



City of Nedlands

# NOTES

## **Council Meeting Agenda Forum**

**Tuesday, 14 May 2024**



## Information

Council Meeting Agenda Forum are run in accordance with the City of Nedlands Governance Framework Policy. If you have any questions in relation to the agenda, procedural matters, addressing the Council or attending these meetings please contact the Executive Officer on 9273 3500 or [council@nedlands.wa.gov.au](mailto:council@nedlands.wa.gov.au)

## Public Question Time

Public Questions are dealt with at the Ordinary Council Meeting.

## Deputations

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

## Disclaimer

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

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## 1. Declaration of Opening

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

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

### Councillors

Councillor B G Hodsdon	Hollywood Ward
Councillor L J McManus	Hollywood Ward
Councillor B Brackenridge	Melvista Ward
Councillor R A Coghlan	Melvista Ward
Councillor H Amiry	Coastal Ward
Councillor K A Smyth (Presiding Member)	Coastal Ward
Councillor F J O Bennett	Dalkeith Ward
Councillor N R Youngman	Dalkeith Ward

### Staff

Ms K Shannon	Chief Executive Officer
Mr M R Cole	Director Corporate Services
Mr M K MacPherson	Director Technical Services
Mr T Free	Director Planning & Development
Ms E Bock	Acting Executive Officer
Ms N Robson	Administration Urban Planning & Development
Ms L J Kania	Coordinator Governance & Risk
Ms S Cole	Governance Officer

**Public** There were 26 members of the public present and 5 online.

**Press** 1 media

**Leave of Absence** Cr McManus  
(Previously Approved)

**Apologies** Cr Brackenridge  
Mayor Argyle

## 3. Public Question Time

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



#### **4. Deputations**

Mr Michael van Drunen made a deputation relating his verge trees on 4 Kings Row in Mount Claremont.

Jane Bennett spoke in support of the recommendation for Agenda Item 16.1.

Mrs Tracy Bence spoke against the recommendation for Item 16.1.

Ms Suzie Pavlovich spoke in support of the recommendation for Item 16.3.

Mr Ben Doyle spoke in support of the recommendation for Item 16.3.

David Read spoke against the recommendation for Item 16.3

Phillip Dobson spoke against the recommendation for Item 16.3.

Mrs Tracy McLaren spoke against the recommendation for Item 16.7 and in support for the recommendation for Item 17.2.

Mrs Veronica Ntoumenopoulos spoke in support of the recommendation for item 16.7.

#### **5. Requests for Leave of Absence**

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

#### **6. Petitions**

Petitions will be dealt with at the Ordinary Council Meeting.

#### **7. Disclosures of Financial Interest**

There were no disclosures of financial interest.

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

There were no disclosures affecting impartiality.



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

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

**10. Confirmation of Minutes**

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

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

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

**12. Members Announcements without discussion**

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

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

For the convenience of the public, the following Confidential items are identified to be discussed behind closed doors, as the last items of business at this meeting.

**14. En Bloc Items**

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

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

**15.1 Minutes of the following Committee Meetings (in date order) are to be received:**

This is an information item only to receive the minutes of the various meetings held by the Council appointed Committees (N.B. This should not be confused with Council resolving to accept the recommendations of a particular Committee. Committee recommendations that require Council's approval should be presented to Council for resolution via the relevant departmental reports).

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



## **16. Divisional Reports - Planning & Development**

### **16.1 PD31.05.24 Nedlands Village Precinct Structure Plan – Recommendation to the Western Australian Planning Commission**

#### **Further Information**

##### **Question / Request**

Cr Hodsdon - Is it possible to have that corner be R80 clarification of the height of the 3 stories to align with the rest of the area?

Cr Hodsdon – Is it possible to clarify the location of the roads and the pedestrian access ways?

Cr Coghlan – Can you comment on the shape of the R160 on the plan how would you anticipate the setbacks and interface?

##### **Officer Response**

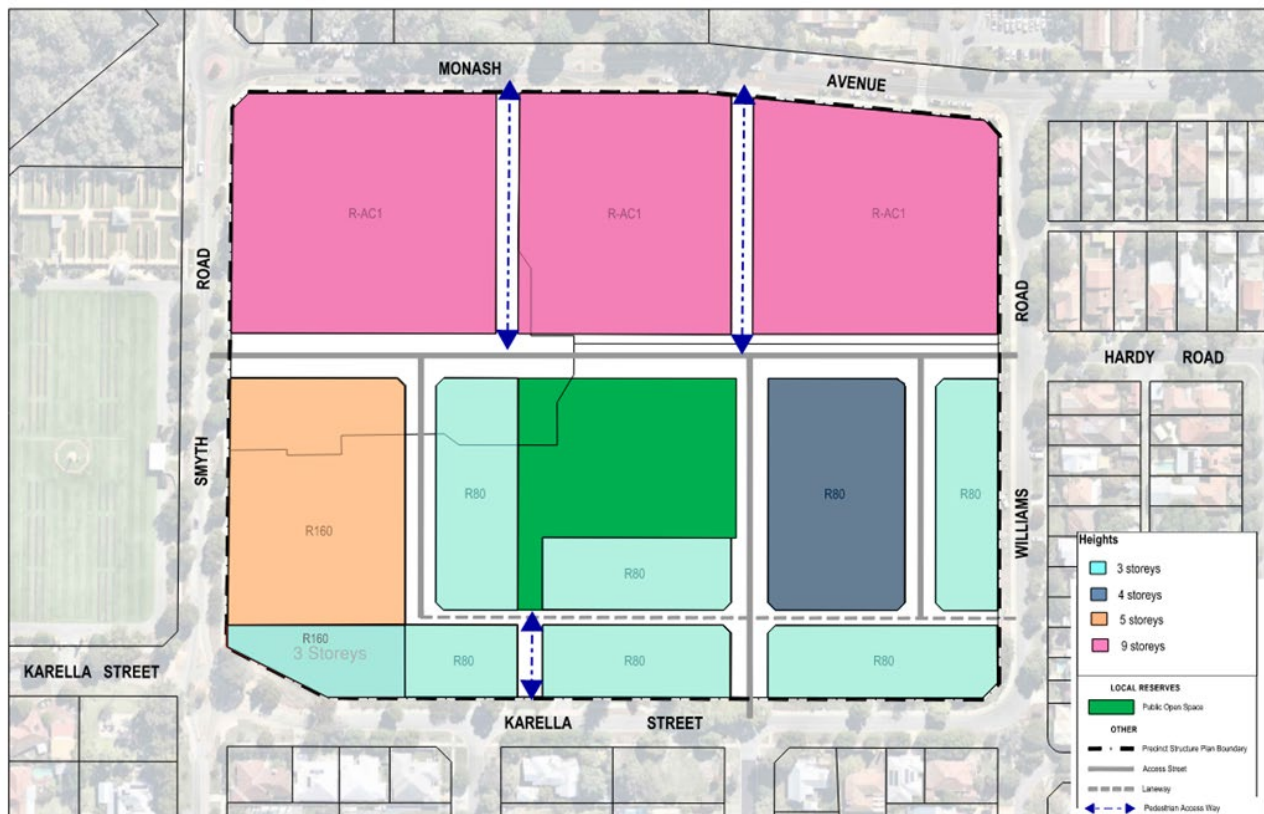
The schedule of modifications (Attachment 7) and the height plan (Attachment 8) have been amended to clarify that the 3 storey height limit will apply for the frontage along Karella Street (including part of the R160 site on the corner of Smyth Road) and along part of Williams Road as shown in the plan below.

The intention of the area with the maximum 3 storey height provision on the corner of Smyth Road is to align this section with the R80 coded properties to the east along Karella Street. This is because the R160 could be developed as either part of an apartment design or townhouse development.

Setbacks for the 3 storey section are to be in accordance with the R-Codes, R80 density.

The plan below also shows the proposed Pedestrian Access Ways (in blue) and roads (in grey).





### Question / Request

Cr Youngman – Design Review Panel issued orange and red lights and requested to be modifications, when will these matters be addressed?

### Officer Response

The orange and red were primarily due to a lack of Design Guidelines. Design Guidelines, which are considered a key part of the consideration of the Precinct Structure Plan. This has been listed as recommendation 23 within Attachment 7. To reinforce the importance, an additional Council recommendation 2 e) has been provided below:

- e. the Design Guidelines are referred to the City of Nedlands to review, including the undertaking of public consultation, an assessment by the City's Design Review Panel, and consideration by Council prior to the finalisation of the Precinct Structure Plan.

Cr Coghlan – How are we going to capture the history of the site in the future development?

### Officer Response

Given the sensitive nature of the site's history, the aim is to incorporate this history through elements such as street naming and landscape design.

Dating back to its acquisition by the Salvation Army in 1905, the site has a rich and varied history. Over more than a century, it has transformed multiple times, serving as a correctional facility, a home for boys, a home for children, a dementia care home, and most recently, an aged care facility. Each phase of its evolution mirrors broader social changes



and the evolving needs of the community it served. The Salvation Army's stewardship of the property, which lasted until 2005, represents a significant chapter in this storied past.

Reflecting the site's historical context, the new masterplan proposes street names that sensitively honour its legacy. Examples include Elloura Lane, a First Nations term meaning "a resting place," which acknowledges the site's long-standing role in providing care and respite. A comprehensive naming strategy will be dedicated to creating place names that are deeply rooted in history and resonate with the local vernacular of Nedlands.

### **Alternate Officer Recommendation**

A full alternative officer recommendation incorporating the additional recommendation in relation to the design Guidelines is provided as follows:

#### **That Council:**

**In accordance with Clause 20 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015:**

- 1. Note that the land subject of the proposed Nedlands Village Precinct Structure Plan is subject of Amendment No.15 to the City of Nedlands Local Planning Scheme No.3 to rezone the land from "Residential" to "Mixed Use" and approval of this Structure Plan by the Western Australian Planning Commission should not occur unless and until the Hon. Minister for Planning approves Amendment No.15 to the City of Nedlands Local Planning Scheme No.3 and the land is rezoned.**
- 2. Recommend to the Western Australian Planning Commission that the proposed Nedlands Village Precinct Structure Plan be approved in the instance where:**
  - a. The Hon. Minister has approved Amendment No.15 to the City of Nedlands Local Planning Scheme No.15 and the land has been rezoned;**
  - b. The modifications, as set out in Attachment 7, are made to the Nedlands Village Precinct Structure Plan;**
  - c. The Western Australian Planning Commission, on the advice of Main Roads WA, is satisfied that the Structure Plan area will not be subject to any adverse impact on the road network; and**
  - d. The Western Australian Planning Commission, on the advice of Department of Fire Emergency Services is satisfied that the Structure Plan area will not be subject to any adverse impact from Bushfire risk.**



e. Request that the Western Australian Planning Commission refer proposed Appendix 1 - Design Guidelines to the City of Nedlands to review, refer to the City's Design Review Panel and undertake public consultation prior to the finalisation of the Precinct Structure Plan.

3. Forward the full Structure Plan proposal, Schedule of Submissions and the recommended modifications to the Western Australian Planning Commission for its determination.

4. Notify the Applicant, affected landowners and submitters of Council's recommendation.

## **16.2 PD32.05.24 Consideration of Change of Use from 'Single House' to 'Display Home' and associated Signage at 53 Stanley Street, Nedlands**

### **Further Information**

No questions.



## **16.3 PD33.05.24 Section 31 Reconsideration of Development Application – Additions and Alterations to Single House at 89 Watkins Road, Dalkeith**

### **Further Information**

#### **Question / Request**

Cr Bennett – In regard to the Local Policy – Residential Development LLP 1, clause 4.4.2 refers to “the cumulative bulk and distribution of all buildings on site has a reduced impact on neighbouring properties” in relation to the rear setback for R15 or less properties, how does this proposed development have a reduced impact?

#### **Officer Response**

The existing development on site already features a curved wall within the rear setback area. The new pool deck wall will extend north from the existing wall by an average of 1m; however, the wall is designed to protect the visual privacy of the adjoining owners as it consists of a 1.6m high privacy screen. The impact of this wall on the northern lot is reduced in the context of the entire development as the proposed pool deck only comprises 20% of the adjoining lot's length. The impact of bulk is further minimised as the pool deck wall, including the visual privacy screen, will be perceived as only 2.2m in height relative to the adjoining property's balcony due to the differing floor level heights of the two properties. Given its perceived height, the 3.5m setback of this wall is sufficient to ensure the adjoining lot's amenity is maintained. Additionally, the existing development already features an existing boundary wall along the northern lot boundary that is up to 2.8m in height above the level of the adjoining lot's balcony.

It should also be noted that the design is consistent with the established development pattern in the locality regarding development within the rear setback area. The majority of the lots within the subject Watkins Road street block feature development in the rear gardens.

#### **Summary**

Fundamentally, the issues raised by the neighbour revolve around the screen wall, the pool height, and the pavilion eave. The Deemed provisions unequivocally state that a pool is exempt from requiring development approval. There is no provision for height, design, or location for a pool. The proponent could simply remove the pool from the development approval and include it as part of the building permit without issue. The two items in question are therefore the screen wall and the pavilion eaves.

City Officers are of the opinion that SAT is unlikely to uphold a refusal. This is because all development must be ultimately assessed against the design principles of the R-Codes.

The screen wall and the eaves are considered to achieve the design principles of clause 5.1.3 shown below:



***Buildings set back from lot boundaries or adjacent buildings on the same lot so as to:***

***(i) reduce impacts of building bulk on adjoining properties;***

**This is assessed to be achieved as a result of:**

- The new screen wall replaces a previous screen wall of the same height. The new screen wall comes closer to the northern boundary than the previous screen wall, but maintains a 3.5m setback from the adjoining property.
- The eaves are open beneath and roughly in line with the main building footprint of the adjoining dwelling. As they are set back behind the adjoining balcony, they will not impact building bulk to the balcony.
- The report states in error that the northern boundary wall is proposed to be increased in height. However, that was referring to the plans with the City prior to mediation. The current plans do not alter the height of the boundary wall.
- The screen wall is roughly in line with the building footprint pattern of houses to the north, which gradually come closer to the river as one moves southward (see figure below). This demonstrates an encroachment that is not out of place for the area such that it would result in unexpected and excessive building bulk.

***(ii) provide adequate sunlight and ventilation to the building and open spaces on the site and adjoining properties; and***

**This is assessed to be achieved as a result of:**

- The subject development is to the south of the adjoining site and will therefore have no impact on overshadowing.
- The eaves and screen wall are set back sufficiently to maintain ventilation to the adjoining property.
- The adjoining lot's balcony continues to enjoy expansive views of the river, with the majority of the screen wall being visible only when one looks directly towards the subject site.



The living room of the adjoining site opens up onto the balcony from sliding doors to the west, which is where the room receives its sunlight and ventilation. The single south-facing living room window is non-operable (no ventilation ability) and does little to provide sunlight to the room due to its southern orientation. The amount of sunlight to the room will not be appreciably impacted by the eaves or the screen wall.

***(iii) minimise the extent of overlooking and resultant loss of privacy on adjoining properties.***

This is assessed to be achieved as a result of:

- The purpose of the screen wall is to provide privacy. The screen wall is a minimum 1.6m in height above the floor level, which the R-Codes consider to be sufficient to prevent all overlooking to adjoining properties.
- The pavilion eaves do not contribute to overlooking.
- Overlooking from the pool is not considered, as a pool is exempt from requiring development approval.

**Alternate Officer Recommendation**

In addition, it has been identified that the garden adjoining the pool has been removed from the plans and there is no longer a need for condition 8, which stipulated a landscape plan be implemented to provide vegetative screening to the north. This was removed in discussions with the adjoining neighbour. An alternate recommendation is therefore provided below.

**That Council, in accordance with Section 31(2)(c) of the State Administrative Tribunal Act 2004, set aside its refusal to grant development approval for additions and alterations to a single house at 89 Watkins Road, Dalkeith dated 30 January 2024 and substitutes the new decision as follows:**

**In accordance with Clause 68(2)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, approves the development application in accordance with the plans date stamped 24 April 2024 for additions and alterations to a single house at 89 Watkins Road, Dalkeith (DA22-81970), subject to the following conditions:**

- 1. This approval relates only to the development as indicated on the approved plans dated 24 April 2024. It does not relate to any other development on this lot and must substantially commence within 2 years from the date of the decision letter.**



2. All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site.
3. Prior to the issue of a demolition permit and a building permit, a Demolition or Construction Management Plan (as appropriate) shall be submitted and approved to the satisfaction of the City. The approved Demolition and Construction Management Plans shall be observed at all times throughout the construction and demolition processes to the satisfaction of the City.
4. Prior to occupation, walls on or adjacent to lot boundaries are to be finished externally to the same standard as the rest of the development in:

Face brick;

Painted render;

Painted brickwork; or

Other clean finish as specified on the approved plans.

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

5. The street tree(s) within the verge in front of the lot are to be protected and maintained through the duration of the demolition and construction processes to the satisfaction of the City of Nedlands. Should the tree(s) die or be damaged, they are to be replaced with a specified species at the owner's expense and to the satisfaction of the City of Nedlands.
6. Prior to occupation, a deed of agreement or other suitable arrangements, are to be made for the payment of funds to the City of Nedlands for the implementation and maintenance of the landscaping within the Parks and Recreation reserve for a period of ten (10) years as shown on the approved landscape plans. The agreement shall be prepared by the City's solicitors, to the satisfaction of the City, and at the landowner/applicants cost.
7. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of Nedlands. Prior to the issue of a building permit the applicant is to submit stormwater drawings to demonstrate that stormwater infrastructure is be designed to accommodate the 1%AEP rainfall event fully on site without any overflow into the road reserve or adjacent properties.

DBCA Conditions





8. Within twelve (12) months of the completion of the approved works, an amended landscape plan is to be implemented to the satisfaction of the City of Nedlands on the advice of the Department of Biodiversity, Conservation and Attractions.
9. The applicant shall take appropriate preventative measures to ensure that no construction material, sediment (including as a result of stormwater run-off), or rubbish enters the Parks and Recreation reserve or river as a result of the works.
10. Stormwater run-off from constructed impervious surfaces generated by small rainfall events (that is, the first 15 mm of rainfall) must be retained and/or detained and treated (if required) at-source as much as practical and will not be permitted to enter the river untreated.

#### **16.4 PD34.05.24 Proposed naming of unnamed laneway north of Haldane Street, Mt Claremont**

##### **Further Information**

##### **Question / Request**

Cr Youngman – Why wasn't "Nameless" included as an option for name of the Laneway?

##### **Officer Response**

The Geographical Names Committee have advised against naming the laneway "Nameless Lane" as it has the possibility of being confused as describing the lane, not the name of the lane.





## 16.5 PD35.05.24 Consent to Advertise Local Planning Policy 1.1 -Residential Development

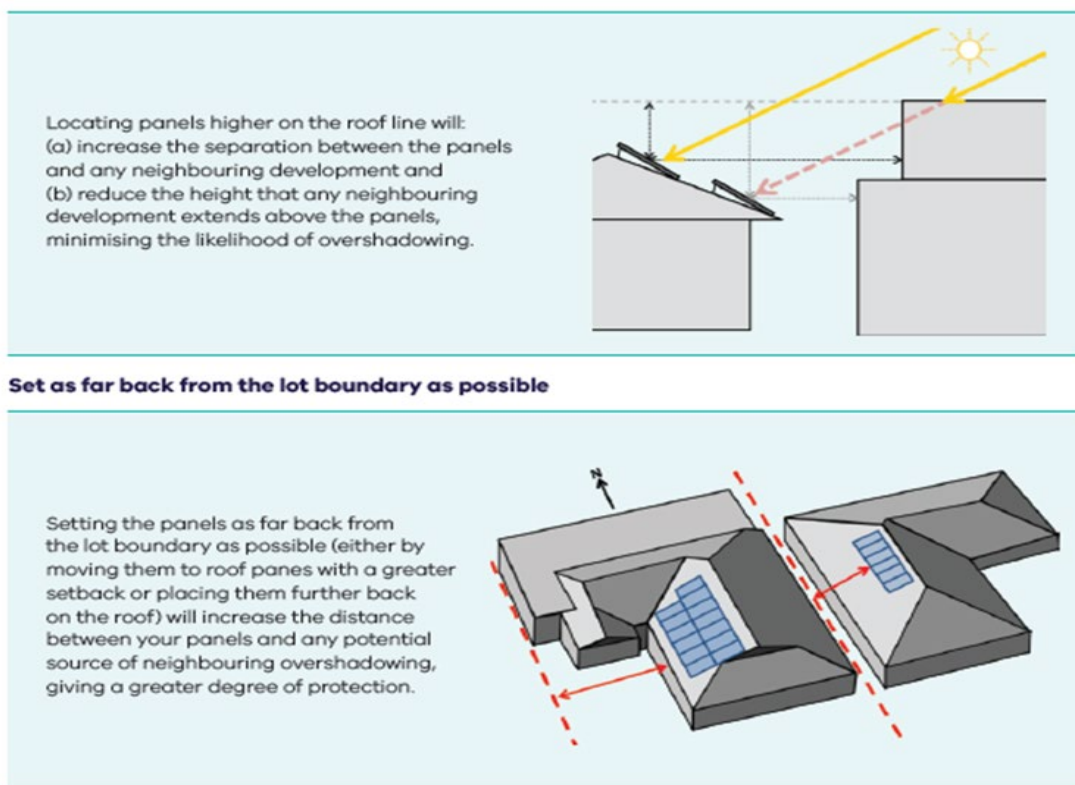
### Further Information

#### Question / Request

Cr Youngman – Regarding solar access for adjoining sites, how does this work with overshadowing?

#### Officer Response

The Draft Residential Development LPP proposes new Local Housing Objectives for the protection of outdoor living area and solar collectors on adjacent lots. These Local Housing Objectives in Clause 6.3.7 of the LPP provide more specific criteria for officers to assess overshadowing when conducting a design principles assessment than is otherwise provided in the R-Codes. Figure 4 (reproduced below) of the policy provides supporting illustrations for how planners should consider the impacts of overshadowing on existing solar collectors on adjacent lots. This will not impact deemed-to-comply criteria, as that would require WAPC approval.





**Question / Request**

Cr Youngman – Page 669 clause 6.3.7A4 – statement not quite right? Micro inverters or bypass diodes optimisers can assist operating efficiently on solar panels.

**Officer Response**

Clause 6.3.7(iv) has been deleted from the Policy due to the difficulties of confirming the type of solar panel system on an adjoining development. The attachment has been updated in the agenda.

**16.6 PD36.05.24 Consent to Advertise draft Local Planning Policy – Precincts**

**Further Information**

No questions.



## 16.7 PD37.05.24 Invitation for Involvement in the Design Process of the Proposed Greenspace Adjacent to WA Bridge Club, Allen Park, Swanbourne

### Further Information

#### Question / Request

Cr Amiry –

#### Q1:

Have we progressed to a point for design of that space where it would be misleading or lead to the impression that the design could or could not be changed?

#### Officer Response

##### A1:

The design for the overall space initially proposed in the material for the report is understood to be purely conceptual and thus could change entirely.

The design for the Wadjuk Nom Bidi path is developed to the Issue for Construction (IFC) level with details, levels and quantities to deliver the project. The design is therefore in its final stage prior to construction. The path design can be abandoned completely and a previous option developed to the required detail, or be modified slightly. The extent of this will determine time required and cost implications and cannot be determined at this stage.

##### Q2:

How much money have we spend and what delays would we expect from any changes?

Could a delay or change in design cost the City a further 20-30k for re design?

Detail cost of change of design with flip of the snake head. How much cost and how much delay would it incur?

#### Officer Response

##### A2:

Present costs to date for the trail project are:

Item	Cost (ex GST)
Prelims	\$2,000
Concept designs and options	\$6,500
Schematic design development	\$6,500
Detailed design development	\$6,500
Construction admin and ASCON's	\$4,000 (not yet invoiced)
<b>Total Contract Value To Date</b>	<b>\$25,500</b>
<b>Actual Cost To Date (invoiced)</b>	<b>\$21,500</b>

The above table shows contractor costs only and does not include Officer time. This project has required significant Officer, Manager and Director involvement (much more than other Capital Projects delivered this Financial Year).

Depending on the extent of re-design and modification this could lead to another entire design allocation value being incurred again. The specific question around 'flipping' the



snake head direction would be minimal cost and see the head move from the south east to the north west, as it is a decorative treatment. If the 'flipping' was actually to mirror the proposed curve of the trail this would require a full re-design to determine levels.

**Q3:**

Page 761 refers to a construction licence agreement covering site access and conditions, what does this refer too?

**Officer Response**

In the event of the project progresses to the stage after design and into the construction phase, this agreement is referencing the need for a licence to allow legal access to the site by the PCHF for the purpose of constructing the design which has been agreed too.

**Question / Request**

Cr Youngman –

**Q1:**

Can the PCHF stop people from walking through the land however it is done up?

**Officer Response**

The licence agreement which would be in place after construction would address this point. Officers have progressed on the understanding that the space would be open to the public to use.

**Q3:**

Can we guarantee funding from maintenance? How long fee being paid?

**Officer Response**

The PCHF have agreed to cover the maintenance costs to an agreed standard/value for the period of the licence agreement. The final agreed design will in part determine the maintenance costs, the level of the maintenance standard will be the subject of a future agreement between Council and PCHF.

**Q4:**

If we go ahead with the resolution how it is written would we need to revoke the previous resolution?

**Officer Response**

The previous resolution does not need to be revoked. Council can proceed with the construction of the Wadjuk Nom Bidi path with this proposal by the PCHF needing to work around the path in the event of it being constructed.



It certainly is open to Council to delay the construction of the Wadjuk Nom Bidi path, and have the path design and future construction of the Wadjuk Nom Bidi path incorporated into the proposed greenspace.

### **Question / Request**

Cr Hodsdon – Can we map out the proposed process?

### **Officer Response**

The officers report has been based on the following process:

Stage 1 – Agreement to be involved in the Design process (the basis of the current report).

Stage 2 – Subject to Council agreement to stage 1, the design process would proceed with Council involvement, with the final design being subject to Council approval.

Stage 3 – subject to Council approval of the final design (Stage 2), a further Council approval will be required for:

1. A Construction Licence agreement to allow PCHF to access the site for the purposes of construction, being agreed to by Council.
2. A Licence agreement, currently proposed to be over 40 years, between the PCHF and Council to facilitate the PCHF undertaking maintenance, to be agreed to by Council
3. Maintenance standards to be agreed to by Council and incorporated into an agreement / licence.
4. Annual fees to be paid to the City being agreed to by Council.

The process has three approval points, at any of these points, if Council decides not to proceed or can't reach agreement with the PCHF, the proposal, from the City's perspective would fall away.

The design led approach allows Council to be comfortable with what is proposed before locking in future commitments. The most significant matters to be agreed are in Stage 3, which on the proposed approach would only need to be considered if and when Council is in agreement with the final design.

### **Question / Request**

Cr Bennett –

#### **Q1:**

If we do go through this process is there a possibility for a public park where no lease is required?

### **Officer Response**

This would be difficult if the PCHF was to be responsible for the maintenance.

#### **Q2:**

How much of the \$140k has already been expended on the Wadjuk Nom Bidi path?



### Officer Response

To date \$21,500 has been spent on the design process of the Wadjuk Nom Bidi path, \$4,000 is committed for ASCON's, and \$123,000 (excluding overheads) remains. The overhead allocation slated for this project is \$36,228. A significant amount of Officer time (when compared to other projects in the Capital Works Program) has been expended against this project at the Project Manager, Manager and Director level, increasing the true cost of the project.

### Question / Request

Deputy Mayor Smyth –

#### Q1:

What are the City's responsibilities for ongoing maintenance of this POS vegetation status, (ie cleared)?

Given this Plot 7 Area is subject to ongoing management, as Low threat vegetation. (see references)

- a) Bushfire Management Plan (PCHF) states (p13)  
Vegetation South of Site associated with WABC includes areas of managed grassland excluded from classification as low threat vegetation. This vegetation was observed to be very well managed during both site visits.
- b) BMP Implementation Responsibilities (p22)  
Maintaining fuel loads in existing public roads reserves and public open space (under their management) to appropriate standards to minimize fuel loads (as per current maintenance regimes).

### Officer Response

The City is responsible currently for this land and as part of that the City needs to address bushfire considerations, as the City does in other City reserves.

The design of the greenspace as proposed by PCHF will also need to factor in bushfire consideration

#### Q2:

What consideration are being given to the City's obligations under the Bushfire Management Plan in relation to the PCHF greenspace proposal?

### Officer Response

The design will need to factor in the bushfire management obligations, and this would also become part of the future maintenance of the space



**Q3:**

Is the proposal likely to require an additional lease of 3000m<sup>2</sup> of Class A reserve to PCHF for 40 years resulting in no, or limited public access for the Wadjuk Norn Bidi Trail?

**Officer Response**

Its acknowledged that the officer report references the 3,000 square metres, however, the area, including the exact boundaries have not yet been determined. This would occur as part of the design process / approval considerations. The area of the proposed greenspace will need to factor in existing lease areas and other site constraints. This assessment has not yet occurred.

**Q4:**

How much of the current WABC lease will be consumed into a PCHF lease?

**Officer Response**

Any extension into the Bridge Club lease would require the agreement of the Bridge Club. The Bridge Club lease is potentially a constraint on the design of the greenspace, which at this stage, the City is not aware that the PCHF have given this matter full consideration. The design process would commence with a clear understanding of the sites constraints. The Bridge Club lease is a potential constraint.

**Q5:**

The area containing the Norn Bibi Trail is only about 1000m<sup>2</sup>, how has the proposed area accumulated to 3000m<sup>2</sup>?

**Officer Response**

The 3,000 square metre figure, has not factored in the consideration of existing lease areas, nor other potential site constraints that a design process would draw out. That figure seems to be arrived at by including all the land up to the proposed hospice building, the Bridge Club building and the car park. The final area of the greenspace may in the final design be significantly smaller.

**Q6:**

Can you licence the land that is already leased till 2026 by the Bridge Club?

**Officer Response**

The City would enter into one licence with one other entity. Licence would only be granted to the PCHF over land currently licenced to the Bridge Club if the licence to the Bridge Club was modified.

**Q7:** Do you anticipate that toilets may be a dealbreaker and how much they would cost?



### **Officer Response**

The consideration of toilets would be one relevant design consideration. Ultimately the provision of a toilet or not may be a significant consideration in the approval or otherwise of the final design. If toilets are incorporated into the final design, the maintenance of the toilets may be a significant consideration at the licencing stage. The cost of any toilet facility would be dependent upon the design.

### **Question / Request**

Cr Coghlan – Can the City establish a Financial Reserve within our accounts to cover the maintenance costs associated with this proposal?

### **Officer Response**

It would be preferable under a licence that the PCHF maintain the greenspace for the life of the licence agreement.

However, if Council was to be responsible. The establish of a Financial Reserve would be possible.





## 16.8 PD38.05.24 West Waratah Precinct Parking Restrictions Consultation

### Further Information

#### Question / Request

Cr Bennett – Just confirming that this is just going out to public comment? Will it cover road markings and parking restrictions?

#### Officer Response

Yes, this report is seeking for Council to approve for the Officers to engage with residents, businesses and community/sporting clubs regarding the three temporary parking restrictions options for the West Waratah Precinct.

Officers are recommending not to mark additional yellow lines within this precinct. Yellow line marking is a more permanent method of controlling parking that can last more than five years. As the City is implementing temporary parking restrictions for the construction phase, it is more cost effective to install signs only.

The three options outline three different parking restrictions inclusive of signage, line marking and other parking controls that could be implemented.

**Deputy Mayor Smyth declared that the meeting adjourn for 5 minutes for the purposes of a refreshment break.**

**The meeting adjourned at 9.06pm and reconvened at 9:13 pm with the following people in attendance:**

#### Councillors

Councillor R A Coghlan	Melvista Ward
Councillor H Amiry	Coastal Districts Ward
Councillor K A Smyth (Presiding Member)	Coastal Districts Ward
Councillor F J O Bennett	Dalkeith Ward
Councillor N R Youngman	Dalkeith Ward
Councillor L J McManus	Hollywood Ward
Councillor B G Hodsdon	Hollywood Ward

#### Staff

Ms K Shannon	Chief Executive Officer
Mr M R Cole	Director Corporate Services
Mr T G Free	Director Planning & Development
Mr M K MacPherson	Director Technical Services
Ms E Bock	Acting Executive Officer
Ms L J Kania	Coordinator Governance & Risk

#### Leave of Absence

Councillor L J McManus

Coastal Districts Ward

**(Previously Approved)**



**Apologies**

Mayor F E M Argyle  
Cr Brackenridge

**17. Divisional Reports - Technical Services**

**17.1 TS17.05.24 Brockway Roadside Safety Inspection**

**Further Information**

**Question / Request**

Cr Youngman – Could it just be Stop signs?

**Officer Response**

The Commissioner of Main Roads, under Regulation 297 of the Road Traffic Code 2000, has the sole authority to erect, establish or display, and alter or take down any road sign, road marking or traffic-control signal in Western Australia.

The position taken by Main Roads, is that in accordance with AS1742.2 Section 2.5.4 Stop signs may only be installed where there is a sight distance restriction. Incorrect use of Stop signs may lead to a lack of compliance with the requirement to stop at locations where Stop control is required.

The sight distance at the intersection of Brockway Road / Camelia Avenue / Quintilian Road has been checked and confirm there is no sight distance restriction when assessed under the Australian Standards. Main Roads has previously provided their position in writing to the City that they will not support changing the sign controls to Stop Signs.

The City could request this again in light of the recent inspection, but it is unlikely that Main Road's previous position will change.

**Question / Request**

Deputy Mayor – Railway through to Brockway redesign for railway commuters' removal of some of the Jarrah trees. Does it integrate at all with this?

Would you be able to provide a priority design?

**Officer Response**

Should Council pursue an engineering design solution, previous project proposals or concepts will be taken into consideration as part of the City's develop, design, delivery process for capital work projects. Effort would be made to integrate and future proof designs, as well as make attempts to retain healthy trees which contribute to canopy cover.

**Question / Request**

Cr Hodsdon – Clarification on process of changing a sign – do we actively pursue Main Roads to make it happen?



Regarding erecting a bollard, are there standards on distance from the curb? Document to read on standards.

**Officer Response**

The Local Government Authority may request changes to regulatory signage and provide evidence in support of this request in line with Main Roads policies and practices. However, the final determination rests with Main Roads.

Roadside devices are installed with reference to the Austroads Guide to Road Design Part 6: Roadside Design, Safety and Barriers, in conjunction with any supplemental state requirements.

**Question / Request**

Cr Bennett – Would it be beneficial to create reserves to deal with funding blackspot areas and projects?

**Officer Response**

The City should seek to create reserves to appropriately fund all aspects of capital works whether it be renewal or improvement projects. It is the officer's opinion that a baseline of annual funding both to and from allocated reserves should be aspired to in an effort to deliver community outcomes.

Given the nature of crash locations and the cost to the community in critical injuries or even fatalities, the City of Nedlands should be financially positioned to not rely on accidents occurring and subsequent grant funding to be awarded prior to taking action to address known crash locations across its network. Any limited funding needs to be balanced across a considerable road network to ensure that finances and resources are directed to where they are needed most.



## 17.2 TS18.05.24 Tree Removal to Facilitate a City Project – WA Bridge Club Car Park

### Further Information

#### Question / Request

Cr Bennett – If the trail was moved to the other of the carpark do the trees still need to be removed?

#### Officer Response

This will be dependent on the final design and carpark layout. All trees are healthy but not high performing in that site and opportunity presents to remove and plant more suitable species which will bring better net outcomes to canopy coverage in locations complementary to the future path, and not have one compromise the other.

#### Question / Request

Deputy Mayor Smyth – Could we just take out 3 and leave the other 3 trees?

Will the carpark have Semi formalisation of the car bays?

Propose alternate recommendation to only have 3 removed? Remove 1-3 and retain Trees 4-6 diagram figure 1. When would the replacement planting occur?

Have we got any further information on further tree removals along the Odern Trail?

#### Officer Response

Council may chose to attempt to retain trees 1-3 and or 4-6. To do so will come at a compromise to the ultimate path alignment or function, requiring squeeze points or diversions away from previously determined alignments. It would not be recommended to retain trees 1-3 but attempts could be made to try and retain trees 4-6, however, they will likely decline in coming summers and their performance would need to be monitored.

Replacement planting would likely occur toward the end of development of nearby facilities so as to not require constant upkeep and management. Replacement trees however would be consignment grown in advance to ensure healthy, suitable stock for transplanting.

The final arrangements for the overflow / temporary carpark are yet to be determined, however it is anticipated it will be 'semi-formal' with a trafficable but loose surface such as road base or crushed limestone. It may need to be graded to ensure stability and drainage. The area can be converted back to original condition of turf or formalised further at a later date should Council and community demand warrant it.



## 18. Divisional Reports – Community Services & Development

### 18.1 CDS02.05.24 Reclassification of Point Resolution Child Care Centre license

#### Further Information

##### Question / Request

Cr Youngman – How does the dedicated cook affect the FTE?

Why not contract the meals via a Caterer?

ECT (Early Childhood Teacher) – when employing that position require longer notice period?

What is the logic between removing the 0-2 ratio and replacing with the >8 months.

12 hour day comment on page 4 flags the need for more staff ?

Are we in a position to increase the price to match other premium services?

##### Officer Response

A dedicated cook is a requirement for any childcare service for more than 20 children under the state Child Care Services (Child Care) Regulations 2006 reg 26 (1) *If a service provides food prepared at the place on a regular basis for 20 or more enrolled children the licensee must employ a person to prepare the food.*

This would be a 0.5 position (7am-11am). Currently the cooking is undertaken by the coordinator. By combining the Coordinator and the ECT role (if enrolments were reduced to 24), and the addition of a part-time cook, there would be an overall reduction of 0.5 FTE. If the Coordinator is to continue to undertake the cooking, the current job description will need to be amended to reflect this regulatory requirement.

Having an external caterer would incur a significant increase in cost, and not be able to meet the regulatory notification requirements, and frequently changing dietary requirements. For example, under the NQF regulations, menus are to be prepared on a weekly basis, and any changes to the menu must be notified to parents. If a child attends on a casual basis that has a food allergy, the catering company would need sufficient time to allow for an alternative meal. There are also regulations that require correct storage and reheating of food, that the centre may struggle to comply with given their current facilities.

ECT Notice period

No. Notice period is included in our Industrial Agreements and is linked to the employee's length of service – refer to Inside Agreement Termination clause 7.1. Extended notice periods are for senior employees – ie CEOs, directors and some managers.

##### Reducing under 2s numbers

The logic was that given the current enrolments, the youngest enrolment was 8 months old, so therefore would not be disadvantaged should the council adopt the recommendation to reclassify. It is also a safety issue. Although this is legal, it is rare to



have infants (young infants) and toddlers in the same room as a safety precaution. As PRCC operates to minimum staffing ratio model, and is an open plan room, there a phenomenal risk for injury to infants by other children. Infants also require an increased level of care and can detract attention away from other children at the centre.

It is not recommended that the daycare change its hours to 12 hours days. It was included in the report to illustrate that the operations of the centre (opening hours) reflect the demand and requirements. As stated in the report, the enrolment patterns and attendance indicate that CoN residents do not require full time long day care. There are also other day care services in the City that provide this, and at a much higher level of service (newer facilities, separate rooms for age groups, all inclusive – food, nappies and formula). An increase in opening hours would offer little benefit for the demographic requirements and would require an increase in staff.

We are in a position to increase the fees to match surrounding premium services. However, PRCC does not currently offer what could be considered a premium service and would have to invest significant funds into bringing in line with other providers that charge this fee. This would include renovating and modernising facilities inside to allow for separate rooms for ages groups, Lanscaping the outdoor area to include developmentally appropriate fixed play structures and, full replacement of resources and equipment, in the inclusion of nappies and formula, and an extension of opening hours.

### **Question / Request**

Deputy Mayor – is there a promise of an ECT to the existing parents?

### **Officer Response**

Yes, as this is a requirement under Education and Care Services National Regulations, regardless of numbers, and services must engage or have access to an early childhood teacher (ECT) based on the number of children in attendance at the service.

Fewer than 25 children: The service needs to have access to an early childhood teacher for at least 20 per cent of the time the service is operating. This may be achieved through an information communication technology solution. For PRCC this would be 10 hours per week, or 2 hours per day.

25 – 59 children: The service must employ or engage a full-time or full time equivalent early childhood teacher, or have an early childhood teacher in attendance for:

- 6 hours per day, when operating for 50 hours or more per week OR
- 60% of the time, when operating for less than 50 hours per week

For PRCC this would be for 6 hours per day



## **19. Divisional Reports - Corporate Services**

### **19.1 CPS23.05.24 Monthly Financial Report – April 2024**

This item will be dealt with at the Council Meeting.

### **19.2 CPS24.05.24 - Monthly Investment Report - April 2024**

This item will be dealt with at the Council Meeting.

### **19.3 CPS25.05.24 - List of Accounts Paid - April 2024**

This item will be dealt with at the Council Meeting.



## 19.4 CPS26.05.24 – Powerlyt Solar Recommendations

### Further Information

#### Question / Request

Cr Youngman – There are 8 buildings listed in the report but only 7 are recommended for PV upgrades. Which one are you cutting out?

#### Officer Response

Point Resolution Child Care. The review of the useage at the Point Resolution Childcare resulted in no net benefit for the building.

#### Question / Request

Cr Youngman – The officers report refers to Ancillary costs? What is that?

#### Officer Response

This refers to any incidental costs incurred by Powerlyt while undertaking the review.





## 19.5 CPS27.05.24 Underground Power – Consideration of Results from Consultation and Next Steps

### Further Information

#### Question / Request

Deputy Mayor – Could we have an offset deprioritising projects for example Hackett Hall and back lane constructions to ensure the money first goes to underground power and is prioritised? Is a quantification possible?

#### Officer Response

There are a number of other priorities for the Council that will need to be deferred if Council agrees to proceed with underground due to the significant impact on financial resources, including borrowing capacity of underground power.

Such projects include:

1. Hackett Hall and Lawler Park
2. Laneway upgrades
3. Allen Park Cottage
4. Other major building upgrades/renovations

#### Question / Request

Cr Amiry – If we don't do underground power and the suggestion is to increase rates by an extra 2% on top of the operating budget increase of 3.5% could this go to other projects?

#### Officer Response

During Budget Workshops a suggestion from Administration is to accelerate funding for buildings and drainage are two high priority asset classes in need to additional funding. If underground power does not proceed, it is open to Council to apply any rates revenue to funding upgrades/improvements to these assets.

#### Question / Request

Cr Youngman – If we end up with another disclaimer of opinion what are our options for borrowing money?

#### Officer Response

WA Treasury Corporation have confirmed that WATC assesses loan applications based on audited financial statements.

In the event that audited financial statements are not available, that does not preclude the City from submitting an application. However, WATC is likely to apply additional due diligence when assessing the application and would be likely to work with the City to gain a thorough understanding of the issues and the City's position.

In summary, WATC assess all applications based upon the information that is available and a disclaimer of opinion from the OAG should not deter the City of Nedlands applying for new borrowings.



### **Question / Request**

Cr Bennett – Can you confirm Mt Claremont and Floreat can't be split and are effectively one project?

### **Officer Response**

Western Power have confirmed that the two projects have been separately quoted and can be split. However, the mobilisation and demobilisation of the contract is spread over the two projects as they involve the same contractor. This includes setting up holding yard/site for the duration of the two projects. Should only one project proceed, the mobilisation and demobilisation costs will be fully allocated to the one project. This additional cost is estimated to be \$40,000.

### **Question / Request**

Is there anything we can do as a compassionate policy for cost of living in terms of landowners making payments?

### **Officer Response**

There are a number of payment options.

For Underground Power service charges, landowners will have the option to pay in full or over instalments. Instalments may be over three or five years depending on the term of the borrowing from WA Treasury Corporation.

In addition, any ratepayer experiencing financial distress may enter into an alternate payment arrangement for the rates and service charges. Interest is applied

The State Government also provides an Underground Electricity Connection Charge Rebate. This concession is available as either a rebate on, or the deferment of, this charge. Pensioners or seniors who own and occupy residential property as their ordinary place of residence and have one or more of the following cards may be entitled to a rebate:

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

### **20.1 CEO13.05.24 Outstanding Council Resolutions**

### **Further Information**

### **Question / Request**

Deputy Mayor – Outstanding resolution on council owned properties Thomas Street proponent? 1A Thomas Street. Can it be recirculated 24 May 2022 Item 18.4 policy and explanation against governance report.



### **Officer Response**

A policy to address this outstanding resolution is being drafted and will be presented to a Concept Forum in due course.

In the interim, a process has been put in place whereby as part of any Council report ahead of the DAP meeting, the report did include an assessment by the City as an adjoining landowner. An assessment was undertaken as to whether the City's property (the library site – owned in freehold by the City) would be negatively affected.

We undertook this task, in light of the Council resolution referred to by Cr Smyth and ahead of a formal policy being prepared..

## **20.2 CEO15.05.24 City of Nedlands Dogs Local Law 2023 – Undertaking to Joint Standing Committee on Delegated Legislation**

### **Further Information**

#### **Question / Request**

Cr Hodsdon – Are we going to have a Cat Local Law?

#### **Officer Response**

The Department of Local Government, Sport, and Cultural Industries completed a statutory review of the *Cat Act 2011* (the Act) in 2019, with the next review taking place after 2024. It is recommended that the City investigate a local law following the Act's review, reason being that we do not know what new elements that the new Act will cover.

The Act as it is, provides broad controls for local governments with regard to cat registration, microchipping, sterilisation, change of ownership, the management of cats and for enforcement. It is considered that there are sufficient powers for the City to manage cats within the current service level expectations of the Administration in this space.

The Administration suggest that a Cat Local Law be investigated following the statutory review, with the expectation that the revised Act will allow for greater control provisions for the management of cats outside private property and consistency in cat management throughout the metropolitan area.



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

These items will be dealt with at the Ordinary Council Meeting.

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

These items will be dealt with at the Ordinary Council Meeting.

**23. Confidential Items**

There were no confidential items at distribution of this agenda.

**24. Declaration of Closure**

There being no further business, the Presiding Member declared the meeting closed at 10.10 pm.