

AGENDA

Council Meeting Agenda Forum

Tuesday, 13 May 2025

Notice of Meeting

Mayor & Councillors

A Council Meeting Agenda Forum of the City of Nedlands is to be held on Tuesday, 13 May 2025 in the Council chambers at 71 Stirling Highway Nedlands commencing at 7pm.

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



Keri Shannon | Chief Executive Officer
13 May 2025



Information

Council Meeting Agenda are run in accordance with the City of Nedlands Standing Orders 2016. If you have any questions in relation to the agenda, procedural matters, addressing the Council or attending these meetings please contact the Governance Officer on 9273 3500 or council@nedlands.wa.gov.au

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 3 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 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.

2. PRESENT AND APOLOGIES AND LEAVE OF ABSENCE (PREVIOUSLY APPROVED)

Leave of Absence

Cr N Youngman

Cr H Amiry

Apologies

3. PUBLIC QUESTION TIME (OCM)

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 (OCM)

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

6. PETITIONS (OCM)

Any petitions by members of the public 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 (OCM)

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

10. CONFIRMATION OF MINUTES (OCM)

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



11. ANNOUNCEMENTS OF THE PRESIDING MEMBER WITHOUT DISCUSSION (OCM)

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

12. MEMBERS ANNOUNCEMENTS WITHOUT DISCUSSION (OCM)

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.

14. EN BLOC (OCM)

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

15. MINUTES OF COUNCIL COMMITTEES AND ADMINISTRATIVE LIAISON WORKING GROUPS (OCM)

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

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 Initiation of Scheme Amendment No. 19 – Short-term Rental Accommodation and Consent to Advertise Draft Local Planning Policy 2.2: Unhosted Short-term Rental Accommodation

Report Number	PD21.05.25
Meeting & Date	Council Meeting – 22 April 2025
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Author	Sergio Famiano - Manager Urban Planning
Director	Bruce Thompson – Director Planning & Development
Attachments	Attachment 1 - Scheme Amendment 19 Report Attachment 2 - Draft Amended Local Planning Policy 2.2: Unhosted Short Term Rental Accommodation

Purpose

The purpose of this report is for Council to consider initiation of an amendment to the City's Local Planning Scheme No. 3 to update the scheme text to introduce new and revised land use classes and general definitions to facilitate State Government Reforms for short-term rental accommodation, and the removal of superseded land use classes. In addition, this report seeks Councils consideration of Draft Amended Local Planning Policy: Unhosted Short-term Rental Accommodation for the purpose of advertising.

Administration Recommendation

That Council:

1. **RESOLVES**, pursuant to section 75 of the *Planning and Development Act 2005*, to amend Local Planning Scheme No. 3 by:
 1. In clause 37 'Terms Used':
 - A. Delete the definition for *short-term accommodation*.
 - B. Amend the general definition for 'cabin' to:
means a building that –
 - (a) is an individual unit other than a chalet; and
 - (b) forms part of –
 - (i) tourist and visitor accommodation; or
 - (ii) caravan park; and



- (c) if the unit forms part of a caravan park – is used to provide accommodation for persons, on a commercial basis, with no individual persons accommodated for a period or periods exceeding a total of 3 months in any 12-month period.
 - C. Amend the general definition for chalet to:
 - means a building that –
 - (a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping area; and
 - (b) forms part of –
 - (i) tourist and visitor accommodation; or
 - (ii) a caravan park;
 - (c) and if the unit forms part of a caravan park – is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.
- 2. In clause 38, 'Land Use Terms Used':
 - A. Delete the definitions for:
 - bed and breakfast;
 - holiday accommodation;
 - holiday house;
 - motel;
 - serviced apartment; and
 - tourist development.
 - B. Amend the existing land use term for 'roadhouse' by deleting paragraph (d) and inserting:
 - (d) accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period.
 - C. Insert the definition for 'tourist and visitor accommodation' as per Schedule 1 – Model Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.
- 3. In clause 17, table 3, 'Zoning Table' insert in alphabetical order the following land uses and permissibility:
 - A. hosted short-term rental accommodation; designate as 'P' uses in zones where a dwelling is capable of approval and 'X' uses in all other zones.
 - B. unhosted short-term rental accommodation; designate as 'D' for Residential, Mixed-Use and Neighbourhood Centre zones, 'A' use in the Local Centre zone and 'X' in all other zones.
 - C. tourist and visitor accommodation and designate as 'P' in neighbourhood centre zone, 'D' in mixed use and local centre zones and 'X' in all other zones.
- 4. In clause 17, table 3, 'Zoning Table', delete all references to:
 - A. bed and breakfast;
 - B. holiday accommodation;
 - C. holiday house;
 - D. motel;
 - E. serviced apartment; and



F. tourist development.

- 5. In clause 19, table 4, 'Specified additional uses for zoned land in Scheme area', replace reference to holiday accommodation, holiday house and tourist development with tourist and visitor accommodation.**
- 2. AFFIRMS that the local government is of the opinion that Amendment No. 19 to the City of Nedlands 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 for the following reasons:**
 - i. the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;**
 - ii. the amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and**
 - iii. the amendment is not considered a complex or basic amendment.**
- 3. REFERS Scheme Amendment No. 19 to the City of Nedlands Local Planning Scheme No. 3, to the Western Australian Planning Commission 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.**
- 4. RESOLVES to adopt draft Local Planning Policy: Unhosted Short-term Accommodation (Attachment 2) 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.**

Voting Requirement

Simple Majority

Background

The State Government announced new regulations for Unhosted Short-term Rental Accommodation (STRA) in Western Australia in November 2023. To facilitate these changes, amendments to the Planning and Development (Local Planning Schemes) Regulations 2015 have been introduced. These amendments introduce 'Hosted short-term rental accommodation' and 'Unhosted short-term rental accommodation' land uses, along with associated exemptions from the requirement to obtain development approval.

'Hosted short-term rental accommodation' will be exempt from development approval in all cases with no time restrictions, while 'unhosted short-term rental accommodation' will be exempt from requiring a development approval where the premises is not rented for more than 90 nights within a 12-month period.

Amendments to the Regulations are now in force. These amendments include:

- New 'deemed' and general definitions for hosted and unhosted STRA in all local planning schemes.



- New 'model' land use class of 'tourist and visitor accommodation'
- Statewide exemptions from development approval for hosted STRA properties.
- Development exemptions for unhosted STRA within the Perth metropolitan area if rented for no more than 90 nights in a 12-month period.
- Revised tourism land uses that can be adopted into local planning schemes.

An amendment to Local Planning Scheme No. 3 (LPS 3) has been prepared to incorporate the new land uses and remove any superseded land uses. To support these amendments, draft Local Planning Policy: Unhosted Short Term Rental Accommodation has been prepared to provide acceptable development standards and guide discretionary decision-making for unhosted STRA applications. It is proposed that the City's current Local Planning Policy 2.2: Short Term Accommodation be revoked in due course.

Discussion

Scheme Amendment 19 to Local Planning Scheme No. 3

All local governments have been advised that their local planning schemes are to be amended to reflect changes to the Regulations, as outlined above, to provide consistency across local planning schemes and alignment with the *Short-Term Rental Accommodation Act 2024 (STRA Act 2024)*. Amendments to LPS 3 are to be finalised mid-2025 to allow for determinations to be issued by 1 January 2026, when the STRA Registration Scheme becomes mandatory. A copy of the Scheme Amendment Report is found **Attachment 1**.

In addition to the introduction of hosted and unhosted short term rental accommodation and tourist and visitor accommodation land uses, the City's LPS 3 contains the following STRA related land uses which have been superseded by the Regulations:

- bed and breakfast
- holiday accommodation
- holiday house
- motel
- serviced apartment
- tourist development

The following general definitions for the following terms will be amended to be consistent with the Regulations:

- cabin
- chalet

The existing land use term for 'roadhouse' will be also amended.



The Western Australian Planning Commission's Planning Bulletin 115/2024 outlines the following amendments should be made to the zoning table:

- Introduce hosted short term rental accommodation deemed use and designate as 'P' use in zones where a dwelling is capable of approval and 'X' use in all other zones.
- Introduce unhosted short term rental accommodation and designate as 'D' for residential, mixed-use and neighbourhood zones, 'A' for the Local Centre zone and 'X' in all other zones.
- Introduce a tourist and visitor accommodation use and designate as 'P' in the neighbourhood centre zone, 'D' in the mixed-use and local centre zones and 'X' in all other zones.

For clarity, the assigned 'permissibility' descriptors have the following definitions:

- 'X' means that the use is not permitted by the scheme
- 'A' means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.
- 'D' means that the use is not permitted unless the local government has exercised its discretion by granting development approval.
- 'I' means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of the scheme.
- 'P' means that the use is permitted if it complies with any relevant development standards and requirements of the scheme.

Impact on the Local Planning Strategy

The City's Local Planning Strategy highlights that while Nedlands is not a traditional tourism destination, it has several attractors that draw visitors, such as the QEII medical precinct, the University of Western Australia (UWA), and various cultural and recreational amenities. The success of UWA and the state's Improvement Plan for the UWA-QEII precinct are expected to increase the need for additional accommodation, including for students. The development of Edith Cowan University's new campus in the Perth CBD could further impact this demand. The Local Planning Strategy notes a growing need for visitor accommodation in Nedlands and suggests that making short-term rental accommodation (STRA) more accessible in appropriate locations could help meet this demand, while preserving residential areas.

Changes to the zoning table of Local Planning Scheme No. 3

The changes proposed will result in new uses being added to the zoning table with the superseded uses being removed. The zoning table will appear as follows:



Use and development class	Zones						
	Residential	Mixed Use	Local Centre	Neighbourhood Centre	Service Commercial	Private Community Purpose	Urban Development
Hosted short term rental accommodation	P	P	P	P	X	X	Refer to clause 18(7)
Unhosted short term rental accommodation	A	D	D	D	X	X	
Tourist and visitor accommodation	X	D	D	P	X	X	

Local Planning Policy

The draft amended Local Planning Policy 2.2: Unhosted Short Term Rental Accommodation has been prepared to be consistent with the amendments to the Regulations and apply only to Unhosted STRA. The Policy is proposed to have its name changed from the existing name “Local Planning Policy 2.2 Short Term Accommodation” to be consistent with the reduced scope of the Policy and the terms that State Government is now using in the Regulations.

The policy provides the City with requirements for which unhosted STRA is to be assessed against and detailed requirements for unhosted STRA operators to follow especially with regard to their management plans.

The draft LPP retains the same provisions of the current LPP with the exception of Clause 10.3 (shown as Clause 5.4.3 in the new policy) which allows the City to issue time limited approvals indefinitely for unhosted STRA. The clause has been partly deleted. The following words have been deleted:

“Should a subsequent approval be granted, this may also be for a time limited period if the City is not satisfied that the use has not caused amenity impacts on neighbouring properties.”

The text has been deleted for the following reasons:

- They encourage officers to issue further trial approvals beyond the initial 12-month approval timeframe.
- The availability of unlimited trial periods may discourage STRA operators from addressing concerns and complaints that inhibit them from being granted permanent development approvals.
- A property owner is able to apply for Development Approval at any time so where a permanent approval is not granted, the property owner is still free to apply for a 12-month approval rather than renewal of an existing approval.



The text of Clause 10.3, regarding the assessment of substantiated complaints has been retained.

As a result of the changes and update of the policy to the new format, clause numbers have changed significantly.

Consultation

Should Council initiate the Amendment, it will be advertised in accordance with Regulation 47 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, and the City's Consultation of Planning Proposals Local Planning Policy. This includes a 42-day advertising period after the day on which the notice is first published.

Should Council resolve to advertise the draft Policy, it will be advertised in accordance with the City's Consultation of Planning Proposals Local Planning Policy. This includes a 21-day advertising period.

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	Place
	6. Sustainable population growth with responsible urban planning.

Budget/Financial Implications

Nil

Legislative and Policy Implications

Implications of the Scheme Amendment

The local government may amend a local planning scheme under the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#) (the Regulations). Under Regulation 50(3) in respect to a standard amendment, Council must resolve to:

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

Implications of the Local Planning Policy



Clause 4 of the Deemed Provisions 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. Where a Local Planning Policy is advertised, the City must publish a notice of the proposed policy for a period of not less than 21 days and seek submissions

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

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

Decision Implications

Implications of the Scheme Amendment

If Council resolves to support the Amendment it will be referred to the WAPC, for their permission to advertise the amendment.

If Council resolves to support the Amendment with modifications, the required modifications will be made and then referred to the WAPC, for their permission to advertise the amendment.

If Council resolves not to support the Amendment, it will not be progressed and the City risks that the WAPC may intervene on the matter.

Implications of the Local Planning Policy

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

If Council resolves to endorse the amendment subject to modifications, the Policy will be amended to include the modifications and will be advertised to the public. If any modifications require the approval of the Commission, they will be referred to the Commission for approval.

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

Conclusion

It is recommended that Council support the Scheme Amendment 19 for referral to the Western Australian Planning Commission for the purpose of obtaining consent to advertise the Amendment to seek public comment.

It is recommended that Council support the Draft Amended Local Planning Policy 2.2: Unhosted Short Term Accommodation for the purpose of advertising to seek public comment.



Further Information

Nil

COVER PAGE



City of Nedlands
Local Planning Scheme No. 3
Amendment No. 18

*Update scheme text to introduce new and revised land use classes and general definitions to facilitate
State Government reforms for short-term rental accommodation.*

Planning and Development Act 2005

RESOLUTION TO ADOPT AMENDMENT TO LOCAL PLANNING SCHEME

City of Nedlands Local Planning Scheme No. 3 Amendment No. 18

Resolved that the Local Government pursuant to section 75 of the *Planning and Development Act 2005*, amend the above Local Planning Scheme by:

1. In clause 37, 'Terms Used':

- A. Delete the definition for *short-term accommodation*.

- B. Amend the general definition for *cabin* to:
means a building that -
 - (a) *is an individual unit other than a chalet; and*
 - (b) *forms part of -*
 - (i) *tourist and visitor accommodation; or*
 - (ii) *a caravan park;**and*
 - (c) *if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.*

- C. Amend the general definition for *chalet* to:
means a building that —
 - (a) *is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and*
 - (b) *forms part of –*
 - (i) *tourist and visitor accommodation; or*
 - (ii) *a caravan park;*
 - (c) *and if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period*

2. In clause 38, 'Land Use Terms Used':

- A. Delete the definitions for:
 - *bed and breakfast;*
 - *holiday accommodation;*
 - *holiday house;*
 - *motel*
 - *serviced apartment; and*
 - *tourist development.*
 - B. Amend the existing land use term for *road house* by deleting paragraph (d) and inserting:

(d) *accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period.*
 - C. Insert the definition for *tourist and visitor accommodation* as per Schedule 1 – Model Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.
3. In clause 17, table 3, 'Zoning Table' insert in alphabetical order the following land uses and permissibility:
 - A. *hosted short-term rental accommodation*; designate as 'P' uses in zones where a dwelling is capable of approval and 'X' uses in all other zones.
 - B. *unhosted short term rental accommodation*; designate as 'D' for Residential, Mixed-Use and Neighbourhood Centre zones, 'A' use in the Local Centre zone and 'X' in all other zones.
 - C. *tourist and visitor accommodation* and designate as 'P' in neighbourhood centre zone, 'D' in mixed use and local centre zones and 'X' in all other zones.
 4. In clause 17, table 3, 'Zoning Table', delete all references to:
 - A. *bed and breakfast;*
 - B. *holiday accommodation;*
 - C. *holiday house;*
 - D. *motel*
 - E. *serviced apartment; and*
 - F. *tourist development.*
 5. In clause 19, table 4. 'Specified additional uses for zoned land in Scheme area', replace reference to *holiday accommodation, holiday house and tourist development* with *tourist and visitor accommodation*.

The amendment is **standard** under the provisions of Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reasons:

1. the amendment would have minimal impact on land in the scheme area that is not the subject of the amendment;
2. the amendment does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
3. the amendment is not considered a complex or basic amendment.

Dated this _____ day of _____ 20____

(Chief Executive Officer)

City of Nedlands

Local Planning Scheme No. 3 – Amendment No. 18

Scheme Amendment Report

1.0 INTRODUCTION

The purpose of this amendment is to amend the City of Nedlands Local Planning Scheme No. 3 (LPS 3) to implement the State Government's planning reforms for short-term rental accommodation.

This amendment is required to ensure alignment with new 'deemed' and 'model' land use classes and general definitions introduced into the state planning framework. Most significantly, it includes amendments to reflect the 'deemed' land use classes for 'hosted short-term rental accommodation' and 'unhosted short-term rental accommodation', along with removal of superseded land uses. The following report provides further detail and background information on these changes, including specific implications for the City of Nedlands (the City).

2.0 BACKGROUND

Short-Term Rental Accommodation (STRA) refers to the practice of renting out a property (or part of a property) for a relatively short period of time, usually on a nightly or weekly basis. This type of accommodation is usually booked through online platforms and is popular among travellers and visitors seeking temporary lodging for holidays, business trips or other short stays. The State Government has committed to various initiatives to deliver better regulation of the short-term rental accommodation sector.

In November 2023, the Western Australian Planning Commission released its *Position Statement: Planning for Tourism and Short-Term Rental Accommodation* (Position Statement) and associated Guidelines. The release of the Position Statement complemented other whole-of-government reforms relating to STRA, responding to recommendations made in the 2019 parliamentary enquiry *Levelling the Playing Field: Managing the impact of the rapid increase of short-term rentals in Western Australia*. This included development of a state-wide registration scheme for STRA, as well as an incentive scheme to encourage transition of properties from the short to long term rental market.

Alongside the registration scheme, which sits separately to the planning system and is mandatory for all STRA, amendments to planning regulations were flagged as a key part of the State Government's goal to ensure a fairer and more consistent treatment of STRA from both a legal and practical standpoint. The planning changes, which have triggered the need for the City to amend its scheme, aim to provide greater consistency across the state in relation to what approvals are needed for STRA proposals as well as how these uses are defined in local planning schemes.

The City's Local Planning Strategy was endorsed by the WAPC on 26 September 2017. In relation to tourism the Strategy acknowledges the limited accommodation for visitors. The Strategy notes the opportunity for appropriate accommodation to be developed with regard for the City's proximity to the Perth CBD and the QEII and UWA precincts.

3.0 STATE PLANNING FRAMEWORK

The State Government's planning reforms for short-term rental accommodation are being implemented predominantly through the *Planning & Development (Local Planning Schemes) Regulations 2015* (LPS Regulations), which in turn have been informed by policy direction provided through the Position Statement.

Position Statement

The Position Statement foreshadowed a series of amendments to the LPS Regulations with the overall aim of providing more certainty and consistency across jurisdictions in respect to the treatment of STRA. Key changes identified in this document included dedicated land use classes for STRA to ensure a clear delineation between this use and traditional accommodation types, as well as a state-wide exemption for hosted STRA and a 90-night exemption for unhosted STRA within the Perth Metropolitan Area. The Position Statement also includes guidance on strategic and statutory planning matters for both tourism and STRA, as well as local planning policy development.

LPS Regulations

The LPS Regulations are a key component of Western Australia's planning system comprising of three major parts:

- Regulations proper, which set out the process for preparing or amending a local planning scheme;
- 'Model' provisions, set out in Schedule 1, which are to be used by local governments in preparing or amending a local planning scheme; and
- 'Deemed' provisions, set out in Schedule 2, read automatically into all local planning schemes, and override any existing scheme provision to the extent of any inconsistencies. Where there is a conflict between these provisions and the scheme, the deemed provisions prevail.

Amendments to both Schedules 1 and 2 of these regulations have been made to facilitate the necessary planning changes of the State Government's short-term rental accommodation (STRA) reform initiatives, as envisaged by the Position Statement. These changes, most notably, include:

- i. new 'deemed' land use classes of 'hosted short-term rental accommodation' and 'unhosted short-term rental accommodation' to ensure these accommodation types are classified as dedicated land use classes in planning schemes;
- ii. new 'deemed' general terms to define 'short-term rental accommodation' and link to the overarching *Short-Term Rental Accommodation Act 2024*, which provides the legal framework for the STRA Register;
- iii. a new 'model' land use class of 'tourist and visitor accommodation' to differentiate these use types from STRA, and consolidate a number of existing land use terms for tourist and visitor accommodation (aside from 'hotel'), as well as other changes to general definitions;
- iv. a state-wide development approval exemption for 'hosted short-term rental accommodation' (this includes ancillary dwellings); and
- v. a 90-night (cumulative) exemption within a 12-month period for 'unhosted' short-term rental accommodation in the Perth metropolitan area.

The implications for these changes to the City are detailed further in the following sections of this report.

4.0 LOCAL PLANNING CONTEXT

Local Planning Strategy

As noted in the City's Local Planning Strategy, though not considered a traditional tourism destination, the City has several attractors that bring significant numbers of visitors. Medical facilities within the QEII medical precinct attracts visitors, namely patients, families, medical professionals and students who likely prefer accommodation nearby. The education hub of the University of Western Australia draws long-stay students, academics and professionals. With the State Government's introduction of the Improvement Plan for the UWA QEII Precinct it would be anticipated that the need for additional accommodation in the City would be sought. Demand for Student Accommodation has been growing in recent years due to the ongoing success of UWA. There have been applications for large accommodation facilities within the City of Perth and City of Nedlands to address the demand. There is also a potentially flow on affect from Edith Cowan University which has a new campus under construction in the Perth CBD approximately five kilometres from the City of Nedlands. Other attractors to the area include cultural and recreational amenities such as parks, the Swan River foreshore, Swanbourne Beach and various sporting facilities.

Given these attractors and the proximity to Perth CBD, there is a growing need for appropriate tourist and visitor accommodation in Nedlands. This development should maintain the integrity of established residential areas. Amendments which make it easier for STRA uses to occur in appropriate locations are an opportunity for the City to increase the available accommodation to visitors and tourists.

Local Planning Scheme

LPS 3 was gazetted on 16 April 2019 and STRA is currently considered as follows:

Land Use	Definition
Bed and breakfast	<p>means a dwelling –</p> <p>(a) <u>used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and</u></p> <p>(b) <u>containing not more than 2 guest bedrooms.</u></p>
Caravan park	<p>means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5(1).</p>
Holiday accommodation	<p>means 2 or more dwellings on one lot used to provide short-term accommodation for persons other than the owner of the lot.</p>
Holiday house	<p>means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.</p>
Hotel	<p>means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises.</p>
Motel	<p>means premises, which may be licenced under the <i>Liquor Control Act 1988</i> -</p> <p>(a) <u>used to accommodate guests in a manner similar to a hotel; and</u></p> <p>(b) <u>with specific provision for the accommodation of guests with motor vehicles.</u></p>
Roadhouse	<p>means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services –</p> <p>(a) <u>full range of automotive repair services;</u></p> <p>(b) <u>wrecking, panel beating and spray painting services;</u></p> <p>(c) <u>transport depot facilities;</u></p> <p>(d) <u>short-term accommodation for guests;</u></p> <p>(e) <u>facilities for being a muster point in response to accidents, natural disasters and other emergencies; and</u></p> <p>(f) <u>dump points for the disposal of black and/or grey water from recreational vehicles.</u></p>
Serviced apartment	<p>means a group of units or apartments providing –</p> <p>(a) <u>self-contained short-stay accommodation for guests; and</u></p>

	(b) <u>any associated reception or recreational facilities.</u>
<u>Tourist development</u>	<p><u>means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide –</u></p> <p>(a) <u>short-term accommodation for guests; and</u> (b) <u>onsite facilities for the use of guests; and</u> (c) <u>facilities for the management of the development.</u></p>

The following table outlines the current land use permissibility for these land uses under LPS 3:

	ZONES						
USE AND DEVELOPMENT CLASS	<u>Residential</u>	<u>Mixed Use</u>	<u>Local Centre</u>	<u>Neighbourhood Centre</u>	<u>Service Commercial</u>	<u>Private Community Purposes</u>	<u>Urban Development</u>
<u>Bed and breakfast</u>	A	D	D	D	X	X	Refer to clause 18(7)
<u>Caravan Park</u>	X	X	X	X	X	X	
<u>Holiday accommodation</u>	A	D	A	D	X	X	
<u>Holiday house</u>	A	D	X	X	X	X	
<u>Hotel</u>	X	A	X	P	X	X	
<u>Motel</u>	X	A	X	A	X	X	
<u>Road house</u>	X	X	X	X	X	X	
<u>Serviced apartment</u>	X	D	D	P	X	X	
<u>Tourist development</u>	X	A	X	P	X	X	

The following table outlines the proposed changes to the zoning table (Note: Hotel is unchanged)

	Zones
--	--------------

Use and development class	Residential	Mixed Use	Local Centre	Neighbourhood Centre	Service Commercial	Private Community Purpose	Urban Development
<u>Hosted short term rental accommodation</u>	P	P	P	P	X	X	Refer to clause 18(7)
<u>Hotel</u>	X	A	X	P	X	X	
<u>Unhosted short term rental accommodation</u>	D	D	A	D	X	X	
<u>Tourist and visitor accommodation</u>	X	D	D	P	X	X	

Local Planning Policy

Local Planning Policy 2.2: Short Term Accommodation (LPP 2.2) was adopted by Council at its Ordinary Council Meeting of 26 November 2019. LPP 2.2 provides guidance and development provisions for operators seeking to establish short-term accommodation within the City of Nedlands.

The City intends to review LPP 2.2 in light of the recent STRA amendments to the Regulations.

Development Applications

In the period from the gazettal of LPS 3 (16 April 2019) to the end of 2024 the City has received a total of nine development applications for short term accommodation. These applications were determined as follows:

- 5 approved by the City
- 1 refused by the City
- 1 approved by SAT
- 3 withdrawn by the applicant
- 0 currently under assessment

In the same period of time the City has recorded approximately 6 instances of planning compliance issues relating to STRA. The most common issue being STRA operating without development approval.

5.0 PROPOSED AMENDMENT

With the introduction of the new deemed land use classes into planning schemes associated with short-term rental accommodation, this scheme amendment relates to the introduction, modification and deletion of various land use and general definitions to the City's LPS 3. The new exemptions are also 'deemed' and as such are already operative, however this amendment does include changes to the zoning table to reflect the hosted STRA exemption as a permitted use.

Deemed Short-Term Rental Accommodation Land Use Classes

Whilst the new 'deemed' land use classes are automatically read into the City's local planning scheme through the LPS Regulations, along with the previously mentioned exemptions, these uses are being incorporated into scheme zoning tables to ensure absolute clarity from an interpretation perspective, particularly given these uses replace long-standing 'model' land use classes within the City's planning framework.

To implement the required changes, this amendment requires deletion of all references to the land use classes of *bed and breakfast* and *holiday house*, replaced with the new 'deemed' definitions of *hosted short-term rental accommodation* and *unhosted short-term rental accommodation*. This includes amending the Zoning Table and Definitions schedules of the scheme text accordingly.

In addition to the LPS Regulations, the Position Statement and Planning Bulletin 115 provide further direction for how STRA should be dealt with in local planning schemes from a permissibility standpoint. To reflect these requirements, this amendment proposes the following designations for these new land use classes:

- 'Hosted short-term rental accommodation' is proposed as a 'P' use in all zones where any type of 'dwelling' is capable of approval, to reflect the state-wide exemption in the 'deemed provisions';
- 'Unhosted short-term rental accommodation' is proposed to be listed as a D or A use in zones where any type of 'dwelling' is capable of approval, that being the Residential, Mixed Use, Local Centre and Neighbourhood Centre zones;
- *tourist and visitor accommodation*; designate as 'P' in neighbourhood centre zone, 'D' in mixed use and local centre zones and 'X' in all other zones.

Aside from the above, where the uses of holiday house and bed and breakfast are referenced in other sections of the scheme text, these are to be cross-referenced accordingly.

Model 'Tourist and Visitor Accommodation' Land Use

A new model land use class of 'Tourist and Visitor Accommodation' has been introduced to supersede various traditional accommodation land use types (excluding 'hotel') and provide a clearer delineation between these uses and 'short-term rental accommodation'. In the context of the City's LPS 3, uses to be deleted through this change include:

- *Motel* – specifically referenced in the new land use class definition;

- *Serviced apartment – specifically referenced in the new land use class definition; and*
- *Tourist development – directly replaced by the new use class.*

New and Revised Land Use & General Definitions

As part of the LPS Regulations changes, amendments to some other model definitions were also introduced so as to not cause confusion or conflict with the new short-term rental accommodation land use terms. These include deletion of the definition for 'short-term accommodation', which has been removed to avoid confusion with new terms relating to 'short-term rental accommodation'. This has consequentially resulted in modifications to the general model terms of 'cabin' and 'chalet', as well as the land use term for 'road house'. The new model terms are proposed to be introduced into the scheme text through this amendment.

Through deletion of the general term 'short term accommodation' it is proposed to insert into the scheme text the deleted model definition in-full wherever referenced, to replicate the changes made in the model provisions; this being:

“accommodation for guests, on a commercial basis, either continuously or from time to time, with no guest accommodated for periods totalling more than 3 months in any 12-month period.”

Planning and Development Act 2005
RESOLUTION TO AMEND LOCAL PLANNING SCHEME

City of Nedlands Local Planning Scheme No. 3
Amendment No. 18

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. In clause 37, 'Terms Used':

A. Delete the definition for *short-term accommodation*.

B. Amend the general definition for *cabin* to:

means a building that -

(d) *is an individual unit other than a chalet; and*

(e) *forms part of -*

(iii) tourist and visitor accommodation; or

(iv) a caravan park;

and

(f) *if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period.*

C. Amend the general definition for *chalet* to:

means a building that —

(c) *is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and*

(d) *forms part of –*

(iii) tourist and visitor accommodation; or

(iv) a caravan park;

(d) *and if the unit forms part of a caravan park - is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12-month period*

2. In clause 38, 'Land Use Terms Used':

- B. Delete the definitions for:
- *bed and breakfast;*
 - *holiday accommodation;*
 - *holiday house;*
 - *motel*
 - *serviced apartment; and*
 - *tourist development.*
- D. Amend the existing land use term for *road house* by deleting paragraph (d) and inserting:
- (e) *accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period.*
- E. Insert the definition for *tourist and visitor accommodation* as per Schedule 1 – Model Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015.
3. In clause 17, table 3, 'Zoning Table' insert in alphabetical order the following land uses and permissibility:
- D. *hosted short-term rental accommodation*; designate as 'P' uses in zones where a dwelling is capable of approval and 'X' uses in all other zones.
 - E. *unhosted short term rental accommodation*; designate as 'D' for Residential, Mixed-Use and Neighbourhood Centre zones, 'A' use in the Local Centre zone and 'X' in all other zones.
 - F. *tourist and visitor accommodation* and designate as 'P' in neighbourhood centre zone, 'D' in mixed use and local centre zones and 'X' in all other zones.
4. In clause 17, table 3, 'Zoning Table', delete all references to:
- A. *bed and breakfast;*
 - B. *holiday accommodation;*
 - C. *holiday house;*
 - D. *motel*
 - E. *serviced apartment; and*
 - F. *tourist development.*
5. In clause 19, table 4. 'Specified additional uses for zoned land in Scheme area', replace reference to *holiday accommodation, holiday house and tourist development* with *tourist and visitor accommodation*.

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] day of [month], 20[year].

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

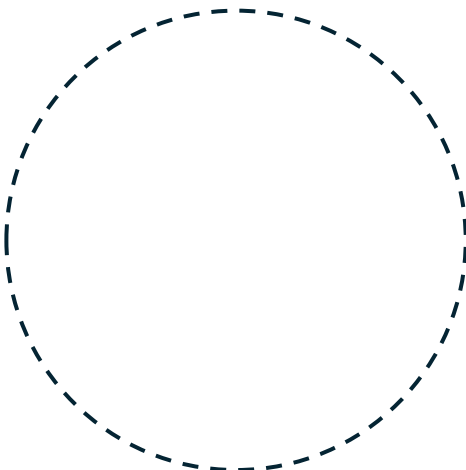
By resolution of the Council of the City of Nedlands at the Ordinary Meeting of the Council held on the [day] day of [month], 20[year], proceed to advertise this Amendment.

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended [for support/ not to be supported] by resolution of the City of Nedlands at the Ordinary Meeting of the Council held on the [number] day of [month], 20[year] 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.....

FORM 6A - CONTINUED

APPROVAL GRANTED

.....

MINISTER FOR PLANNING

DATE.....



LOCAL PLANNING POLICY 2.2: Unhosted Short-Term Rental Accommodation

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1	PURPOSE
1.1	To provide guidance regarding the assessment of applications for development approval of Unhosted short-term rental accommodation (STRA) with the City of Nedlands.
2	APPLICATION OF POLICY
2.1	<p>This policy applies to all unhosted STRA proposals within the City of Nedlands scheme area, except where the following applies:</p> <p>(a) Unhosted STRA where the dwelling is:</p> <ul style="list-style-type: none"> i. registered under the <i>Short-Term Rental Accommodation Act 2024</i> Part 3; and ii. used as unhosted STRA for no more than 90 nights in a relevant 12-month period; and iii. not located in a zone in relation to which the use of a dwelling as unhosted STRA is a class 'X' use or a use that is not consistent with the objectives of that zone.
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 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
3.2	<p>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:</p> <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>Residential Design Codes</i> • <i>Environmental Protection (Noise) Regulations 1997</i>.
3.3	Where this policy is inconsistent with a Local Development Plan or Local Planning Policy that applies to a specific site, area or R-Code, the provisions of that specific instrument shall prevail.
4	OBJECTIVES
4.1	To ensure the location and scale of unhosted STRA uses are compatible with the surrounding area.
4.2	To maintain a high standard of amenity for the surrounding neighbourhood through required management controls.
4.3	To ensure properties used for unhosted STRA uses do not have an undue impact on the residential amenity of the area by way of noise, traffic or parking.
4.4	To establish a framework for the assessment and determination for applications for unhosted STRA.



5	POLICY MEASURES
5.1	Built Form and Site Appearance
5.1.1	On sites where the R-Codes apply, the built form shall be consistent with requirements for the relevant density coding.
5.1.2	Built form should be generally consistent with requirements for the zone, including those of the Residential Design Codes, applicable Local Development Plans and applicable Local Planning Policies.
5.1.3	Signage shall: <ul style="list-style-type: none"> i. be limited to sign types affixed to the main frontage of the building; ii. not exceed 0.2m² in area; iii. be limited to one sign per dwelling; and iv. be consolidated where a site contains multiple unhosted STRA. v. Display a current telephone number on which the landowner/manager can be reached.
5.2	Dwelling Occupancy
5.2.1	Unhosted STRA should have a maximum occupancy of no more than two persons per bedroom.
5.3	Car Parking
5.3.1	In zones where the Residential Design Codes applies, on-site car parking should be provided in accordance with standards for the relevant density coding.
5.4	Time Limitation of Approvals
5.4.1	Development approval for Unhosted STRA may be granted for an initial period of 12-months only. This may be considered where the suitability of the Unhosted STRA land use to its setting is dependent upon the effectiveness of proposed management arrangements.
5.4.2	Following this initial 12-month period, a subsequent development application will be required to be submitted for the renewal of the approval for the Unhosted STRA use which may then be approved for a permanent basis.
5.4.3	As part of considering renewal if an approval following the initial 12-month period, the City will give regard to any substantiated complaints against the operation of the Unhosted STRA in accordance with the conditions of its development approval.
5.5	Development in Bushfire Prone Areas
5.5.1	Development applications for Unhosted STRA in designated bushfire prone areas should be accompanied with a Bushfire Management Plan completed by a certified Level 2 or 3 Bushfire Management Consultant to the satisfaction of the City.

**5.6 Management Plans and other Application Requirements**

5.6.1 Development applications for Unhosted STRA shall be accompanied by a Management Plan addressing the following matters:

- a) Measures for the control of antisocial behaviour and noise to avoid conflict with residents of the area and ensure compliance with the *Environmental Protection (Noise) Regulations 1997*.
- b) Details of the complains management process including:
 - i. Complaints procedure; and
 - ii. Contact details of the landowner/property manager to be provided to neighbouring properties for during and after hours complaints.
- c) Parking management, including that all car parking is to be provided on-site.
- d) Reservation process or booking platform. Registration number to be included.
- e) Method of waste management. Waste generated by the development will be appropriately managed. Occupants are to have convenient, legible and safe access to waste management facilities.
- f) A Code of Conduct detailing the expected behaviour and obligations of guests and visitors. The Code of Conduct is to be provided to all guests and displayed in a prominent position within the premises. At a minimum The Code of Conduct is to detail to following information:
 - i. Expected behaviour of guests to reduce noise and impact on adjoining properties;
 - ii. Details of how guests are expected to maintain the property;
 - iii. Check-in and check-out procedures;
 - iv. Whether visitors other than those who have booked the property are permitted to stay or visit;
 - v. Whether gatherings or functions are permitted at the property;
 - vi. The location of parking provided for guests;
 - vii. Any relevant car parking restrictions in the area;
 - viii. How and where general waste, recycling and FOGO is to be disposed of;
 - ix. Whether smoking is permitted at the property;
 - x. Whether pets are permitted at the property, and if so, whether or not they can be left unattended;
 - xi. Rules relating to the use of a swimming pool and/or spa (if applicable);
 - xii. Bushfire Management Plan addressing bushfire emergency procedures and how these will be communicated to guests (where the Unhosted STRA is within a bushfire prone area); and
 - xiii. Process for breaches of the Code of Conduct.

5.6.2 Where a Unhosted STRA is proposed in a strata development, written support from the strata body is to be obtained to assist in determining the amenity impacts of the use.

5.6.3 Applicants are advised to consult with the City's Building Services and Environmental Services to determine if a Building Permit, Food Business Registration or Aquatic Facilities approval is required for the Unhosted STRA use.

**6 DEFINITIONS****6.1** For this policy, the following definitions apply:

Word	Meaning
Guest	A person who stays in a Unhosted STRA for a fee.
Unhosted Short-Term Rental Accommodation (STRA)	As defined in the <i>Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015</i> .

Council Resolution Number	PD47.19
Adoption Date	26 November 2019
Date Reviewed/Modified	XXX



16.2 Appointment of Design Review Panel Members

Report Number	PD22.05.25
Meeting & Date	Council Meeting – 27 May 2025
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Author	Sergio Famiano – Urban Planning and Development
Director	Bruce Thompson – Director Planning and Development
Attachments	Attachment 1 – Scoring Template Attachment 2 – CONFIDENTIAL

Purpose

The purpose of this report is for Council to appoint members to the City of Nedlands Design Review Panel (DRP) for a two-year term commencing on 28 May 2025.

Council considered a previous report as a **confidential item**, at its meeting on the 25 February 2025 which recommended the appointment of a new DRP following a 64-day advertising period (Item PD08.02.25). The Council resolved to extend the advertising period for nominations until the 24 March 2025 (from 25 February 2025) and amend the assessment criteria to allow applications from outside of the City of Nedlands to apply and to be given equal consideration to candidates that are local to the City of Nedlands.

Administration Recommendation

That Council:

1. In accordance with Clause 2 of the Design Review Panel – Terms of Reference, Council **APPOINTS**, for a period of two years, commencing 28 May 2025, the members identified in the confidential attachment (attachment 2). These include the following members:
 - a) General members:
 - Member 1
 - Member 4
 - Member 6
 - Member 7
 - Member 11
 - Member 14
 - b) Specialist members:
 - Member 10
 - Member 13



2. In the event that one of the preferred applicants listed in the recommendations above is not able to accept the role, DELEGATES authority to the Chief Executive Officer to select from the remaining list of applicants, in order of highest total score to lowest total score as identified in Attachment 2. The appointment is to be for a period of two years commencing 28 May 2025.

Voting Requirement

Simple Majority

Background

Since its introduction in 2021, the DRP has become an invaluable component of the City's development assessment framework. The Panel's expertise has significantly enhanced the design outcomes of all reviewed proposals. The current DRP members were appointed by the Council during the Ordinary Council Meeting on 28 February 2023 (Item PD05.02.23) for a two-year term, which expired on 23 March 2025.

At its meeting on the 25 February 2025, Council consider a report that made recommendation to appoint a new DRP following a period of advertising which was undertaken in accordance with the Terms and Reference of the Design Review Panel. The following candidates were recommended:

- a) General members:
 - Member 2
 - Member 4
 - Member 6
 - Member 7
 - Member 11
- b) Specialist members:
 - Member 10
 - Member 13

Council resolved at the meeting to defer the appointment of the new Panel Members to the City's DRP and extend the advertising period for nominations onto the panel until the 24 March 2025. The advertisement would be undertaken via the City's website, Your Voice platform and social media channels. In addition, Council resolved for the City to amend the assessment criteria to allow applications from outside of the City of Nedlands to apply and to be treated equally to local candidates.

In accordance with the City of Nedlands Design Review Panel Terms of Reference Clause 2.9, the administration has extended the term of appointment of the current Design Review Panel Members until such a time as Council, resolves the appointment of new Panel Members.



Discussion

As the current appointment period of the DRP was approaching its 2-year term (23 March 2025), Expressions of Interest (EOI) were invited over a 64-day period, concluding on November 22, 2024, seeking relevant and interested parties to submit applications to form the new DRP. The EOI was promoted through the City's website, Your Voice platform, social media channels, an advertisement in the Post newspaper. The City also issued emails to current panel members as well as relevant industry and government stakeholders. A total of 13 nominations were received.

All submitted applications were reviewed and evaluated using a scoring system based on the DRP Terms of Reference and the Office of the Government Architect Design Review Guide. The scores included points for candidates that have an association with the City of Nedlands either as a ratepayer, resident or elector.

Following Council's decision on the 25 February 2025, the City readvertised the DRP membership up until the 24 March 2025, and upon conclusion of advertising, a further 6 submissions were received.

The combined applications and their scores are now presented to the Council (**Confidential Attachments 2**) for consideration.

Scoring

A copy of the scoring template used is included at **Attachment 1**. The application evaluation originally comprised of 4 parts, as follows, however as a result of Council's decision on the 25 February 2025, part 2 was removed from the scoring to enable candidates that come from outside of the City of Nedlands to be given equal consideration:

1. Expertise - Panel members shall have appropriate qualifications and experience in one or more of the nominated areas:
 - Architecture
 - Landscape architecture
 - Urban design
 - Heritage
 - Sustainability and environmental design
 - Services engineering
 - Accessibility
 - Transport planning
 - Planning
 - Public art
 - Civil and/or structural engineering
2. Relationship with the City of Nedlands – Panel members shall preferably be connected to the City of Nedlands as either a ratepayer, resident or elector.



This part of the assessment has been set aside as per Council's decision on the 25 February 2025.

3. Experience – General – Panel members shall be highly regarded in their professions and respected by the community.
4. Experience – DRP – Panel members should have experience in providing design review advice within a panel format.

The scoring sheets of all nominees can be found as a confidential attachment of this report (**Confidential Attachment 2**).

Of the original 13 nominated candidates, four meet the criteria of being a resident, ratepayer or elector. These nominations have now been rescored to remove points for being a resident, ratepayer or elector to ensure submissions received from outside of the City of Nedlands are treated equally.

Of the total 19 submissions received, seven of the nominees are members of the City's current DRP, four are current members of the State DRP, twelve have served on a Local Government DRP, two have served on DRP's in the eastern states, and one submission currently serves on a local government Public Art Panel.

Recommended members

From the 19 nominations, the following eight members are recommended based on their total score:

1. General member:
 - Member 1
 - Member 4
 - Member 6
 - Member 7
 - Member 11
 - Member 14
2. Specialist member:
 - Member 10
 - Member 13

Member 10 is recommended as Specialist members as he possess expertise in landscape architecture and Member 13 for expertise in sustainability and environmental design.

All areas of expertise are represented on the recommended DRP, except transport planning and civil and/or structural engineering.

As per section 2.2.1 of the Design Review Panel Terms of Reference, the panel members will select the chair.



Consultation

EOI were invited over a 64-day period, concluding on November 22, 2024, seeking relevant and interested parties to submit applications to form the new DRP. The EOI was promoted through the City’s website, Your Voice platform, social media channels, an advertisement in the Post newspaper. The City also issued emails to current panel members as well as relevant industry and government stakeholders.

The EOI was extended following the Council meeting held on the 25 February 2025 up until the 24 March 2025.

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. 7. Attractive and welcoming places.

Budget/Financial Implications

Panel members are remunerated for attendance at meetings, including time for preparation. The costs are outlined in the adopted Schedule of Fees and Charges and are offset by the payment of review fees by each proposal put before the Panel.

Legislative and Policy Implications

Upon appointment, the advice of the DRP is to be given due regard in the consideration of applications for development approval, in accordance with Clause 67(zb) of the *Deemed Provisions for Local Planning Schemes*.

Decision Implications

Should Council appoint the new members of the DRP they will form the new Panel, effective from 28 May 2025, for a period of 2 years.

If Council does not appoint new members of the DRP the current members contracts will expire without replacements and the City will not have an operational DRP.



Conclusion

The term of appointment ends 23 March 2025 for the current DRP members. This has been extended to enable Council to consider further submissions following the extension of the EOI which concluded on the 24 March 2025.

It is recommended Council consider the nominations presented within this report and appoint new panel members to the DRP to commence 28 May 2025.

Further Information

Nil

DESIGN REVIEW PANEL SCORING TEMPLATE

Design Review Panel – Scoring Sheet

Nominee:

The total of 19 applications submitted were evaluated by the selection panel. The selection criteria and scoring used for the evaluation of submissions was as follows:

Criterion	Scoring									
1. Expertise										
Panel members shall have appropriate qualification and experience in one or more of the nominated areas: <ul style="list-style-type: none"> • Architecture • Landscape architecture • Urban Design • Heritage • Sustainability and environmental design • Services engineering • Accessibility • Transport planning • Planning • Public art • Civil and/or structural engineering 	<table border="1"> <tbody> <tr> <td>8-10</td><td>Exceeds criteria</td><td>Suitable expertise in multiple fields</td></tr> <tr> <td>4-7</td><td>Meets criteria</td><td>Suitable expertise in one field</td></tr> <tr> <td>0-3</td><td>Does not meet criteria</td><td>Does not demonstrate any suitable expertise</td></tr> </tbody> </table>	8-10	Exceeds criteria	Suitable expertise in multiple fields	4-7	Meets criteria	Suitable expertise in one field	0-3	Does not meet criteria	Does not demonstrate any suitable expertise
8-10	Exceeds criteria	Suitable expertise in multiple fields								
4-7	Meets criteria	Suitable expertise in one field								
0-3	Does not meet criteria	Does not demonstrate any suitable expertise								
Score:										
Comments:										
2. Relationship with the City of Nedlands										
Panel members shall preferably be connected to the City of Nedlands as either a ratepayer, resident, or elector.	<table border="1"> <tbody> <tr> <td>2</td><td>Meets criteria</td><td>Resident, ratepayer or elector</td></tr> <tr> <td>0</td><td>Does not meet criteria</td><td>Not resident, ratepayer or elector</td></tr> </tbody> </table>	2	Meets criteria	Resident, ratepayer or elector	0	Does not meet criteria	Not resident, ratepayer or elector			
2	Meets criteria	Resident, ratepayer or elector								
0	Does not meet criteria	Not resident, ratepayer or elector								
Score: 0										
Comments:										
Not applicable.										

3. Experience - General			
Panel members shall be highly regarded in their profession and respected by the community.	8-10	Exceeds criteria	Extensive experience in multiple fields
	4-7	Meets criteria	Some experience in desired fields
	0-3	Does not meet criteria	Experience not in desired field
	Score:		
Comments:			
4. Experience - DRP			
Panel members should have experience in providing design review advice within a panel format.	5	Meets criteria	DRP experience
	0	Does not meet criteria	No DRP experience
Score:			
Comments:			



17. DIVISIONAL REPORTS – CORPORATE SERVICES

17.1 College Park Sports Association – Licence Proposal

Report Number	CPS25.05.25
Meeting & Date	Council Meeting – 27 May 2025
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Author	Henry Burke – Strategic Land and Property Coordinator
Director	Amanda Alderson - Director Corporate Services
Attachments	To Be Confirmed

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



17.2 Appointment of Independent Members to the Audit, Risk and Improvement Committee

Report Number	CPS26.05.25
Meeting & Date	Ordinary Council Meeting – 27 May 2025
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Author	Alyce Martin – Coordinator of Governance Legal and Risk
Director	Amanda Alderson – Director Corporate Services
Attachments	Attachment 1 – CONFIDENTIAL

Purpose

The purpose of this report is to appoint one independent committee member to the Audit, Risk and Improvement Committee.

Administrative Recommendation

That Council:

1. **APPOINTS** the recommended applicant 2 as an Independent Committee Member to the Audit, Risk and Improvement Committee.
2. **CONFIRMS** the allocation of the maximum prescribed amount payable to an independent member per meeting pursuant to s5.100(2)(a) of the Local Government Act 1995 (WA) to be payable to each attendance at an Audit, Risk and Improvement Committee meeting by an Independent Committee Member.

Voting Requirement

Absolute Majority.

Background

On 27 November 2024 the *Local Government Amendment Bill 2024* (WA) (**Amendment Bill**) was passed by the Legislative Council. Within the Amendment Bill there have been several changes to the *Local Government Act 1995* (WA) (**the Act**) and in particular for the purposes of this report there have been changes to the make-up of the Audit and Risk Committee (**Committee**) proposed. These sections of the Amendment Bill are yet to be proclaimed and as such are not yet legislative requirements.

A link to the Blue Bill is provided [Local+Government+Act+1995+-+MUPA+1.pdf](#).



Council at the 10 December 2024 Ordinary Council meeting instructed the CEO to advertise for two independent committee members. The advertisement was placed in Seek, LinkedIn and the City's website and the application time frame closed on 17 January 2025.

Due to the delay by Council in the appointment of independent members and withdrawal of nomination by one of the selected applicants it is considered prudent to readvertise for the appointment of a further member.

The independent members should not necessarily be resident in the City as it may reduce their independence as well as limit the pool of suitably qualified candidates.

Discussion

Rationale for appointment

The Administration has received feedback that other local government authorities are waiting until the sections of the Amendment Bill have been proclaimed before starting the process for recruitment of independent members if they don't already have them.

Rather than waiting and advertising when many other local governments are also trying to appoint members to their committees and when there is a legislative deadline for compliance, should Council elect to appoint members now Council will be taking proactive steps to mitigate risks in complying with the requirements once proclaimed.

If Council decides to defer this appointment, candidates may seek appointment to alternative local government committees and may then be unavailable to the City of Nedlands.

Applications received

A total of 38 applications deemed acceptable were received.

In addition 19 applications were received but deemed not acceptable due to the applicants not residing in Western Australia or Australia. While being a resident of Western Australia is not a requirement, it is a requirement that at least 50% of attendances are in person. With the Committee meeting monthly, the ability of international or interstate members to attend the required meetings in person are limited.

Recommended applicants

Of the applications received Applicant 1 and Applicant 2 were considered the most suitable by Craig Ross and Amanda Alderson for the following reasons:

- Applicant 2 - Significant experience in all key areas (Financial Reporting, Audit and Assurance, Governance, Risk Management and Internal Control) including



board level and audit committee skills and knowledge. Current member of the OAG Audit Committee Chair Forum.

- Applicant 1 - withdrawal of nomination by applicant 1 who has been appointed in a similar position at another council.

Payments to Committee Members

Section 5.100 of the Act provides that a local government may pay a committee member who attends a meeting of the Committee.

As the City of Nedlands is a Band 2 local government the maximum amount that an independent member of the Committee can be paid at the date of preparation of this report is \$317. This amount is prescribed in the Determination of The Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members which was varied in 2023 to accommodate this change. An extract of the relevant table taken from the WA Government website follows:

6.3 COMMITTEE MEETING AND PRESCRIBED MEETING ATTENDANCE FEES – PER MEETING

1. The ranges of fees in Table 6 apply where a local government or regional local government decides to pay a council member or independent member a fee referred to in –

- section 5.98(1)(b) of the LG Act for attendance at a committee meeting; or
- section 5.98(2A)(b) of the LG Act for attendance at a meeting of a type prescribed in regulation 30(3A) of the LG Regulations.
- section 5.100(2)(a) of the LG Act for attendance at a committee meeting

Table 6: Committee meeting and prescribed meeting fees per meeting – local governments

For a council member (including the mayor or president)

Band	Minimum - Elected member	Maximum - Elected member	Minimum - Independent member	Maximum - Independent member
1	\$338	\$432	\$0	\$432
2	\$203	\$317	\$0	\$317
3	\$104	\$224	\$0	\$224
4	\$52	\$130	\$0	\$130
Regional local governments	\$52	\$130	\$0	\$130

As the funds for payments to the independent committee members will be unbudgeted expenditure in the current financial year. This requires a decision passed by an absolute majority of Council pursuant to s6.8 of the *Local Government Act 1995* (WA).



The Determination of The Salaries and Allowances Tribunal for Local Government Chief Executive Officers and Elected Members has been revised, and a new version is due to come into effect on 1 July 2025. On that date the fees payable to an independent committee member will increase to \$450 per meeting.

Consultation

An advertisement seeking the interest of persons to fill the role of Independent Committee Member was placed on LinkedIn, Seek and on the City of Nedlands website on 19 December 2024 with applications closing on 17 January 2025.

As requested by Council a Concept Forum was held on 2 April 2025.

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

In the current financial year this will potentially have a spend of \$634 in unbudgeted funds. This amount has been arrived at by multiplying the maximum amount able to be paid to independent committee members (\$317) by the number of proposed independent committee member (1) by the number of remaining Committee meetings in the second half of the financial year (2).

A spend of \$1,350 can be expected from July 2025 – September 2025 however this can be budgeted for in the next financial year, together with any payments for the rest of the financial year.

Legislative And Policy Implications

Local Government Act 1995 (WA) [Local Government Act 1995 - \[07-am0-00\].pdf](#)

Local Government Amendment Bill 2024 (WA)

<https://www.parliament.wa.gov.au/parliament/bills.nsf/BillProgressPopup?openForm&ParentUNID=E89C0023410BDDCF48258B790032ADCF>



Decision Implications

If Council endorses the administration recommendations, then the Committee will be operating in accordance with best practice before the requirements are codified into legislation and before any statutory timeframes for implementation exist.

If Council does not endorse the recommendations, then the Committee will continue as it currently stands and this item will need to be revisited at a later date.

Conclusion

It is recommended that Council appoint applicant 2 to the Committee with provision for payment of the maximum prescribed meeting fee per meeting attendance.

Further Information

The Minister for Local Government is able to approve a reduction of the number of votes required for an absolute majority under the Local Government Act. In February 2025 when this matter was presented to council had four (4) votes in favour and four (4) votes against we have sought direction from the Minister as to whether she will consent to an amendment of the number of votes required for an absolute majority decision in relation to this matter.



18. DIVISIONAL REPORTS – CHIEF EXECUTIVE OFFICER

18.1 Update to Governance Committee Terms of Reference

Report Number	CEO23.05.25
Meeting & Date	Council Meeting – 27 May 2025
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	Alyce Martin – Coordinator of Governance Legal and Risk
Director	Keri Shannon – Chief Executive Officer
Attachments	Attachment 1 – Current Terms of Reference Attachment 2 – Amended Terms of Reference

Purpose

To update the terms of reference for the Governance Committee to reflect the appointment of all elected members to the Governance Committee as per Council's decision on 22 October 2024.

Administration Recommendation

That Council ADOPTS the amended terms of reference for the Governance Committee as contained in Attachment 2.

Voting Requirement

Simple Majority.

Background

The Governance Committee was established by a decision of the Council on 22 October 2024. At that time a terms of reference was presented to Council which provided that membership would be as follows:

“Minimum of 4 Councillors (one Councillor from each ward) who shall be appointed by Council for a two year term, in accordance with the two year Electoral Cycle.”



At the council meeting of 22 October 2024 Council's decision included at item 3:

“APPOINTS ALL Councillors to the City of Nedlands Governance Committee for the period ending immediately prior to the next Local Government elections in 2025.”

Discussion

This is an administrative action to ensure that the terms of reference are updated to reflect the previous decision of Council.

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 Outcome	Performance
	11. Effective leadership and governance.

Budget/Financial Implications

Nil

Legislative And Policy Implications

Nil

Decision Implications

This update will ensure that the terms of reference are consistent with the previous decision of Council.



Conclusion

It is recommended that the amendment to the terms of reference be approved by Council so that the terms of reference reflect the previous decision of Council.

Further Information

Nil



18.1 - Attachment 1

TERMS OF REFERENCE	
Governance Committee	
Purpose	<p>The purpose of the Governance Committee is to make recommendations to Council on the following:</p> <ol style="list-style-type: none">1. Review Council policies (excluding planning policies) and facilitate the development of new policies;2. Review and development of local laws;3. Receive regular updates on legislative amendments/updates and their implementation across the organisation and provide feedback; and4. Review the Corporate Business Plan and associated KPI review, reporting and recommendations; and5. Identify opportunities that promote policy and development.
Elected Member Membership	<p>Minimum of 4 Councillors (one Councillor from each ward) who shall be appointed by Council for a two year term, in accordance with the two year Electoral Cycle.</p>
Meeting Governance	<p>Committee meetings will be held according to the <i>City of Nedlands Standing Orders Local Law 2016</i>.</p>
Meeting Details	<p>The Governance Committee shall meet every third month.</p>
Liaison Officer	<p>Chief Executive Officer</p> <p>Coordinator Governance Legal and Risk</p>
Delegated Authority	<p>Nil.</p>



18.1 - Attachment 2

TERMS OF REFERENCE	
Governance Committee	
Purpose	<p>The purpose of the Governance Committee is to make recommendations to Council on the following:</p> <ol style="list-style-type: none">1. Review Council policies (excluding planning policies) and facilitate the development of new policies;2. Review and development of local laws;3. Receive regular updates on legislative amendments/updates and their implementation across the organisation and provide feedback; and4. Review the Corporate Business Plan and associated KPI review, reporting and recommendations; and5. Identify opportunities that promote policy and development.
Elected Member Membership	<p>Minimum of 4 Councillors (one Councillor from each ward) who shall be appointed by Council for a two year term, in accordance with the two year Electoral Cycle. All Elected Members will be members of the Governance Committee as established in accordance with the electoral cycle.</p>
Meeting Governance	<p>Committee meetings will be held according to the <i>City of Nedlands Standing Orders Local Law 2016</i>.</p>
Meeting Details	<p>The Governance Committee shall meet every third month.</p>
Liaison Officer	<p>Chief Executive Officer</p> <p>Coordinator Governance Legal and Risk</p>
Delegated Authority	<p>Nil.</p>



18.2 Appointment of Presiding Member and Persons to the CEO Performance Review Committee and Update to Terms of Reference

Report Number	CEO24.05.25
Meeting & Date	Council Meeting – 27 May 2025
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	CEO K Shannon
Report Author	Alyce Martin – Coordinator Governance Legal and Risk
Director	Keri Shannon – Chief Executive Officer
Attachments	Attachment 1 – Updated Terms of Reference Attachment 2 – CONFIDENTIAL Attachment 3 – CONFIDENTIAL Attachment 4 – CONFIDENTIAL Attachment 5 – CONFIDENTIAL Attachment 6 – CONFIDENTIAL

Purpose

The purpose of this report is for Council to consider the appointment an independent community member and independent consultant to the Chief Executive Officer's Performance Review Committee and update the terms of reference.

Administration Recommendation

Part 1

That Council APPOINTS Deputy Mayor Smyth as the Presiding Member of the CEO Performance Review Committee.

Voting Requirement

Absolute Majority.

Part 2

That Council APPOINTS Applicant 1 as the Independent Community Member to the CEO Performance Review Committee.



Voting Requirement

Absolute Majority.

Part 3

That Council:

1. **ADOPTS** of the amended terms of reference as contained in Attachment 1;
2. **APPOINTS** Heather Warner from Unravel Group as the Independent Consultant to assist the Committee.

Voting Requirement

Simple Majority.

Background

On 23 July 2024 Council established the CEO Performance Review Committee. To finalise the membership of the Committee an Independent Community Member needs to be appointed to the Committee.

Expressions of interest from community members were sought via an advertisement placed with applications closing on 20 December 2024 and 2 nominations from community members were received. One applicant subsequently withdrew their application.

A further advertisement has been placed calling for applications and at the time of writing this report no further applications have been received. The current advertising period expires on 23 April 2025 and any applications received will be provided to the Committee before the meeting of the Committee.

Additionally an Independent Consultant to assist with the facilitation of review process should also be appointed.

The CEO Performance Review Committee has yet to meet. A change to the *Local Government Act 1995* (WA) on 7 December 2024 requires that a presiding member of committees be appointed by the local government rather than by the committee, therefore the appointment of a presiding member to this committee is required before meetings can commence.



Discussion

s5.38 *Local Government Act 1995* (WA) requires:

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

The standards for review of the performance of the CEO are prescribed within the *Local Government (Administration) Regulations 1996* (WA).

At the 23 July 2024 Council Meeting, Council adopted terms of reference for this committee however those terms of reference did not include reference to the Independent Community Member and their voting rights. Additionally it provided for the appointment of one Councillor from each ward to be nominated to the Committee with deputy members to also be appointed.

The Amended Terms of Reference as set out in Attachment 1 have been amended in accordance with Council's Resolution of 23 July 2024 that all Councillors will sit on the Committee and that an Independent Community Member will also be a committee member and have voting rights.

Request for quotations were made to the following organisations:

1. Heather Warner – Unravel Group
2. Helen Darcy – Shelby Consulting
3. HR & Workplace Relations Consultancy, Chamber of Commerce and Industry Western Australia

It is a requirement of the terms of reference that the Independent Consultant chosen is agreed between the CEO and the Council and therefore consultation with the CEO has occurred. The CEO has been consulted as to the proposed independent consultants to assist in the CEO performance review and has confirmed the preferred organisation; Heather Warner from Unravel group as the Independent Consultant for the Committee.

On 7 December 2024 s5.12 of the *Local Government Act 1995* (WA) was amended. This section now requires that the appointment of a presiding member of a committee is now a function of the local government and such appointment requires an absolute majority.



s5.12 *Local Government Act 1995* (WA) is extracted below:

5.12. Presiding members and deputies

- (1) The local government must appoint* a member of a committee to be the presiding member of the committee.

** Absolute majority required.*

- (2) The local government may appoint* a member of a committee to be the deputy presiding member of the committee.

** Absolute majority required.*

[Section 5.12 inserted: No. 47 of 2024 s. 39.]

As the CEO Performance Review Committee is yet to meet and no presiding member was appointed before this change, the transitional provisions of Schedule 9.3 of the *Local Government Act 1995* (WA) relating to established committees does not apply.

All elected members are members of the CEO Performance Review Committee.

Consultation

An advertisement seeking the interest of community members to fill the role of Independent Community Member was placed in the Post in the 30 November 2024 edition and on the City of Nedlands website on 28 November 2024 with applications closing on 20 December 2024.

A further advertisement calling for nominations for the independent community member was placed with advertising having closed on 23 April 2025 as instructed by Council. No nominations have been received as a result of the second round of advertising.

An email was sent to all elected members calling for nominations to be the presiding member and a nomination was received from Deputy Mayor Smyth.

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	Performance
	11. Effective leadership and governance.



Budget/Financial Implications

The appointment of the Independent Community Member will have limited budget or financial implications as the position is an honorary one however the appointed member is encouraged to attend the WALGA CEO Performance Review training which will be at a cost of \$595.00 (plus GST) to the City.

The appointment of the independent consultant has been provided for in the current budget, costs will vary depending on the consultant engaged.

Legislative and Policy Implications

s5.38 *Local Government Act 1995* (WA)

Local Government (Administration) Regulations 1996 (WA)

Council Terms of Reference – CEO Performance Review Committee

Council Policy - CEO Performance Review – [ceo-performance-review](#)

Decision Implications

Should Council not appoint a presiding member for the CEO Performance Review Committee meetings will not be able to proceed.

Should Council not appoint an Independent Community Member to the CEO Performance Review Committee will not be fully constituted pursuant to Council's resolution.

To comply with the Local Government Act 1995 the CEO Performance Review Committee needs to review the CEOs performance annually before May 2025, therefore the appointment of the Independent Community Member to the Committee and the appointment of an Independent Consultant is a priority.

Delaying the appointment of the independent community member to the Chief Executive Officer's Performance Review Committee and the appointment of an Independent Consultant could result in a breach of the Local Government Act 1995 (WA).

Conclusion

It is recommended that Council confirm the appointments of the a presiding member persons to the CEO Performance Review Committee as soon as possible so that the CEO performance review process can commence.



Further Information

Nil

Chief Executive Officer's Performance Review Committee Terms of Reference

Committee: CEO Performance Review Committee

Responsible Directorate: CEO

1. Purpose

- 1.1 The CEO Performance Review Committee (the Committee) is established under the powers given in section 5.8 of the *Local Government Act 1995* (the Act).
- 1.2 The Committee is established for the purpose of assisting the Council to fulfil its functions under the City of Nedlands Standards for CEO Recruitment, Performance Review and Termination (CEO Standards) in relation to review of the Chief Executive Officer's (CEO) performance.

2. Scope

In managing the performance appraisal process, the Committee:

- 2.1 Will assist the Council in the engagement and oversight of a consultant to work with the committee, CEO and Council in conducting the CEO performance review in line with the process agreed between the CEO and Council (consistent with the Council's adopted CEO Performance Review Policy, Standards, Department of Local Government Guidelines, and the *Local Government Act 1995*).
- 2.2 Conduct with the CEO, Committee members and the consultant, the performance review process and provide a recommendation to Council on the result of the performance review.
- 2.3 Establish any additional performance criteria for the CEO, with the agreement of the CEO, for recommendation to Council arising from the performance review process.
- 2.4 Is to make recommendations to Council regarding:
 - a. The setting of goals and objectives
 - b. The measurement of key performance indicators (KPIs); and
 - c. Changes to the remuneration package within the terms of the Chief Executive Officer's contract.

3. Membership

Internal

- 3.1 The membership of the committee shall comprise the Mayor and ~~one all Councillors from each ward with voting rights with the Councillors being determined by nomination and if necessary, a ballot conducted at a Council Meeting.~~
- 3.2 ~~Deputy members one from each ward, shall be appointed.~~

~~3.3 Deputy members are only required to attend and vote if the primary member is absent, an apology or on leave or has resigned.~~

~~3.4~~3.3 If a vacancy on the committee occurs for whatever reason, then Council shall appoint a replacement in accordance with the same arrangements as for the original appointment.

~~3.5~~3.4 The term of the presiding member and committee members will expire immediately prior to the next ordinary Council election.

~~3.6~~3.5 The presiding member shall be determined by election amongst the members of the committee.

~~3.7~~3.6 The election of the presiding member will take place at the first meeting following the reconstitution of the committee after each ordinary Council election.

~~3.8~~3.7 Should the elected presiding member not be present during a meeting of the committee then a temporary presiding member shall be elected in accordance with ~~3.75~~ above.

External

~~3.8~~ ~~3.10~~ An Independent Consultant, who is acceptable to both parties (CEO and Council) shall be appointed by Council to facilitate the Performance Review Process but is not a member of the committee.

3.9 An Independent Community Member shall be appointed as a member of the Committee. The Independent Community Member will have voting rights on the Committee.

4. Training

4.1 It is advised that Committee members should:

a. as soon as practicable after their appointment, undertake the CEO Performance Review Training facilitated by WALGA within six (6) months of their appointment to the Committee.*

*Subject to WALGA delivering the course in the appropriate timeframe.

5. Meetings

5.1 The Council Committee operates under the Council's Standing Orders Local Law.

5.3 The Committee shall formally meet three times a year. A schedule of meetings will be developed and agreed to by the members. Additional meetings may be called by the Presiding member.

5.4 The Executive Officer will be the Committee's Administrator and will be a non-voting member. The Administrator's responsibility is to serve as a secretariat to the Committee by preparing agendas and minutes and ensuring timely distribution to all members; to ensure that meetings are effectively organised

and recorded and to provide administrative and governance support for the purposes of the Committee.

6. Quorum

- 6.1 The quorum for a meeting will be 50% of the ~~offices~~members of the Chief Executive Officer's Performance Review Committee as per section 5.19 of the *Local Government Act 1995*.

7. Delegated Powers

- 7.1 The Committee does not have authority to implement actions in areas over which the CEO has legislative responsibility and does not have any delegated power from Council.
- 7.2 Committee recommendations are not binding on Council and must be endorsed by Council to take effect.

8. Staff

- 8.1 The following staff will attend committee meetings to provide technical support and advice:
- a. Manager Human Resources
 - b. Chief Executive Officer; (when invited)
 - c. Executive Officer
 - d. Other staff may attend committee meetings when requested by the Committee through the Chief Executive Officer.

9. Disclosures of Interest

- 9.1 Disclosures of Interest are to be made in accordance with the provisions of the *Local Government Act 1995*.



18.3 Revision to Committee Members Numbers for Quorum

Report Number	CEO26.05.25
Meeting & Date	Council Meeting – 27 May 2025
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	CEO Shannon – to the extent that one of the committees deals with the performance of the CEO
Report Author	Alyce Martin – Coordinator Governance Legal and Risk
Director	Keri Shannon – Chief Executive Officer
Attachments	Nil

Purpose

To allow Council the opportunity to consider the reduction of committee members required to achieve quorum for various committees of Council to assist in the efficient and effective decision making process.

Administration Recommendation

That Council:

1. **APPROVE** the reduction of the number of committee members required to achieve quorum as follows:
 - a. **Audit Risk and Improvement committee - three committee members of which one shall preside over the meeting on at all meetings from the date of this decision to 17 October 2025 where the quorum would otherwise not be present**
 - b. **Governance Committee - three committee members of which one shall preside over the meeting on at all meetings from the date of this decision to 17 October 2025 where the quorum would otherwise not be present**
 - c. **CEO Performance Review Committee - three committee members of which one shall preside over the meeting on at all meetings from the date of this decision to 17 October 2025 where the quorum would otherwise not be present**
2. **INSTRUCT** the administration to update the terms of reference for the relevant committees to include the above.

Voting Requirement

Absolute Majority



Background

Since the start of 2025 a number of the committees of council have had to be reconvened to a later date due to a lack of quorum. This situation has arisen in part due to the following factors:

1. Council's decision to appoint all elected members to committees
2. The resignation of an elected member from Council
3. Illness of committee members
4. Leave of absence being granted to more than once elected member simultaneously by Council
5. Electronic attendance caps being reached
6. Establishment of new committees which require in person attendance for the first meeting

The following committees have all elected members to the committee:

1. Audit Risk and Improvement Committee
2. Governance Committee
3. CEO Performance Review Committee

The consequence of Council's decision to appoint all elected members to committees results in the requirement for 5 committee members to be in attendance for quorum to be achieved.

This is only varied if a committee member resigns from the committee. It is not varied where an elected member resigns from council and that seat remains vacant as a vacant seat still is counted for the purpose of determining quorum per s5.19(1) of *the Local Government Act 1995 (WA)* which states:

"The quorum for a meeting of a council or committee is at least 50% of the number of offices (whether vacant or not) of member of the council or the committee."

The administration notes that the number of members in attendance at an Audit Risk and Improvement Committee has recently been reduced to 4 due to the resignation of a committee member in mid April.

Discussion

It is proposed that only the above three (3) committees have a reduction in quorum proposed as the other committees of Council do not have all elected members appointed.

The Local Government Act and its associated regulations has the following requirements with respect to the establishment of committees:

1. Each committee must have at least 3 members (s5.8 LGA)
2. The quorum for a committee is at least 50% of the of the number of offices of members of the committee whether vacant or not (s5.19(1) LGA)
3. The quorum for a meeting cannot be less than 2 (s5.19(4) LGA)



4. A presiding member cannot grant approval for a member to attend via electronic means where that approval would result in the member attending more than half of the meetings (including the proposed meeting) in the relevant period (12 months) by electronic means (r14C LG Admin Regs)

Section 5.15 of the *the Local Government Act 1995* (WA) states:

“The local government may reduce the number of offices of committee member required for a quorum at a committee meeting specified by the local government if there would not otherwise be a quorum for the meeting.*

** Absolute majority required.”*

These amendments do not seek to reduce the number of members of any committee but only the members required to be in attendance for a quorum to be achieved at meetings of a relevant committee during the limited period from that date of decision to 17 October 2025. The time period and names of the committees has been specifically included in the administration recommendation so that there is certainty to the meetings to which the reduction of quorum has been reduced by the local government.

A further impediment into achieving quorum is the requirement for electronic attendances at committee meetings to exceed no more than 50% in any 12 month period ending on the date of the proposed meeting. Both the Governance Committee and the CEO Performance Review Committee have not yet met at the date of writing this report, as these are the first meetings of this committee type no elected member is able to attend online until at least the second meeting. This requires 5 committee members to be present in the room for these committees to be able to hold their first meeting and commence the important work of these committees. Reduction in the numbers of quorum would allow these meetings to commence and therefore should committee members wish to attend a next meeting electronically this would be able to be considered for approval by the presiding member.

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 Outcome	Performance
	11. Effective leadership and governance.



Budget/Financial Implications

While there will be no direct budget of financial implications for the decision an indirect impact may include the reduction in overtime payments to staff or reduction in staff accrual of time in lieu due to meetings being able to proceed as scheduled and not being adjourned.

Legislative and Policy Implications

Local Government Act 1995 (WA)

Local Government (Administration) Regulations 1996 (WA)

Decision Implications

The implications are stated above.

Conclusion

It is recommended that Council consider the reduction in the quorum numbers required for the proposed committees to assist in the efficient and effective decision making processes of council and its associated committees to 17 October 2025.

Further Information

Nil

**19. DIVISIONAL REPORTS – TECHNICAL SERVICES****19.1 Fast EV Charger for Charles Court Reserve**

Report Number	TS04.05.25
Meeting & Date	Council Meeting – 27 May 2025
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Author	Santosh Amasi – Director of Technical Services
Director	Santosh Amasi – Director of Technical Services
Attachments	To Be Confirmed

Report will be uploaded as a late item.



20. DIVISIONAL REPORTS – GOVERNANCE

20.1 Review of Delegations of City of Nedlands

Report Number	GC01.04.25
Meeting & Date	Council Meeting – 27 May 2025
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	Alyce Martin – Coordinator Governance Legal and Risk
Director	Keri Shannon – Chief Executive Officer
Attachments	To Be Confirmed

This report will be added to the Agenda after the Governance Committee Meeting on 13 May 2025.



20.2 New Delegation – Signing of Documents on Behalf of City of Nedlands

Report Number	GC02.04.25
Meeting & Date	Council Meeting – 27 May 2025
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	Alyce Martin – Coordinator Governance Legal and Risk
Director	Keri Shannon – Chief Executive Officer
Attachments	To Be Confirmed

This report will be added to the Agenda after the Governance Committee Meeting on 13 May 2025.



21. DIVISIONAL REPORTS – COMMUNITY DEVELOPMENT

21.1 Appointment of Presiding Member to Public Art Committee

Report Number	CSD03.05.25
Meeting & Date	Council Meeting – 27 May 2025
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Author	Lisa Macfarlane Reid - Coordinator Tresillian Arts Centre
Director	Keri Shannon - Chief Executive Officer
Attachments	Nil

Purpose

The purpose of this report is to appoint the presiding member to the Public Art Committee.

A change to the Local Government Act 1995 (WA) as of 7 December 2024 requires that presiding members for committees must be appointed by the local government and not the committee.

Administration Recommendation

That Council APPOINTS existing Public Art committee chair Cr Noel Youngman as the presiding member of the Public Art Committee.

Voting Requirement

Absolute Majority

Background

The Public Art Committee has previously appointed a Chair at the first formal committee meeting following the biennial October local government elections. At the 27 May 2024 Public Art Committee meeting, the committee members voted for Cr Noel Youngman to be the Chair.

The change to the *Local Government Act 1995* (WA) on 7 December 2024 now requires that the presiding member of committees are appointed by the local



government rather than by the committee. This is the case for all committees, regardless of existing presiding member appointment. Therefore, the appointment of a presiding member by Council to this committee is required before further meetings can occur after 1 July 2025.

Discussion

On 7 December 2024 s5.12 of the *Local Government Act 1995* (WA) was amended. This section now requires that the appointment of a presiding member of a committee is now a function of the local government, and such appointment requires an absolute majority.

s5.12 *Local Government Act 1995* (WA) is extracted below:

5.12. Presiding members and deputies

- (1) The local government must appoint* a member of a committee to be the presiding member of the committee.

** Absolute majority required.*

- (2) The local government may appoint* a member of a committee to be the deputy presiding member of the committee.

** Absolute majority required.*

[Section 5.12 inserted: No. 47 of 2024 s. 39.]

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 (WA)

Decision Implications

Should Council not appoint a presiding member for the Public Art Committee, meetings will not be able to proceed.

Conclusion

Due to changes to the Local Government Act, Council is required to appoint a presiding member to the Public Art Committee. It is recommended to appoint the existing chair as presiding member to ensure continuity until the committee is reinstated following the October 2025 elections.

Further Information

Nil



22. COUNCIL MEMBERS NOTICE OF MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN (OCM)

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



23. URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION (OCM)

This item will be dealt with at the Council Meeting.



24. CONFIDENTIAL ITEMS

Nil



25. DECLARATION OF CLOSURE

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