



# NOTES

## Council Meeting Agenda Forum

Tuesday, 12 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](mailto:council@nedlands.wa.gov.au)

## Public Question Time

Public Questions are dealt with at the Ordinary Council Meeting.

## Deputations

Members of the public may make presentations or ask questions on items contained within the agenda. Presentations are limited to 5 minutes. Members of the public must complete the online registration form available on the City's website: [Public Address Registration Form | City of Nedlands](#)

## Disclaimer

Members of the public who attend Council Meetings Agenda Forum should not act immediately on anything they hear at the meetings, without first seeking clarification of Council's position. For example, by reference to the confirmed Minutes of Council meeting. Members of the public are also advised to wait for written advice from the Council prior to taking action on any matter that they may have before Council.

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



## Table of Contents

1.	Declaration of Opening.....	6
2.	Present and Apologies and Leave of Absence (Previously Approved).....	6
3.	Public Question Time .....	7
4.	Deputations .....	7
5.	Requests for Leave of Absence .....	8
6.	Petitions.....	8
7.	Disclosures of Financial Interest.....	8
8.	Disclosures of Interests Affecting Impartiality .....	8
9.	Declarations by Members That They Have Not Given Due Consideration to Papers .....	8
10.	Confirmation of Minutes.....	8
11.	Announcements of the Presiding Member without discussion.....	8
12.	Members Announcements without discussion.....	9
13.	Matters for Which the Meeting May Be Closed .....	9
14.	En Bloc Items .....	9
15.	Minutes of Council Committees and Administrative Liaison Working Groups .....	9
15.1.	Minutes of the following Committee Meetings (in date order) are to be received: ..	9
16.	Divisional Reports - Planning & Development.....	9
16.1	PD09.03.24 Consideration of Metropolitan Region Scheme Amendment 1415 – Reclassification of Lots 503 and 504 Odern Crescent, Swanbourne.....	9
16.2	PD10.03.24 Consideration of Modification of Conditions (Screening) for Single House at 14 Jutland Parade, Dalkeith .....	10
16.3	PD11.03.24 Consideration of Development Application for Single House at 29 Boronia Avenue, Nedlands.....	10
16.4	PD12.03.24 Consideration of Development Application for Single House at 52 Waratah Avenue, Dalkeith.....	10
16.5	PD13.03.24 Consideration of Development Application for Single House Additions (Carport) at 73 Smyth Road, Nedlands .....	10
16.6	PD14.03.24 Consideration of Development Application for 5 Grouped Dwellings at 4 Philip Road, Dalkeith .....	10



---

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 .....	11
16.8	PD16.03.24 Adoption of Local Planning Policy 1.2 – Removal of Occupancy Restrictions.....	11
16.9	PD17.03.24 Consent to Advertise draft Local Planning Policy – St Johns Wood Estate Fencing .....	11
16.10	PD18.03.24 Adopt Amended Local Planning Policy 5.2 – Old Swanbourne Hospital Precinct .....	11
16.11	PD19.03.24 Consent to Initiate Scheme Amendment 14 – Vehicle Access Restrictions.....	12
16.12	PD20.03.24 Consideration of Draft City of Nedlands Public Health Plan .....	12
16.13	PD21.03.24 Consideration of Public Signs in Public Places Policy .....	12
17.	Divisional Reports - Technical Services .....	12
17.1	TS06.03.24 Allen Park Trail Construction Options, Swanbourne .....	12
17.2	TS07.03.24 RFT 2023-24.07 Natural Area and Greenways Maintenance Services .....	13
17.3	TS08.03.24 Adoption of Strategic Project Development Policy .....	13
18.	Divisional Reports - Corporate Services.....	14
18.1	CPS09.03.24 Monthly Financial Report – February 2024 .....	14
18.2	CPS10.03.24 Monthly Investment Report – February 2024 .....	14
18.3	CPS11.03.24 List of Accounts Paid – February 2024 .....	14
18.4	CPS12.03.24 Lease, Licence, Exclusive Licence and Hire of Community Facilities Policy.....	14
18.5	CPS13.03.24 Town of Claremont Lease – Portion of John XXIII Depot.....	14
18.6	CPS14.03.24 Meeting Fees – Independent Community Members.....	15
18.7	CPS15.03.24 – 2023/24 Mid-Year Budget Review.....	15
19.	Divisional Reports – Reports from the Audit & Risk Committee .....	15
19.1	ARC04.02.24 Review of Public Interest Disclosure Policy .....	15
19.2	ARC05.02.24 Annual Compliance Audit Return 2023 .....	15
20.	Reports by the Chief Executive Officer.....	15
20.1	CEO06.03.24 Register of Outstanding Council Resolutions.....	15
20.2	CEO07.03.24 Review of Governance Framework.....	15



20.3 CEO08.03.24 Adoption of Council Member Professional Development Training Policy and Elected Member Expenses and Equipment Policy..... 15

21. Council Members Notice of Motions of Which Previous Notice Has Been Given..... 16

22. Urgent Business Approved By the Presiding Member or By Decision..... 16

23. Confidential Items..... 16

23.1 PD22.03.24 CONFIDENTIAL Legal Opinion Received on Judicial Review for 129-133 Waratah Avenue, Dalkeith..... 16

24. Declaration of Closure ..... 16



## 1. Declaration of Opening

The Presiding Member declared the meeting open at 7.00 pm and acknowledged the Whadjuk Nyoongar people, Traditional Custodians of the land on which we meet, and paid respect to Elders past, present and emerging. The Presiding Member drew attention to the disclaimer on page 2 and advised the meeting was being livestreamed and recorded.

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

<b>Councillors</b>	Mayor F E M Argyle (Presiding Member)	
	Councillor B Brackenridge	Melvista Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor H Amiry	Coastal Ward
	Councillor K A Smyth	Coastal Ward
	Councillor F J O Bennett	Dalkeith Ward

<b>Staff</b>	Mr T G Free	Acting Chief Executive Officer
	Mr M R Cole	Director Corporate Services
	Mr M K MacPherson	Director Technical Services
	Mr R A Winslow	Acting Director Planning & Development
	Mrs N M Ceric	Executive Officer
	Ms L J Kania	Coordinator Governance & Risk

**Public** There were 12 members of the public present and 5 online.

**Press** Nil.

<b>Leave of Absence (Previously Approved)</b>	Councillor B G Hodsdon	Hollywood Ward
---	------------------------	----------------

<b>Apologies</b>	Councillor L J McManus	Hollywood Ward
	Councillor N R Youngman	Dalkeith Ward



### 3. Public Question Time

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

### 4. Deputations

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

Mr Daniel Lees, spoke in support of the recommendation for item 16.2 - PD10.03.24 Consideration of Modification of Conditions (Screening) for Single House at 14 Jutland Parade, Dalkeith.

Ms Kim MacNaughton, spoke in opposition to the recommendation for item 16.3 - PD11.03.24 Consideration of Development Application for Single House at 29 Boronia Avenue, Nedlands.

Ms Jennie Officer, spoke in opposition to the recommendation for item 16.3 - PD11.03.24 Consideration of Development Application for Single House at 29 Boronia Avenue, Nedlands.

Mr Stephen Matthews, spoke in support of item 16.4 – PD12.03.24 Consideration of Development Application for Single House at 52 Waratah Avenue, Dalkeith.

The Acting Director of Planning and Development read a statement on behalf of Mr Ryan Djanegara, Developed Property in relation to item 16.4 - PD12.03.24 Consideration of Development Application for Single House at 52 Waratah Avenue, Dalkeith.

Mr George Valiukas, spoke in opposition on item 16.6 - PD14.03.24 Consideration of Development Application for 5 Grouped Dwellings at 4 Philip Road, Dalkeith.

Mrs Rinske Valiukas, spoke in opposition on item 16.6 - PD14.03.24 Consideration of Development Application for 5 Grouped Dwellings at 4 Philip Road, Dalkeith.

Mr Zac Evangelisti spoke in support of item 16.6 - PD14.03.24 Consideration of Development Application for 5 Grouped Dwellings at 4 Philip Road, Dalkeith.

Mr Max Hipkins, spoke in support of the recommendation for item 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.

Mrs Tracy McLaren, spoke in opposition to the recommendation for item 17.1 - TS06.03.24 Allen Park Trail Construction Options, Swanbourne.



## **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 reminded 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.

There were no disclosures affecting impartiality.

## **8. Disclosures of Interests Affecting Impartiality**

The Presiding Member reminded 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.

There were no disclosures affecting impartiality.

## **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**

#### **Requests for Further Information**

Nil.



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

**Requests for Further Information**

Nil.

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

**Requests for Further Information**

Nil.

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

**Requests for Further Information**

Nil.

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

**Requests for Further Information**

Nil.

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

**Requests for Further Information**

Mayor Argyle – Can a meeting to be held prior to the Council Meeting between the applicant and neighbours to discuss areas of concern?

Councillor Bennett – Can the window treatment / boundary treatment be reviewed to reduce the impact on the neighbours?



**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**

**Requests for Further Information**

Nil.

**16.8 PD16.03.24 Adoption of Local Planning Policy 1.2 – Removal of Occupancy Restrictions**

Nil.

**16.9 PD17.03.24 Consent to Advertise draft Local Planning Policy – St Johns Wood Estate Fencing**

Councillor Smyth – Can the process for consultation be clarified?

**16.10 PD18.03.24 Adopt Amended Local Planning Policy 5.2 – Old Swanbourne Hospital Precinct**

**Requests for Further Information**

Councillor Smyth - I understand that the updated policy serves LPS3, and that changes reflect treatment emanating from the recent JDAP resolutions. Can you please provide a copy of the new policy highlighting the **text that has changed** from the original policy? I am unable to pursue further details until I have this clarity.

Councillor Smyth - I am concerned that there has been no consultation because:

1. The recent JDAP consultation about usage of Montgomery Hall attracted mixed response.
2. The owners and operators of the Montgomery House AGIS Aged Care Facility have not been consulted.
3. The owners of the adjoining properties have not been consulted.

Can you please provide an alternative motion that will allow some community engagement to occur?

Councillor Smyth - POS treatment going forward. Annie Dorrington Park (home of Public Art “*Windows into the Past*”) POS on the western side has been developed since the original LPP. Heritage Lane Greenway (along the escarpment shared with JTC) POS on the eastern side has various landscape treatments that require management by the City and adjoining owners. Can you please provide guidance as to how this LLP could establish a best practice approach to managing the natural bush and greenway landscape interface?



## **16.11 PD19.03.24 Consent to Initiate Scheme Amendment 14 – Vehicle Access Restrictions**

### **Requests for Further Information**

Nil.

## **16.12 PD20.03.24 Consideration of Draft City of Nedlands Public Health Plan**

### **Requests for Further Information**

Nil.

## **16.13 PD21.03.24 Consideration of Public Signs in Public Places Policy**

### **Requests for Further Information**

Nil.

## **17. Divisional Reports - Technical Services**

### **17.1 TS06.03.24 Allen Park Trail Construction Options, Swanbourne**

#### **Requests for Further Information**

Councillor Smyth - Can you please provide advice on the wording of proposed clause 3 above?

Councillor Smyth - I presume this is not tacit agreement to the Hospice Construction Plan. When will Council be consulted on the flagged leasing of more Allen Park land to the Hospice construction, in particular area and conditions of agreement?

Councillor Smyth - Page 360 "Hospice Logistics Methodology Drawings" TS06.03.24 - Attachment 2. What is the area symbolized with a red dash outline, at the entrance of the Hospice, within the truck circle? What is the proposed walking trail on the east side of the Odern Triangle car park?

Councillor Smyth - Page 357 - Are there constraints of a sewer running outside the hospice lot and within the Norn Bidi site? Has this been constructed yet, and why is it not within the Hospice lot?

Councillor Smyth - Page 346 "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)." What is the extent of this earthworks, and where will the overburden be stockpiled?



## 17.2 TS07.03.24 RFT 2023-24.07 Natural Area and Greenways Maintenance Services

### Requests for Further Information

Councillor Bennett – Has the tender documents restricted the use of herbicides around the base of trees?

## 17.3 TS08.03.24 Adoption of Strategic Project Development Policy

### Requests for Further Information

Councillor Smyth - It seems that future works have been identified in Strategic Project Portfolio, unfunded existing projects have been overlooked. Can the Policy apply to the implementation of all Master Plans such as Allen Park MP and any others?

Councillor Smyth - Emerging Projects that have not made the cut, for example Heritage Precinct, Allen Park Cottage, NYC Junior Clubhouse, Marlows Park etc. Can we have visibility of all those Projects that have not made the list, but have been brought to Council either by Concept Forum or Notice of Motion?

Councillor Smyth - There are large capital investments in Information Technology that require strong Project Control to avoid scope creep, vendor after sale monopolies, and unrealised value. Can the Policy be applied to Smart City Technology Infrastructure Projects? What wording would be required to reinforce this scope inclusion?

Councillor Smyth - Referring to 4.9 School Sports Circuit, it is noted that this is a well-documented mature project, however there may be some relevant threads that have not been included.

1. Access License with CCGS for access via laneway at Blenheim to western playing fields (date tba)
2. Easement over CCGS for access through eastern playing fields to facilitate SSC (date tba)
3. Acquisition of sump reserve for "Pit Stop" along SSC (requested at same Council resolution as Dalkeith Rd sump) (date tba)
4. Petition by Blenheim residents for access (sub-stage of SSC) (date tba)
5. MoU with CCG to manage bushland within their lease.
6. Heritage Lane intervention, pathway and road turnaround – works to facilitate opening of Montgomery House disregarded the proposed escarpment raised walkway bordering JTC. (date tba)
7. Overlap with the notional Lake Claremont to Perry Lakes wildlife corridor.



## **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**

#### **Requests for Further Information**

Nil.

### **18.5 CPS13.03.24 Town of Claremont Lease – Portion of John XXIII Depot**

#### **Requests for Further Information**

Councillor Smyth - When will the City construct an access road to the depot and north to McGilvray Oval? What funding has been sort for this road construction and companion drainage?

Councillor Smyth - What consideration has been given to the Mt Claremont Structure/ Precinct Plan in relation to this activity?

Councillor Smyth - To enable a more informed decision could you please provide a summary of:

- a) all the Leases and sub-leases that this depot vicinity hosts;
- b) the accumulated truck movements (eg Water Truck lease) etc;
- c) the lessons learned from the previous failed business case to stockpile basic raw materials for other municipalities. (2016);
- d) contaminated water, soil and dust risks known; and
- e) potential revenue v costs?



**18.6 CPS14.03.24 Meeting Fees – Independent Community Members**

Nil.

**18.7 CPS15.03.24 – 2023/24 Mid-Year Budget Review**

Nil.

**19. Divisional Reports – Reports from the Audit & Risk Committee**

**19.1 ARC04.02.24 Review of Public Interest Disclosure Policy**

Nil.

**19.2 ARC05.02.24 Annual Compliance Audit Return 2023**

Nil.

**20. Reports by the Chief Executive Officer**

**20.1 CEO06.03.24 Register of Outstanding Council Resolutions**

Nil.

**20.2 CEO07.03.24 Review of Governance Framework**

Nil.

**20.3 CEO08.03.24 Adoption of Council Member Professional Development Training Policy and Elected Member Expenses and Equipment Policy**

**Requests for Further Information**

Councillor Smyth - Proposal – Amendment Elected Member Expenses and Equipment, Page 525 “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.”



Will this be paid as:

- (a) annual lump sum November (due to election cycle)
- (b) monthly in advance; or
- (c) monthly in arrears?

Does “as Part” mean:

- (d) in addition to the annual fee, but at the same time; or
- (e) is the capped annual fee inclusive of the ICT allowance?

## **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.

The meeting was closed to the public and press at 8.42 pm.

### **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.

#### **Requests for Further Information**

Nil.

## **24. Declaration of Closure**

There being no further business, the Presiding Member declared the meeting closed at 9.02 pm.