim to provide sporting clubs and other community-based user groups with secure, medium-term tenure of a community facility that is shared with other users on a seasonal basis.

Eligibility

- Exclusive licence proposals and renewals will be assessed against the evaluation criteria.
- The City of Nedlands may undertake a social cost-benefit analysis should a proposal for an exclusive licence not achieve a cost neutral outcome.

Conditions of Tenure

An exclusive licence will be subject to the following standard conditions of tenure:

EXCLUSIVE LICENCE		
Term	5 years	
Further term	5 years	
Use	Community purpose	
Possession	Seasonal	
Share use venue	Yes	
Bond	N/A	
Maintenance inspection clause	Yes	
Change over clause	Yes - Minimum 2 weeks required	
Redevelopment clause	Yes	
Capital improvements	N/A	
Alcohol	Prohibited without prior written consent from the City of Nedlands. Approval may be withheld or subject to conditions.	
Signage	Prohibited without prior written consent from the City of Nedlands. Approval may be withheld or subject to conditions.	
Alterations/Additions	Prohibited without prior written consent from the City of Nedlands. Approval may be withheld or subject to conditions.	
Sublicence	Prohibited without prior written consent from the City. Approval may be withheld or subject to conditions.	
Responsibilities	Tenant	City of Nedlands
Seasonal licence fee	✓	
Seasonal environmental levy	✓	
Preventative maintenance during period of occupancy	✓	
Non-structural maintenance during period of occupancy	✓	
Structural maintenance		✓
General presentation	✓	
Immediate surrounds	✓	
Cleaning		✓
Cleaning costs	✓	
Operating costs	✓	
Utility costs and outgoings (proportionate)	✓	



Building insurance premium and excess (proportionate)	✓	
Fit-out costs	✓	
Legal costs (agreement preparation & execution)	✓	
Capital upgrade costs		✓
Public liability insurance	✓	
Contents insurance	✓	
Workers compensation (if applicable)	✓	
Delivery of social benefits to the community	✓	
Annual financial statements and occupancy statistics	✓	
Access and security	✓	
Card access set up		✓

Exclusive Licence Fee

- The licence fee will be determined in accordance with the City of Nedlands adopted Schedule of Fees and Charges, based on a minimum cost recovery target for the subject facility to be quarantined in a Building Maintenance Contribution reserve with reference to the specific lease area in the reserve subsidiary ledger within the City's financial management system, to fund structural repairs and maintenance as determined by the City's capital works program.
- Council may consider the cost of providing the City of Nedlands community facilities portfolio as a whole; and decide on an appropriate minimum rate of cost recovery, to be implemented through the City of Nedlands exclusive licences.

Environmental Levy

- The environmental levy will be determined in accordance with the City of Nedlands adopted Schedule of Fees and Charges, based on a set fee to be quarantined in a Building Maintenance Contribution reserve with reference to the specific lease area in the reserve subsidiary ledger within the City's financial management system, to fund environmental initiatives.

Compliance

Tenants must comply with:

- all terms and conditions within their occupancy agreement including the standard conditions of tenure;
- all statutes and local laws;
- all consents, approvals, authorities, licences and permits;
- all relevant state and commonwealth law and all relevant codes;
- any obligations relating to the payment of fees and charges; and
- all orders, notices, requisitions or directions of any competent authority relating to the facility or to the business/operation the Tenant undertakes at the facility.



Approval

All exclusive licences must be approved by Council unless authority to approve has been formally delegated by Council to the Chief Executive Officer. To consider an approval the City of Nedlands must be satisfied that the use is consistent with the nature of the land and building asset and the applicant can ensure the safe and appropriate use of the facility.

Facility Hire

Purpose

Facility hire occupancy agreements facilitate regular or ad hoc non-exclusive use and aim to provide users with short term tenure of a community facility that is shared with other users to allow the finite resources of the City of Nedlands to be utilised appropriately.

Eligibility

Community groups and organisations, sporting clubs, individuals and businesses are all eligible to use the City of Nedlands hire facilities. However, priority will be given to the following users:

- Incorporated, not-for-profit, community organisations and sporting clubs; and
- Informal community groups.

Maximising Use

- To maximise use of its hire facilities, Council may allow bookings by individuals and businesses. However, priority for bookings may be given to community groups and organisations.
- When evaluating facility hire, consideration may be given to the appropriateness of a facility to be utilised for a particular purpose to ensure the effective control and management of the City of Nedlands community facilities through colocation opportunities.

Conditions of Tenure

A hire arrangement will be subject to the following standard conditions of tenure:

FACILITY HIRE	
Term	1 hour to 1 year
Further term	N/A
Use	Community/Commercial purpose
Possession	Non-Exclusive
Share use venue	Yes
Bond	Yes
Maintenance inspection clause	Yes



Change over clause	N/A	
Redevelopment clause	N/A	
Capital improvements	N/A	
Alcohol	Prohibited without prior written consent from the City of Nedlands. Approval may be withheld or subject to conditions. Restricted to limited facilities.	
Signage	Prohibited without prior written consent from the City of Nedlands. Approval may be withheld or subject to conditions.	
Alterations/Additions	N/A	
Sublease	N/A	
Responsibilities	Facility User	City of Nedlands
Hire fee	✓	
Preventative maintenance		✓
Non-structural maintenance		✓
Structural maintenance		✓
General presentation during period of hire	✓	
Immediate surrounds		✓
Cleaning following period of hire	✓	
Cleaning costs (if applicable)		✓
Operating costs (if applicable)	✓	
Utility costs and outgoings		✓
Building insurance premium and excess		✓
Fit-out costs	✓	
Capital upgrade costs		✓
Public liability insurance (if applicable)	✓	
Contents insurance (if applicable)	✓	
Workers compensation (if applicable)	✓	
Building insurance		✓
Access and security		✓
Card access set up		✓

Storage

In addition to facility hire arrangements the City of Nedlands provides allocated storage to regular users of community facilities. These storage areas are allocated to user groups on application to the City of Nedlands and are determined on a case-by-case basis, based on a demonstrated need. Standard fees and charges apply which are specified in the City of Nedlands Schedule of Fees and Charges.

Hire Fee

- Facility users will be charged a hire fee in accordance with the City of Nedlands adopted Schedule of Fees and Charges to off-set the cost of maintaining its community facilities.
- Commercial rates apply to facility users who occupy a community facility under a commercial arrangement.



- Council may consider the cost of providing the City of Nedlands community facilities portfolio as a whole and decide on an appropriate rate of cost recovery, to be implemented through the City of Nedlands Hall hire fees.

Compliance

Facility users must comply with:

- all terms and conditions within their occupancy agreement including the standard conditions of tenure;
- all statutes and local laws;
- all consents, approvals, authorities, licences and permits;
- all relevant state and commonwealth law and all relevant codes;
- any obligations relating to the payment of fees and charges; and
- all orders, notices, requisitions or directions of any competent authority relating to the facility or the Facility users use of the facility.

Approval

Bookings for the hire of the City of Nedlands community use facilities are approved by administrative staff with consideration to utilisation and maximising use.

Summary of Key Terms

The key terms for lease, licence, exclusive licence and hire arrangements are summarised below:

	LEASE	LICENCE	EXCLUSIVE LICENCE	HIRE
Financial Contribution				
Maintenance Contribution	Quarterly	N/A	N/A	N/A
Environmental Levy contribution	Quarterly	Annual	Annual	N/A
Licence Fee	N/A	Annual	Annual	N/A
Hire Fee	N/A	N/A	N/A	Yes
Bond	N/A	N/A	N/A	Yes
Maintenance Responsibilities				
Non-Structural	Tenant	City of Nedlands	Tenant	City of Nedlands
Preventative	Tenant	City of Nedlands	Tenant	City of Nedlands
Structural	City of Nedlands/Tenant	City of Nedlands	City of Nedlands	City of Nedlands
Cleaning	Tenant	City of Nedlands	City of Nedlands/Tenant	City of Nedlands/Facility User
Costs				
Utilities	Tenant	Tenant	Tenant	City of Nedlands
Operating	Tenant	Tenant	Tenant	Facility User
Fit Out	Tenant	Tenant	Tenant	N/A
Legal	Tenant	Tenant	Tenant	N/A
Cleaning	Tenant	Tenant	Tenant	City of Nedlands/Facility User
ESL	Tenant	Tenant	Tenant	City of Nedlands
Waste Removal	Tenant	Tenant	Tenant	City of Nedlands



Insurance				
Public Liability	Tenant	Tenant	Tenant	City of Nedlands/Facility User
Building	City of Nedlands	City of Nedlands	City of Nedlands	City of Nedlands
Contents	Tenant	Tenant	Tenant	Facility User
Workers Compensation	Tenant	Tenant	Tenant	Facility User
Term				
Initial	10 years (maximum)	5 years (maximum)	5 years (maximum)	1 year (maximum)
Further Option	5 years (maximum)	N/A	N/A	N/A
Use				
	Tenant to provide a social return for community use	Tenant to provide a social return for community use	Tenant to provide a social return for community use	Community/Commercial
Other Conditions				
Redevelopment Clause	Yes	Yes	Yes	N/A
Tenure	Exclusive	Non-Exclusive	Seasonal	Non-Exclusive
Signage	With prior written consent from City of Nedlands	With prior written consent from City of Nedlands	With prior written consent from City of Nedlands	With prior written consent from the City of Nedlands
Capital Improvements	With prior written consent from City of Nedlands	City of Nedlands	City of Nedlands	N/A

Evaluation Criteria for Leases, Licences and Exclusive Licences

- An evaluation methodology will be applied in respect of new lease, licence and exclusive licence proposals and renewals to ensure proposals are checked for completeness and compliance and are assessed against compliance and qualitative criteria.
- Meeting the eligibility criteria does not confer a right to a lease, licence, or exclusive licence. Council reserves the right to decide whether a facility is offered based on a lease, licence, or exclusive licence; and if so, to whom it is offered.

Discount

- Eligible users may apply for a discount to reduce the user contribution payable to occupy a community facility pursuant to an occupancy agreement. Applications are subject to a social cost benefit and cost effectiveness analysis that is determined against a criteria based assessment undertaken by the City of Nedlands to identify the level of social return being provided.
- Should an application for a discount be approved, a monetary value will be applied against the user contribution to offset the amount payable by the eligible user.
- Discounts are not applicable for hire arrangements.



Maintenance

The City of Nedlands facilities are managed under a decentralised model. While ownership rests with the City of Nedlands, maintenance responsibilities are predominantly determined by the type of occupancy agreement.

Preventative Maintenance

- Lease – The Tenant is responsible for all the preventative maintenance at their cost and will be required to provide a maintenance schedule and record evidencing the work has been addressed for the duration of their lease.
- Licence – The City of Nedlands is responsible for all preventative maintenance however will on-charge the carpet cleaning costs to the Tenant once yearly or as required.
- Exclusive Licence – The Tenant is responsible for all preventative maintenance excluding gutter cleaning and cleaning between Tenants. The City of Nedlands will arrange for the gutter cleaning and cleaning between Tenants then on-charge these costs to the Tenant at the end of each season for their respective occupancy periods.
- Hire – The City of Nedlands is responsible for all preventative maintenance.

		LEASE	LICENCE	EXCLUSIVE LICENCE	HIRE
Preventative Maintenance	Activities				
Mechanical Services	Air-conditioning Service	Tenant	City of Nedlands	Tenant	City of Nedlands
	Auto Doors/Gates/Roller Door Service	Tenant	City of Nedlands	Tenant	City of Nedlands
Fire Services	Extinguishers in date/operational	Tenant	City of Nedlands	Tenant	City of Nedlands
	Reels operational	Tenant	City of Nedlands	Tenant	City of Nedlands
	Hydrants operational	Tenant	City of Nedlands	Tenant	City of Nedlands
	Fire Detection/Smoke Alarms operational	Tenant	City of Nedlands	Tenant	City of Nedlands
Electrical Services	RCD and Emergency Lighting Service	Tenant	City of Nedlands	Tenant	City of Nedlands
	Fire Panel Service	Tenant	City of Nedlands	Tenant	City of Nedlands
	Alarm/Security Systems/CCTV Service	Tenant	Tenant	Tenant	Tenant
	Defibrillators	Tenant	City of Nedlands	Tenant	City of Nedlands
Hydraulic Services	Sewer Pump/Grease Trapping Service	Tenant	City of Nedlands	Tenant	City of Nedlands
	Septic System Service	Tenant	City of Nedlands	Tenant	City of Nedlands
Pest Treatment	Pest Treatment/Control Termite Inspection	Tenant Tenant	City of Nedlands City of Nedlands	Tenant Tenant	City of Nedlands City of Nedlands
Gutter Clean	Gutter Clean	Tenant	City of Nedlands	City of Nedlands	City of Nedlands



Carpet Clean	Carpet Clean	Tenant	On-charged	On-charged	City of Nedlands
Painting	External and Internal (Every 8 years or as required)	Tenant	City of Nedlands	City of Nedlands	City of Nedlands

Non-Structural Maintenance

- Lease – The Tenant will be responsible for all non-structural maintenance.
- Licence – The City of Nedlands will be responsible for all non-structural maintenance however the Tenant will be responsible for repairs, maintenance or replacements that are required because of:
 - Any damage caused by the Tenant or the Tenants Invitees;
 - The Tenants particular use or occupation of the facility; and
 - Any act, omission, default or negligence of the Tenant or the Tenants Invitees.
- Exclusive Licence – The City of Nedlands will be responsible for all non-structural maintenance however the Tenant will be responsible for repairs, maintenance or replacements that are required because of:
 - Any damage caused by the Tenant or the Tenants Invitees;
 - The Tenants particular use or occupation of the facility; and
 - Any act, omission, default or negligence of the Tenant or the Tenants Invitees.
- Hire – The City of Nedlands will be responsible for all non-structural maintenance.

Capital Improvements

Subject to approval, the City of Nedlands may undertake or oversee the project management of the capital improvements at its discretion.

Inspections

Ad-hoc inspections, including but not limited to environmental health inspections, are conducted by the City of Nedlands to ensure the facility is maintained to a safe, clean and acceptable standard. Tenants will be given notice of these inspections.

Condition Audits

Maintenance and condition audits take place on an annual basis to:

- Identify if required maintenance previously identified has been conducted.
- Identify any other maintenance defects.
- Identify any renewal items that need to be added to the City of Nedlands maintenance and capital works programs.



Renewal of Building Components

Through regular inspection, the City of Nedlands identifies renewal works with consideration to a components age and deterioration. These components are then listed for potential renewal in a works plan and then prioritised by risk in the City of Nedlands 10-year capital works plan. Generally, the City of Nedlands will replace building components when they reach a poor condition and/or are approaching the end of their useful life with consideration to target and intervention service levels.

Upgrade of Building Components

The need for new and/or upgraded components (e.g. an extension to meet a service deficiency) may be identified from several potential sources. If identified, potential projects are investigated and considered by the City of Nedlands. Where valid, projects are prioritised against other City of Nedlands commitments. Approved projects are then prioritised in the City of Nedlands 10-year capital works plan taking into consideration the City of Nedlands informing Strategies and Plans.

Operating Costs

General day to day operating activities are determined by the type of occupancy agreement. This is set out in the table below:

		LEASE	LICENCE	EXCLUSIVE LICENCE	HIRE
Operating Costs	Activities				
Insurance	Insurance - Building	On-charged	Proportion on-charged	Proportion on-charged	City of Nedlands City of Nedlands/Facility User
	Insurance - Public Liability	Tenant	Tenant	Tenant	
Utilities	Electricity/Power costs	Tenant	On-charged	On-charged	City of Nedlands
	Water consumption	Tenant	On-charged	On-charged	City of Nedlands
	Gas consumption	Tenant	On-charged	On-charged	City of Nedlands
	Internal Security	Tenant	On-charged	On-charged	City of Nedlands
	Phone/Internet charges	Tenant	On-charged	On-charged	City of Nedlands
Cleaning	General presentation and up-keep of facility	Tenant	On-charged	On-charged	City of Nedlands
	Sweeping and litter removal of surrounds	Tenant	On-charged	On-charged	City of Nedlands
	Gardens and surround (if applicable)	Tenant	On-charged	On-charged	City of Nedlands
	Windows	Tenant	On-charged	On-charged	City of Nedlands
	Waste removal	Tenant	On-charged	On-charged	City of Nedlands
	Toilet requisites/consumables/sanitary	Tenant	On-charged	On-charged	City of Nedlands
	Kitchen and oven	Tenant	On-charged	On-charged	City of Nedlands
	Flooring such as carpet steam/shampoo, tile and grout cleaning etc.	Tenant	On-charged	On-charged	City of Nedlands

Signage

- All temporary or permanent signs advertised, displayed or erected on property owned or managed by the City of Nedlands is subject to City approval being obtained and/or a Permit also issued, where required.

- Sign construction and location will be in accordance with but not limited to the following requirements:
 - Signs must:
 - be constructed of material that will not have an adverse effect on the safety or convenience of any person, movement of persons, vehicles or land;
 - be constructed in accordance with the size and dimensions approved by the City of Nedlands;
 - be placed in a location acceptable to the City of Nedlands and at least 25 metres from a signalised traffic intersection or pedestrian activated crossing, and at least 2 meters from any adjacent infrastructure or trees;
 - be placed so as to not restrict the sight distance of other signs and traffic control devices or impede the vision of a driver of a vehicle using a street;
 - comply with any disability access and inclusion requirements for the visually impaired;
 - be adequately secured;
 - all posts which support a sign must be safe, not be erected/positioned in a dangerous manner and be capped with protective covers on their ends and
 - contain clear and legible writing or symbols.
 - Signs must not:
 - cause a safety hazard to pedestrians or traffic;
 - cause an obstruction or impair any access to a person or vehicle;
 - be placed in the median strip, traffic island or attached to road furniture/infrastructure, parking pole, traffic signs or street/verge trees;
 - be illuminated, move, flash, rotate or unreasonably reflect so as to be an undue distraction to drivers;
 - be adhesive in nature or affixed to any other structure;
 - be placed as to cover any other City of Nedlands signs or markings; or
 - resemble or be reasonable mistaken by road users as a traffic control device.
- The City of Nedlands reserves the right to prohibit the display of any sponsors name or logo, if it is deemed inappropriate and/or advertising/promoting a political party.
- The number of signs advertised, displayed or erected must not exceed the number of signs approved by the City of Nedlands.
- The City acknowledges sponsorship is an important funding mechanism for many clubs and community groups. Sponsorship signage may be permitted, however sponsorship signs shall be limited to 2 signs per court or green and shall be inward



facing. For ovals, temporary sponsorship signs/banners are permitted on game days but must be removed at the end of play.

- All costs pertaining to the sign (including installation, removal and any damage caused to the City of Nedlands and other service providers assets) will be at the Tenants expense.

Crown Land

Crown land reserves may be vested to a local government by way of a management order and are generally subject to conditions. Notwithstanding a local government may have the care, control and management of the land, consent is required from the Minister for Lands prior to the disposal of a property by way of lease or licence.

Insurance and Indemnities

Insurance

- Tenants will be responsible for:
 - Taking out and maintaining public liability insurance.
 - Liability for all actions or omissions of the Tenant's employees, contractors, invitees and agents.
 - Taking out and maintaining workers compensation insurance where the Tenant employs persons.
 - Taking out and maintaining insurance for their own contents and equipment left on the Premises.
- Facility users may be responsible for taking out public liability insurance if applicable.
- The City of Nedlands is responsible for taking out and maintaining insurance against those City of Nedlands constructed buildings or structures located on the Premises. Subject to the type of occupancy agreement this cost may be on-charged to the Tenant.

Indemnity

- The Tenant will be responsible for indemnifying the City of Nedlands against all actions, claims and costs made or suffered by the City of Nedlands unless caused by the negligent or wrongful act of the City of Nedlands.

Legislative and Compliance Requirements

- Local Governments must comply with all Governing Laws.
- Where Council proposes to enter into a new lease, it must comply with section 3.58 of the *Local Government Act 1995*. Section 3.58 of the Act states that a local



government can dispose of property (including by way of lease) other than by way of public auction or public tender if, before agreeing to dispose of the property it has undertaken the public consultation process as prescribed by section 3.58(3) of the Act.

- Department agencies, charitable incorporated associations, cultural, educational, recreational, sporting and community body's or body's of other like nature are eligible for an exemption to section 3.58 of the *Local Government Act 1995* pursuant to Regulation 30 of the *Local Government (Functions and General) Regulations 1996* therefore, the disposal of land by way of lease is not required to be advertised.

WA Safety Guidelines

Where the Western Australian Government issue directions under the *Emergency Management Act 2005* and the *Public Health Act 2016* in response to the COVID-19 Pandemic or similar events, Tenants and Landlords will be required to comply with any measures/requirements prescribed within the *Emergency Management Act 2005* and the *Public Health Act 2016*. Penalties may apply should any party fail to comply with these requirements.

Related documentation

Management Practice– Use of Council Facilities for Community Purposes (not yet developed)

Council Policy – Capital Grants for Sporting Clubs

Asset Management Policy

Related Local Law/legislation

Property Law Act 1969 (WA)

Disability Services Act 1993 (WA)

Local Government Act 1995 (WA)

Local Government (Functions and General) Regulations 1996 (WA)

Land Administration Act 1997 (WA)

City of Nedlands Local Law Relating to Council Halls

Emergency Management Act 2005

Public Health Act 2016

Related delegations

Nil.

Review History

23 February 2021(CEO Report 13.1)

24 March 2015 (Report CPS07.15)



18.5 CPS13.03.24 Town of Claremont Lease – Portion of John XXIII Depot

Meeting & Date	Council – 26 March 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	No employee disclosure.
Report Author	Aleisha Smit – Land and Property Officer
Director	Michael Cole – Director Corporate Services
Attachments	Nil.

Purpose

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

Recommendation

That Council:

1. **provide in Principle support to a lease of a portion of the John XXIII Depot to the Town of Claremont;**
2. **endorse proposed key terms; and**
3. **authorise the CEO and Mayor to finalise and endorse a lease should the Town proceed with the lease offer from the City.**

Voting Requirement

Absolute Majority.

Background

The Town of Claremont currently lease a site from Western Power adjacent to the City of Nedlands Mt Claremont Depot on John XXIII Drive Mt Claremont. The Town are on a holding over lease on a month-to-month notice. While the Town has been advised that Western Power are vacating the site as it is surplus to Western Power's requirements and is seeking to hand the site back to the State Government. The Town are hoping to deal directly with the State Government to remain on their existing site.



In the event of needing to vacate their current site, the Town of Claremont has approached the City and enquired about the availability of space at the City's Mt Claremont Depot. While the Town has expressed an interest in the Western Power site, the Town needs to explore other options.

Should Council endorse this proposal, the lease would involve a defined fenced compound for Town of Claremont but with opportunities to share bulk stores, ie sand, mulch gravel etc as well as combine resources for an inventory of other materials, ie soak wells, drainage pits etc.

Discussion

The Town of Claremont are looking to occupy exclusively instead of a holding lease on a month-to-month notice and have identified a section of the City of Nedlands John XXIII Depot as suitable. Preliminary discussions between the City and Town of Claremont indicate that Mt Claremont's requirements could be accommodated within a section of the City's John XXIII Depot with some slight modifications to the layout. The proposal would have minimal impact on the City's operations from the yard.

Town of Claremont are seeking a 10-year term with a further two terms of 5 years each, subject to negotiation.

Proposed key terms are:

1. This proposal relates to Portion of Reserve 45054 (Lot 502 on Deposited Plan 73830).
2. The area to be leased by Town of Claremont (lessee) is 1,000 square metres.
3. The purpose of the Lease is for "The establishment and operation of a local government depot for the storage of plant, equipment and other materials typically stored in such a depot."
4. The rate of rentals is set at \$25,000 per annum + GST, being market rental valuation as per assessment of 25/11/22.
5. Reviews of the rate of rental are to be completed each year on the anniversary of the date of commencement of the Lease. The method of review is CPI annually and replaced by a market review every 5 years throughout the term.
6. Outgoings: Proportionate outgoings payable by Town of Claremont (water and electricity if applicable).
7. The Lease has an initial term of 10 years with two further terms of 5 years each.
8. The Commencement Date will be the date the Deed of Lease is signed by the parties as the Premises are now ready for possession by the lessee.
9. The Operating/Access hours are between 6am and 7pm Monday through Sunday. This meets with the Town's operational requirements.
10. The lessee is required to maintain public liability insurance in the amount of at least \$20,000,000.
11. The Indemnity provision remains. As such the Town of Claremont will indemnify the City of Nedlands against any liability in connection with the lease.
12. All maintenance obligations within the lease area to be undertaken by Town of Claremont.



13. With prior written consent from the City of Nedlands - Operational signs will be required for speed limit and entry conditions.
14. Vehicle movement within the depot site (outside the lease area) will be in accordance with the City of Nedlands conditions.
15. Subject to City of Nedlands Council approval – Lease will require advertising in accordance with s3.58 of the Local Government Act 1995 (2-week submission period).
16. Subject to the Minister for Lands consent.
17. Subject to the construction design being approved by the City of Nedlands Engineering Team.
18. Town of Claremont to arrange for contractors to attend safety induction training before accessing the site.
19. Annexures:
 - a. Dust management plan for the lease area to be provided by Health/Technical Services and annexed to the lease.
 - b. Section 18 Minister for Lands consent.
 - c. Contaminated Site Disclosure.
20. Contributions:
 - a. The Town of Claremont has approval for the installation of a septic tank for their toilet facility. This has not been installed. The Town would instal that unit as part of this lease agreement.

Consultation

Consultation with the Town of Claremont has occurred.

Strategic Implications

This item relates to the following elements from the City's 2023-2033 Council Plan.

Vision Sustainable and responsible for a bright future

Pillar Performance

Outcome 11. Effective leadership and governance

Budget/Financial Implications

If the Town of Claremont enters into a lease agreement with the City additional income is expected to be generated over the period of the lease.



Legislative and Policy Implications

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

Decision Implications

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

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

Conclusion

As their current lease is in a holding over lease on a month-to-month notice, the Town of Claremont have requested the use of a portion of the City's John XXIII Depot. In addition, arrangements can be put in place to share bulk stores, i.e., sand, mulch gravel etc as well as combine resources for an inventory of other materials, i.e., soak wells, drainage pits etc.

This request can be accommodated with minimal impact on the City's operations and presents an opportunity to increase revenue generation form this site.

Further Information

Nil.



18.6 CPS14.03.24 Meeting Fees – Independent Community Members

Meeting & Date	Council Meeting – 27 March 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Employee disclosure required where there is an interest in any matter of which the employee is providing advice or a report.
Report Author	Micheal Cole – Director Corporate Services
CEO	Tony Free – Acting Chief Executive Officer
Attachments	Nil

Purpose

The purpose of this report is to recommend the adoption of a meeting attendance fee payment to independent members of the community who are appointed by Council to attend Committee Meetings.

Recommendation

That Council sets a fee of \$305.00 per meeting attended to be paid to the Independent Community Members of Council appointed Committees.

Voting Requirement

Simple Majority.

Background

The Salaries and Allowances Tribunal (SAT) has determined that as from 1 January 2024 local governments may make payments to independent committee members for attending committee meetings.

An independent committee member refers to any attendee who is neither a sitting councillor nor an employee of the local government. Prior to this legislative change the Local Government Act 1995 restricted the payment of meeting attendance fees to councillors or local government employees.

This change recognises the important contribution that members of the community make to local government decision-making. The Salaries and Allowances Tribunal has determined the thresholds for the payment of meeting fees for independent committee members. For Band 2 local governments the range is \$0 to maximum of \$305 per meeting.



Discussion

The proposed fee structure aims to recognise the valuable contributions of independent community members who dedicate their time and expertise to participate in Audit and Risk Committee meetings and also the CEO Recruitment and Selection Committee. By offering compensation for their attendance and participation the City seeks to promote a happy, well-informed and engaged community as well as active engagement in local government processes. The implementation of meeting attendance fees is intended to mitigate potential barriers to participation, such as financial constraints, and encourage broader representation from all segments of the community.

Consultation

Not applicable.

Strategic Implications

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

Vision	Sustainable and responsible for a bright future
Pillar	Performance
Outcome	11. Effective leadership and governance. 12. A happy, well-informed and engaged community.

Budget/Financial Implications

The adoption of the proposed meeting attendance fee payment of \$305 per meeting for independent community members will need to be included in the 2024/25 budget for the upcoming financial year. Based on the current projections, the total amount required for this financial year will be \$1,220, with each independent member for attending four meetings. For the subsequent full financial year, the total cost is estimated to be \$2,440, as each member is expected to attend a total of eight meetings. The CEO Recruitment and Selection Committee should have completed its work this financial year.

Legislative and Policy Implications

- (1) Pursuant to section 5.100(2)(b) and (3)(b) of the LG Act, a committee member who is not an elected member or employee of the local government, who attends a committee meeting or (at the request of the local government or regional local government) a meeting of a type prescribed in regulation 30(3A) of the LG Regulations is entitled to be paid the fee set by the local government or regional local government within the



range determined in section 6.3 of this Part for attending committee meetings or, as the case requires, meetings of that type.

The Act states under s. 5.100 –

- (2) A committee member who attends a meeting of the committee is entitled to be paid —
 - (a) the fee determined for attending a committee meeting; or (b) if the local government has set a fee within the range determined for committee meeting attendance fees — that fee.

Decision Implications

Council can either endorse this recommendation to pay the maximum meeting attendance fee or a lower meeting fee. Given Elected members are paid the maximum with the band, it is only appropriate for independent community members to also be paid the maximum.

Conclusion

The adoption of a set fee payment is anticipated to enhance the effectiveness and inclusiveness of Audit and Risk Committee and also the CEO Recruitment and Selection Committee meetings by fostering greater involvement and commitment from independent community members.

Further Information

Nil.



18.7 CPS15.03.24 – 2023/24 Mid-Year Budget Review

Meeting & Date	Council Meeting – 26 March 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Employee disclosure required where there is an interest in any matter of which the employee is providing advice or a report.
Report Author	Sruthi Jayakumar Manager Financial Services
Director	Michael Cole Director Corporate Services
Attachments	1. Mid-Year Budget Review - Statement of Financial Activity as at 31 January 2024

Purpose

To present to Council the Mid-Year Budget Review for the period ending 31 January 2024, detailing budget amendments and any material variances which may impact upon the 2023-24 annual budget and provide recommendations on how to accommodate these variations.

Recommendation

That Council:

1. **adopts the 2022-23 Mid-Year Budget Review as contained within the attached; and**
2. **approves the budget amendments contained in the 2023-24 Mid-Year Budget Review.**

Voting Requirement

Absolute Majority.

Background

This is a statutory review of the budget, undertaken, in accordance with the Local Government Act 1995 and regulation 33 of the Local Government (Financial Management) Regulations 1996. The purpose of this review is to identify significant variations from the Annual Budget and to recommend any amendments that may be necessary.

Changes to the Annual Budget are required during the year, as circumstances change from when the Annual Budget was adopted by Council at the beginning of the financial year.



Amendments to the Annual Budget will ensure that tight fiscal control is maintained on the City's finances. The 2023-24 Mid-Year Budget Review for the period ending 31 January 2024 has been undertaken by the organisation and the final position consolidated by the Executive Management Team and Financial Services.

Discussion

In accordance with legislation, the City has undertaken a review of its Annual Budget and now recommends that review for adoption.

Material variances by nature or type, as defined by a previous decision of Council, from the adopted Annual Budget to the Mid-Year Review Budget for revenue and expenditure or key items are detailed below.

Opening Position

Unfavourable variance of \$687,546

The unfavourable variance was primarily due to accrued capital expenditure to 30 June 2023 being higher than estimated in the 2023/24 Annual Budget. This was offset in part by higher capital grant funding received.

Operating Activities

Rates income – Favourable Variance \$175,000

The favourable variance is due to higher than budgeted rate revenue than forecast in Rate Modelling undertaken in preparation for the Annual Budget

Fees and charges

Favourable variance of \$220,000 due to:

- a. Tresillian Art Centre - increased course bookings resulting in anticipated increased revenue of \$100,000
- b. Strategic Planning - increased income of \$50,000 due to higher number of development applications received
- c. Building Services – increased income of \$10,000 due to successful prosecution
- d. Building Services – increased income by \$60,000 from increased demand for verge material permits.
- e. Waste Services – increased income by \$160,000 from increased revenue from residential bins, multiple services, and multiple greens bins

Interest Earnings

Favourable variance of \$100,000

The favourable variance due to higher Municipal Interest due to higher interest rates

Employee costs

Unfavourable variance of \$186,833

- a. \$131,833 following redundancy costs for staff of Nedlands Community Care that ceased operations at the end of December 2023.
- b. CEO Recruitment costs \$48,000
- c. WHS new legislation \$15,000 for additional training and support



- d. Technical Services – (\$10,000) savings in Wages for weekend and after hours work no longer required

Materials and contracts

Unfavourable movement of \$282,828 primarily due to:

- a. Building Services - \$20,000 for increased in compliance activity
- b. Ranger Services - \$24,000 for increased enforcement proceedings and compliance matters
- c. Statutory Planning - \$30,000 increase in legal advice required on planning matters
- d. Technical Services - \$48,000 carried over from 2022/23 due to delay in commencement of Foreshore Management Plan due to changes in heritage legislation
- e. Technical Services - \$7,100 for contract management training
- f. Technical Services - \$33,728 for installation of parking signs in West Melvista
- g. Building Management - \$130,000 for compliance with Asbestos Register for Council buildings
- h. Technical Services - \$20,000 for additional legal advice on projects

Utility Charges

Favourable variance of \$180,000

- a. Streetlighting tariff increase lower than expected

Investing Activities

Non-operating grants, subsidies, and contributions

Favourable movement of \$187,261 due to increased MRRG for Rochdale Road.

Purchase of property, plant, and equipment

Favourable variance \$141,000 for various IT Projects as follows:

- a. \$25,000 - Azure Migration no longer required
- b. \$15,000 – Thin Client Alternative not required
- c. \$20,000 – Library Management Software no longer required
- d. \$75,000 – Customer Service Fit out not being progressed this year
- e. \$6,000 – Minor IT equipment being funded from existing operating budget

Infrastructure

Favourable movement of \$154,520 primarily due to:

- a. Smyth Road \$165,706 completion of works carried over from 2022/23 but unbudgeted for this year
- b. Swanbourne Surf Club \$31,963 – payment of late invoice for project completed in 2022/23
- c. Allen Park Cottage (\$281,968) saved – project delayed due to resourcing – transfer to Reserve for next year
- d. Monash Ave \$16,852 – Share of unplanned works by the City of Perth
- e. Broadway \$38,804 – As per Council approved Tender
- f. Allen Park Floodlight Upgrade – (\$125,877) saved as project not progressing this year.



Financing Activities

Transfer to Reserves

Unfavourable Variance due to:

- a. Transfer of Allen Park Cottage Budget \$281,968

Transfer from Reserves

Unfavourable variance of \$71,833

- a. Increase transfer from Welfare Reserve \$131,833 for NCC redundancies.
- b. Reduction in transfers from Business Systems Reserve of \$60,000 due to IT projects carried over from 2022/23 no longer required.

Consultation

All business units within the City of Nedlands have been consulted as part of the Mid-Year Review process.

Strategic Implications

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

Vision Sustainable and responsible for a bright future

Pillar Performance

Outcome 11. Effective leadership and governance.

Budget/Financial Implications

The closing 30 June 2024 position remains balanced after the budget amendments contained within this report.

At the Special Council Meeting on 31 July 2023 item CPS33.07.23, Council adopted the following thresholds for the reporting of material financial variances in the monthly statement of financial activity reports:

- a. Operating items – Greater than 10% and a value greater than \$20,000
- b. Capital items – Greater than 10% and a value greater than \$50,000 pursuant to regulation 34(5) of the Local Government (Financial Management) Regulations 1996, and Australian Accountings Standard AASB 1031 Materiality.



Legislative and Policy Implications

The Local Government Act 1995 and its regulations require a local government to review its annual budget between 1 January and 31 March each year.

Regulation 33A of the Local Government (Financial Management) Regulations 1996 requires as follows:

- 1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- 2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.
- 3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.
- 4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

*Absolute majority required

Decision Implications

It is a statutory requirement that Council endorse or reject the mid-year budget review.

Accepting the review will allow the City to progress with its service delivery across multiple operational and infrastructure areas.

Council not adopting the January 2024 Mid-Year Budget Review would affect budget allocations required for this year's projects and funding.

Conclusion

The outcome of the 2023-24 Mid-Year Budget Review remains as a nil surplus as in the Annual Budget adopted in August 2022.

It is recommended Council approves the above listed amendments for the 2023-24 Budget. The Mid-Year Budget Review for the period ending 31 January 2024 recommends budget amendments resulting in a rebalanced 2023-24 Statement of Financial Activity.

Further Information

Nil.



City of Nedlands Statement of Financial Activity

Mid Year Budget Review

By Nature or Type

For the Period 01-Jan-2024 to 31-Jan-2024

	Adopted Budget	Amended Budget	Variance Sought	Actuals to 31/1/24
Operating Activities				
Net current assets - Opening surplus/(deficit)	3,030,839	2,343,293	(687,546)	3,300,420
Revenue				
Operating grants, subsidies, and contributions	728,830	728,830	0	549,932
Fees and charges	8,245,665	8,625,665	380,000	6,759,030
Service charges	0	0	0	77,828
Interest earnings	910,824	1,060,824	150,000	657,232
Other revenue	516,045	516,045	0	85,316
Profit on disposal of assets	73,761	73,761	0	0
	10,475,125	11,005,125	530,000	8,129,337
Expenses				
Employee costs	(17,476,533)	(17,661,366)	(184,833)	(10,353,203)
Materials and contracts	(13,790,787)	(14,073,615)	(282,828)	(6,658,516)
Utility charges	(939,500)	(759,500)	180,000	(400,151)
Depreciation and amortisation	(6,537,872)	(6,537,872)	0	(2,644,530)
Insurance expenses	(536,291)	(536,291)	0	(190,343)
Interest expenses	(64,060)	(64,060)	0	(36,218)
Other expenditure	(633,138)	(633,138)	0	(511,816)
Loss on disposal of assets				
	(39,978,181)	(40,265,842)	(287,661)	(20,794,777)
Non-cash amounts excluded from operating activities	6,464,111	6,464,111		2,566,852
Amount attributable to operating activities	(20,008,106)	(20,453,313)	(445,207)	(6,798,167)
Investing Activities				
Non-operating grants, subsidies, and contributions	1,592,667	1,780,163	187,496	89,370

Proceeds from disposal of assets	351,300	351,300	0	15,455
Purchase of property, plant, and equipment	(2,007,207)	(1,866,207)	141,000	(281,614)
Purchase and construction of infrastructure	(6,239,510)	(6,084,991)	154,519	(1,109,902)
Purchase of right of use assets	(615,000)	(615,000)	0	(47,025)
Purchase of intangible assets	(1,433,632)	(1,433,632)	0	(282,730)
Amount attributable to investing activities	(8,351,382)	(7,868,367)	483,015	(1,616,446)
Financing Activities				
Repayment of borrowings	(647,117)	(647,117)	0	(412,578)
Proceeds from borrowings	0	0	0	0
Principal portion of new lease liability	(259,109)	(259,109)	0	0
Recoup from self supporting loans	15,404	15,404	0	0
Principal portion of lease liability	615,000	615,000	0	(27,434)
Transfers to reserves	(1,354,743)	(1,636,711)	(281,968)	0
Transfers from reserves	3,098,825	3,170,658	71,833	0
Amount attributable to financing activities	1,468,260	1,258,125	(210,135)	(440,012)
Surplus/(deficit) before imposition of general rates	(26,891,228)	(27,063,555)	(172,327)	(8,854,625)
Total amount raised by general rates	26,891,228	27,063,555	172,327	26,742,941
Surplus/(deficit) after imposition of general rates	0	0	0	17,888,316



19. Divisional Reports – Reports from the Audit & Risk Committee

19.1 ARC04.02.24 Review of Public Interest Disclosure Policy

Meeting & Date	Council Meeting – 26 March 2024 ARC Meeting – 20 February 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	Libby Kania Coordinator Governance and Risk
CEO	Tony Free – Acting Chief Executive Officer
Attachments	1. Public Interest Disclosure policy 2. Public Interest Disclosure Procedure (for noting)

Purpose

The purpose of this report is for the Audit and Risk Committee to consider the review of the Public Interest Disclosure Policy and if satisfied, recommend to Council confirmation of the reviewed policy without amendment.

Committee Recommendation / Recommendation

That the Audit and Risk Committee recommends that Council notes the review of the Public Interest Disclosure Policy and affirms the policy with one minor amendment as contained in Attachment 1 to this report.

Voting Requirement

Simple Majority.

Background

The City is currently working through the findings of the internal audit reports from the City's auditors, the legislative requirements of the Act and Regulations, and the findings of the OAG audit. One of the findings has been the review and updating of the City's suite of Public Interest Disclosure documents. These have not been updated since 2017 and are long overdue for review.

In September 2023, the Executive Management Team (EMT) considered and adopted the amendments to the suite of Public Interest Disclosure documents. One of these documents was the overarching Public Interest Disclosure Policy. It was recommended to



EMT that the policy be affirmed without amendment to the content of the policy. The policy is now required to be reviewed by Council. Prior to this, it is considered appropriate that the Audit and Risk Committee review the policy in order to close out another internal audit finding.

Discussion

The City is currently looking at the appropriateness and effectiveness of its governance systems to fulfil its obligations under reg. 17 of the *Local Government (Audit) Regulations 1996*.

Under the *Public Interest Disclosure Act 2003*, all local governments are required to develop and adopt internal procedures relating to their obligations under the Act, ensure that they comply with the Act, and designate a specified position within the local government as the person responsible for receiving disclosures of public interest information.

To facilitate the obligation on local governments under s. 23 of the Act, the governing authority dealing with public interest disclosures, the Public Sector Commission, produced a suite of template documents. The City's current policy and internal procedures are taken from these template documents.

Review by EMT of the current Council Policy determined that the policy was relevant and corresponded with the current PSC template. As a consequence, it was considered appropriate to reaffirm the policy without amendment so that it did not deviate from the template and ensured consistency and certainty across the sector. Since EMT affirmed the policy, Council adopted the Council Plan 2023 - 2033. As a consequence, the KRA mentioned in the Policy has been deleted and the document control box added to the policy that refers to the Council Plan 2023 - 2033.

The amendments proposed to the internal procedures, and which have been included in this report for the Committee's noting, are simply to align the procedures with the current PSC template. This is to ensure consistency with the PSC. The internal procedures have been approved by EMT.

Consultation

The suite of PID documents were presented to EMT in September for that body's noting and adoption.

Strategic Implications

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



Vision Sustainable and responsible for a bright future

Pillar Performance

Outcome 11. Effective leadership and governance.

Budget/Financial Implications

Nil.

Legislative and Policy Implications

[Local Government Act 1995](#) section 2.7 – Role of Council.

[Local Government \(Audit\) Regulations 1996](#)

Regulation 17 CEO to review certain systems and procedures

- (1) The CEO is to review the appropriateness and effectiveness of a local government's systems and procedures in relation to —
 - (a) risk management; and
 - (b) internal control; and
 - (c) legislative compliance.
- (2) The review may relate to any or all of the matters referred to in sub regulation (1)(a), (b) and (c), but each of those matters is to be the subject of a review not less than once in every 3 financial years.
- (3) The CEO is to report to the audit committee the results of that review.

[Public Interest Disclosure Act 2003](#) – section 23.

Decision Implications

Failure to review Council policies leaves the City at risk of a framework that is ineffective and possibly outdated or inconsistent with the current legislative framework. Regular review of policies ensures that they are updated and align with the requirements of the Act and regulations.

Conclusion

The Committee is required to consider the Policy review and if satisfied, recommend to Council, affirmation of the policy.



Further Information

Nil.

Public Interest Disclosure

KFA ~~Governance and Civic Leadership~~

Status Council

Responsible Division Office of the Chief Executive Officer

Objective The *Public Interest Disclosure Act 2003* encourages people to come forward with information about wrong-doing without fear of reprisal. This policy aims to ensure that elected members and staff are supported under the *Public Interest Disclosure Act 2003*.

Context

The *Public Interest Disclosure Act 2003* (the Act) enables people to make disclosures about wrong-doing within the State public sector, local government and public universities without fear of reprisal.

The Act aims to ensure openness and accountability in government by encouraging people to make disclosures and protecting them when they do.

Making a disclosure or 'whistleblowing' is a serious matter and in many cases it will take courage and trust for people holding information to come forward.

Section 23 of the *Public Interest Disclosure Act 2003* requires the Chief Executive Officer to:

- Designate the occupant of a specified position with the City as the person responsible for receiving disclosures of public interest information.
- Ensure that the City complies with the Act.
- Prepare and publish internal procedures relating to the City's obligations under the Act.

Statement

The *Public Interest Disclosure Act 2003* facilitates the disclosure of public interest information and provides protection for those who make disclosures or are the subject of disclosures.

To ensure that elected members and staff are supported under the *Public Interest Disclosure Act 2003*, the City of Nedlands:



- Does not tolerate corrupt or other improper conduct, including mismanagement of community resources, in the exercise of the public functions of the City of Nedlands and its elected members, officers, employees and contractors.
- Is committed to the aims and objectives of the *Public Interest Disclosure Act 2003*, recognising the value and importance of contributions by elected members and staff to enhance administrative and management practices.
- Strongly supports disclosures being made by staff regarding corrupt or other improper conduct.
- Will take all reasonable steps to provide protection to elected members and staff from any detrimental action in reprisal from making a public interest disclosure.
- Does not tolerate any of its elected members, officers, employees or contractors engaging in acts of victimisation or reprisal against those who make public interest disclosures.

Document Control box			
Document Responsibilities:			
Owner:	Chief Executive Officer	Owner Business Unit:	Office of the Chief Executive Officer
Inception Date:	24 August 2010 (Report CM21.10)	Decision Maker:	Council
Review Date:	Biennial 28 March 2017 (Report CPS04.17) 10 December 2013 (Report CPS40.13)	Repeal and Replace:	N/A
Compliance Requirements:			
Legislation:	<i>Public Interest Disclosure Act 2003</i> Information Statement Public Interest Disclosure Procedure		
Delegation:	Nil.		
Council Plan 2023 - 2033	Pillar – Performance Outcome – Effective leadership and governance		

Public Interest Disclosure

Responsible Division Office of the Chief Executive Officer

Procedure Intention

To recognise the value and importance of contributions made by employees to enhance administrative and management practices and strongly support disclosures being made by employees as to corrupt or other improper conduct.

Procedure

The City of Nedlands (the City) does not tolerate corrupt or other improper conduct.

The City of Nedlands is committed to the aims and objectives of the *Public Interest Disclosure Act 2003* (PID Act). The PID Act recognises the value and importance of reporting as a means to identify and address wrongdoing.

The City strongly supports disclosures being made by employees about corrupt or other improper conduct. The City also strongly support contractors and members of the community making disclosures about corrupt or improper conduct.

The City does not tolerate any of its employees, contractors or subcontractors taking reprisal action against anyone who makes or proposes to make a public interest disclosure.

The City will take all reasonable steps to protect employees from any detrimental action in reprisal for the making of a public interest disclosure.

The commitment to effectively manage public interest disclosures extends to a proper authority of the City. The persons responsible for receiving disclosures of public interest information designated under s. 23(1)(a) of the PID Act will abide by the PID Code of conduct and integrity in performing their duties.

The City is also committed to responding to the disclosure thoroughly and impartially. We will treat all people in the disclosure process fairly, including those who may be the subject of a disclosure.

The City will provide as much information as possible to people considering making a public interest disclosure. These internal procedures are accessible to all employees and contractors. Copies are available from the designated person appointed as the proper authority (PID Officer) and will be kept on the intranet.

General information about public interest disclosures and how the City of Nedlands will manage a disclosure is available for external clients and members of the community on the City's website - [Home » City of Nedlands](#).

While these procedures focus on public interest disclosures, we are committed to dealing with all reports of suspected wrongdoing. We encourage people to report, if they witness any such behaviour. The City will consider each matter under the appropriate reporting pathway and make every attempt to protect staff members making reports from any reprisals.



Purpose of the internal procedure

These procedures outline how the City will meet their obligations under the PID Act. They cover the roles and responsibilities of the designated proper authority in accordance with s. 23(1)(a) and s. 5(3)(h) referred to in this document as the PID Officer, the discloser and the subject of the disclosure.

The procedures are to be read in conjunction with the PID Act and *Public Interest Disclosure Regulations 2003*.

Scope and application of internal procedure

These procedures apply to all people involved in the public interest disclosure process, including the Chief Executive Officer, PID Officer(s), employees of the City and/or any person making a public interest disclosure and any subject(s) of a disclosure.

These procedures should be read in conjunction with:

- *Public Interest Disclosure Act 2003*
- *Public Interest Disclosure Regulations 2003*
- City of Nedlands Employee Code of Conduct;
- City of Nedlands Code of Conduct for Council Members, Committee Members and Candidates; and
- City of Nedlands Public Interest Disclosure Policy.

The behaviour of all employees involved in the public interest disclosure process must accord with the City's Employee Code of Conduct at all times. A breach of the Employee Code of Conduct may result in disciplinary action.

Overview of roles and responsibilities of parties involved in the disclosure process at City of Nedlands

Person / Role	Responsibilities
Principal executive officer (s. 23) (in City of Nedlands, the Chief Executive Officer)	<ul style="list-style-type: none"> • Designates the occupant of a specified position (a PID Officer) to receive public interest disclosures related to City of Nedlands (s. 23(1)(a). • Provides protection from detrimental action or the threat of detrimental action for any employee of City of Nedlands who makes a public interest disclosure (s. 23(1)(b)). • Ensures City of Nedlands complies with the PID Act, and the code of conduct and integrity established by the Public Sector Commissioner (ss. 23(1)(c) and (d)). • Prepares and publishes internal procedures, consistent with those prepared by the Public Sector Commission, detailing how City of Nedlands will meet its obligations under the PID Act (s. 23(1)(e)). • Provides information (s. 23(1)(f)) to the Public Sector Commissioner on the: <ul style="list-style-type: none"> o number of disclosures received by City of Nedlands

	<ul style="list-style-type: none"> o results of any investigations conducted as a result of the disclosures. o action, if any taken, as a result of each disclosure – any matters as prescribed. • May have a role in enabling an investigation to be undertaken or taking disciplinary action against individuals under functions and powers separately from the PID Act.
The Proper Authority (s. 5(3), s. 7 and s. 18) or PID Officer (s. 23(1)(a))	<ul style="list-style-type: none"> • As is designated by ss. 5(3)(a-g) or by the Chief Executive Officer of City of Nedlands, under s. 23(1)(a) the PID Officer is to receive disclosures related to City of Nedlands. • Provides information to potential disclosers about their rights and responsibilities consistent with the Code of conduct and integrity established under s. 20(1). • Receives and manages public interest disclosures in accordance with the PID Act (s. 5(3)). • Notifies the discloser within three months of the disclosure being made about what action is planned in dealing with the disclosure (s. 10(1)). • Where appropriate, investigates, or causes an investigation of, the matters in the disclosures (s. 8(1)). • Where appropriate, provides information to subjects of a disclosure about their rights, responsibilities, duties and potential offences (s. 9(2), s. 14, s. 15, s. 16 and s. 24). • Where appropriate, takes such action as is necessary and reasonable, within their functions and powers in accordance with s. 9. • Maintains confidentiality of the identity of the discloser and subject(s) of disclosures, in accordance with the requirements of the PID Act (s. 11 and s. 16). • Provides progress reports where requested and a final report to the discloser in accordance with s. 10. • Creates and maintains proper and secure records in relation to the disclosures in accordance with the Code of conduct and integrity established under s. 20(1) and the <i>State Records Act 2000</i>. • Completes a PID Register for each disclosure lodged (s. 23(1)(f)). • Acts in accordance with the rules of natural justice (s. 9(2) and s. 16(1)(b)). • Acts in accordance with the code of conduct and integrity established by the Public Sector Commissioner (s. 20(1)) and any authority-specific code of conduct established separately from the PID Act.
The discloser	<ul style="list-style-type: none"> • Makes a public interest disclosure to a proper authority or our PID Officer if the matter relates to the City of Nedlands (s. 5(1)). • Believes on reasonable grounds the information in their disclosure is, or may be, true (s. 5(2)) • Does not disclose information subject to legal professional privilege (s. 5(6)).

	<ul style="list-style-type: none"> • Does not knowingly and recklessly make a false or misleading disclosure (s. 24(1)). • Maintains confidentiality of the information disclosed and the identity of the person(s) to whom the information relates, in accordance with the requirements of the PID Act (s. 16 and s. 17(1)(b)). • Assists any person investigating the matter to which the disclosure relates by supplying the person with any information requested (s. 17(1)(a)).
The subject of the disclosure (person about whom disclosure is made)	<ul style="list-style-type: none"> • Is afforded the opportunity to make a submission, either orally or in writing, in relation to the matter before preventative or disciplinary action is taken (s. 9(2)). • Maintains confidentiality of the identity of the discloser, in accordance with the requirements of the PID Act (s. 16(1)). • Is to be treated in accordance with the rules of natural justice (s. 16(1)(b)). • Does not take or threaten to take detrimental action (defined in s. 3) against a person because they have made or intend to make a disclosure (s. 14(1)). • Does not incite another person to take detrimental action against another because they have made or intend to make a disclosure (s. 14(2)). • Does not commit an act of victimisation by taking or threatening to take detrimental action against the person making or intending to make a disclosure (s. 15(1)).
An investigating officer	<ul style="list-style-type: none"> • May investigate matters of public interest information on behalf of a proper authority of the City of Nedlands, in accordance with the terms of reference given to them. • Maintains confidentiality of the identity of the disclosure and any persons subject to the disclosure, in accordance with s. 16. • Makes, and keeps secure, comprehensive records of any investigation undertaken.

Managing public interest disclosures

The following procedures describe how the City will manage the public interest disclosure process.

Overarching requirements of the *Public Interest Disclosure Act 2003*

The PID Act has some overarching requirements for handling disclosures. These requirements separate the public interest disclosure process from other reporting or complaint handling processes. The PID Act does not, however, displace the notification or reporting requirements of the *Corruption, Crime and Misconduct Act 2003*, which are paramount. The following section outlines how we will meet these requirements, as well as expectations of you, as a discloser, and any subject(s) of your disclosure.

What is 'public interest information'?



The PID Act only applies to disclosures of public interest information (defined in s. 3). Public interest information means information that:

- relates to the performance of a public function by a public authority, public officer or public sector contractor (either before or after the commencement of the PID Act); and
- shows or tends to show that a public authority, a public officer, or a public sector contractor is, has been or proposes to be involved in
 - o improper conduct or
 - o an act or omission that constitutes an offence under a written (State) law or
 - o substantial unauthorised or irregular use of, or substantial mismanagement of, public resources or
 - o an act done or omission that involves a substantial and specific risk of
 - injury to public health or
 - prejudice to public safety or
 - harm to the environment or
 - o a matter of administration that can be investigated under section 14 of the *Parliamentary Commissioner Act 1971* by the Parliamentary Commissioner (Ombudsman Western Australia).

Confidentiality

Maintaining confidentiality is an important part of managing a disclosure. The confidentiality requirements of the PID Act (s. 16) not only protects the discloser, but also any other people affected by the disclosure.

The confidentiality requirements do not apply to all information in a disclosure, although, we are committed to maintaining confidentiality around:

- any information that may identify the discloser or any person who may be the subject of a disclosure, including the fact a disclosure has been made; and
- information relating to a disclosure that, if known, may cause detriment.

Throughout the disclosure process and after its completion, the PID Act provides for the discloser's identity and the identity of any persons, that is, any subject of the disclosure to be kept confidential, except in certain circumstances. Disclosing information which might identify, or tend to identify the disclosers s. 16(1)) or any person, that is, the subject(s) (s. 16(3)) of your disclosure, except in accordance with the PID Act, is an offence punishable with a penalty of a \$24 000 fine or imprisonment for two years

Confidentiality regarding the discloser

Maintaining confidentiality is an important part of protecting the discloser, from any detrimental action in reprisal for making or intending to make a disclosure.

If the discloser consents to having their identity revealed to assist us in dealing with the disclosure, our PID Officer will record this using the [Consent to disclosure of identifying information form](#).

Sometimes the City may need to identify the discloser, without the discloser's consent s. 16(1)(b)-(f) but only where:

- it is necessary to do so having regard to the rules of natural justice; or



- it is necessary to do so to enable the matter to be investigated effectively; or
- as ordered by a court or any other person or body having authority to hear, receive or examine evidence; or
- as required by ss.152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

Before the City identifies the discloser for any of the reasons above, the PID Officer will take all reasonable steps to inform the discloser that this will happen and the reasons why. The PID Officer will use the Notification of disclosure of identifying information form to do this. If the City needs to provide information about the identity of the discloser to another person for the reasons above, the PID Officer will inform the other person that further disclosure to a third person may put them at risk of committing an offence.

The PID Officer will also consider whether it is necessary to inform any external investigator about the identity of the discloser. Where it is necessary to provide this identifying information, the PID Officer will notify as described above.

Confidentiality plan

Although a formalised confidentiality plan is not required under the PID Act, the development of such a plan is considered good practice. Open and effective communication with the discloser will build rapport and trust and, once established, will enable collaboration particularly when difficult decision points are encountered.

If your confidentiality cannot be maintained, we will develop a plan to support and protect you from any potential risks of detrimental action. You will be involved in developing this plan.

Confidentiality regarding the person, that is, the subject of the disclosure

The subject of a disclosure may consent to having their identity revealed to assist with the disclosure process s. 16(3)(a). The PID Officer will use the Consent to disclosure of identifying information form to record this.

Additionally, the City may need to reveal identifying information about the subject(s) of a disclosure without their consent, ss. 16(3)(b)-(g) where:

- it is necessary to do so to enable the matter to be investigated effectively;
- it is necessary to do so in the course of taking action under s. 9;
- there are reasonable grounds to believe that it is necessary to prevent or minimise the risk of injury to any person or damage to any property;
- ordered by a court or any other person or body having authority to hear, receive or examine evidence; or
- required by ss. 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

There is no obligation to advise the subject of a disclosure that identifying information will be released.

Protections



The PID Act provides a range of protections for disclosers (Part 3). It also requires that the Chief Executive Officer provides protection for any employees who make disclosures (s. 23(1(b))).

The City is committed to ensuring that no detrimental action, including workplace reprisals by managers or other employees, occurs as a result of a person making a disclosure. If any of the above does occur, the discloser can request that the City take action to protect them. Tell the PID Officer who is handling the disclosure immediately.

The PID Act also provides that the discloser may lose the protections provided in s. 13 in some circumstances, including where they on-disclose information or fail, without reasonable excuse, to assist any person investigating the matters of the disclosure.

Notification requirements

The PID Officer will ensure that the City completes all reporting in accordance with the legislative and administrative requirements of the PID Act.

Provided it is not an anonymous disclosure, the PID Officer will provide the following reports:

- within three months of making a disclosure, the action taken, or propose to take, in relation to the disclosure (s. 10(1)); and
- when the disclosure process has concluded, the outcome of the investigation and the reasons for taking any action following the investigation (s. 10(4)).

The PID Officer may also provide a progress report during any investigation, either on their initiative or upon your request (ss. 10(2) and (3)).

The PID Officer has some limits on what they can include in their reports. Section 11 prevents provision of information that would be likely to adversely affect:

- any person's safety s(1)(a); or
- the investigation of an offence or possible offences s(1)(b); or
- confidentiality as to the existence or identity of any other person who made a public interest disclosure s(1)(c).

The PID Officer is also prevented from giving any information they must not disclose under ss. 151, 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

Record keeping

During the investigation our PID Officer may make comprehensive and contemporaneous records of any discussions and interviews. These records along with any other documentation or files relating to the disclosure, whether paper or electronic, will be stored securely and only accessed by authorised persons.

PID Register



To assist with annual reporting to the Public Sector Commissioner we will maintain a public interest disclosure register. We will assign a unique register number to each disclosure and record key information about your disclosure, any investigation and the outcome in the public interest disclosure register. This register (paper and/or electronic) is kept strictly confidential and maintained in a secure location.

How to make a public interest disclosure

1. Before you make a disclosure

The City strongly encourages anyone thinking about making a public interest disclosure to seek advice from the PID Officer ('proper authority') before they do. A disclosure must be made to a proper authority for it to be covered by the PID Act.

A number of other requirements apply to the discloser, so it is important to understand the rights and responsibilities in the process. This information is outlined generally in 'Don't be afraid to speak up', available from the Public Sector Commission website at www.publicsector.wa.gov.au.

At the City the occupant(s) of the following designated position(s) are specified with the authority as the person(s) responsible for receiving disclosures of public interest information in accordance with s. 23(1)(a). For the purposes of this procedure a PID Officer(s) is the proper authority designated under s. 5(3)(h) for dealing with information that falls within the sphere of responsibility for the City.

Their names and contact details are:

Position	Name of PID Officer	Contact details
Director Corporate Services	Michael Cole	(08) 9273 3500 Mcole@nedlands.wa.gov.au PO BOX 9 NEDLANDS WA 6909
Manager Health and Compliance	Andrew Melville JP	(08) 9273 3500 Amelville@nedlands.wa.gov.au PO BOX 9 NEDLANDS WA 6909
Manager Human Resources	Shelley Mettam	(08) 9273 3500 Smettam@nedlands.wa.gov.au PO BOX 9 NEDLANDS WA 6909

Initial discussions between the discloser and the PID Officer should be general in nature and should not discuss the specific details of the disclosure until the discloser understands their rights and responsibilities under the PID Act. The PID Officer will also let the discloser know that they need to make the disclosure voluntarily and consciously – the City will never force a person to make a disclosure. This is because they cannot withdraw the disclosure once it is made. Once the City receives your disclosure, the PID Officer is obliged to take action and the City may continue to look into the matters within the disclosure irrespective of the continued approval.

These initial discussions with the PID Officer may help in deciding whether to make a public interest disclosure and also enable the PID Officer to ascertain if the information would be



covered by the PID Act. If the information appears not to be the type covered by the PID Act, the PID Officer will discuss other mechanisms through which issues may be made, for example, the general complaints or grievance resolution process.

The PID Officer will be able to provide more detailed information about the City's disclosure process and what people can expect from it.

General information about the disclosure process is also available by contacting the Public Sector Commission Advisory Line on (08) 6552 8888 (or 1800 676 607 for country callers).

What is 'sphere of responsibility'?

Under s. 5(3)(h) the PID Officer for an authority can receive information relating to a matter which falls within the 'sphere of responsibility' for their public authority. 'Sphere of responsibility' is not defined in the PID Act but may include:

- matters that relate to the City; or
- a public officer or public sector contractor of the City; or
- a matter or person that the City has a function or power to investigate.

The proper authority to which the disclosure needs to be made depends on the type of disclosure information. Where the information is outside of the PID Officer's sphere of responsibility, it may need to be made to another proper authority for it to be considered as a public interest disclosure and for the discloser to receive the protections of the PID Act. A list of proper authorities and the information they can receive is covered in *'Don't be afraid to speak up'*.

Proper authority

To be covered under the PID Act and for the protections of the PID Act to apply, a public interest disclosure must be made to a proper authority. The proper authority for a disclosure will depend on the information or 'matter' in the disclosure. In some cases, a public interest disclosure may be made to an external 'named' proper authority, as outlined in s. 5(3).

In these named authorities, a broader range of officers may require training to receive public interest disclosures.

Named authority

If the authority is an authority named in the PID Act, the PEO also needs to appoint a PID Officer to deal with information relating to the authority (as per s. 5(3)).

2. Making the disclosure

A discloser needs to clearly identify that they are making a public interest disclosure. For the purposes of accountability and certainty, persons wishing to make a disclosure of public interest information under the PID Act are encouraged to do so in writing.

The City must accept anonymous disclosures, but if a discloser decides to make an anonymous disclosure, they should understand that it may be more difficult for the PID Officer to investigate or take action about the disclosure. This is because they cannot come back to



seek any further information. The City is also not required to provide any reports about the progress or final outcome of the disclosure, if the discloser chooses to remain anonymous.

An anonymous disclosure may not prevent the discloser from being identified during an investigation. Additionally, if the PID Officer does not know who made the disclosure, it will be difficult for them to ensure the discloser is protected and to prevent any reprisal or detrimental action.

3. Determining whether your matter is an appropriate disclosure

Once the PID Officer has received the disclosure they will assess whether it meets the requirements under the PID Act. It may be that the PID Officer undertakes initial inquiries and decides not to take the matter any further, as it does not constitute an appropriate public interest disclosure.

If the disclosure is not one to which the PID Act applies, the PID Officer will let the discloser know the reasons for their decision (unless an anonymous disclosure is made) and make proper and adequate records about it. Some matters raised within the disclosure may not be matters to which the PID Act applies and the PID Officer may discuss with the discloser other pathways to report these matters.

If the disclosure is one to which the PID Act applies, the PID Officer will ensure proper and adequate records are made and will communicate with the discloser further, unless it is an anonymous disclosure.

The PID Officer will notify the discloser within three months about what the City plans to do in dealing with the disclosure, unless it is an anonymous disclosure.

4. Determining whether your public interest disclosure will be investigated

After assessing the disclosure as one to which the PID Act applies, the PID Officer will consider whether it will be investigated, guided by the requirements in s. 8. The reasons a PID Officer may not investigate the disclosure include:

- the matter is trivial;
- the disclosure is vexatious or frivolous;
- there is no reasonable prospect of obtaining sufficient evidence due to the time that has elapsed since the matter(s) occurred; or
- the matter is being or has been adequately or properly investigated by another proper authority, s. 5(3).

The PID Officer will make proper and adequate records of their decision and reasons about whether to investigate or not.

5. Referring public interest matters

Where the PID Officer assesses the disclosure as one to which the PID Act applies, but they do not have the functions or power to investigate one or more matters within the disclosure, they will refer the information to the appropriate authority for investigation as provided for under the PID Act. Alternatively, a discloser may also be able to make a disclosure directly to this new authority, if they wish to receive reports from them about the disclosure. For example,



the PID Officer may need to refer an allegation of an offence supported by evidence to the Western Australia Police for investigation.

6. Investigating the disclosure

The PID Officer will investigate, or cause to be investigated, any matters in the disclosure within the sphere of responsibility. The PID Officer may cause the disclosure to be investigated by engaging a suitably skilled staff member within the City or an externally contracted investigator.

If causing the disclosure to be investigated, the PID Officer will ensure that the person undertaking the investigation understands the requirements of the PID Act, in particular the confidentiality requirements and protections for disclosers. The PID Officer will only provide the name of the discloser and that of the subject of the disclosure to the investigator in accordance with s. 16 of the PID Act.

When investigating the disclosure, the PID Officer or investigator is limited by the functions and powers derived from our operating legislation. The PID Act does not provide for any additional investigative powers.

Employees are expected to cooperate with any investigation into the disclosure to maintain the protections under the PID Act. A discloser is also expected to act in accordance with our Code of conduct at all times.

Employees who are the subject of the disclosure can clarify the process and what to expect with the PID Officer.

The PID Officer may also decide to discontinue an investigation, in accordance with s. 8(2). If this happens, they will give the discloser reasons for their decision in accordance with s. 8(3), unless they made an anonymous disclosure. The PID Officer may also notify any subject(s) of the disclosure, if they discontinue the investigation.

To ensure the disclosure is adequately and properly investigated the PID Officer, or other investigator, will be guided by the procedures below.

Typical procedures for an investigation

In conducting an investigation, typical steps may include:

- developing the terms of reference for the investigation, clarifying the key issues in the disclosure;
- ensuring the objectives of the investigation include
 - collecting and collating information related to the disclosure,
 - considering the information collected, and
 - drawing conclusions objectively and impartially;
- specifying a date by which the investigation should be completed and a report provided to the discloser about the final outcome, bearing in mind that the discloser may be able to disclose to a journalist if
 - the PID Officer does not notify the discloser within three months of them making their disclosure about how they plan to deal with the disclosure,



- the PID Officer discontinues an investigation,
- the PID Officer does not complete the investigation within six months; or
- the PID Officer does not provide a final report to the discloser about the outcome and any action taken, including the reasons for that action;
- informing the subject of the disclosure about their rights and obligations under the PID Act, the PID Officer's code of conduct and integrity, any agency code of conduct and the law;
- maintaining procedural fairness for the person who is the subject of the disclosure;
- the investigator making contemporaneous notes of discussions and interviews and, where practicable and appropriate, recording discussions and interviews on audio or videotape (ensuring people are made aware they are being recorded);
- ensuring strict security to maintain the confidentiality requirements of the PID Act.

What are the responsibilities for those that are the subject of a disclosure?

A subject of a disclosure is a person of interest about whom an allegation of a public interest disclosure has been made.

The City will treat the person fairly and impartially throughout the process, and inform them of their rights and obligations. The City will generally keep the parties involved informed during any investigation, although the City cannot release any information to the person that may prejudice the investigation. As an employee it is expected that they will act in accordance with the Code of conduct at all times.

The PID Act provides the person with some rights and obligations as a person subject to a disclosure. Firstly, the subject has a right to have their identity kept confidential under s. 16(3), unless one of the following conditions apply:

- consent is given to identity being disclosed;
- it is necessary to enable the matter to be investigated effectively;
- it is necessary to do so in taking action within s. 9;
- there are reasonable grounds to believe that it is necessary to prevent or minimise the risk of injury to any person or damage to any property;
- is made in accordance with a court order or other body having authority to hear evidence; or
- it is made in accordance with ss. 152 or 153 of the *Corruption, Crime and Misconduct Act 2003*.

The City will also provide appropriate natural justice. This means that, before any disciplinary or other action against the person under s. 9 is taken, the City will give the opportunity to:

- be informed of the substance of the allegations; and
- make a submission either verbally or in writing in relation to the matter.

The subject of a disclosure, must not identify or tend to identify the identity of the discloser or a person who they think might be the discloser, as they also have rights to confidentiality under the PID Act. It is an offence under s. 16 to identify or tend to identify any person who has made a disclosure under the PID Act.

Also, there must not be engagement in reprisal action, threatening anyone with reprisal action or having someone else conduct this action on their behalf because someone has made, or intends to make, a disclosure. It is still an offence to conduct this action against any person



believed to have made the disclosure even if they were not the individual who actually made the disclosure. This is an offence under s. 14(1) of the PID Act.

7. Taking the action

The PID Officer will take action where they form the opinion that a person may be, may have been or may in the future be involved in conduct which may be the subject of a public interest disclosure. Usually, the PID Officer will form this opinion at the conclusion of an investigation, although there may be instances where they need to take immediate action and the PID Act enables them to do this.

Action the PID Officer may take under s. 9 includes, but is not limited to:

- preventing the matter disclosed from continuing or occurring;
- referring the matter to the Western Australia Police or other appropriate body; or
- taking disciplinary action against a person responsible for the matter.

The options above are not mutually exclusive. The PID Officer may take more than one action depending on the circumstances. For example, the PID Officer may seek to terminate the employment of an employee caught stealing and refer the matter to the Western Australia Police.

In taking action the PID Officer and/or the City is limited by the powers and functions derived from their operating legislation. The PID Act does not provide for any additional powers to take action. The City is also guided by what is necessary and reasonable in the circumstances.

Before taking any action the City will give the person against whom the action is to be taken (the subject of the disclosure) an opportunity to respond, either verbally or in writing, to ensure procedural fairness.

Confidentiality and record keeping when taking action

The City will maintain confidentiality in accordance with the PID Act when taking action.

The PID Officer will keep appropriate records about any action taken, as well as recording a summary of this action in the public interest disclosure register.

8. After the public interest disclosure process has been finalised

The PID Act places no further obligations on the City or its PID Officers after the disclosure process is complete. The confidentiality requirements of the PID Act, however, continue to apply to all people involved with the disclosure.

The PID Act does not provide for the appeal of the outcome of the disclosure process, however another disclosure may be able to be made to another proper authority, if the information relates to their functions or sphere of responsibility (s. 5). See *Don't be afraid to speak up* (PSC Publication) for the correct proper authority for disclosures.

However, this 'new' proper authority may be able to decline to investigate the disclosure under s. 8, if they consider the matter(s) has already been properly or adequately investigated (as a public interest disclosure).



9. Making a disclosure to a journalist

The PID Act provides for certain circumstances where a discloser may be able to make a protected disclosure to a journalist s. 7A(d). These circumstances apply where the discloser has first made a disclosure to the PID Officer or another proper authority named in the PID Act (outlined in s. 5 or Don't be afraid to speak up).

Importantly, the PID Act states that to attract the privileges and protections of the PID Act when disclosing to a journalist, the discloser must disclose information that is substantially the same as what was disclosed in the original disclosure and the PID Officer that received the original disclosure:

- did not notify the discloser within three months of making the disclosure about actions they propose to take or have already taken; or
- refused to investigate, or discontinued the investigation of, a matter raised in the disclosure; or
- did not complete an investigation within six months of the discloser making the disclosure; or
- completed an investigation but did not recommend that action be taken; or
- did not provide the discloser with a report stating the outcome of any investigation or any action proposed or taken and the reasons for those actions.

The City is committed to ensuring the provision of the notifications required under the PID Act and that the discloser understands the reasons for decisions and actions. If a discloser is considering making a disclosure to a journalist because they believe their circumstances meet one or more of the requirements outlined above, the City would encourage the discloser to discuss this with the PID Officer prior to disclosure to a journalist.

It is also recommended that the discloser seek their own legal advice before taking any action in relation to matters that have been disclosed under the PID Act.

If a discloser makes an anonymous disclosure they may not be able to demonstrate they meet the above requirements and the City are not obliged to provide the discloser with any notifications about what happens to the disclosure.

10. Contact details and further information

For further information, contact:

Position	Name of PID Officer	Contact details
Director Corporate Services	Michael Cole	(08) 9273 3500 Mcole@nedlands.wa.gov.au PO BOX 9 NEDLANDS WA 6909
Manager Health and Compliance	Andrew Melville JP	(08) 9273 3500 Amelville@nedlands.wa.gov.au PO BOX 9 NEDLANDS WA 6909
Manager Human Resources	Shelley Mettam	(08) 9273 3500 Smettam@nedlands.wa.gov.au PO BOX 9 NEDLANDS WA 6909



Or visit the Public Sector Commission's website: www.publicsector.wa.gov.au

All references to sections (that is, 's' and 'ss.') in these procedures relate to the PID Act, unless stated otherwise.

Related documentation

Public Interest Disclosure Policy

Related Local Law / Legislation

Public Interest Disclosure Act 2003

Related delegation

Nil

Review History

Amendments to Procedure Approved by EMT September 2023
Approved by Executive 3 August 2011



19.2 ARC05.02.24 Annual Compliance Audit Return 2023

Meeting & Date	Council Meeting – 28 March 2024 Audit and Risk Committee Meeting – 19 February 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	Libby Kania - Coordinator Governance and Risk
CEO	Tony Free – Acting Chief Executive Officer
Attachments	1. Confidential Attachment - Compliance Audit Return 2023 (Formatted) 2. Confidential Attachment - Compliance Audit Return 2023 – Audit and Risk Committee (Unformatted).

Purpose

The purpose of this report is for Council to consider for adoption the Annual Compliance Audit Return 2023.

Committee Recommendation / Recommendation

That the Audit and Risk Committee recommends to Council adoption of the 2023 Compliance Audit Return for the City of Nedlands for the period 1 January 2023 to 31 December 2023 as contained in Attachment 1 to this report.

Voting Requirement

Simple Majority.

Background

All Local Governments are required to submit an annual Compliance Audit Return (CAR) to the Department of Local Government, Sport and Cultural Industries by 31 March each year for the previous calendar year. The CAR is used to measure the level of compliance with the *Local Government Act 1995* and associated Regulations.

On 19 February 2023, the Audit and Risk Committee considered the Compliance Audit Return 2023 as contained in **Confidential Attachment 1** and recommended to Council adoption of the Return.



Discussion

The City's 2023 Compliance Audit Return was completed in February by Management following a review and assessment of:

- Council meeting agendas and minutes;
- Performance plans, media advertisements, procedures and policies, registers, delegation records, local laws; and
- Interviews with responsible officers.

Each Local Government Authority is required to complete a CAR for the period 1 January 2023 to 31 December 2023. The CAR must be submitted to the Director General of the Department by 31 March 2024. The return is one of the tools that allows Council to monitor how the organisation is functioning. It places emphasis on the need to bring to Council's attention issues of noncompliance, or issues where full compliance was not achieved. In addition to explaining or qualifying cases of noncompliance, the return also requires Council to endorse any remedial action taken or proposed to be taken in regard to instances of non-compliance. The document contains 94 questions in order to assess a local government's compliance with the legislative framework. Under regulation 14 of the *Local Government (Audit) Regulations 1996*, sub regulation (3A) the audit committee is to review the CAR and report to council the results of that review. The CAR is then to be presented to the Council and adopted by Council and the resolution recorded in the minutes. The compliance areas include:

TOPIC	NUMBER OF QUESTIONS
Commercial Enterprises by Local Governments	5
Delegation of Power / Duty	13
Disclosure of Interest	21
Disposal of Property	2
Elections	3
Finance	7
Integrated Planning & Reporting	3
Local Government Employees	5
Official Conduct	4
Optional Questions	9
Tenders for Providing Goods and Services	22

In the reporting period the City identified 4 areas of non-compliance.

These refer to the following –

1. Disclosure of Interest – Question 4

4. Was a primary return in the prescribed form lodged by all relevant persons within three months of their start day?



There was one instance where a relevant person did not submit their primary return on time. The matter was reported to the relevant authority. No further action was taken by the authority.

2. Finance - Question 3

3. Was the auditor's report for the financial year ended 30 June 2023 received by the local government by 31 December 2023?

The auditor's report was not received prior to 31 December 2023. This has impacted the City's ability to answer Finance Question 4, 5, 6 and 7 of the CAR. Those questions could not be answered as they required the auditor's report.

3. Optional Questions – Question 4

4. Did the local government prepare, adopt by absolute majority and publish an up-to-date version on the local government's website, a policy dealing with the attendance of council members and the CEO at events?

The City adopted a policy on attendance at events on 26 September 2023. While the policy was adopted in accordance with the Act, a copy of the policy was not uploaded to the City's website until 2024. While the City is partly compliant, it should be acknowledged that the policy was not on the website during the reporting period.

4. Delegation of Power/Duty – Question 5

5. Has Council reviewed delegations to its committees in the 2021/2022 financial year?

An audit was conducted of the City's Delegations Register to ascertain any delegation that had been provided to a committee of Council pursuant to s. 5.16 of the Act. The following committees include in their terms of reference a delegation from Council:

- Audit and Risk Committee under Part 7
- Public Arts Committee
- The CEO Performance Review Committee acting under delegated authority

Council considered its Delegations Register on 27 September 2022 (2022/2023 financial year). The Register did not include the delegations to the Committees and as a consequence did not form part of the review.



Notwithstanding, the delegation to the Audit and Risk Committee was considered by Council when it reviewed the Terms of Reference of the Committee on 13 December 2022. On 27 September 2022 the delegation to the CEO Performance Review Committee was reviewed when Council considered the terms of reference of that Committee.

The delegation to the Public Arts Committee was not reviewed in the 2022/2023 financial year. It was reviewed on 23 November 2021 and then again on 12 December 2023 to coincide with the Ordinary Elections. It has subsequently been included in the Delegations Register.

The City has taken the following steps to deal with the non-compliance:

1. Attendance at events policy has been uploaded to the City's website.
2. Report to the relevant authority on the non-compliance with the primary return disclosure.
3. All delegations to Committees were included in the updated Delegations Register in Attain in the 2023 – 2024 financial year.

Consultation

Relevant staff were requested to complete those questions of the CAR that related to their service areas. All responses were then collated and incorporated into the CAR by the designated officer. The CAR was then tabled at the 7 February 2023 Executive Management Team meeting for consideration and approval.

Strategic Implications

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

Vision Sustainable and responsible for a bright future

Pillar Performance

Outcome 11. Effective leadership and governance.

Budget/Financial Implications

The 2023 Compliance Audit Return has been conducted using internal resources and there are no other financial impacts.

Legislative and Policy Implications

[Local Government \(Audit\) Regulations 1996](#)



Regulation 14

- (1) A local government is to carry out a compliance audit for the period 1 January to 31 December in each year.
 - (2) After carrying out a compliance audit the local government is to prepare a compliance audit return in a form approved by the Minister.
 - (3A) The local government's audit committee is to review the compliance audit return and is to report to the council the results of that review.
 - (3) After the audit committee has reported to the council under subregulation (3A), the compliance audit return is to be -
 - (a) presented to the council at a meeting of the council; and
 - (b) adopted by the council; and
 - (c) recorded in the minutes of the meeting at which it is adopted.
15. Certified copy of compliance audit return and other documents to be given to
Departmental CEO
- (1) After the compliance audit return has been presented to the council in accordance with regulation 14(3) a certified copy of the return together with —
 - (a) a copy of the relevant section of the minutes referred to in regulation 14(3)(c); and
 - (b) any additional information explaining or qualifying the compliance audit, is to be submitted to the Departmental CEO by 31 March next following the period to which the return relates.
 - (2) In this regulation — certified in relation to a compliance audit return means signed by -
 - (a) the mayor or president; and
 - (b) the CEO.

In accordance with [Regulation 14 and 15 of the Local Government \(Audit\) Regulations 1996](#) the 2023 Annual Compliance Audit Return must be:

1. Presented to the Audit and Risk Committee for review and then presented to Council;
2. Adopted by Council;
3. Recorded in the minutes of the meeting at which it was adopted; and

A certified copy of the return, along with a copy of the minutes recording its adoption, to be submitted to the Department by 31 March 2024.



Decision Implications

Should Council choose to adopt the 2023 Compliance Audit Return for submission to the Department of Local Government Sport and Cultural Industries the City would fulfil its prescribed statutory requirements in [regulation 13 of the Local Government \(Audit\) Regulations 1996](#).

Should Council choose not to adopt the 2023 Compliance Audit Return for submission to the Department of Local Government Sport and Cultural Industries Council would be in breach the prescribed statutory requirements in [regulation 13 of the Local Government \(Audit\) Regulations 1996](#).

Conclusion

The Committee is required to consider the Policy review and if satisfied, recommend to Council, affirmation of the policy.

Further Information

Nil.



20. Reports by the Chief Executive Officer

20.1 CEO06.03.24 Register of Outstanding Council Resolutions

Meeting & Date	Council Meeting – 26 March 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	No officer involved in the preparation of this report has a declarable interest.
Report Author	Libby Kania – Coordinator Governance and Risk
CEO	Tony Free – Acting CEO
Attachments	1. Register of Outstanding Council Resolutions (to be provided with Council 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 March 2024.

Voting Requirement

Simple Majority.

Background

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

Discussion

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

The report has been updated by officers when required.



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

- (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 or by referring to the information on the Councillor portal.

Consultation

Nil.

Strategic Implications

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

Vision Sustainable and responsible for a bright future

Pillar Performance

Outcome 11. Effective leadership and governance.

Budget/Financial Implications

Nil.

Legislative and Policy Implications

Local Government Act 1995.

Decision Implications

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



Conclusion

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

Further Information

Nil.



20.2 CEO07.03.24 Review of Governance Framework

Meeting & Date	Council Meeting – 26 March 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	Libby Kania - Coordinator Governance and Risk
CEO	Tony Free – Acting Chief Executive Officer
Attachments	1. Proposed Amended City of Nedlands Governance Framework Policy 2. Current City of Nedlands Governance Framework Policy

Purpose

The purpose of this report is for Council to review and if satisfied, adopt the proposed amendments to the City of Nedlands Governance Framework.

Recommendation

That Council adopts the amendments to the City of Nedlands Governance Framework as contained in Attachment 1 to this report.

Voting Requirement

Simple Majority.

Background

The Governance Framework Policy is required to be reviewed after each Local Government Ordinary Election. The last election was held in October 2023 and the policy is therefore required to be reviewed.

Further, at the 28 November 2023 Ordinary Council Meeting, Council considered a Notice of Motion from Mayor Argyle to change the Council meeting agenda forum and Council Meeting start times. Council resolved to adopt a change of meeting start time from 6.00pm to 7.00pm.

As a consequence of Council's decision, the Governance Framework Policy requires amendment to ensure that it reflects the resolution of Council.



Discussion

Council adopted the Governance Framework Policy in December 2021. The Framework has been operating for over two years. From a governance perspective, there is evidence to suggest that improvements have been realised under the Policy and that the certainty of meeting structure and timeframes have strengthened the governance systems.

A review of the Framework was undertaken by the Governance officers at the City in accordance with clause 8 that requires biennial review. A number of amendments have been proposed to ensure that the Framework remains relevant and facilitates the needs of the City. These amendments do not change the governance structure implemented at the City.

The amendments deal primarily with changes to start times to align with Council's resolution of 28 November 2023; removal of unnecessary specificity in the policy to reflect the fact that there is now accepted practice, expectation and precedent for when agendas and documents are to be uploaded; and changes to Council Committees, recognizing amendment to the to the types of committees and their composition.

The following amendments have been proposed to the Framework and are contained in **Attachment 1**.

1. Clause 1 Ordinary Council Meetings of the Framework is amended by deleting reference to 6.00pm and replacing this with 7.00pm. This reflects resolution 21.9 of the OCM held on 28 November 2023.
2. It is proposed to amend the last paragraph of clause 1 to remove the words 'no later than 8.30pm'. This timeframe is overly specific and would suggest that no allowance is provided for delays beyond Administration's control.
3. Clause 3 Council Meeting Agenda Forums is amended by deleting reference to 6.00pm and replacing this with 7.00pm. This reflects resolution 21.9 of the OCM held on 28 November 2023.
4. Clause 3, paragraph 6 is amended to remove the words 'no later than close of business'. This timeframe is overly specific and again does not suggest any allowance for delays beyond Administration's control. Administration endeavours to provide agendas on time or even early to Councillors when capacity allows. It is clear in the Framework that these documents are required to be uploaded on the Thursday preceding the Agenda Briefing. Removal of the words will not impact the intent of the paragraph nor Administration's commitment to having these documents to Council on that date. It is now accepted Administrative practice to meet these deadlines which are codified in the Council Agenda Reporting Calendar.
5. Clause 4.3 is amended by deleting the words 'or before the close of business on' after the words the Councillor Portal on.
6. Clause 7 Representation on Council Committees is amended to delete the reference to 'regional local governments' where it appears in the clause.
7. The Council committees table is amended to delete the number of Council Members for each Council Committee and to refer to the Terms of Reference of each Committee. This aligns the Governance Framework policy with the Committee Terms of Reference and aims to reduce unnecessary amendment to the policy.
8. Inclusion of the Chief Executive Officer Recruitment Committee in the Framework.



9. Reference to the Community Working Group and the Site Assessment Working Group is deleted as these internal working groups no longer operate.
10. Inclusion of the Coastal Management Plan Working Group.
11. Deletion of the detailed terms of reference in the role/objective of the Workforce Plan Implementation Committee, Integrated Transport Strategy Committee, and Foreshore Management Steering Committee.
12. Info graphic amended to reflect the amendments contained in the policy. Insertion of a Document Control Box in the Framework to ensure that Administrative information concerning the policy is located in one place for ease of reference. This also aligns with the new policy format.

Consultation

Nil.

Strategic Implications

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

Vision Sustainable and responsible for a bright future

Pillar Performance

Outcome 11. Effective leadership and governance.

Budget/Financial Implications

There are no budget or financial implications in adopting this updated framework.

Legislative and Policy Implications

[Governance Framework Policy](#) – clause 8.

Decision Implications

If Council adopts the revised Policy, the updated Policy will align with the Council resolution of 28 November 2023, and will reflect the Committee structure at the City of Nedlands. If Council does not adopt the revised Policy, the previous Policy will continue to apply with the inconsistencies.



Conclusion

It is recommended that the revised Governance Framework Policy be adopted to provide a transparent, efficient, participatory, and statutorily compliant meeting framework.

Further Information

Nil.



Governance Framework Policy

Council Policy Objective

To provide a transparent, efficient, participatory and statutorily compliant meeting framework in which:

- Council Members are engaged in the development of strategy and policy from initiation to adoption.
- Council Members are provided with accurate, relevant and timely information by the Chief Executive Officer (CEO) to inform quality decision-making.
- Community members can participate in the decision-making process and have access to information used to inform Council decisions.

Council Policy Scope

This policy applies to Council Members, the Administration and community members participating in and informing the Council decision-making process.

Council Policy Statement

1. Ordinary Council Meetings

Ordinary Council Meetings shall be conducted in the Council Chamber on the fourth Tuesday of each month, commencing at ~~6:00pm~~ 7:00pm, except in:

- a. December whereby the Ordinary Council Meeting will be conducted on the second Tuesday of that month.
- b. January whereby an Ordinary Council Meeting will not occur.
- c. October of an ordinary election year whereby an Ordinary Council Meeting will not occur.
- d. Instances of a public holiday.

The Agenda shall be made available to Council Members via the Councillor Portal and to the public via the City's website on the Thursday immediately preceding the meeting.

2. Special Council Meetings

Special Council Meetings shall be conducted in the Council Chamber.

Agendas for Special Council Meetings shall be made available to Council Members via the Councillor Portal and to the public via the City's website no less than 24 hours prior to the meeting, unless, in extenuating circumstances, agreed upon by CEO and the Presiding Member.



3. Council Meeting Agenda Forums

Agenda Forums shall be conducted in the Council Chamber on the second Tuesday of each month commencing at ~~6:00pm~~ 7:00pm except in December whereby the Council Meeting Agenda Forum will be conducted on the first Tuesday of that month.

The purpose of the Agenda Forum is for Council Members to ask questions and seek information in respect to items that are to be considered at the forthcoming Ordinary Council Meeting.

Agenda Forums shall be chaired by the Mayor, in the absence of the Mayor the Deputy Mayor, and otherwise by resolution of those Council Members present.

No debate shall be allowed, nor decisions made at Agenda Forums.

Agenda Forums shall be open to the public except for confidential items.

Agendas shall be made available to Council Members via the Councillor Portal and to the public via the City's website on the Thursday immediately preceding each Agenda Briefing.

Members of the public may make presentations or ask questions on items contained within the agenda. Presentations are limited to 3 minutes.

The agenda shall comprise all officers' reports and recommendations that will be given consideration at the Ordinary Council Meeting in the same month.

With the exception of the monthly financial, investment and list of accounts for payment reports, any items for consideration at the Ordinary Council Meeting that have not been listed on the agenda for the Agenda Forum must be treated as urgent business as provided for in section 3.10 of the *Standing Orders Local Law 2016*.

A general record is to be kept of the Agenda Forum noting attendance, requests for further information and interests disclosed. Elected members can request a question to be recorded.

Answers to questions taken on notice or recorded on request will be provided as 'further information' in the agenda for the corresponding Ordinary Council Meeting.



4. Concept Forums

Concept Forums shall be conducted in the Council Chamber or Boardroom on the first and third Tuesday of each month commencing at 5.30pm and finishing no later than 7.30pm. The sessions provide an environment where Council Members and the Administration can meet to review and measure the performance of policy and strategy matters, and to discuss and consider complex, important and topical issues.

Concept Forums also provide an opportunity to discuss projects that are in the early planning stage and are sometime away from being presented to Council for decision.

Concept Forums are closed to the public.

Concept Forums shall be chaired by the Mayor, in the absence of the Mayor the Deputy Mayor, and otherwise by resolution of those Council Members present.

Debating, collective decision making or revelation of one's intention to vote at a future Council meeting is not permitted. Expressing an opinion on matters under discussion is appropriate and welcome.

A general record is kept of the sessions by the CEO noting attendance, requests for further information and interests disclosed.

The two principal modes of communication at Concept Forums shall be information exchange and facilitated discussion.

4.1 Information Exchange

Staff, subject matter experts and relevant stakeholders will inform Council Members on complex, important and topical issues both strategic and operational.

- a) Staff must ensure that Council Members are provided sufficient time in which to ask questions, seek clarification and provide feedback on the subject matter; and
- b) All items must be supported by briefing papers providing enough detail to orientate and prepare Council Members on the subject matter so as to stimulate discussion and information exchange.

4.2 Facilitated Discussion

A forum in which Council Members can be actively involved and engaged in the development, review and performance measurement of the City's policy and strategy framework on an ongoing basis.



- a) All discussions are to be facilitated by either an appropriately qualified staff member or subject matter expert;
- b) Feedback from the discussion must be recorded and utilised by staff to inform and guide the preparation of draft strategy and policy documents that will form the basis of future Council decision making and community engagement processes; and
- c) All discussions must be informed by a discussion paper containing sufficient information and background material to enable a Council Member to actively and effectively participate in discussion and the facilitated distillation of key themes.

4.3 Agenda setting for Concept Forums

The agenda will be set by the CEO but guided by the following:

- a) Complex matters which are considered by the CEO to be topical, important and deserving of more scrutiny by, and communication with Council Members.
- b) Matters relating to the development, review and performance measurement of strategies contained within or generated by the City's Integrated Strategic Planning Framework. Matters relating to the development and review of Council Policies as provided for in the Council Policy Framework.
- c) Other matters of a similar nature supported for inclusion on the agenda by at least two Council Members.

The Concept Forum Agenda containing Briefing Papers and Discussion Papers shall be made available to Council Members via the Councillor Portal on the Friday immediately preceding the Concept Forum.

5. Declaring Interests at Council Meeting Agenda Forums and Concept Forums

Disclosure rules applying to meetings constituted under the *Local Government Act 1995* apply at all Council Meeting Agenda Forums and Concept Forums.

Council Members having a direct or indirect financial interest or proximity interest in a matter listed for discussion should declare that interest and leave the room for the duration of discussion on that matter. A Council Member having left the room is not permitted to contact any person within the room until the meeting has moved to the next item of business.

Council Members having an impartiality interest in a matter listed for discussion should declare that interest however there is no requirement to leave the room.



6. Dealing with Officer Recommendations and Council Motions

6.1 Revised Officer Recommendations

Additional information may emerge, or circumstances may change with regards to items contained within the Ordinary Council Meeting Agenda. In such circumstances, an officer may put forward a revised officer recommendation.

The CEO is to ensure that the revised recommendation is supported by the new information or circumstances that necessitated the change. This would include any material impacts that the revised recommendation might have upon the implications contained within the original officer's report. The CEO must make the revised recommendation and supporting information available as soon as possible.

6.2 Alternate Motions and Material Amendments

In accordance with the *Standing Orders Local Law 2017*, alternate motions and material amendments must be submitted by Council Members in writing to the CEO and received on or before 12 noon on the day before each Council meeting.

Alternate motions either negate or change the intent of the original motion.

Material amendment means any amendment, modification or supplement to an original motion that:

- (i) increases or decreases a financial commitment by more than 5% of the project budget being considered
- (ii) amends a key milestone or delivery date
- (iii) requires the commitment of additional resources
- (iv) Adds, amends or removes a condition or advice note

The CEO is to ensure that alternate motions and material amendments along with an officer's response to the motion or material amendment is made available electronically as soon as possible and in hard copy on commencement of the subject meeting. The officer's response is to advise of any material changes that the alternate motion or material amendment might have upon the implications contained within the original officer's report.

The response may also contain an officer's recommendation in support, opposition or otherwise of the alternate motion or material amendment.

Alternate motions and material amendments shall be considered by Council in ascending order according to the time, then date of receipt by the CEO.

7. Representation on Council Committees, and External Committees



Nomination of Elected Members to Council Committees, and External Committees shall take place at a Special Meeting of Council convened for the purpose of electing members to these groups as soon as is practicable after each local government election.

Council Committees

Name	Role/Objective	Number of Council Members
Audit & Risk Committee	To oversee the risk management, internal control, legislative compliance and external audit processes of the City, including receipt of the auditors statements and management reports.	In accordance with the Committee's Terms of Reference.
Chief Executive Officer Performance Review Committee	To undertake an annual review of the performance of the Chief Executive Officer as required by Section 5.38 of the Local Government Act 1995 and establish annual performance objectives for the Chief Executive Officer	In accordance with the Committee's Terms of Reference.
Chief Executive Officer Recruitment Committee	An interim Committee for the life of the CEO recruitment and selection processes. The CEO Recruitment and Selection Committee will coordinate the end-to-end recruitment process, including working with an Executive Search consultancy as required to advertise for and search and select appropriate candidates.	In accordance with the Committee's Terms of Reference.
Public Art Committee	To ensure that the City of Nedlands includes artworks of a high standard in the public domain.	In accordance with the Committee's Terms of Reference.
Workforce Plan Implementation Committee	1. To oversee the implementation of the City of Nedlands Workforce Plan. 2. 3.	In accordance with the Committee's Terms of Reference.
Integrated Transport	1. To oversee and provide guidance to the Administration on the City of Nedlands	In accordance with the Committee's Terms of Reference.



Strategy Committee	Integrated Transport Strategy Project. 2. 3.	
Foreshore Management Steering Committee	1. To oversee the City of Nedlands Foreshore Management Planning Project. 2. 3.	In accordance with the Committee's Terms of Reference.

Internal Working Groups

Name	Role/Objective	Number of Council Members
Community Working Group	<p>The CWG will perform the vital role of being a conduit between the Council and the community and helping to inform and identify local community priorities in the review and formulation of local planning policies and relevant planning instruments.</p> <p>The objective is to engage directly with community representatives on key issues and areas of interest in developing local planning policies in an impartial manner.</p>	<p>One Council Member Delegate</p> <p>One Council Member Deputy Delegate</p> <p>Twelve Community Members</p>
Site Assessment Working Group	<p>The objectives of the SAWG are to:</p> <ul style="list-style-type: none"> • Foster stakeholder and community awareness and understanding of the proposed development in Allen Park; • Discuss any required variation to the Allen Park Master Plan. • Foster the City of Nedlands' awareness of community concerns and aspirations for the respective residence proposal at Allen Park and regularly report the results of this engagement to Council. • Obtain and provide local input and knowledge into the area as part of the review process. 	<p>One Council Member Delegate</p> <p>One Deputy Council Member Delegate</p>



	<ul style="list-style-type: none"> • Collaborate and communicate with other parties to facilitate understanding of the issues. • To provide the provision of feedback to the City on the project development. <p>The SAWG is an advisory group, not a decision-making group. Decisions relating to the final development of Allen Park are the responsibility of City of Nedlands Council and the State Government.</p>	
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External Committees & Panels

Name	Role/Objective	Number of Council Members
WALGA Central Metropolitan Zone	To participate in political advocacy and for services to meet the needs of WALGA members.	Two Council Member Delegates Two Council Member Deputy Delegates
Development Assessment Panel	To determine mandatory planning applications with a value over \$20 million and applicants who have opted-in for assessment by the JDAP.	Two Local Members Two Alternate Local Members
Lake Claremont Advisory Committee	The Committee was established to prepare and implement a Management Plan for the Lake. Lake Claremont Committee, with community participation, ensures that the Lake is Managed by the Town of Claremont, as a healthy natural seasonal lake for both conservation and recreational purposes.	One Council Member Delegate One Deputy Council Member Delegate
Metropolitan Regional Road Group	The Agenda should include an item to review all current funded projects. Quarterly Expenditure Reports are distributed by MRWA to each Local Government and the respective Sub-Group Technical Representatives to assist with the review. Local Governments shall provide an update on projects and report any projects that are at risk.	One Council Member Delegate One Council Member Deputy Delegate



Coastal Management Plan Working Group (Committee)	This Working Group is established to oversee the City of Nedlands Coastal Management Plan Project.	One Councilor as a City Representative One Councilor as a Deputy City Representative
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8. Policy Review

This performance of this Policy shall be reviewed after each Ordinary Local Government Election.

Document Control			
Document Responsibilities			
Owner	Chief Executive Officer	Owner Business Unit:	Office of the Chief Executive Officer
Inception Date:	14/12/2021 (Item 13.1)	Decision-maker:	Council
Review Date:	13/12/2022 (Item 19.1) 31/01/2023 (Item 04.17)	Repeal and Replace:	Nil.
Compliance Requirements: Review after Ordinary Local Government Election.			
Legislation:	City of Nedlands Code of Conduct Council Members, Committee Members and Candidates City of Nedlands Standing Orders Local Law <i>Local Government Act 1995</i>		
Link to Council Plan	Pillar – Performance		



First Tuesday of month Concept Forum

Closed to public
5:30pm to 7:30pm

To discuss:

- complex matters
- review and performance measurement of strategies
- other matters supported by 2+ Cllrs.

Agenda, briefing, and discussion papers added to Cllr portal by Friday before 1st Tuesday of month



Second Tuesday of month Agenda Forum

Open to public
7pm start

Opportunity for Council Members to ask questions and seek information on items to be considered at the forthcoming Ordinary Council Meeting.

Members of the public may make presentations or ask questions on items contained within the agenda.

Agenda added to Cllr portal and City's website before Agenda forum



Third Tuesday of month Concept Forum

Closed to public
5:30pm to 7:30pm

To discuss:

- complex matters
- review and performance measurement of strategies
- other matters supported by 2+ Cllrs.

Agenda, briefing, and discussion papers added to Cllr portal by Friday before 3rd Tuesday of month



Fourth Tuesday of month* Ordinary Council Meeting

Open to public
7pm start

Council members to consider items on the agenda comprising of officer's reports and recommendations.

Members of the public may make presentations or ask questions on items contained within the agenda.

Agenda added to Councillor portal and City's website on Thursday before OCM

**December OCM is held on 2nd Tuesday of month | No OCM in January | No OCM in October of ordinary election year*



Governance Framework Policy

Council Policy Objective

To provide a transparent, efficient, participatory and statutorily compliant meeting framework in which:

- Council Members are engaged in the development of strategy and policy from initiation to adoption.
- Council Members are provided with accurate, relevant and timely information by the Chief Executive Officer (CEO) to inform quality decision-making.
- Community members can participate in the decision-making process and have access to information used to inform Council decisions.

Council Policy Scope

This policy applies to Council Members, the Administration and community members participating in and informing the Council decision-making process.

Council Policy Statement

1. Ordinary Council Meetings

Ordinary Council Meetings shall be conducted in the Council Chamber on the fourth Tuesday of each month, commencing at 6:00pm, except in:

- a. December whereby the Ordinary Council Meeting will be conducted on the second Tuesday of that month.
- b. January whereby an Ordinary Council Meeting will not occur.
- c. October of an ordinary election year whereby an Ordinary Council Meeting will not occur.
- d. Instances of a public holiday.

The Agenda shall be made available to Council Members via the Councillor Portal and to the public via the City's website no later than 8.30pm on the Thursday immediately preceding the meeting.

2. Special Council Meetings

Special Council Meetings shall be conducted in the Council Chamber.

Agendas for Special Council Meetings shall be made available to Council Members via the Councillor Portal and to the public via the City's website no less than 24 hours prior to the meeting, unless, in extenuating circumstances, agreed upon by CEO and the Presiding Member.



3. Council Meeting Agenda Forums

Agenda Forums shall be conducted in the Council Chamber on the second Tuesday of each month commencing at 6:00pm except in December whereby the Council Meeting Agenda Forum will be conducted on the first Tuesday of that month.

The purpose of the Agenda Forum is for Council Members to ask questions and seek information in respect to items that are to be considered at the forthcoming Ordinary Council Meeting.

Agenda Forums shall be chaired by the Mayor, in the absence of the Mayor the Deputy Mayor, and otherwise by resolution of those Council Members present.

No debate shall be allowed, nor decisions made at Agenda Forums.

Agenda Forums shall be open to the public except for confidential items.

Agendas shall be made available to Council Members via the Councillor Portal and to the public via the City's website no later than close of business on the Thursday immediately preceding each Agenda Briefing.

Members of the public may make presentations or ask questions on items contained within the agenda. Presentations are limited to 3 minutes.

The agenda shall comprise all officers' reports and recommendations that will be given consideration at the Ordinary Council Meeting in the same month.

With the exception of the monthly financial, investment and list of accounts for payment reports, any items for consideration at the Ordinary Council Meeting that have not been listed on the agenda for the Agenda Forum must be treated as urgent business as provided for in section 3.10 of the *Standing Orders Local Law 2016*.

A general record is to be kept of the Agenda Forum noting attendance, requests for further information and interests disclosed. Elected members can request a question to be recorded.

Answers to questions taken on notice or recorded on request will be provided as 'further information' in the agenda for the corresponding Ordinary Council Meeting.



4. Concept Forums

Concept Forums shall be conducted in the Council Chamber or Boardroom on the first and third Tuesday of each month commencing at 5.30pm and finishing no later than 7.30pm. The sessions provide an environment where Council Members and the Administration can meet to review and measure the performance of policy and strategy matters, and to discuss and consider complex, important and topical issues.

Concept Forums also provide an opportunity to discuss projects that are in the early planning stage and are sometime away from being presented to Council for decision.

Concept Forums are closed to the public.

Concept Forums shall be chaired by the Mayor, in the absence of the Mayor the Deputy Mayor, and otherwise by resolution of those Council Members present.

Debating, collective decision making or revelation of one's intention to vote at a future Council meeting is not permitted. Expressing an opinion on matters under discussion is appropriate and welcome.

A general record is kept of the sessions by the CEO noting attendance, requests for further information and interests disclosed.

The two principal modes of communication at Concept Forums shall be information exchange and facilitated discussion.

4.1 Information Exchange

Staff, subject matter experts and relevant stakeholders will inform Council Members on complex, important and topical issues both strategic and operational.

- a) Staff must ensure that Council Members are provided sufficient time in which to ask questions, seek clarification and provide feedback on the subject matter; and
- b) All items must be supported by briefing papers providing enough detail to orientate and prepare Council Members on the subject matter so as to stimulate discussion and information exchange.

4.2 Facilitated Discussion

A forum in which Council Members can be actively involved and engaged in the development, review and performance measurement of the City's policy and strategy framework on an ongoing basis.



- a) All discussions are to be facilitated by either an appropriately qualified staff member or subject matter expert;
- b) Feedback from the discussion must be recorded and utilised by staff to inform and guide the preparation of draft strategy and policy documents that will form the basis of future Council decision making and community engagement processes; and
- c) All discussions must be informed by a discussion paper containing sufficient information and background material to enable a Council Member to actively and effectively participate in discussion and the facilitated distillation of key themes.

4.3 Agenda setting for Concept Forums

The agenda will be set by the CEO but guided by the following:

- a) Complex matters which are considered by the CEO to be topical, important and deserving of more scrutiny by, and communication with Council Members.
- b) Matters relating to the development, review and performance measurement of strategies contained within or generated by the City's Integrated Strategic Planning Framework. Matters relating to the development and review of Council Policies as provided for in the Council Policy Framework.
- c) Other matters of a similar nature supported for inclusion on the agenda by at least two Council Members.

The Concept Forum Agenda containing Briefing Papers and Discussion Papers shall be made available to Council Members via the Councillor Portal on or before the close of business on the Friday immediately preceding the Concept Forum.

5. Declaring Interests at Council Meeting Agenda Forums and Concept Forums

Disclosure rules applying to meetings constituted under the *Local Government Act 1995* apply at all Council Meeting Agenda Forums and Concept Forums.

Council Members having a direct or indirect financial interest or proximity interest in a matter listed for discussion should declare that interest and leave the room for the duration of discussion on that matter. A Council Member having left the room is not permitted to contact any person within the room until the meeting has moved to the next item of business.

Council Members having an impartiality interest in a matter listed for discussion should declare that interest however there is no requirement to leave the room.



6. Dealing with Officer Recommendations and Council Motions

6.1 Revised Officer Recommendations

Additional information may emerge, or circumstances may change with regards to items contained within the Ordinary Council Meeting Agenda. In such circumstances, an officer may put forward a revised officer recommendation.

The CEO is to ensure that the revised recommendation is supported by the new information or circumstances that necessitated the change. This would include any material impacts that the revised recommendation might have upon the implications contained within the original officer's report. The CEO must make the revised recommendation and supporting information available as soon as possible.

6.2 Alternate Motions and Material Amendments

In accordance with the *Standing Orders Local Law 2017*, alternate motions and material amendments must be submitted by Council Members in writing to the CEO and received on or before 12 noon on the day before each Council meeting.

Alternate motions either negate or change the intent of the original motion.

Material amendment means any amendment, modification or supplement to an original motion that:

- (i) increases or decreases a financial commitment by more than 5% of the project budget being considered
- (ii) amends a key milestone or delivery date
- (iii) requires the commitment of additional resources
- (iv) Adds, amends or removes a condition or advice note

The CEO is to ensure that alternate motions and material amendments along with an officer's response to the motion or material amendment is made available electronically as soon as possible and in hard copy on commencement of the subject meeting. The officer's response is to advise of any material changes that the alternate motion or material amendment might have upon the implications contained within the original officer's report.

The response may also contain an officer's recommendation in support, opposition or otherwise of the alternate motion or material amendment.

Alternate motions and material amendments shall be considered by Council in ascending order according to the time, then date of receipt by the CEO.



7. Representation on Council Committees, Regional Local Governments and External Committees

Nomination of Elected Members to Council Committees, Regional Local Governments and External Committees shall take place at a Special Meeting of Council convened for the purpose of electing members to these groups as soon as is practicable after each local government election.

Council Committees

Name	Role/Objective	Number of Council Members
Audit & Risk Committee	To oversee the risk management, internal control, legislative compliance and external audit processes of the City, including receipt of the auditors statements and management reports.	Mayor & four Council Members one from each ward. Deputy Mayor and four Deputy Council Members one from each ward.
Chief Executive Officer Performance Review Committee	To undertake an annual review of the performance of the Chief Executive Officer as required by Section 5.38 of the Local Government Act 1995 and establish annual performance objectives for the Chief Executive Officer	Mayor & four Council Members one from each ward. Deputy Mayor and four Deputy Council Members one from each ward.
Public Art Committee	To ensure that the City of Nedlands includes artworks of a high standard in the public domain.	Mayor & four Council Members one from each ward
Workforce Plan Implementation Committee	<ol style="list-style-type: none"> To consider and approve the Workforce Plan Implementation Strategy and Tasks; To work with the Administration to determine the additional information required for effective implementation, and the extra resources required, if any. To approve the brief for an external consultant, if required, to facilitate the Implementation Strategy. To recommend to Council, based on the City's consultation process with the different stakeholders and 	Mayor & four Council Members one from each ward. Deputy Mayor and four Deputy Council Members one from each ward.



	<p>benchmarking, what discretionary services should be provided by the City, and at what service levels, together with the cost-benefit analysis of such services.</p> <p>5. To submit to Council recommendations for changes to the adopted Workforce Plan, if any, by 30 April 2023.</p> <p>6. To collaborate with the CEO Performance Review Committee to ensure effective development of KRAs, goals, measures, and targets.</p>	
Integrated Transport Strategy Committee	<p>1. Provide guidance to the Consultant on the Community Consultation Plan and process;</p> <p>2. Approve the Community Consultation Plan;</p> <p>3. Provide guidance to the Consultant on the Community Consultation results.</p> <p>4. Provide guidance and input to each iteration of the draft Integrated Transport Strategy; and</p> <p>5. Consider the draft Integrated Transport Strategy and make a recommendation to Council on the adoption of the Integrated Transport Strategy.</p>	<p>Mayor & four Council Members one from each ward.</p> <p>Deputy Mayor and four Deputy Council Members one from each ward.</p>
Foreshore Management Steering Committee	<p>1. Evaluate the Request for Quote (RFQ) responses received by the City for the provision of Foreshore Management planning services and select a preferred consultant.</p> <p>2. Provide guidance to the Consultant on the community consultation plan and process.</p> <p>3. Approve the community consultation plan.</p> <p>4. Provide guidance to the Consultant on the Concept</p>	<p>Mayor & four Council Members one from each ward.</p> <p>Deputy Mayor and four Deputy Council Members one from each ward.</p>



	<p>designs, Program of Works and Community Consultation results.</p> <p>5. Provide guidance and input into the draft Foreshore Management Plan including defining the area of interest and the matters to be considered under this management plan; and</p> <p>6. Consider the draft Foreshore Management Plan and make a recommendation to Council on the adoption of the Foreshore Management Plan.</p>	
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Internal Working Groups

Name	Role/Objective	Number of Council Members
Community Working Group	<p>The CWG will perform the vital role of being a conduit between the Council and the community and helping to inform and identify local community priorities in the review and formulation of local planning policies and relevant planning instruments.</p> <p>The objective is to engage directly with community representatives on key issues and areas of interest in developing local planning policies in an impartial manner.</p>	<p>One Council Member Delegate</p> <p>One Council Member Deputy Delegate</p> <p>Twelve Community Members</p>
Site Assessment Working Group	<p>The objectives of the SAWG are to:</p> <ul style="list-style-type: none"> • Foster stakeholder and community awareness and understanding of the proposed development in Allen Park; • Discuss any required variation to the Allen Park Master Plan. • Foster the City of Nedlands' awareness of community concerns and aspirations for the respective residence proposal at Allen Park and 	<p>One Council Member Delegate</p> <p>One Deputy Council Member Delegate</p>



	<p>regularly report the results of this engagement to Council.</p> <ul style="list-style-type: none"> • Obtain and provide local input and knowledge into the area as part of the review process. • Collaborate and communicate with other parties to facilitate understanding of the issues. • To provide the provision of feedback to the City on the project development. <p>The SAWG is an advisory group, not a decision-making group. Decisions relating to the final development of Allen Park are the responsibility of City of Nedlands Council and the State Government.</p>	
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External Committees & Panels

Name	Role/Objective	Number of Council Members
WALGA Central Metropolitan Zone	To participate in political advocacy and for services to meet the needs of WALGA members.	Two Council Member Delegates Two Council Member Deputy Delegates
Development Assessment Panel	To determine mandatory planning applications with a value over \$20 million and applicants who have opted-in for assessment by the JDAP.	Two Local Members Two Alternate Local Members
Lake Claremont Advisory Committee	The Committee was established to prepare and implement a Management Plan for the Lake. Lake Claremont Committee, with community participation, ensures that they Lake is Managed by the Town of Claremont, as a healthy natural seasonal lake for both conservation and recreational purposes.	One Council Member Delegate One Deputy Council Member Delegate
Metropolitan Regional Road Group	The Agenda should include an item to review all current funded projects. Quarterly Expenditure Reports are distributed by MRWA to each Local Government and the respective Sub-	One Council Member Delegate One Council Member Deputy Delegate



	Group Technical Representatives to assist with the review. Local Governments shall provide an update on projects and report any projects that are at risk.	
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8. Policy Review

This performance of this Policy shall be reviewed after each Ordinary Local Government Election.

Related documentation

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

Related local Law and Legislation

City of Nedlands Standing Orders Local Law
Local Government Act 1995

Related delegation

Nil.

Review History

Adopted by Council 31 January 2023 (Amendment - Item 8) effective 1 February 2023
Adopted by Council 13 December 2022 (Item 19.1) effective 1 January 2023
Adopted by Council 14 December 2021 (Item 13.1) effective 1 January 2022



First Tuesday of month Concept Forum

Closed to public
5:30pm to 7:30pm

To discuss:

- complex matters
- review and performance measurement of strategies
- other matters supported by 2+ Cllrs.

Agenda, briefing, and discussion papers added to Cllr portal by COB Friday before 1st Tuesday of month



Second Tuesday of month Agenda Forum

Open to public
6pm start

Opportunity for Council Members to ask questions and seek information on items to be considered at the forthcoming Ordinary Council Meeting.

Members of the public may make presentations or ask questions on items contained within the agenda.

Agenda added to Cllr portal and City's website by COB Thursday before Agenda forum



Third Tuesday of month Concept Forum

Closed to public
5:30pm to 7:30pm

To discuss:

- complex matters
- review and performance measurement of strategies
- other matters supported by 2+ Cllrs.

Agenda, briefing, and discussion papers added to Cllr portal by COB Friday before 3rd Tuesday of month



Fourth Tuesday of month* Ordinary Council Meeting

Open to public
6pm start

Council members to consider items on the agenda comprising of officer's reports and recommendations.

Members of the public may make presentations or ask questions on items contained within the agenda.

Agenda added to Councillor portal and City's website by 8:30pm Thursday before OCM

**December OCM is held on 2nd Tuesday of month | No OCM in January | No OCM in October of ordinary election year*



20.3 CEO08.03.24 Adoption of Council Member Professional Development Training Policy and Elected Member Expenses and Equipment Policy

Meeting & Date	Council Meeting – 26 March 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	Libby Kania - Coordinator Governance and Risk
CEO	Tony Free – Acting Chief Executive Officer
Attachments	1. Draft Council Member Professional Development Policy 2. Council Member and Employee Training and Conference Attendance Policy 3. Elected Member Expenses and Equipment Policy (Amended) 4. Interstate and International Travel Policy

Purpose

The purpose of this report is for Council to adopt the draft Council Member Professional Development Policy, amend the Elected Member Expenses and Equipment Policy, repeal the existing Council Member and Employee Training Conference Attendance policy, and the Interstate and international Travel Policy.

Recommendation

That Council resolves to:

1. adopt the Council Member Professional Development Policy as contained in Attachment 1;
2. repeal the existing Council Member and Employee Training and Conference Attendance Policy as contained in Attachment 2;
3. make the amendments to the Elected Member Expenses and Equipment policy as contained in Attachment 3; and
4. repeal the Interstate and International Travel Policy as contained in Attachment 4.

Voting Requirement

Absolute Majority.



Background

The City is currently reviewing its policy manual to ensure that all Council policies are relevant, useful and up to date. Council policies are required to assist with the efficient running of the local government and to address and provide guidance on matters within the district. Amendment was made in 2019 to the *Local Government Act 1995* that requires all local governments to prepare and adopt a policy in relation to the continuing professional development of elected members and adopt it as a requirement under the *Local Government Act 1995*.

The current Council Member and Employee Training and Conference Attendance Policy that was adopted by Council in 2016 and updated in 2021, does not take into consideration the mandatory training requirements that now appear in the Act. Further, it was considered that amendment to the current policy would be extensive to ensure compliance with the Act. As a result, it was determined that a new policy be drafted providing a transparent and accountable framework to Council Member professional development.

At a June 2023 Council forum, Council was presented with a draft Council Member Professional Development Policy. Since that forum, two Elected Members provided feedback. The proposed policy has been amended to reflect the changes requested.

The policy was provided to Council for consideration at the 12 December 2023 Council Meeting. At that meeting Council resolved to defer adoption of the policy until the March 2024 Ordinary Council Meeting and requested the CEO to place the amended policy to a Concept Forum in February.

On 20 February 2024 the draft policy was presented to Council for discussion at a Concept Forum in accordance with the Council Resolution. The proposed amendments to the Elected Member Expenses and Equipment Policy were also discussed at the Concept Forum.

It has now been brought back to Council for consideration.

Discussion

The *Local Government Act 1995* requires a local government to prepare and adopt a policy related to the continuing professional development of elected members. The policy requires adoption by an absolute majority. Once adopted, the policy is required to appear on the City's website.

The proposed policy creates a comprehensive framework for Council Member attendance at training and professional development. It covers the requirements of mandatory training as well as continuing professional development.

The proposed policy provides a framework around Council Members' participation in continuing professional development, including attendance at metropolitan and regional intrastate courses, interstate and overseas courses. It ensures that any future attendance



and involvement by Council Members at such courses is to be in accordance with the framework established under the policy.

As with all expenditure of public monies, any decision is to be based on objective criteria and be in the interest of the district. A decision will also need to be based on the availability of funds and be reasonably and equitably apportioned.

The proposed policy also includes direction on the City's liability to pay for the expenses incurred by an accompanying person. The proposed policy clearly establishes that any costs associated with an accompanying person will need to be covered by the attending Council Member as a private expense by that person. The exception is where a Council Member has a disability, and the accompanying person provides ongoing care and assistance to the Council Member, these expenses will be partially paid for by the City. This ensures that the City meets its obligations for inclusiveness under the *Disability Discrimination Act 1992*.

If Council adopts the draft policy, it will require amendment to the Elected Member Expenses and Equipment Policy, by deleting part of clause 5 of the policy. This will provide harmonization between the policies. Council will also need to consider the repeal of the existing Council Member and Employee Training and Conference Attendance Policy, and Interstate and International Travel Policy.

The draft Council Member Professional Development Policy makes provision for Council to allocate funds in the annual budget for Council Member training. No specified amount was included in the draft policy. Council is to determine the appropriate allocation when considering the budget.

Council is also required to review its policy under s. 5.128 of the Act after each Local Government Ordinary Election. If Council chooses not to adopt the draft policy, it must at the very least review the current policy as contained in Attachment 2.

Elected Member Expenses and Equipment Policy

The review of the current Council Member Training policy highlighted the need to amend other governance policies that referred to Councillor training. Significantly, the need to amend the Elected Members Expenses and Equipment policy. This policy required amendment due to the fact that it duplicated the information contained in the current Council Member and Employee Training and Conference Attendance Policy. If Council resolved to repeal the current Council Member and Employee Training and Conference Attendance Policy, then the information contained in the Elected Member Expenses and Equipment Policy would be inconsistent with the new policy. It would need to be amended to delete reference to the conditions contained in the new policy.

The Elected Member Expenses and Equipment Policy has been amended to also include provision for ICT equipment to be provided to Elected Members. This is a new provision and has been included in response to an audit recommendation. The City's auditors identified cyber security risks due to lack of effective controls from third party users accessing the City's systems. This included Council Members accessing the City's



databases through their own devices. This is purposed to be covered by an ITC user agreement.

Consultation

Council Members were provided with a copy of the draft policy at the Council forum held in June. Two Elected Members provided feedback. The feedback received was noted and amendments were made. The draft policy was presented to a Concept Forum in February 2024.

Strategic Implications

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

Vision Sustainable and responsible for a bright future

Pillar Performance
Outcome 11. Effective leadership and governance.

Budget/Financial Implications

A budget allocation is approved by Council providing for the professional development of Council Members.

Legislative and Policy Implications

[Local Government Act 1995](#)

S. 5.128 Policy for continuing professional development.

- (1) A local government must prepare and adopt* a policy in relation to the continuing professional development of council members.

* Absolute majority required.

- (2) A local government may amend* the policy.

* Absolute majority required.

- (3) When preparing the policy or an amendment to the policy, the local government must comply with any prescribed requirements relating to the form or content of a policy under this section.



- (4) The CEO must publish an up-to-date version of the policy on the local government's official website.
- (5) A local government –
 - (a) must review the policy after each ordinary election; and
 - (b) may review the policy at any other time.

[Local Government \(Administration\) Regulations 1996 regulation 35 and 36.](#)

Part 5 Division 8 — Local government payments and gifts to its members

s. 5.98. Fees etc. for council members

s. 5.100A. Gifts to council members

A local government cannot give a gift to a council member unless —

- (a) the gift is given in prescribed circumstances; and
- (b) the value of the gift is less than a prescribed amount.

[Local Government Act 1995](#)

Decision Implications

The City is required under the *Local Government Act 1995* to prepare and adopt a policy in relation to the continuing professional development of elected members. The current policy requires amendment and failure to do so would mean that the policy is non-compliant with the act. Furthermore, it is a requirement that the policy be reviewed after an ordinary election.

Conclusion

The draft Council Member Professional Development policy will ensure that the City has an up to date policy and will repeal superfluous Council policies that are able to be consolidated into one stand-alone policy.

Further Information

Nil.

Elected Member Professional Development

Status	Council
Responsible Division	Office of the Chief Executive Officer
Objective	<p>To provide guidance to Elected Members with respect to meeting their legislative requirements to undertake compulsory training and the entitlements associated with ongoing professional development opportunities.</p> <p>This policy also outlines the Chief Executive Officer's requirement to report on the professional development undertaken by each Elected Member as required by the <i>Local Government Act 1995</i></p>

Context

Under s. 5.128 of the *Local Government Act 1995* (the Act), a local government is required to prepare and adopt a policy in relation to the continuing professional development of Elected Members.

The Act requires that Elected Members undertake mandatory training within 12 months of being elected and requires that the City report on training and professional development undertaken by its Elected Members each year.

In the interest of ensuring Elected Members understand their statutory obligations, make well informed decisions and effectively represent their constituents, the City provides support for Elected Members to attend compulsory training, professional development opportunities to develop and enhance their knowledge and assist with facilitating their role.

Professional development is important to Elected Members in performing the functions of their roles. This policy sets out Council's express authority and terms of approval for attendance at mandatory training and professional development.

Statement

Definitions –

Elected Member A person who is currently serving a term of office as an Elected Member of the Council in accordance with the *Local Government Act 1995* and includes the Mayor.

Mandatory training refers to the statutory training as set out in regulation 35 of the *Local Government (Administration) Regulations 1996*.



Professional development refers to the attendance or participation in training, conferences, workshops, courses, seminars or similar professional development, as a participant.

Regulations refers to the *Local Government (Administration) Regulations 1996*.

1. Training and Professional Development

1.1 Mandatory Training

Section 5.126 of the Act and Reg 35 of the *Local Government (Administration) Regulations 1996*, requires an Elected Member to complete the course titled 'Council Member Essentials' within 12 months from the day on which the Elected Member is elected.

The Council Member Essentials Course consists of five core modules:

- Understanding Local Government,
- Serving on Council,
- Meeting Procedures,
- Conflicts of Interest; and
- Understanding financial reports and budgets.

The CEO will determine which of the approved providers will be engaged to deliver the mandatory training to Elected Members having regard to costs and the City's procurement policy, as well as any other relevant factors.

The City will meet the costs of all mandatory training courses for Elected Members, including reasonable travel and parking expenses (if required), as determined by the Chief Executive Officer (or nominee).

1.2 Professional Development

The City of Nedlands will allocate funds in its annual budget for the costs associated with professional development for Elected Members.

To assist Elected Members to perform their duties efficiently and effectively, the following professional development opportunities will be available to Elected Members:

- Attendance at the Annual Western Australian Local Government Association conference and/or Annual General Meeting,
- Attendance of the Mayor or Deputy Mayor or delegate at the Annual Local Government Professionals Australia National Congress,
- Attendance of the Mayor or Deputy Mayor or delegate to the Annual Australian Local Government Association Conference,
- Elected Member training arranged by the CEO for Elected Members to be inducted into the role of Elected Member and further training to keep up to



date with their obligations and duty of care responsibilities as contained in the *Local Government Act 1995* and other relevant legislation and guidelines relevant to their role.

The CEO is authorised to approve requests from Elected Members for professional development opportunities, and make the associated arrangements (including registration, air fares, accommodation, sustenance, and reimbursement of approved expenses) subject to:

- the total cost of the proposed training being no more than \$1,000
- the proposed professional development NOT requiring interstate or international travel to attend,
- the professional development is organised by an identified, industry recognised training provider,
- the number of Elected Members attending a professional development opportunity does not impact the quorum required for Council or Committee meetings; and
- sufficient funds being available in the relevant Budget item.

Where the total cost is between \$1,001 and \$2,000 then the CEO in consultation with the Mayor may approve attendance if there are sufficient unallocated funds within the relevant budget item. This is subject to the proposed training not requiring interstate or international travel to attend.

Where professional development total cost is more than \$2,000, the request must be referred to Council for determination.

An Elected Member refused permission by the CEO or Mayor to attend a professional development opportunity may refer the matter to Council for determination.

When considering any application by an Elected Member to attend a professional development opportunity, the CEO, the Mayor or Council shall consider the professional development needs of the Elected Member and any issues of equity between Elected Members regarding access to professional development.

1.2.1 Accompanying Persons

No allowances or entitlements will be provided by the City in respect of accompanying person costs. Any additional costs resulting from an Elected Member being accompanied by their partner, or another person (other than an approved carer) will not be paid by the City.

Where an Elected Member is attending professional development and has a disability as defined in the *Disability Services Act 1993*, the City will meet the cost



of a carer to accompany that Elected Member where that carer is a person who provides ongoing care or assistance.

The type of costs provided by the City for an accompanying carer will include payment of travel, meals, registration, accommodation and, if required, participation in any programs that the Elected Member they are accompanying is attending.

1.2.2 Reports

An Elected Member who attends a professional development opportunity, is encouraged to provide a report to Council after their return from travel.

The Report need not form part of the Council meeting agenda, and a summary of attendance and learnings may be presented during Members Announcements without Discussion during the Council Meeting. Councillors may choose to also provide a summary of learnings that will be circulated through the CEO Update or similar publication, to all Elected Members.

The CEO will publish a report on the City website, within one month of the end of the financial year, providing the details of the professional development completed by each Elected Member during the financial year.

2. International, interstate and intrastate travel

All proposals for City funded interstate or international travel for Elected Members requires the approval of Council, when recommended by the CEO. In the case of CEO interstate or international travel, the proposal shall be presented to Council without recommendation.

Air travel will be arranged by the City (unless otherwise agreed under this Policy) and shall be based on an economy class fare with standard baggage allowance. Wherever possible, these will be booked in advance to take advantage of advance purchase discounts.

Accommodation arrangements shall be based on an appropriate room in an appropriate standard hotel recommended by the conference organisers, or one located within proximity to the conference facility. Any upgrades or extensions shall be at the expense of the Elected Member.

All proposals for approval of travel covered by this provision should be in writing and show the reason for the request.

3. Reimbursement requests

Travel, accommodation, and registration arrangements shall be made by the City; however, where an Elected Member has approval from the CEO to make

their own arrangements in respect to accommodation and travel, reimbursement will be made in accordance with this policy on presentation of appropriate receipts. Elected Members must obtain the necessary approvals required by this policy prior to making any financial or other commitments.

An Elected Member may be reimbursed for intrastate or interstate travel and accommodation costs incurred in any of the circumstances referred to in regulation 32(1) of the *Local Government Administration Regulations 1996*.

Reimbursement requests must be provided to the CEO and are to include all receipts and a completed reimbursement form. Only expenses incurred in an Elected Member's capacity to fulfil their role as an Elected Member will be reimbursed.

4. Cancellations

Where an Elected Member is required to cancel and there is a non-refundable portion already paid by the City for the professional development, the Elected Member, in conjunction with the CEO, should endeavour to find a replacement Elected Member to attend. Where no replacement is secured the non-refundable portion will accrue to the Elected member's budget spend on professional development.

5. Training completion date

All training is to be completed at least three months prior to an Elected Member's term of office completion date.

No Elected Member is permitted to apply to undertake professional development paid for by the City of Nedlands, in the last three months of their term, unless otherwise determined by a resolution of Council.

Document Control box			
Document Responsibilities:			
Owner:	Chief Executive Officer	Owner Business Unit:	Office of the Chief Executive Officer
Inception Date:	March 2024	Decision Maker:	Council
Review Date:	Biennial	Repeal and Replace:	
Compliance Requirements:			
Legislation:	<i>Local Government Act 1995 Part 5, Division 10.</i> <i>Local Government (Administration) Regulations 1996 reg. 35 and 36.</i>		
Delegation:	Nil		

Proposal - Repeal

Council Member and Employee training and conference attendance

Status	Council
Responsible Division	Office of the Chief Executive Officer
Objective	To determine requirements for training and conference support for Elected Members and City Employees.

Context

Training and conference attendance are important to Elected Members and Employees in performing the functions of their roles. This policy sets out Council's express authority and terms of approval for attendance at training and conferences, in addition to mandatory training. **(Repeal – refer draft policy)**

Interstate and international travel may be required by Elected Members and Employees for attending training, conferences and professional events. This policy sets out the requirements associated with such travel. **(Repeal – refer draft policy clause 2)**

Statement

1. Professional Development and attendance at events.

Council members are required to completed mandatory training (s.5.126). **(Refer draft policy clause 1)**

In addition to mandatory training, if funds have been specifically provided in the budget for an Elected Member to attend a particular training course or conference, then the Chief Executive Officer (CEO) may approve attendance and make any necessary arrangements.

If an Elected Member requests approval to attend a training course or conference for which **no** interstate or international travel is required, and which no specific budget allocation has been made but there are sufficient unallocated funds available within the budget, the following can be applied:

- Where the total cost is no more than \$1,000, CEO can approve; **(Refer draft policy clause 1.2)**



- Where the total cost is between \$1,001 and \$2,000 then the CEO in consultation with the Mayor may approve attendance if there are sufficient unallocated funds within the budget; (Refer draft policy clause 1.2) and
- Where training or conferences cost more than \$2,000, they must be referred to Council for approval. (Refer draft policy clause 1.2)

Any Elected Member refused permission by the CEO or Mayor to attend training course or conference may refer the matter to Council. (Refer draft policy clause 1.2)

When considering any application by an Elected Member to attend a training course or conference, the CEO, the Mayor or Council should take into account the training needs of the Elected Member and any issues of equity between Elected Members concerning access to training. (Refer draft policy clause 1.2)

2. International and interstate travel

All City funded international travel for Employees and Councillors requires the timely approval of Council when recommended by the CEO. In the case of CEO international travel, the proposal should be presented to Council without recommendation. (Refer draft policy clause 2)

All proposals for approval of travel covered by this provision should be in writing and show the reason for the request. (Refer draft policy clause 2)

A written report on the travel and event/s attended should be presented to Council by the person who travelled no later than the second meeting after return from the travel. (Refer draft policy clause 2.2)

Interstate travel for Employees for work related purposes is subject to approval by the CEO and a report of the approval and reason for it is to be presented to Council at the meeting following that approval.

Interstate travel by Councillors for Councillor related purposes, including educational, is subject to approval by Council. (Refer draft policy clause 2)

3. Reimbursement approvals

The extent to which a Council Member and Employee can be reimbursed for intrastate or interstate travel and accommodation costs incurred in any of the circumstances referred to in regulation 32(1) of the LG Administration Regulations is at the same rate applicable to the reimbursement of travel and accommodation costs in the same or similar circumstances under the Public Service Award 1992 issued by the Western Australian Industrial Relations Commission as at the date of this determination. (Refer draft policy clause 3)

Reimbursement requests must be provided to the CEO and are to include all receipts and a completed reimbursement form. (Refer draft policy clause 3)

4. Cancellations

Where cancellations occur the Council member/Employee member should endeavour to find a replacement Council member or appropriate Employee. When no replacement is found the non-refundable portion will accrue to the Council member's or Employee's value of conference attendance. (Refer draft policy clause 4)

Related documentation

Elected Member Fees, Expenses Allowances and Other Provisions Policy

Related local law and legislation

Local Government Act 1995, section 5.98(2)(b), 5.126

Local Government (Administration) Regulations 1996, reg.(32)

Related delegation

Nil

Review History

23 February 2021 (CEO Report 13.1)

20 December 2016 (Report CPS33.16)

Proposal – Amendment

Elected Member Expenses and Equipment

Status	Council
Responsible Division	Office of the Chief Executive Officer
Objective	To determine allowances and equipment provided to Elected Members.

Context

Upon election Elected Members are entitled to receive the necessary information and equipment to undertake their role.

All Elected Members will be paid annual allowances for attending meetings and as a contribution to communication costs incurred in their role as Elected Members.

Statement

1. *Induction.* Newly Elected Members will be required to undertake a comprehensive induction process conducted by Administration. This may involve evening and weekend sessions.

Following the election relevant materials and reports will be provided electronically, where possible to Elected Members. Hard copies can be provided upon request by the Elected Member. Existing Elected Members will also have electronic access to induction materials.

2. *Seats in Council Chambers.* Elected Members will occupy the seats in the Council Chambers allocated to them based on the ward represented and alphabetical placement. In exceptional circumstances, by resolution of Council, an Elected Member may be allowed to occupy another seat.
3. *Allowances.* The Mayor and Deputy Mayor will be paid an allowance and all Elected Members shall receive an annual fee (paid monthly) for attending meetings. The Salaries and Allowances Tribunal is required to determine the amount of fees and allowances to be paid to elected members. Maximum allowances will be paid, to be confirmed in the annual budget each year.

4. Elected Member ICT equipment

The City will provide Elected Members with a standard City issued laptop to receive and view electronic communications from the City and to undertake their function as an Elected Member.

Any equipment (including software) provided by the City will be repaired, serviced, maintained and/or replaced by the City. The City will retain ownership of any equipment provided under this clause.

Council supplied equipment is only to be used in relation to Council business.

5. Annual ICT allowance

Elected Members shall receive the maximum annual ICT allowance to cover the costs of operating and maintaining information technology related equipment and communication related expenses. This will be paid as part of the annual fee for attending meetings.

If the communication expenses of any Elected Member exceeds the allowance, they may make application to the CEO for reimbursement. Any decision will be based upon submission of sufficient information and documentation evidencing the ICT allowance has been expended.

6. Childcare and Travel expenses

Council will reimburse the cost of childcare, travel and any other relevant expenses incurred by an Elected Member in the performance of their duties.

7. Gift at conclusion of term of office.

Council may recognise the service given by Elected Members when they retire or are unsuccessful in seeking re-election, by presenting them with a gift up to the value of \$50 per year of office, not to exceed the maximum permitted under the *Local Government Act 1995* and associated regulations.

8. Elected Member training and conference attendance.

The City of Nedlands recognises the importance of Elected Members participating in relevant training and development opportunities.

Funds will be provided in the budget for Elected Members to participate in training related to their role as an Elected Member.

Please refer to the Elected Member Professional Development Policy for information relating to allowances in this area.

Document Control box			
Document Responsibilities:			
Owner:	Chief Executive Officer	Owner Business Unit:	Office of the Chief Executive Officer
Inception Date:	27 August 2013 (Report CPS26.13)	Decision Maker:	Council
Review Date:	Biennial	Repeal and Replace:	N/A
Compliance Requirements:			
Review History	20 December 2016 (Report CPS33.16) 24 September 2013 (Report CPS26.13) 25 May 2010 (Report CM10.10)		
Link to Council Plan:	Performance Effective Leadership and Governance		
Legislation:	<i>Local Government Act 1995 Part 5, Division 10.</i> <i>Local Government (Administration) Regulations 1996 reg. 35 and 36.</i> <i>Interstate and International Travel Policy</i>		
Delegation:	<i>Nil.</i>		

Proposed repeal.

Interstate and International Travel

KFA	Governance and Civic Leadership
Status	Council
Responsible Division	Office of the Chief Executive Officer
Objective	To determine requirements for interstate and international travel for Elected Members and City Employees.

Context

Interstate and international travel may be required by Elected Members and City Employees for attending training, conferences and professional events.

This policy sets out the requirements associated with such travel.

Statement

1. All Council funded international travel for staff and Councillors requires the timely approval of Council when recommended by the CEO; (repeal – draft policy clause 2)
2. In the case of CEO international travel, the proposal should be presented to Council without recommendation; (repeal – draft policy clause 2)
3. All proposals for approval of travel covered by this provision should be in writing and show the reason for the request; (repeal – draft policy clause 2)
4. A written report on the travel and event/s attended should be presented to Council by the person who travelled no later than the second meeting after return from the travel. (repeal – draft policy clause 1.2.2)
5. Interstate travel for staff for work related purposes is subject to approval by the CEO and report of the approval and reason for it to the Council at the meeting following that approval; (repeal – operational and would appear in the monthly financial statement, a report can be provided in the CEO update) and
6. Interstate travel by Councillors for councillor related purposes including educational is subject to approval by Council (repeal – draft policy clause 2).

Related documentation



Elected Member Expenses and Equipment Policy

Related local law and legislation

Nil

Related delegation

Nil

Review History

20 December 2016 (Report CPS33.16)



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.

23.1 PD22.03.24 CONFIDENTIAL Legal Opinion Received on Judicial Review for 129-133 Waratah Avenue, Dalkeith

A confidential report has been circulated separately to Council Members.



24. Declaration of Closure

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