

AGENDA

Council Meeting Agenda Forum

9 May 2023

Notice of Meeting

To Mayor & Councillors

A Council Meeting Agenda Forum of the City of Nedlands is to be held on Tuesday 9 May 2023 in the Council chambers at 71 Stirling Highway Nedlands commencing at 6pm.

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



Bill Parker
Chief Executive Officer
4 May 2023

Information

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

Public Question Time

Public Questions are dealt with at the Ordinary Council Meeting.

Deputations

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

Disclaimer

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

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1. Declaration of Opening

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

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

Leave of Absence (Previously Approved) Councillor L J McManus Coastal District Ward

Apologies None as at distribution of this agenda.

3. Public Question Time

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

4. Deputations

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

5. Requests for Leave of Absence

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

6. Petitions

Petitions will be dealt with at the Ordinary Council Meeting.

7. Disclosures of Financial Interest

The Presiding Member to remind Council Members and Staff of the requirements of Section 5.65 of the Local Government Act to disclose any interest during the meeting when the matter is discussed.

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

However, other members may allow participation of the declarant if the member further discloses the extent of the interest. Any such declarant who wishes to participate in the meeting on the matter, shall leave the meeting, after making their declaration and request to participate, while other members consider and decide upon whether the interest is trivial or insignificant or is common to a significant number of electors or ratepayers.

8. Disclosures of Interests Affecting Impartiality

The Presiding Member to remind Council Members and Staff of the requirements of Council's Code of Conduct in accordance with Section 5.103 of the Local Government Act.

Council Members and staff are required, in addition to declaring any financial interests to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making procedure.

The following pro forma declaration is provided to assist in making the disclosure.

"With regard to the matter in item x I disclose that I have an association with the applicant (or person seeking a decision). This association is (nature of the interest).

As a consequence, there may be a perception that my impartiality on the matter may be affected. I declare that I will consider this matter on its merits and vote accordingly."

The member or employee is encouraged to disclose the nature of the association.

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

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

10. Confirmation of Minutes

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

11. Announcements of the Presiding Member without discussion.

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

12. Members Announcements without discussion.

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

13. Matters for Which the Meeting May Be Closed

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

Nil.

14. En Bloc Items

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

15. Minutes of Council Committees and Administrative Liaison Working Groups

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

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

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

16. Divisional Reports - Planning & Development Report No's PD19.05.23 to PD21.05.23

16.1 PD19.05.23 Adoption for Advertising – Nedlands Stirling Highway Activity Corridor (NSHAC) Strategy and Scheme Amendment

Meeting & Date	Council Meeting – 23 May 2023
Applicant	City of Nedlands
Employee disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.
Report Author	Roy Winslow – Manager Urban Planning
Director	Tony Free – Director Planning and Development
Attachments	<ol style="list-style-type: none"> 1. NSHAC Strategy 2. Scheme Amendment Report 3. Proposed Schedule 4: Building Heights 4. Proposed Schedule 5: Access Network 5. Proposed zoning map

Purpose

This report is being presented to Council to initiate public consultation on a strategy (**Attachment 1**) and associated Scheme Amendment 13 (**Attachments 2-5**) for new development controls affecting lots within the Mixed Use zone along Stirling Highway. The report also recommends that Council not proceed with the Nedlands Town Centre Precinct Plan.

Recommendation

That Council:

1. Pursuant to section 75 of the Planning and Development Act 2005 adopts Scheme Amendment No. 13 to amend Local Planning Scheme No. 3 as follows:

1. Delete existing clause 26(3).
2. Insert new clause 26(3) as follows:

“26(3). In relation to land coded R-AC1:

- (a) For the purposes of Acceptable Outcome A2.2.1 of the R-Codes, the building heights shall be the base heights shown on the map in Schedule 4, exclusive of plant and equipment such as lift overruns, air conditioning units and the like; and

- (b) The local government may grant development approval beyond the base height and up to the maximum discretionary building heights shown in Schedule 4 only where it is satisfied that all of the following are achieved:
- i. The development demonstrates high quality design;
 - ii. The development exceeds Acceptable Outcomes with regard to the number of medium and/or large trees provided and which have sufficient dimension to promote healthy growth, and
 - iii. The development incorporates at least two significant energy efficiency initiatives that exceed minimum practice.
- (c) The local government shall not grant development approval beyond the discretionary heights shown in Schedule 4 of the scheme.”

3. Insert the following into Table 6 of clause 32:

No.	Description of land	Requirement
32.7	All land coded R-AC1	(1) All development is to ensure a minimum 25 per cent of the northern elevation of the maximum building envelope on the adjacent lot(s) receives more than 2 hours of direct sunlight between 9.00am and 3pm on 21 June.
32.8	All land having a frontage to Stirling Highway	(1) All new development shall provide 1 medium or 1 large tree as defined by the R-Codes located adjacent to and outside of the Stirling Highway road reservation per 12 metres of Stirling Highway street frontage, measured at the future street boundary post-road widening. (2) Sub-clause (1) does not apply to an application for: (a) a change of use that does not involve works; (b) minor additions or alterations to an existing building or buildings that do not significantly alter the scale of the building; or (c) additions or alterations to single houses or grouped dwellings.
32.9	All land having a frontage to Stirling Highway	Development shall not be granted vehicle access to Stirling Highway where the lot has legal access to a public street or right-of-way other than Stirling Highway.
32.10	All land having a frontage to Stirling Highway and	In this clause ‘street block’ means a length of land fronting Stirling Highway,

	<p>adjoining the access network shown in Schedule 5</p>	<p>between a public street or public right-of-way and the next public street or public right-of-way.</p> <p>Where there is no approved structure plan, local development plan and/or activity centre plan:</p> <p>(1) All development and subdivision is to allow a boundary setback sufficient to facilitate a minimum 6m wide carriageway in the location shown in Schedule 5.</p> <p>(2) All development and subdivision is to take vehicle access from the carriageway shown in Schedule 5 where it connects, either directly or via another carriageway, to a public street other than Stirling Highway.</p> <p>(3) Where the access network for the street block shown in Schedule 5 does not yet connect to a public street other than Stirling Highway, the development is to be designed to be modified in the future to take vehicle access from a rear carriageway once it connects to a public street other than Stirling Highway.</p> <p>(4) The local government shall not approve development or support subdivision that:</p> <ul style="list-style-type: none">i. prevents any new or existing lot within the same street block from obtaining access from a public street or carriageway other than Stirling Highway; orii. prevents any new or existing lot within the same street block from obtaining access to the access network shown in Schedule 5; oriii. creates a new lot with sole vehicle access to Stirling Highway. <p>(5) All development must account for any ground level differences in order to facilitate a carriageway across a street block.</p>
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		<p>(6) The total 6m width may include portions of any existing public right-of-way.</p> <p>(7) Prior to issue of a building permit or subdivision clearance, suitable arrangements are to be made with the local government ensuring the 6m wide carriageway described in the above subclauses is burdened with public access rights in perpetuity.</p> <p>(8) The above clauses do not apply to an application for:</p> <p>(a) a change of use that does not involve works;</p> <p>(b) minor alterations or minor additions to an existing building or buildings where, in the opinion of the local government, the works do not impede an existing or future carriageway shown in Schedule 5; or</p> <p>(c) alterations and additions to single houses or grouped dwellings where, in the opinion of the local government, the works do not impede an existing or future carriageway shown in Schedule 5.</p>
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4. Insert Schedule 4: Nedlands Stirling Highway Activity Centre (NSHAC) Area Height as shown in Attachment 3.
5. Insert Schedule 5: Nedlands Stirling Highway Activity Centre (NSHAC) Access Network as shown in Attachment 4.
6. Rezone the following lots from Mixed Use zone to Neighbourhood Centre zone, and amend the Scheme Map accordingly:
 - a. Odd street numbers 81 through 105 Stirling Highway, Nedlands (inclusive);
 - b. Even street numbers 80 through 104 Stirling Highway, Nedlands (inclusive);
 - c. Even street numbers 2 through 6 Florence Road, Nedlands (inclusive);
 - d. Street numbers 7 and 9 Stanley Street, Nedlands;
 - e. Street number 4 Mountjoy Road, Nedlands; and
 - f. Street number 56 Dalkeith Road, Nedlands.
7. Rezone the following lots from Mixed Use zone to Residential zone and amend the Scheme Map accordingly:

- a. **Street numbers 128A through 134C Stirling Highway, Nedlands (inclusive);**
 - b. **Street numbers 1A, 1B and 3 Vincent Street, Nedlands;**
 - c. **Street numbers 108, 109, 110, 111, 112, 114, 115, 117, 119, 125 Stirling Highway, Nedlands;**
 - d. **Street number 26 Broome Street, Nedlands;**
 - e. **Street numbers 34 and 35 Martin Avenue, Nedlands;**
 - f. **Street number 33 Baird Avenue, Nedlands;**
 - g. **Even street numbers 36 through 56 Stirling Highway, Nedlands (inclusive)**
 - h. **Even street numbers 68 through 74 Stirling Highway, Nedlands (inclusive);**
 - i. **Odd street numbers 57 through 67 Stirling Highway, Nedlands (inclusive);**
 - j. **Odd street numbers 73 through 77A Stirling Highway, Nedlands (inclusive);**
 - k. **Street numbers 50 through 60 Kinninmont Avenue, Nedlands (inclusive);**
 - l. **Street number 103 Smyth Road, Nedlands;**
 - m. **Street number 2 Stanley Street, Nedlands;**
 - n. **Street numbers 2 Webster Street, Nedlands;**
 - o. **Street numbers 1A, 1B, 2D and 2E Thomas Street, Nedlands; and**
 - p. **Street numbers 2B and 2C Tyrell Street, Nedlands.**
2. **In accordance with Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015, the local government is of the opinion that the amendment is a Complex Amendment as it is an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality.**
 3. **Pursuant to Section 81 of the Planning and Development Act 2005, refers Scheme Amendment 13 to the Environmental Protection Authority.**
 4. **Authorises the Chief Executive Officer to sign relevant documents in accordance with Regulation 37(2) of the Planning and Development (Local Planning Schemes) Regulations 2015 and submit 2 copies of proposed Scheme Amendment 13 and any other relevant documents to the Western Australian Planning Commission.**
 5. **Subject to Section 84 of the Planning and Development Act 2005 advertises Scheme Amendment 13 in accordance with Regulation 38 of the Planning and Development (Local Planning Schemes) Regulations 2015.**
 6. **Advertises the Nedlands Stirling Highway Activity Corridor (NSHAC) strategy concurrently with Scheme Amendment 13.**
 7. **In accordance with Schedule 2, Regulation 4(3) of the Planning and Development (Local Planning Schemes) Regulations 2015, does not proceed with the Nedlands Town Centre Precinct Plan.**

Voting Requirement

Simple Majority.

Background

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



Figure 1: NSHAC area

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

Height

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

Vehicle Access

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

Discussion

The process for amending the Scheme could take at least 12 months or longer and needs consideration by the Western Australian Planning Commission (WAPC) followed by a final decision from the Minister for Planning. Due to the length of time before controls can be embedded into Local Planning Scheme No. 3 (LPS3), officers propose adopting a Strategy document for the NSHAC area. The Strategy creates a desired future character for the area and will assist the City in the short term in assessing development along Stirling Highway, particularly in regard to building height.

The NSHAC Strategy

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

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

There is no official procedure or way to adopt such a localised strategy. To give it the most weight for decision-makers, officers recommend that the Strategy be put out for public consultation concurrently with the Scheme Amendment. It can then be adopted directly after advertising without needing approval from the WAPC. When LPS3 and the City’s regulatory Local Planning Strategy are next reviewed, elements of the NSHAC Strategy can also be incorporated into the Local Planning Strategy (subject to WAPC approval) to give these more weight.

Scheme Amendment 13

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

Building height

The amendment introduces a base maximum building height and a discretionary maximum building height (**Attachment 3**) for lots as set out in the scheme amendment report (**Attachment 2**). Building heights are structured around three main nodes (east, central and west) the logic of which is based on community consultation outcomes and set out within the Strategy (**Attachment 1**). Building heights are generally lower south of the Highway due to potential impacts on solar access to adjoining sites. Large lots and adjoining lots with the

same landowner that could easily be amalgamated have also been granted higher heights in some locations.

Discretionary building height is allowable where a development exhibits high quality design and includes additional trees and energy efficiency criteria beyond the minimum Acceptable Outcomes within the R-Codes. The discretionary height is designed to be achievable while resulting in outcomes that are a step beyond current minimum criteria. High quality design should be defined with reference to the State Design Review Panel (SDRP) or the City's Design Review Panel (DRP) rating system of the development against the 10 principles of design within State Planning Policy 7.0.

Importantly, it is proposed that the discretionary height be included in Clause 26 of LPS3. This will render the clause unable to be varied under the scheme by any decision-maker, including JDAP or SAT, thereby making the building heights an absolute maximum.

Solar Access

The Amendment includes a requirement that buildings demonstrate that adjoining development can achieve adequate solar access during mid-winter for the potential built form envelope. This does not mean that existing single houses will have further protections but will ensure that future large-scale development will be able to take some advantage of the northern aspect for light and ventilation.

Trees

The Amendment imposes a requirement for one tree to be provided along the Stirling Highway road frontage and within the development lot per 12 metres of boundary length. This will improve the pedestrian experience along the Highway while also increasing the urban canopy.

Vehicle Access

A requirement for 6 metre rear setbacks to lots identified in the Scheme Amendment Report (**Attachment 4**) is proposed in order to create vehicle laneways for lots that only have a frontage to Stirling Highway. This will rationalise vehicle access away from the Highway and provide opportunities for landscaping and improved street frontages to the Highway.

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

The Scheme via Clause 34 includes some flexibility should owners within a street block agree on a different proposal that allows those lots to have access to a street other than Stirling Highway. Should that occur, there is ability for a Local Development Plan to be

submitted by affected owners and approved by the City. Alternately, an amalgamation across the block may mitigate the need for formal laneway access.

Zoning

A series of zoning changes are proposed as shown in **Attachment 5**. The changes designate the lots between Dalkeith Road and Stanley Street as a Neighbourhood Centre, befitting its strategically important location and its identification within the Local Planning Strategy as the Town Centre. The lots to either side are proposed to be rezoned from Mixed use to Residential so that they will create residents to support the nearby non-residential uses.

Nedlands Town Centre Precinct Plan

The Nedlands Town Centre Precinct Plan was advertised in 2019 and subsequently referred to Council in 2020, where it was further amended. During this time, the planning regulations changed and altered the process for how a structure plan such as this should be presented. In any event, this plan has been overtaken by the proposed Strategy and Scheme Amendments and will no longer be proceeding as proposed. The background work and some elements of the proposal may be able to be repurposed into future policies at a later date. It is recommended that Council formally resolve not to proceed with the Precinct Plan

Consultation

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

- Workshop 1: Inform
 - Upskill participants in how local governments control development through planning legislation and provide an overview of the existing planning framework.
 - Discuss community expectations and local perspectives for the NSHAC area including what is valued and what could be improved.
- Workshop 2: Collaborate
 - The general statements from Workshop 1 were translated into value statements.
 - The group was broken into smaller groups and development scenarios were investigated through the use of physical maps
 - The group reviewed the way developers were translating existing planning controls into buildings and identified what worked and what did not.
- Workshop 3: Convey
 - Results of the previous workshops were compiled into sets of values and principles, with feedback obtained on this summary.

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

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

All of the above work forms the basis for the proposed NSHAC Strategy and Scheme Amendment 13, which will be subject to further community consultation.

Strategic Implications

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

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

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

Reflects Identities

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

Priority Area Urban form - protecting our quality living environment

Budget/Financial Implications

Nil.

Legislative and Policy Implications

The local government may amend a local planning scheme under the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#) (the Regulations). Under Regulation 37 in respect to a complex amendment, Council must resolve:

- a) to proceed to advertise the amendment to the local planning scheme without modification; or
- b) to proceed to advertise the amendment to the local planning scheme with modifications; or
- c) not to proceed to advertise the amendment to the local planning scheme.

There is no provision for adopting a strategy for a sub-area as proposed. However, the strategy can act as a visioning document and assist in the assessment of development applications in the short term while the Scheme Amendment is progressed. Elements of the Strategy may be incorporated into the Local Planning Strategy and endorsed by the WAPC upon the 5 yearly scheme review intended to commence next year.

Decision Implications

If Council resolves to proceed either with or without modifications, the documentation will be referred to the WAPC and the Environmental Protection Authority (EPA) for review. The WAPC will make a decision that may or may not require amending the proposal prior to advertising. Should the WAPC and the EPA provide approval to proceed, the scheme amendment will be advertised in accordance with the Regulations. The NSHAC Strategy will be advertised concurrently. After advertising, the Amendment and Strategy will be referred back to Council for a further review.

If Council resolves not to proceed with the Amendments, they will not be progressed and the existing controls and scheme provisions regarding building height will remain in effect.

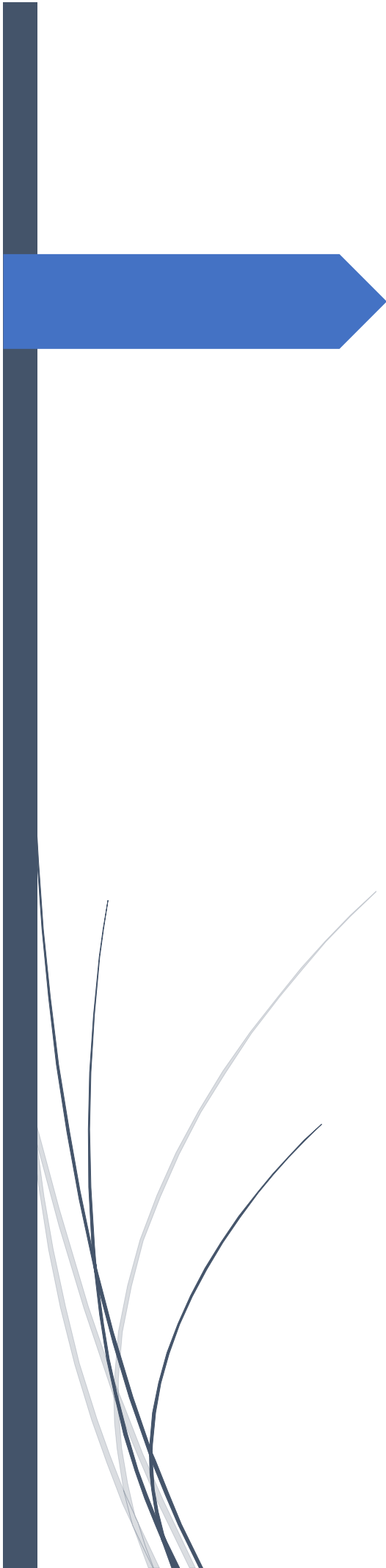
If Council resolves not to proceed with the Strategy, there will be no short-term guidance for the NSHAC area while the Amendment progresses. Existing uncertainty about the desired future scale and character of the area will remain.

Conclusion

It is recommended that Council adopt the Amendment and Strategy as proposed to begin the process of creating locality-specific controls for development along Stirling Highway and within the NSHAC area.

Further Information

Nil.



Nedlands Stirling Highway Activity Corridor (NSHAC) Strategy

CITY OF NEDLANDS

Executive Summary

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

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

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

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

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

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

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

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

The document is set out as follows:

Part One: Strategy

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

Part Two: Background

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

Technical Appendices

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

- Draft Vision and Implementation Framework – Consolidated Growth by Taylor Burrell Barnett (TBB) (2016) (**Appendix A**)
- Nedlands Strategic Community Plan (2018-2028) (**Appendix B**)
- Nedlands Town Centre Local Distinctiveness Study and Context Analysis by Hassell (2020) (**Appendix C**)
- Nedlands Stirling Highway Activity Corridor Precinct Engagement Outcomes Report by Fairplace (2021) (**Appendix D**)
- Character Retention Areas by Stephen Carack Architects (2021) (**Appendix E**)
- Character Analysis Report – Nedlands Stirling Highway Activity Corridor by Taylor Burrell Barnett (2022) (**Appendix F**)
- Consolidated Built Form Report by Taylor Burrell Barnett (2022) (**Appendix G**)
- Open Space Strategy by LK Advisory (2023) (**Appendix H**)

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Part One – Strategy

1 Introduction

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

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

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

1.1 Area

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

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

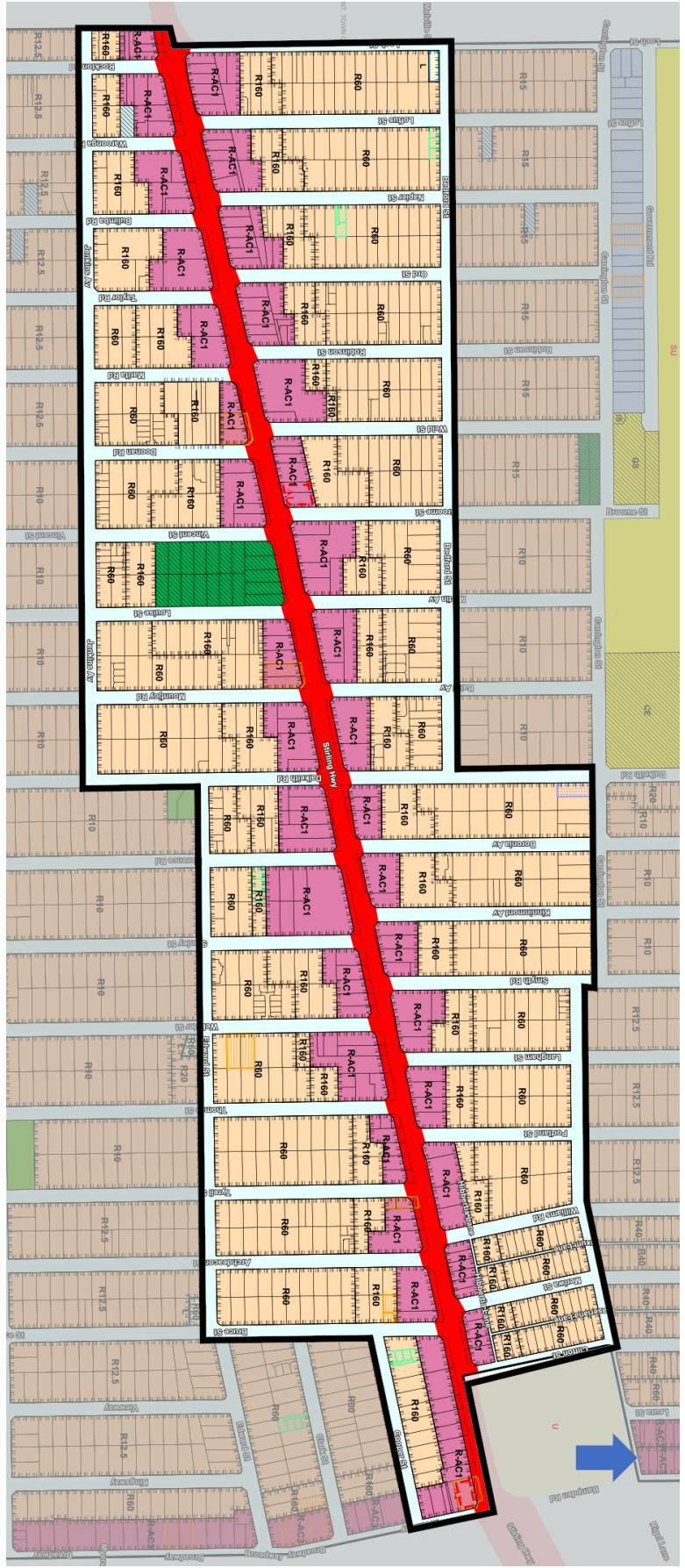


Figure 1: NSHAC Area

2 Objectives

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

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

3 Operation

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

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

4 Stakeholder and Community Participation

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

4.1 Vision

The below vision came out of the Fairplace workshops:

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

4.2 Values

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

4.2.1 Leafyness (Treescapes)

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

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

4.2.2 Character + Place + Identity (Homegrown)

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

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

4.2.3 Connectivity (Walking + Getting Around)

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

- Principle 1: Safe and legible pedestrian crossings of Stirling Highway.

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

4.2.4 Functionality (Traffic + Access)

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

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

4.2.5 Human Scale & Living Local

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

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

4.2.6 Breathing Room

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

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

4.2.7 Biodiversity

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

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

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

4.2.8 Calm + Comfort

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

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

5 Strategic Approach – Sub Areas

5.1 Overview

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

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

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

The key advantages to the nodal scenario are:

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

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

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

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

5.2 Sub-Areas

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

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

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

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

5.1 Land Use

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

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



Figure 2: Proposed sub areas and zoning

5.2 Neighbourhood Centre Zone

5.2.1 Vision

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

5.2.2 Objectives

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

5.2.3 Land Use

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

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

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

5.2.4 Built Form

Private land will be redeveloped over time to accommodate buildings of a minimum of 4 and a maximum 12 storeys. Generally, buildings beyond 12 storeys require a hard transition into the adjoining lower coded R160 and R60 Residential zones. Due to the orientation and possible effects of overshadowing to adjoining lower-density

residential development, buildings to the south of Stirling Highway will be limited to a maximum of 10 storeys in height.

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

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

5.3 Western Mixed Use Zone

5.3.1 Vision

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

5.3.2 Objectives

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

5.3.3 Land use

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

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

5.3.4 Built form

The existing single and double storey buildings will be transitioned over time to accommodate buildings of a minimum of 4 and a maximum 12 storeys. Generally, buildings beyond 12 storeys do not transition well into the adjoining lower coded R160 and R60 Residential zones. Due to the orientation and possible effects of overshadowing to adjoining lower-density residential development, buildings to the south of Stirling Highway will be limited to a maximum of 10 storeys in height. All heights will transition down to a maximum of 8 storeys as they approach the residential zones.

5.4 Eastern Mixed Use Zone

5.4.1 Vision

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

5.4.2 Objectives

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

5.4.3 Land Use

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

5.4.4 Built Form

The existing single and double storey buildings will be transitioned over time to accommodate buildings of a minimum of 4 and a maximum 12 storeys. Due to the orientation and possible effects of overshadowing to adjoining lower-density residential development, buildings to the south of Stirling Highway will be limited to a maximum of 10 storeys in height.

5.5 Stirling Highway Residential Zone

5.5.1 Vision

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

5.5.2 Objectives

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

5.5.3 Land use

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

5.5.4 Built form

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

5.6 Medium Density Residential Zones

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

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

Local streets will function as the green 'ribs' of the zone. Trees, especially well-established, mature trees, will be valued and preserved wherever possible. Trees are a critical part of the material heritage and identity of place in the zone, and their presence is highly valued by the local community. A variety of endemic and water-wise plants will be planted throughout the private realm to safeguard the natural biodiversity within the City.

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

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

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

6 Strategic Approach – Movement and Public Realm

6.1 Movement Network

6.1.1 Objectives for all sub-areas

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

6.1.2 Stirling Highway

Vehicle access will need to be rationalised and shared among lots through the creation of public laneways to eliminate direct access to Stirling Highway. To facilitate this, developments without access to secondary streets or existing rights of way are to be set back 6 metres from the northern boundary, with that land burdened

with public access rights in perpetuity. Development within these lots should be designed so that vehicle access can be taken from the laneway once it is connected to a secondary street or existing right of way. A map of future laneway need is provided below. (*Note: Required laneways exclude multiple adjoining sites owned by the same entity where one of those sites abuts a secondary street or existing laneway*)



Figure 4: Laneway network

Pedestrian movements across the Highway, particularly at the Loch Street intersection and around the Rose Garden, Dalkeith Road and Smyth Road need to be safely facilitated. Better infrastructure, including possible provision of underpasses and overpasses, will improve connectivity across and between zones.

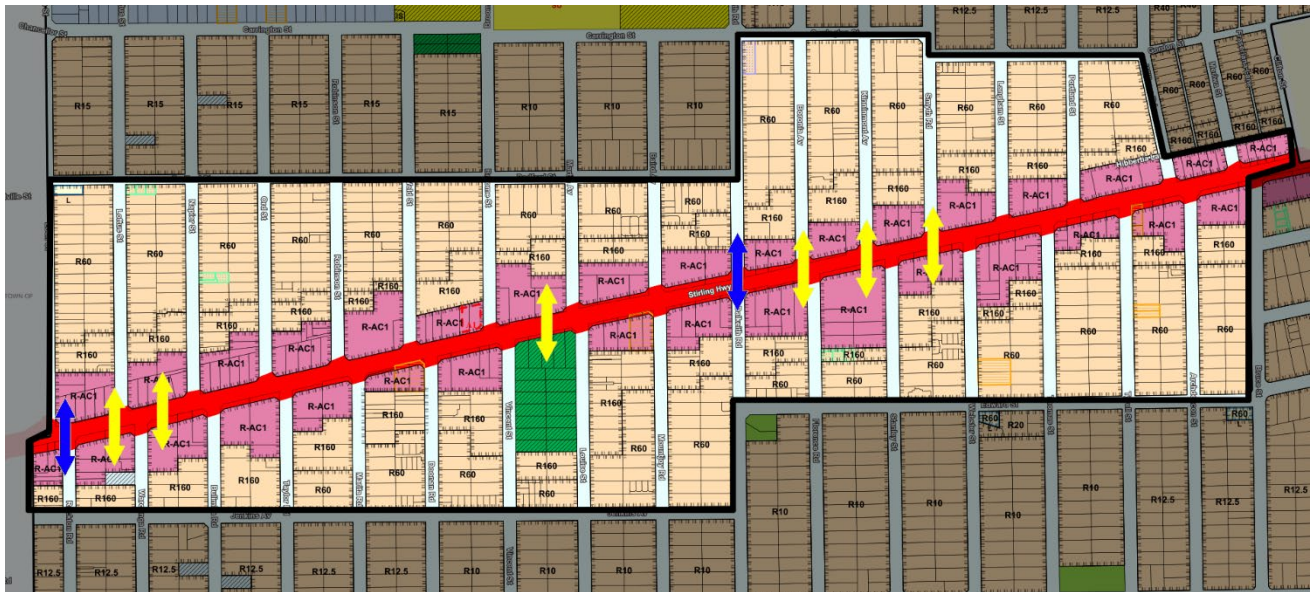


Figure 5: Preference for bike (blue) and pedestrian (yellow) crossings.

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

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

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

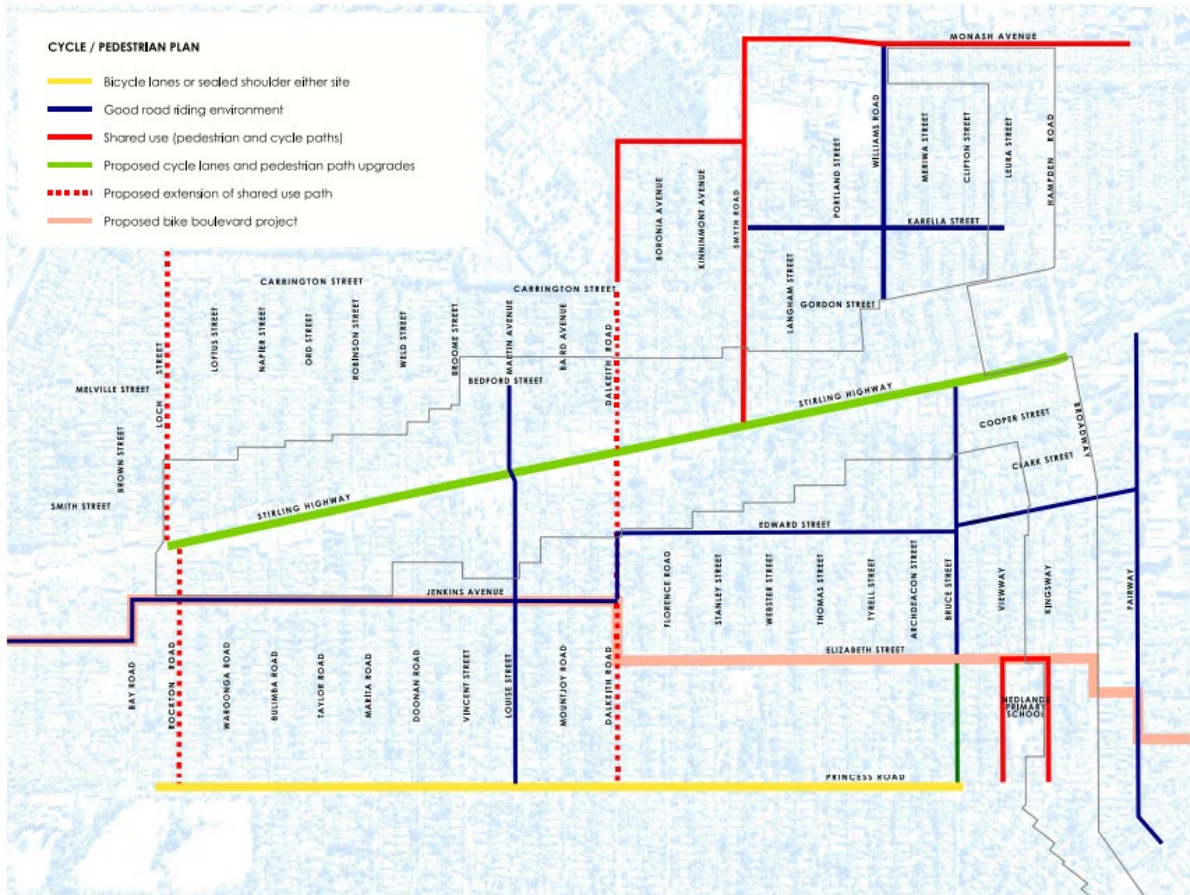


Figure 6: Overall cycle and pedestrian network

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

6.1.3 Residential zones

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

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

6.2 Public Realm

6.2.1 Objectives for all sub-areas

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

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

6.2.2 Stirling Highway

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

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

7 Heritage and Character Areas

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

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

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

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

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



Figure 7: Character Areas for investigation

PART TWO: BACKGROUND

8 Planning Context

8.1.1 Perth and Peel @ 3.5 Million

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

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

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

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

8.1.2 City of Nedlands Local Planning Strategy

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

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

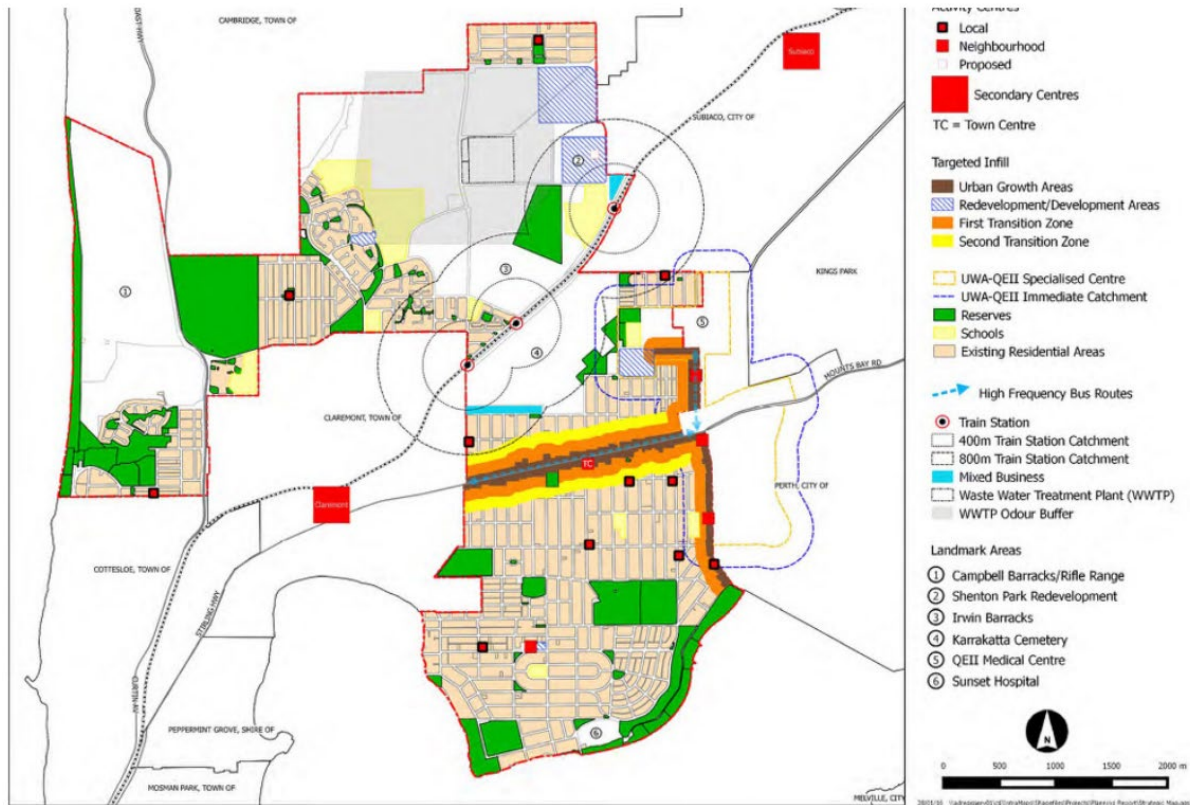


Figure 8: Local Planning Strategy Map

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

8.1.3 City of Nedlands Strategic Community Plan 2018-2028

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

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

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

8.1.4 City of Nedlands Local Planning Scheme No. 3

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

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

9 Background Analysis

9.1 Topography

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

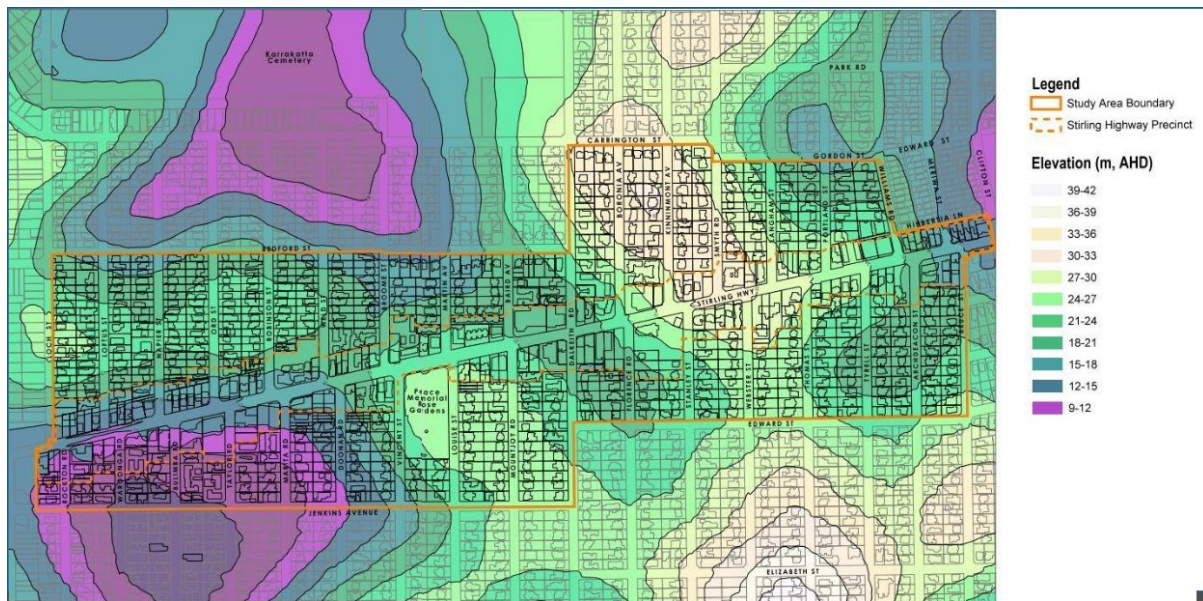


Figure 9: Stirling Highway topography

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

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

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

9.2 Character Audit

9.2.1 Land Use

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

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

9.2.2 Dwelling Types

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

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

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

9.2.3 Setbacks

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

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

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

9.2.4 Building Height

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

Building heights along the Highway are consistently varied throughout the NSHAC area, albeit within the narrow range of one to three storeys. The large presence of

residential uses to the east provides for a larger proportion of two storey buildings, compared with the west, which has a predominance of commercial land uses that are typically single storey in height.

9.2.5 Building Conditions

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

9.2.6 Building Materials

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

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

9.2.7 Dwelling Era

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

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

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

9.2.8 Street Trees

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

landscaping fronting the Highway, which provides relief from the dominance of hard surfaces. The prevalence of street trees reduces moving towards the west along the Highway.

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

9.2.9 Street Activation

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

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

9.2.10 Landscaping

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

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

9.2.11 Vehicle Access

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

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

9.3 Heritage

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

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

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



Figure 10: Potential Character Areas

9.4 Character Statements

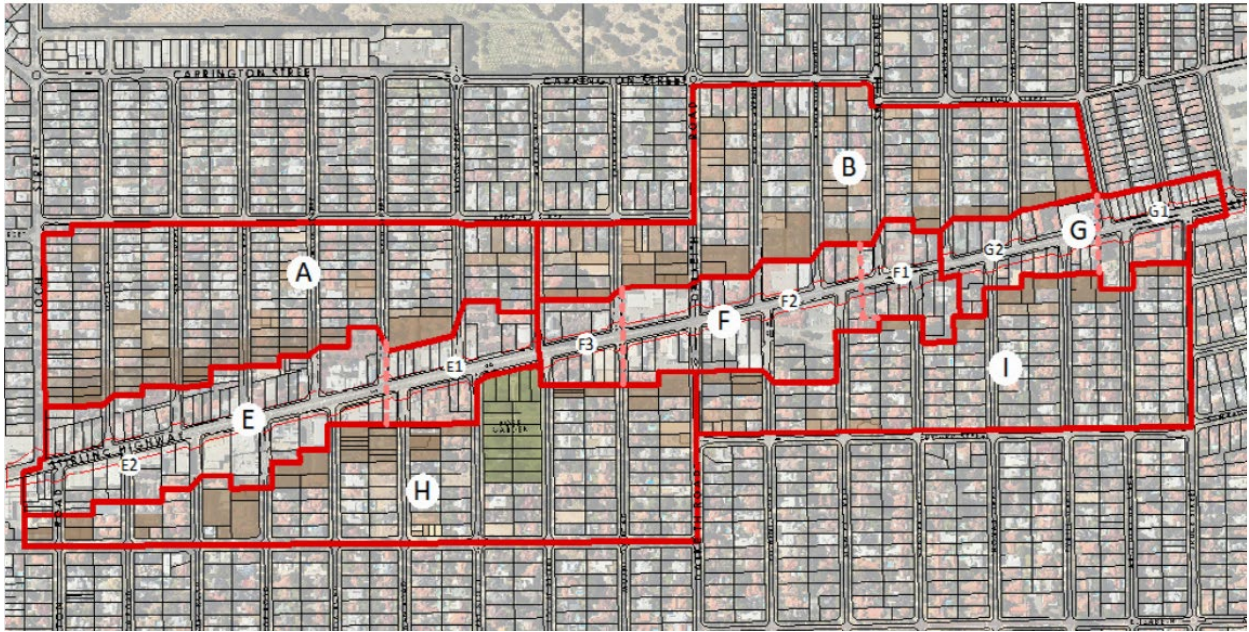


Figure 11: NSHAC sub-areas

9.4.1 Stirling Highway West (G)

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

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

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

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

Traditional, low-rise, retail, restaurants (TQR Restaurant, Itsara), cafés (Lawleys), and commercial premises are located in the east of the precinct along the northern edge of the highway. Most of the building in this area display nil or minimal setbacks. The buildings display traditional shopfront typology with attached awnings. This simple architectural typology provides a protected outdoor space and comfortable

pedestrian experience along the highway edge. Specialty shops and medical services, showcase high-quality examples of adaptive re-use (post-war residential adaption) along this section of the highway.

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

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

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

Low-rise single, grouped and multi-residential dwellings are dispersed throughout the precinct. Most of the character housing stock (Maisonettes) are in the Eastern precinct. Together the Maisonettes form a historic collection of significance with a unique history and local identity. Many of the Maisonettes have unique materiality, façade articulation and proportions (location of balconies, openings, stepping in and out of walls) which make them easily identifiable. The Maisonettes deep setback patterns with significant mature trees add character and value to the precinct.

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

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

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

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

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

9.4.2 Stirling Highway Central (F)

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

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

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

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

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

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

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

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

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

(2) F2 Town Core Sub Precinct (centre)

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

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

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

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

Another key local destination and gathering place is the Spanish Mission style, Captain Stirling Hotel. A popular venue for the community the casual alfresco dining offers quality landscaping and high street appeal. Limited opportunities for alfresco dining exist throughout the greater Stirling Highway Activity Corridor.

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

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

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

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

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

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

(3) F3 Residential transition Sub Precinct (west)

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

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

9.4.3 Stirling Highway West (E)

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

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

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

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

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

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

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

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

Fronting south on to Stirling Highway is a quality example of an active, fine-grain, and approachable interface. Features include alfresco dining, corner activation and the bespoke articulation of the ground level façade (angled stepping in and out). Spacing and frequency of ground floor entries, glazing proportions, and signage contribute to the attractive vista.

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

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

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

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

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

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

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

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

9.4.4 Hollywood Sub Precincts

(1) Hollywood Central Transition Zone (E)

The Hollywood Central Transition Zone is characterised by large residential lots with low-rise residential development and attractive leafy streetscapes. The precinct lies to the north of the Nedlands Town Centre and the Stirling Highway East and West Precinct. It extends from Williams Road to the east and gently climbs to a natural high point at Carrington Street terminating at Martin Avenue.

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

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

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

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

Lots in Hollywood are notably smaller than other transition areas.

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

lot.

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

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

(2) Hollywood West Transition Zone (A)

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

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

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

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

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

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

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

Free-standing carports and enclosed garages are common in this precinct.

Driveways are generally accessed from the front and located along the side of the lot

Like other areas of Nedlands currently undergoing transition, subdivision has occurred in this precinct. Several low-rise, contemporary style duplex, townhouses and group dwellings can be observed across the precinct. This activity is notable in lots closer to Stirling Highway. Subdivision has led to a reduction in the size of the characteristically large and highly vegetated front and rear gardens to some degree.

Most of the remaining significant mature trees are concentrated within the front gardens rather than the rear gardens as seen in other precincts. Increased numbers of crossovers and parking spaces have limited the opportunity for street tree preservation.

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

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

9.4.5 Melvista Sub Precincts

(1) Melvista East Transition Zone (I)

The Melvista East Transition Zone is characterised by large lots with low-rise residential dwellings and an open leafy character. The tree-lined streets of Melvista East and its established character homes offers a standout example the unique qualities that Nedlands is renowned for.

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

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

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

Inter-war Bungalow style character homes contribute significant aesthetic and cultural heritage value to the streetscape. These modest scale homes have a unique

materiality and composition. Key character elements include large verandas, awnings, gabled roofs, and considerable front setbacks that are well-maintained and display, open vegetated front gardens. Many properties in this precinct display a diversity of low height, unobtrusive, fencing delineating the private and public spaces.

Residential lots in this precinct display substantial leafy front gardens attached to generous lawned street verges that contribute to the perceived privacy and tranquilly of the area. These features provide protection and relief from the busyness of the highway.

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

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

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

The mature tree canopy found in this area is notably more ubiquitous and is a reminder of famous, historic, Nedlands's streetscape character. Tree-lined streetscapes have wide, grassy, landscaped verges that are rich in mature canopy trees creating a cool microclimate. Footpaths located on one side of the street are shaded by tree canopies providing a comfortable, walking experience for pedestrians.

(2) Melvista West Transition Zone (H)

The Melvista West Transition Zone is characterised by large lots with a mix of low-rise residential dwelling typologies. The area is currently undergoing a wave of infill transition. Significant areas display new patterns of subdivision and contemporary redevelopment. The precinct lies between the Town Centre and the Stirling Highway West Precinct. It extends from Mountjoy Road to the east and gradually slopes south-west to the western side of Rockton Road.

The historic, Peace Memorial Rose Garden forms an attractive entrance to the precinct on the northern edge. This is a key area of green, open space which is highly valued by generations of Nedlands's residents. Vincent Street is a major thoroughfare that dissects the precinct. It is the access road to local shops, services and amenities at the Dalkeith Village Centre and the Swan River beyond. The precinct is serviced by the popular, Taylor Road IGA, located at the northern end of Bulimba Road.

Established, traditional character homes are interspersed with newer, contemporary style development.

Almost half the lots within the precinct remain low-rise single detached dwellings on large residential lots (approximately 900m² - 1000m²). The remaining lots, display examples of traditional low-rise battleaxe, grouped or multiple dwelling typologies and contemporary housing typically found on subdivided lots i.e. duplex, townhouses and survey strata style development.

Across the precinct there are examples of contemporary low-rise duplexes, townhouses, and survey strata style group dwellings. Subdivision activity has led to a reduction in the size of the characteristically large and highly vegetated front and rear gardens. On subdivided lots most of the remaining mature trees are concentrated within the front gardens rather than the rear gardens as seen in other precincts. In some instances, subdivision has resulted in the complete loss of mature canopy trees within the lots. In light of this, the remaining verge trees continue to provide the value of a tree lined vista.

Evidence of significant areas of subdivision occurring along Jenkins Avenue and Vincent Street are highly visible. Typically, one single lot will be subdivided into five contemporary townhouses, or two amalgamated lots will accommodate ten grouped dwellings. The need for an increased numbers of driveway crossovers on subdivided lots oriented north-south along Jenkins Avenue has shown to limit the opportunity for street tree preservation. The lots display significant areas of driveway and other hardscape, and most have enclosed garages. There is a notable reduction in the depth of setbacks to front and side lot boundaries. Some display some form of front fencing which has inhibited the open and leafy character seen with other traditional forms of development throughout Nedlands.

Older areas of subdivision to the west display atypically large setbacks and significant front and rear yards. This feature has facilitated the preservation of mature trees and landscaping.

Of the remaining established, traditional character homes, inter-war Bungalow style character homes contribute significant aesthetic and cultural heritage value to the streetscape. These modest scale homes have a unique materiality and composition. Key character elements include large verandas, awnings, gabled roofs, and considerable front setbacks that are well-maintained and display, open leafy front gardens. Many properties in this precinct do not have front fencing contributing to the open, leafy character of the area. Character homes have sizable and well landscaped side setbacks which provide dwellings with considerable privacy and protection from overlooking. The side setbacks have also allowed for the preservation of mature trees.

Residential properties have large rear yards with significant mature trees and landscaping. Residential lots run east-west between parallel streets.

Free-standing carparks and enclosed garages are common for this established typology. Singular driveways are generally accessed from the front and located along the side of the lot.

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

10 Issues and Opportunities

10.1 Land Use

10.1.1 Issues

- Non-residential land use intensification along the Highway will be constrained by land parcel size, fragmented ownership, traffic volume, access limitations and retail sustainability.
- The extent and scale for transition of land use and development intensity from the Highway to lower-density residential areas needs careful consideration.
- The provision of non-residential uses to the exclusion of residential development, as well as significant underdevelopment of high-density lots, erodes the ability to achieve target population growth.
- Current zoning and density across the lots abutting Stirling Highway results in an inability to create a critical mass of shop/retail and commercial services close to key zones and that act as an attractor for visitors and residents. The result is development that is spread out, uneven, and strategically misaligned with community expectations of a centralised Town Centre.
- Lack of a distinct shopping centre, particularly one that provides local retail, daily shopping and restaurant opportunities.
- Optimising the activation of key streets and centres will require management of ground level land uses.
- Land uses that are near other local government boundaries (City of Perth and the Town of Claremont) and which may experience future intensification and change do not align with the current planning framework of those other local governments.

10.1.2 Opportunities

- There is a long-term opportunity for land use and residential density synergies between Loch Street train station and Stirling Highway to encourage greater connectivity between these public transport nodes.
- There is a long-term opportunity for increased residential density within a 10 minute walk of Loch Street train station to take advantage of the high frequency public transport.
- The western portion of Stirling Highway includes a range of outlets and bigger box stores not offered elsewhere that draw visitors from outside the area.
- There is a substantial opportunity for increased building floor space and scale in existing western and central zones, particularly where these expand upon existing retail and commercial uses to create mixed-use, multi-storey development.

10.2 Built Form

10.2.1 Issues

- Smaller lots may need to be amalgamated to achieve a critical mass suitable for larger scale redevelopment and allow alternative access arrangements in lieu of Stirling Highway.
- Lack of existing residential diversity and affordability.
- Many buildings along Stirling Highway do not create a positive experience within the public realm.
- New buildings along Stirling Highway will need to address noise and amenity implications of the road.
- The transition of building height and scale from the key roads to lower-density residential areas needs to address matters such as resident amenity, overshadowing, streetscape and privacy.
- Parts of the Highway are dominated by unattractive buildings that do not add to the character of the area.

10.2.2 Opportunities

- Sites at gateway locations close to Hampden/Broadway/Stirling Highway intersection and Loch Street/Stirling Highway present a key opportunity for greater development.
- Larger lots with high development potential offer scope for comprehensive built form and land use outcomes
- Existing examples of positive street edge interfaces provide a good guide for future development, particularly those that contribute to activity and vibrancy within the street.
- The existing separation between zones enables transition between lower and higher building heights and scale.
- Redevelopment offers an opportunity to provide a range of dwelling sizes to ensure there is a diversity of product available to meet a variety of needs of residents at each stage of life.
- New buildings allow opportunities to improve the public realm, including walkability, connectivity, activated frontages and appealing design.
- Buildings with strong heritage value and/or that are considered landmarks can be retained and integrated sensitively with new development to create a distinct character and feel.

10.3 Public Realm

10.3.1 Issues

- There is limited public open space within the local area, with the Rose Garden the only dedicated open space area.
- There are limited tree plantings or shade structures along Stirling Highway, and this contributes to the area being inhospitable for pedestrians and cyclists, and fails to provide relief from the sun's glare for motorists.
- There are few safe opportunities for pedestrians and cyclists to cross Stirling Highway, thereby limiting north-south movement across the Highway.

- There is limited public open space within a walkable catchment of the NSHAC area.
- Main Roads reservations take up a significant portion of land directly abutting the highway and with no clear timeline or concept plan for road upgrades.

10.3.2 Opportunities

- The Rose Garden offers high quality amenity that should be capitalised on with residential densification surrounding the park, provided that this development maintains an appropriate relationship with the character and function of the open space.
- There is a good opportunity to enhance accessibility and functionality of the Rose Garden, provided that these enhancements do not detract from the heritage value of the gardens area.
- Major redevelopment proposals will provide opportunities to create publicly accessible private open spaces, particularly where these are adjacent to the street or existing public spaces.
- There is substantial open space within the broader regional area.
- There is a good opportunity to influence the design of Stirling Highway as a component of future upgrades to increase landscaping opportunities and public realm improvements and the north-south permeability (particularly around key desire lines).
- The introduction of rear and side vehicle access ways along Stirling Highway will provide opportunity for more extensive landscaping within the Stirling Highway verge areas.
- The close configuration of the Nedlands Administration Building, Drabble House and the library allows an opportunity to design a civic hub that enhances open space and options for community gathering.
- A landscape strategy of 'Quick Wins' can be implemented in the immediate future as a tactic to establish quick and immediately visible changes to the landscape along Stirling Highway, particularly as areas of reserve are ceded to the Crown without confirmation of the upgrade time frames.

10.4 Movement Network

10.4.1 Issues

- Stirling Highway is currently a very inhospitable environment for pedestrians/cyclists due to the lack of cycle paths and a lack of tree canopy or shelter.
- Stirling Highway acts as a hard barrier limiting north/south movements with few opportunities for pedestrians and cyclists to safely cross.
- Key intersections of Stirling Highway along Dalkeith Road and Loch Street are congested during peak hour periods.
- There is limited connectivity between the NSHAC area and Loch Street train station.
- The cycling network throughout the broader area is relatively disconnected, with a series of cycle paths, dual use paths and 'cycle safe' roads.

- Vehicle access directly onto or off Stirling Highway needs to be restricted or eliminated.
- There is a lack of easily accessible public transport options beyond buses.
- Opportunities for vehicle parking within the public realm are limited, as parking along Stirling Highway is not permitted, parking along side streets should be limited and there is currently no public owned land suitable for the construction of public car parking facilities.
- The progressive widening of the Main Roads reservation will occur in a piecemeal approach as adjacent properties within the reserved area are developed and subdivided and are required to cede their land as a condition of approval, or they negotiate sale of their reserved land to the Western Australian State Government.

10.4.2 Opportunities

- Opportunities to influence the future design of the Highway in partnership with Main Roads and the Department of Planning should be sought wherever possible.
- Several high-frequency bus routes run along Stirling Highway and within the University and Hospital precincts, and these should be better connected to the broader area.
- The opportunity exists to link up a long-term cycle network to other local governments.
- Opportunities to improve pedestrian connectivity at key intersections and attractors must be implemented to ensure these centres function efficiently.
- The majority of public parking will be provided on private development sites as a component of development, with shared access and parking arrangements a key component of development approval.
- Rear or side access arrangements will be required as a component of new development that fronts Stirling Highway. This allows for a future laneway network that reduces vehicle access points to all streets.

11 Appendix



City of Nedlands
Local Planning Scheme No. 3

Amendment No. 13

Summary of Amendment Details

*Amendments relating to development within the Mixed Use zones of the Nedlands Stirling
Highway Activity Corridor (NSHAC) Area*

Planning and Development Act 2005

RESOLUTION TO PREPARE AMENDMENT TO LOCAL PLANNING SCHEME

City of Nedlands Local Planning Scheme No. 3 Amendment 13

Resolved that the local government pursuant to section 75 of the *Planning and Development Act 2005*, amends the above local planning scheme as follows:

1. Delete clause 26(3) Modification of R-Codes.
2. Insert new clause 26(3) Modification of R-Codes as follows:

“26(3). In relation to land coded R-AC1:

- (a) For the purposes of Acceptable Outcome A2.2.1 of the R-Codes, the building heights shall be the base heights shown on the map in Schedule 4, exclusive of plant and equipment such as lift overruns, air conditioning units and the like; and
- (b) The local government may grant development approval beyond the base height and up to the maximum discretionary building heights shown in Schedule 4 only where it is satisfied that all of the following are achieved:
 - i. The development demonstrates high quality design;
 - ii. The development exceeds Acceptable Outcomes with regard to the number of medium and/or large trees provided and which have sufficient dimension to promote healthy growth, and
 - iii. The development incorporates at least two significant energy efficiency initiatives that exceed minimum practice.
- (c) The local government shall not grant development approval beyond the discretionary heights shown in Schedule 4 of the scheme.”

3. Insert the following into Table 6 of clause 32:

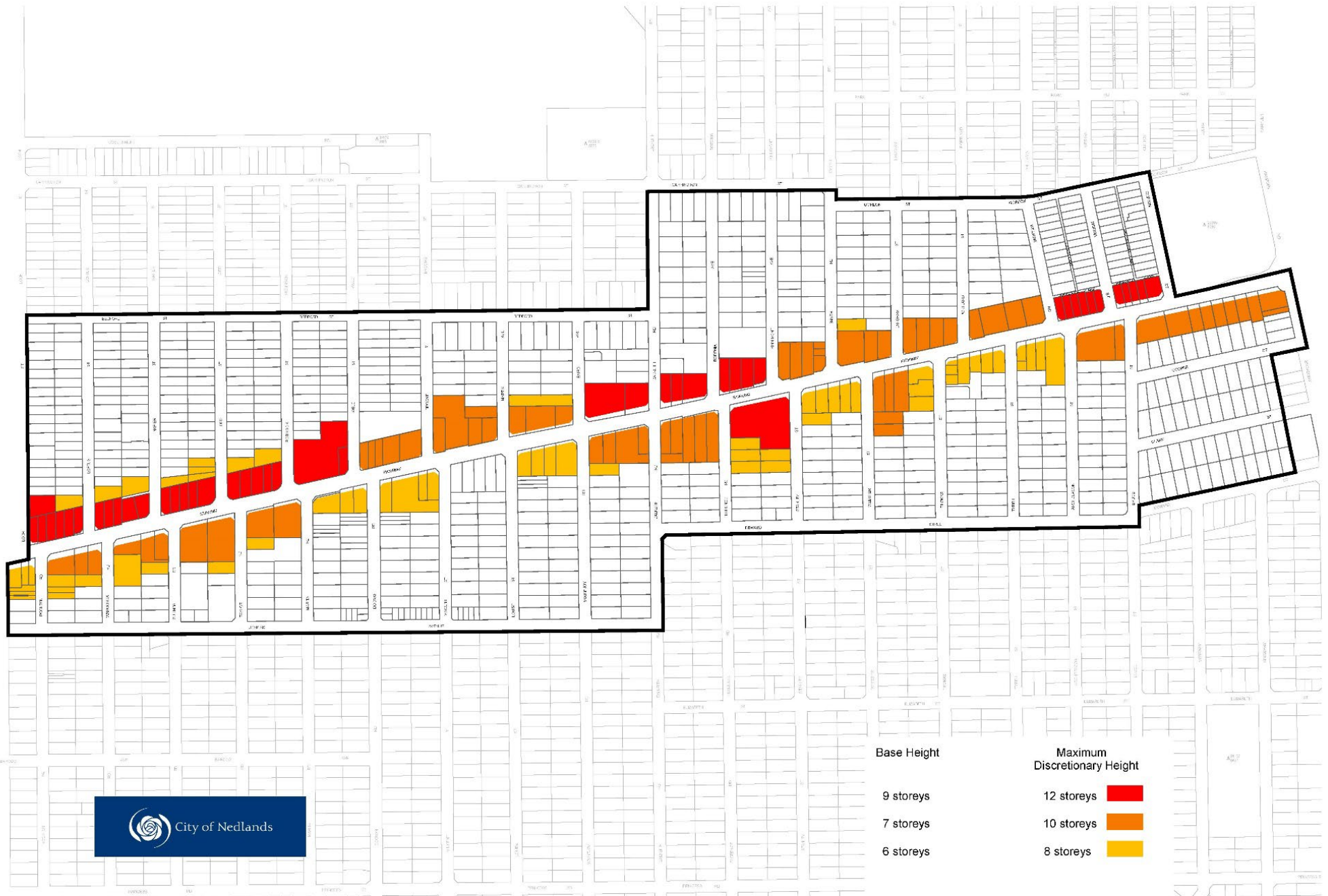
No.	Description of land	Requirement
32.7	All land coded R-AC1	All development is to ensure a minimum 25 per cent of the northern elevation of the maximum building envelope on the adjacent lot(s) receives more than 2 hours of direct sunlight between 9.00am and 3pm on 21 June.

32.8	All land having a frontage to Stirling Highway	<p>(1) All new development shall provide 1 medium or 1 large tree as defined by the R-Codes located adjacent to and outside of the Stirling Highway road reservation per 12 metres of Stirling Highway street frontage, measured at the future street boundary post-road widening.</p> <p>(2) Sub-clause (1) does not apply to an application for:</p> <ul style="list-style-type: none"> (a) a change of use that does not involve works; (b) minor additions or alterations to an existing building or buildings that do not significantly alter the scale of the building; or (c) additions or alterations to single houses or grouped dwellings.
32.9	All land having a frontage to Stirling Highway	Development shall not have vehicle access to Stirling Highway where the lot has legal access to a public street or right-of-way other than Stirling Highway.
32.10	All land having a frontage to Stirling Highway and adjoining the access network shown in Schedule 5	<p>In this clause 'street block' means a length of land fronting Stirling Highway, between a public street or public right-of-way and the next public street or public right-of-way.</p> <p>Where there is no approved structure plan, local development plan and/or activity centre plan:</p> <ul style="list-style-type: none"> (1) All development and subdivision is to allow a boundary setback sufficient to facilitate a minimum 6m wide carriageway in the location shown in Schedule 5. (2) All development and subdivision is to take vehicle access from the carriageway shown in Schedule 5 where it connects, either directly or via another carriageway, to a public street other than Stirling Highway. (3) Where the access network for the street block shown in Schedule 5 does not yet connect to a public street other than Stirling Highway, the development is to be designed to be modified in the future to take vehicle access from a rear

		<p>carriageway once it connects to a public street other than Stirling Highway.</p> <p>(4) The local government shall not approve development or support subdivision that:</p> <ul style="list-style-type: none">i. prevents any new or existing lot within the same street block from obtaining access from a public street or carriageway other than Stirling Highway; orii. prevents any new or existing lot within the same street block from obtaining access to the access network shown in Schedule 5; oriii. creates a new lot with sole vehicle access to Stirling Highway. <p>(5) All development must account for any ground level differences in order to facilitate a carriageway across a street block.</p> <p>(6) The total 6m width may include portions of any existing public right-of-way.</p> <p>(7) Prior to issue of a building permit or subdivision clearance, suitable arrangements are to be made with the local government ensuring the 6m wide carriageway described in the above subclauses is burdened with public access rights in perpetuity.</p> <p>(8) The above clauses do not apply to an application for:</p> <ul style="list-style-type: none">(a) a change of use that does not involve works;(b) minor alterations or minor additions to an existing building or buildings where, in the opinion of the local government, the works do not impede an existing or future carriageway shown in Schedule 5; or(c) alterations and additions to single houses or grouped dwellings where, in the opinion of the local government, the works do not impede an existing or future
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		carriageway shown in Schedule 5.
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4. Insert Schedule 4: Nedlands Stirling Highway Activity Centre (NSHAC) Area Height as shown below:



Base Height

- 9 stores
- 7 stores
- 6 stores

Maximum Discretionary Height

- 12 stores (Red)
- 10 stores (Orange)
- 8 stores (Yellow)

5. Insert Schedule 5: Nedlands Stirling Highway Activity Centre (NSHAC) Access Network as shown below:

6. Rezone the following lots from Mixed Use zone to Neighbourhood Centre zone, and amend the Scheme Map accordingly:
 - a. Odd street numbers 81 through 105 Stirling Highway, Nedlands (inclusive);
 - b. Even street numbers 80 through 104 Stirling Highway, Nedlands (inclusive);
 - c. Even street numbers 2 through 6 Florence Road, Nedlands (inclusive);
 - d. Street numbers 7 and 9 Stanley Street, Nedlands;
 - e. Street number 4 Mountjoy Road, Nedlands; and
 - f. Street number 56 Dalkeith Road, Nedlands.
7. Rezone the following lots from Mixed Use zone to Residential zone and amend the Scheme Map accordingly:
 - a. Street numbers 128A through 134C Stirling Highway, Nedlands (inclusive);
 - b. Street numbers 1A, 1B and 3 Vincent Street, Nedlands;
 - c. Street numbers 108, 109, 110, 111, 112, 114, 115, 117, 119, 125 Stirling Highway, Nedlands;
 - d. Street number 26 Broome Street, Nedlands;
 - e. Street numbers 34 and 35 Martin Avenue, Nedlands;
 - f. Street number 33 Baird Avenue, Nedlands;
 - g. Even street numbers 36 through 56 Stirling Highway, Nedlands (inclusive)
 - h. Even street numbers 68 through 74 Stirling Highway, Nedlands (inclusive);
 - i. Odd street numbers 57 through 67 Stirling Highway, Nedlands (inclusive);
 - j. Odd street numbers 73 through 77A Stirling Highway, Nedlands (inclusive);
 - k. Street numbers 50 through 60 Kinninmont Avenue, Nedlands (inclusive);
 - l. Street number 103 Smyth Road, Nedlands;
 - m. Street number 2 Stanley Street, Nedlands;
 - n. Street numbers 2 Webster Street, Nedlands;
 - o. Street numbers 1A, 1B, 2D and 2E Thomas Street, Nedlands; and
 - p. Street numbers 2B and 2C Tyrell Street, Nedlands.

The amendment is complex under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* as it is an amendment relating to development that is of a scale, or will have an impact, that is significant relative to development in the locality.

Dated this _____ day of _____ 20____

(Chief Executive Officer)

1.0 INTRODUCTION

Scheme Amendment No. 13 (the Amendment) to the City of Nedlands Local Planning Scheme No. 3 (the Scheme) proposes to insert new clauses that:

- Set a base building height and a maximum discretionary building height for lots coded R-AC1,
- Set discretionary criteria for achieving the maximum discretionary height,
- Require the provision of trees fronting Stirling Highway,
- Create setback provisions to create rear laneways in order to reduce direct vehicle access to Stirling Highway,
- Ensure new development provides adequate solar access to adjoining development, and
- Rezones certain lots.

The Amendment is a result of community consultation and built form modelling to address community concerns resulting from a lack of planning controls along Stirling Highway. It also attempts to improve vegetation and sustainability outcomes, and address Main Roads' intentions to reduce or remove direct vehicle access from individual lots onto the Highway. The NSHAC Strategy accompanies this Amendment and provides objectives, intent and background information on the Amendment.

2.0 BACKGROUND

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



Figure 1: NSHAC area

The City has recently developed a local planning policy creating built form development controls for the Residential zones within the NSHAC area. However, there are currently no precinct-specific development controls for the Mixed use R-AC1

lots along Stirling Highway (excepting the easternmost portion of the area which was covered under the recently adopted Broadway Precinct Local Planning Policy). Further, clause 26(3) of the City of Nedlands Local Planning Scheme No. 3 (LPS3) removes the Residential Design Codes (R-Codes) Volume 2 Acceptable Outcomes for building height from applying to land coded R-AC1. This means that there is no local context guidance for assessing building height on these lots. This has resulted in considerable community concern and an inconsistency in the scale of proposed development, with various developments proposing heights ranging from 9 to 24 storeys along the Highway.

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

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

- Workshop 1: Inform
 - Upskill participants in how local government control development through planning legislation and provide an overview of the existing planning framework.
 - Discuss community expectations and local perspectives for the NSHAC area including what is valued and what could be improved.
- Workshop 2: Collaborate
 - The general statements from Workshop 1 were translated into value statements.
 - The group was broken into smaller groups and development scenarios were investigated through the use of physical maps
 - The group reviewed the way developers were translating existing planning controls into buildings and identified what worked and what did not.
- Workshop 3: Convey
 - Results of the previous workshops were compiled into sets of values and principles, with feedback obtained on this summary.

Following these workshops, the values and principles were further tested and refined through wider public consultation that included an online survey and an open house where anyone could participate and add to the findings. The final work was compiled into

a set of principles and value statements that led to a vision statement for the NSHAC area.

The consultation work was then translated into built form modelling. The Community Reference Group was reconvened for two further workshops where the proposed built form controls were modelled and refined in an iterative process based on the group's feedback. Among other things, the work resulted in a community desire to:

- Provide some certainty around building heights
- Improve the walkability and provision of shade along Stirling Highway
- Rezone land to encourage existing uses in the formation of “hubs” linked by Residential zones
- Remove direct vehicle access to Stirling Highway wherever possible
- Ensure new development is sensitively designed and embodies the values of local residents.

All of the above work forms the basis for the NSHAC Strategy, which encompasses the background material to support Scheme Amendment 13.

Location

The Amendments impact the area that encompasses all Mixed Use R-AC1 lots adjacent to Stirling Highway between the block just west of Loch Street at the west and Broadway/Hampden Road at the east as shown in Figure 1.

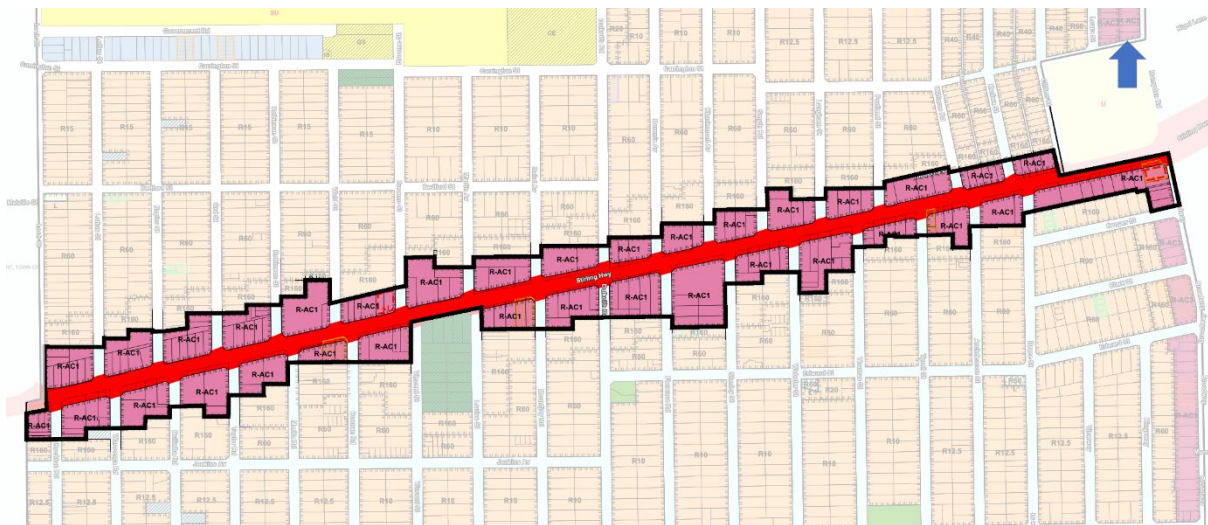


Figure 2: Scheme Amendment Area

Site Area

The area encompasses approximately 20.8 hectares of land. Many of the lots have a frontage of less than 22 metres wide, meaning that they would have to amalgamate with adjoining lots to be able to achieve any significant development potential even under current criteria with unlimited height potential.

Ownership

All lots are privately owned by a variety of landowners with the exception of the City-owned Administration, Library and Drabble House Buildings at 60, 67, and 71 Stirling Highway.

Current & Surrounding Land uses

The area straddles Stirling Highway, which is a gazetted Primary Regional Road Reserve under the MRS and controlled by Main Roads.

The lots are built out with a variety of different land uses of varying bulk and scale including commercial, retail and residential. Office uses tend to cluster towards the eastern end of the area while retail and showroom uses tend to be located towards the west. Within the middle of the area sit predominantly residential land uses, with a central retail area around Dalkeith Road. This clustering of uses is the basis for the rezoning and indicative heights proposed in the Amendment.

Land immediately outside the Mixed Use area is predominantly zoned Residential.

Physical Characteristics

The existing Mixed Use lots contain a range of both residential and non-residential buildings ranging in height from one storeys to four storeys along the Highway. Many of these individual lots are narrow and are unable to achieve any significant development potential without amalgamation.

Stirling Highway has an undulating topography rising in peaks and valleys from approximately 12m AHD at the eastern and western ends, and with a maximum peak of approximately 33m AHD around Smyth Road.

Stirling Highway

Nearly half of the lots along the Highway have no opportunities for vehicle access other than Stirling Highway as shown in Figure 3 below. Reducing direct vehicle access to Stirling Highway will have a positive impact on traffic and safety.



Figure 3: Lots with sole vehicle access (excludes adjoining lots with same ownership)

Further, the pedestrian experience along the Highway is uninviting. There is very little shade or separation from vehicles. Removing crossovers will allow opportunities for more vegetation and open space.

Towards the eastern section of the Highway there are large mature trees abutting the road that assist in providing shade and amenity. These trees should be retained with more planted to enhance the amenity of the area.

3.0 LOCAL PLANNING CONTEXT

State & Regional Planning Context

Perth and Peel @3.5 Million

The Perth and Peel@3.5 Million strategic suite of documents has been developed to provide a long-term growth strategy for land use and infrastructure for the Perth and Peel regions. The framework outlines a number of overarching objectives in relation to urban form, economy and employment, community and social infrastructure, movement and access, service infrastructure, environment and landscape, and natural resources.

Local Planning Strategy

The City of Nedlands Local Planning Strategy (the Strategy) includes the following strategies relevant to these amendments:

Population and Housing

- Pursue diverse high intensity development within Urban Growth Areas (particularly Stirling Highway).
- Facilitate quality development in targeted infill areas and along transit corridors to respond to the growing demand for high quality residential development in well serviced areas.

- Facilitate greater diversity, specifically higher density multiple and grouped dwelling developments in targeted infill areas to provide a diverse range of dwelling types to accommodate changes in population trends.
- Develop controls to ensure key sites are not underdeveloped, thus ensuring existing residential character is protected long term and development is focused in a few specified locations.

Retail and Commerce

- Facilitate the maintenance and expansion of the Captain Stirling Neighbourhood Centre (and nearby civic facilities such as City of Nedlands Administration and Library) as the main Town Centre. Plan for this centre to be the largest and most complex mixed-use activity centre in the hierarchy of centres.

Physical Features, Climate and Natural Areas

- To encourage all facets of sustainability in existing and new development (including but not limited to; climate responsive design, effective water management and efficient resource use).
- To maintain, protect and enhance natural resources; and where appropriate, encourage the retention, protection and enhancement of significant existing natural resources in new development.

Traffic and Transport

- Provide direction for the future of laneways throughout the City and maximise their opportunity to contribute positively to the neighbourhood.

Urban Design, Character and Heritage

- Ensure the Local Planning Scheme and other development controls are in place to retain and enhance the existing character of each identified precinct.
- Develop mechanisms to promote and/or incentivise best practice urban design outcomes in areas experiencing change and in areas of transition (for example, between precincts, corner sites, different densities/land uses, targeted infill areas etc.).

Additionally, the Strategy includes separate strategies for each sub-precinct. The strategies for the Stirling Highway sub-precinct include:

- Plan Stirling Highway as a high intensity, predominately medium rise Urban Growth Area within the City of Nedlands.
- Provide Transition Zones abutting Stirling Highway to incrementally integrate development intensity into the surrounding precincts.
- Focus compatible development around identified residential and non-residential pockets, acknowledging that the intensity of redevelopment will vary along the Highway in response to the predominant land use.
- Investigate opportunities to provide rear laneway access as part of development along Stirling Highway.

The Nedlands North and South sub-precincts include the following relevant strategies:

- Within the Transition Zones adjoining Stirling Highway, ensure the height, scale and bulk of redevelopment smoothly integrates back to the established residential character of the area.
- Facilitate medium rise, medium intensity predominately residential redevelopment within the First Transition Zone.

This Amendment is aligned with the overall vision for the City of Nedlands, as well as the strategies outlined for the City's existing residential areas.

Additionally, a local strategy has been prepared for the NSHAC area to guide future development in regard to built form, land use, the public realm and movement networks. This Strategy provides further supporting information for the Scheme Amendment.

Local Planning Scheme

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

Local Planning Policies

The City has recently adopted the Nedlands Stirling Highway Activity Corridor Local Planning Policy, which sets built form criteria for Residential lots coded R60 and R160 around Stirling Highway.

There are currently no planning policies specific to the Mixed Use R-AC1 area the subject of these amendments.

4.0 PROPOSAL

Detailed description and planning justification

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

Development along Stirling Highway tends to cluster around three existing zones of activity, with land use intensity and built form stepping down between zones. There has been a consistent preference among residents for codifying the existing informal zonal approach for future development along Stirling Highway. The existing zones are intended to become the focal point of the NSHAC area and be a draw for visitors and nearby residents. Proposed heights and rezoning are centred around these three areas.

The proposed range in bulk and scale along the Highway generally matches the topography of the land so that tall developments do not loom over the road.

The key advantages to the nodal scenario are:

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

Collectively, the approach along the Highway amounts to three primary zones, each with high-density residential potential but with a different non-residential use focus. Residential zones between them provide a base of resident support for the non-residential uses and create a focus of activity. For a detailed discussion of the background please refer to the NSHAC Strategy attached to this report.

Building height

The amendment introduces a base maximum building height and a discretionary maximum building height for lots as set out in proposed Schedule 4. Building heights are structured around three main nodes: east, central and west. The highest concentration of built form is the central node, which is the Town Centre as identified in the existing Local Planning Strategy.

Building heights are generally proposed to be lower south of the Highway due to potential impacts on solar access to adjoining sites. Large lots and adjoining lots with the same landowner that could easily be amalgamated have also been granted higher heights in some locations. Building heights also generally undulate with the topography so that tall buildings do not loom over the road.

Discretionary building height is proposed to be allowable where a development exhibits high quality design and includes additional trees and energy efficiency criteria beyond the minimum Acceptable Outcomes within the R-Codes. The discretionary height is designed to be achievable while resulting in outcomes that are a step beyond current minimum criteria. This approach is considered appropriate for a significant urban corridor such as that along Stirling Highway, which acts as a gateway to the Perth CBD. The City's modelling exercises have demonstrated that buildings beyond 12 storeys do not scale down appropriately to the lower coded R160 and R60 sites immediately abutting the Mixed Use zone.

Currently, neither the Scheme nor the R-Codes provide maximum heights for the area. Nor do the Element Objectives of the Plot Ratio criteria within the R-Codes relate to building height in any way. This has resulted in approved development that varies wildly in height from 9 to 24 storeys across the NSHAC area. Lack of height controls gives no certainty to developers, the community or decision-makers as to what development along the corridor will look like. The result is ad hoc, inconsistent development outcomes.

The proposed building heights within the Scheme Amendment are design to encourage better quality design and more sustainable buildings, consistent with the Local Planning Strategy. Many existing sites are constrained from achieving the plot ratio within the R-

Codes due to the small size and limited dimensions even given the current built form criteria. Amalgamation of lots over time will be necessary for lots to achieve their full potential. Notwithstanding, built form modelling has been undertaken to demonstrate that future development will be able to achieve the plot ratio within the R-Codes for R-AC1 coded areas and will not be constrained by building height of vehicle access requirements within this Amendment.

Solar Access

The Amendment includes a requirement that buildings demonstrate that adjoining development can achieve adequate solar access during mid-winter for the potential built form envelope. This does not mean that existing single houses will have further protections but will ensure that future large-scale development will be able to take some advantage of the northern aspect for light and ventilation.

Solar Access protection is critical as a significant portion of affected lots are east-west oriented, meaning they could be severely impacted by built form that does not take into account their need for solar access. The current R-Codes do not account for future built form. Given that the Stirling Highway area was upcoded in 2019 and only a handful of lots have proposed redevelopment, it is important that protections for future built form be enshrined in the scheme now.

Trees

The current Highway streetscape is uninviting, lacking amenities such as shade and seating. Future development provides an opportunity to enhance the streetscape and encourage alternate methods of transportation. Additionally, community consultation repeatedly shows that the local community values large trees.

To this end, the Amendment imposes a requirement for one tree to be provided along the Stirling Highway road frontage and within the development lot per 12 metres of boundary length. This will improve the pedestrian experience along the Highway while also increasing the urban canopy and gradually providing shade along the Highway. Trees in the front setback also provides the opportunity to obscure the built form of the building from the footpath and create a human scale environment so that tall buildings don't seem to loom over the road.

Vehicle Access

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

The Amendment intends to create the laneway network as development comes online but without stymying the function of existing buildings. The Amendment does not prevent development from occurring on a lot if the access network does not yet extend to that lot (ie: lots in the middle of a street block). In those instances, it requires that the building be set back to create the future access way, and that the building be designed so that when the accessway comes online it can be modified to take access off of it. The clause also

prohibits support for subdivision of properties that result in new lots with sole vehicle access to Stirling Highway.

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

Creation of the laneway network is not expected to occur in the short to medium term but should be planned now before new development can obstruct potential access.

Zoning

A series of zoning changes are proposed as shown on the proposed scheme map. The changes designate the lots between Dalkeith Road and Stanley Street as a Neighbourhood Centre, befitting its strategically important location and its identification within the Local Planning Strategy as the Town Centre. The lots to either side are proposed to be rezoned from Mixed Use to Residential so that they will create residents to support the nearby non-residential uses.

The uses are generally in keeping with the existing uses and support the proposed nodal form of development along Stirling Highway. Further information and discussion can be found within the NSHAC Strategy document.

5.0 CONCLUSION

The Amendments seek to do the following:

- Create base maximum heights and discretionary heights that cannot be varied under the Scheme.
- Protect solar access for future development on adjoining sites.
- Improve the urban forest and provision of shade canopy along Stirling Highway.
- Create a vehicle access network in order to remove direct lot access to Stirling Highway over time.

The proposed Amendments are based on extensive community consultation, built form modelling and Officer experience with large-scale development along Stirling Highway. The proposal provides certainty around built form to developers and the community while allowing a degree of flexibility to achieve optimal outcomes. The discretionary height criterion encourages development to exceed current practices as befitting this major urban corridor through the heart of the local government. Vehicle access requirements are consistent with those of other local governments where development is situated around Primary Regional Roads and aims to create alternate access networks without requiring lots to rely on neighbour approval or redevelopment. Solar access provisions aim to close a gap in the current R-Codes provisions while the provision for shade trees aims to improve amenity of the Highway as a whole.

Planning and Development Act 2005

RESOLUTION TO AMEND LOCAL PLANNING SCHEME

City of Nedlands Local Planning Scheme No. 3 Amendment 13

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

1. Delete clause 26(3) Modification of R-Codes.
2. Insert new clause 26(3) Modification of R-Codes as follows:

“26(3). In relation to land coded R-AC1:

- (a) For the purposes of Acceptable Outcome A2.2.1 of the R-Codes, the building heights shall be the base heights shown on the map in Schedule 4, exclusive of plant and equipment such as lift overruns, air conditioning units and the like; and
- (b) The local government may grant development approval beyond the base height and up to the maximum discretionary building heights shown in Schedule 4 only where it is satisfied that all of the following are achieved:
 - i. The development demonstrates high quality design;
 - ii. The development exceeds Acceptable Outcomes with regard to the number of medium and/or large trees provided and which have sufficient dimension to promote healthy growth, and
 - iii. The development incorporates at least two significant energy efficiency initiatives that exceed minimum practice.
- (c) The local government shall not grant development approval beyond the discretionary heights shown in Schedule 4 of the scheme.”

3. Insert the following into Table 6 of clause 32:

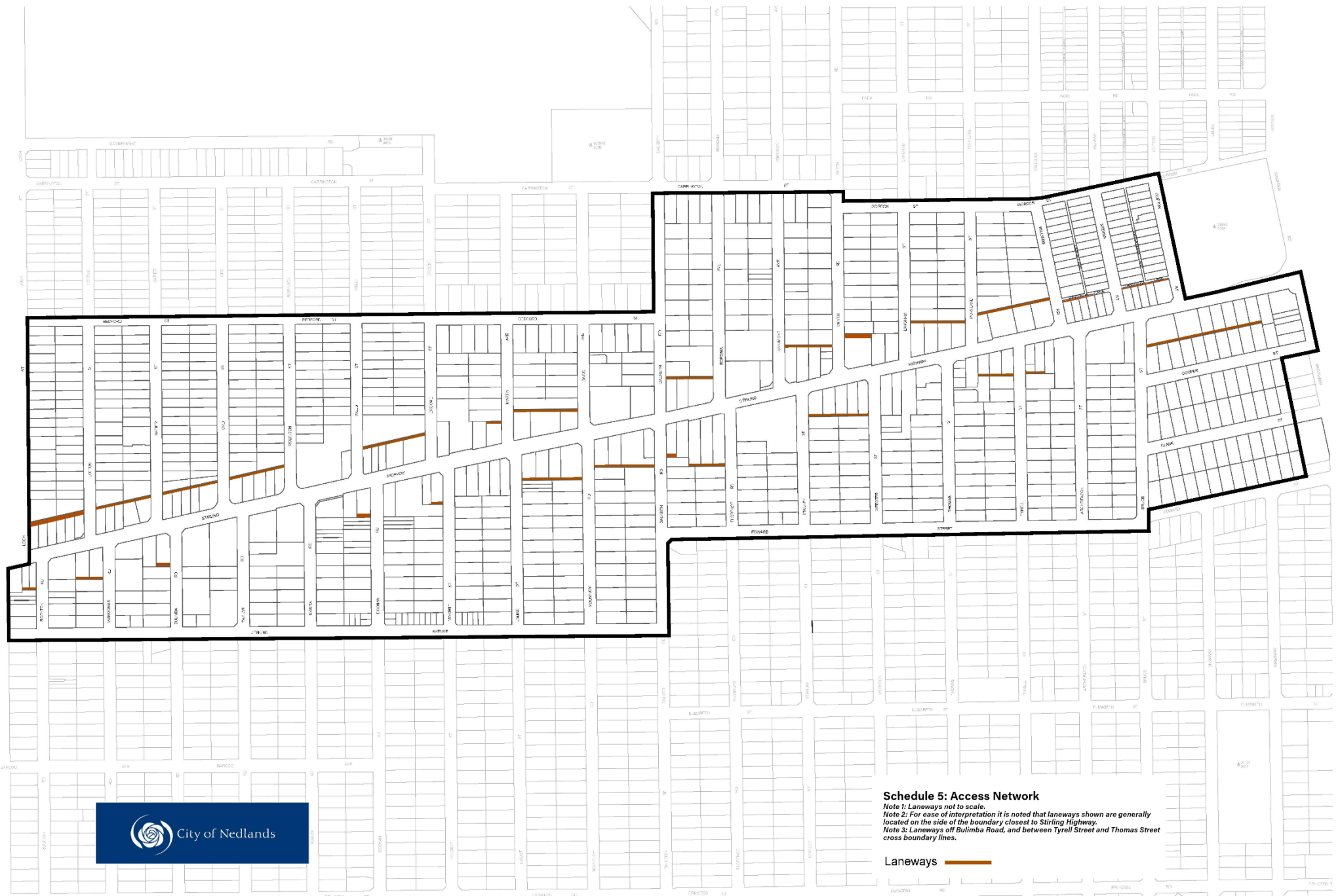
No.	Description of land	Requirement
32.7	All land coded R-AC1	All development is to ensure a minimum 25 per cent of the northern elevation of the maximum building envelope on the adjacent lot(s) receives more than 2 hours of direct sunlight between 9.00am and 3pm on 21 June.
32.8	All land having a frontage to Stirling Highway	(1) All new development shall provide 1 medium or 1 large tree as defined by the R-Codes located adjacent to and outside of the Stirling Highway

		<p>road reservation per 12 metres of Stirling Highway street frontage, measured at the future street boundary post-road widening.</p> <p>(2) Sub-clause (1) does not apply to an application for:</p> <p>(a) a change of use that does not involve works;</p> <p>(b) minor additions or alterations to an existing building or buildings that do not significantly alter the scale of the building; or</p> <p>(c) additions or alterations to single houses or grouped dwellings.</p>
32.9	All land having a frontage to Stirling Highway	Development shall not have vehicle access to Stirling Highway where the lot has legal access to a public street or right-of-way other than Stirling Highway.
32.10	All land having a frontage to Stirling Highway and adjoining the access network shown in Schedule 5	<p>In this clause 'street block' means a length of land fronting Stirling Highway, between a public street or public right-of-way and the next public street or public right-of-way.</p> <p>Where there is no approved structure plan, local development plan and/or activity centre plan:</p> <p>(1) All development and subdivision is to allow a boundary setback sufficient to facilitate a minimum 6m wide carriageway in the location shown in Schedule 5.</p> <p>(2) All development and subdivision is to take vehicle access from the carriageway shown in Schedule 5 where it connects, either directly or via another carriageway, to a public street other than Stirling Highway.</p> <p>(3) Where the access network for the street block shown in Schedule 5 does not yet connect to a public street other than Stirling Highway, the development is to be designed to be modified in the future to take vehicle access from a rear carriageway once it connects to a public street other than Stirling Highway.</p>


		<p>(4) The local government shall not approve development or support subdivision that:</p> <ol style="list-style-type: none">i. prevents any new or existing lot within the same street block from obtaining access from a public street or carriageway other than Stirling Highway; orii. prevents any new or existing lot within the same street block from obtaining access to the access network shown in Schedule 5; oriii. creates a new lot with sole vehicle access to Stirling Highway. <p>(5) All development must account for any ground level differences in order to facilitate a carriageway across a street block.</p> <p>(6) The total 6m width may include portions of any existing public right-of-way.</p> <p>(7) Prior to issue of a building permit or subdivision clearance, suitable arrangements are to be made with the local government ensuring the 6m wide carriageway described in the above subclauses is burdened with public access rights in perpetuity.</p> <p>(8) The above clauses do not apply to an application for:</p> <ol style="list-style-type: none">(a) a change of use that does not involve works;(b) minor alterations or minor additions to an existing building or buildings where, in the opinion of the local government, the works do not impede an existing or future carriageway shown in Schedule 5; or(c) alterations and additions to single houses or grouped dwellings where, in the opinion of the local government, the works do not impede an existing or future carriageway shown in Schedule 5.
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4. Insert Schedule 4: Nedlands Stirling Highway Activity Centre (NSHAC) Area Height as shown below:

5. Insert Schedule 5: Nedlands Stirling Highway Activity Centre (NSHAC) Access Network as shown below:



Schedule 5: Access Network
Note 1: Laneways not to scale.
Note 2: For ease of interpretation it is noted that laneways shown are generally located on the side of the boundary closest to Stirling Highway.
Note 3: Laneways off Bulimba Road, and between Tyrell Street and Thomas Street cross boundary lines.

Laneways 

6. Rezone the following lots from Mixed Use zone to Neighbourhood Centre zone, and amend the Scheme Map accordingly:
 - a. Odd street numbers 81 through 105 Stirling Highway, Nedlands (inclusive);
 - b. Even street numbers 80 through 104 Stirling Highway, Nedlands (inclusive);
 - c. Even street numbers 2 through 6 Florence Road, Nedlands (inclusive);
 - d. Street numbers 7 and 9 Stanley Street, Nedlands;
 - e. Street number 4 Mountjoy Road, Nedlands; and
 - f. Street number 56 Dalkeith Road, Nedlands.

7. Rezone the following lots from Mixed Use zone to Residential zone and amend the Scheme Map accordingly:
 - a. Street numbers 128A through 134C Stirling Highway, Nedlands (inclusive);
 - b. Street numbers 1A, 1B and 3 Vincent Street, Nedlands;
 - c. Street numbers 108, 109, 110, 111, 112, 114, 115, 117, 119, 125 Stirling Highway, Nedlands;
 - d. Street number 26 Broome Street, Nedlands;
 - e. Street numbers 34 and 35 Martin Avenue, Nedlands;
 - f. Street number 33 Baird Avenue, Nedlands;
 - g. Even street numbers 36 through 56 Stirling Highway, Nedlands (inclusive)
 - h. Even street numbers 68 through 74 Stirling Highway, Nedlands (inclusive);
 - i. Odd street numbers 57 through 67 Stirling Highway, Nedlands (inclusive);
 - j. Odd street numbers 73 through 77A Stirling Highway, Nedlands (inclusive);
 - k. Street numbers 50 through 60 Kinninmont Avenue, Nedlands (inclusive);
 - l. Street number 103 Smyth Road, Nedlands;
 - m. Street number 2 Stanley Street, Nedlands;
 - n. Street numbers 2 Webster Street, Nedlands;
 - o. Street numbers 1A, 1B, 2D and 2E Thomas Street, Nedlands; and
 - p. Street numbers 2B and 2C Tyrell Street, Nedlands.

COUNCIL ADOPTION

This Complex Amendment was adopted by resolution of the Council of the City of Nedlands at the Ordinary Meeting of the Council held on the _____ day of _____, 20_____.

.....

MAYOR

.....

CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the City of Nedlands at the Ordinary Meeting of the Council held on the _____ day of _____, 20_____, proceed to advertise this Amendment.

.....

MAYOR

.....

CHIEF EXECUTIVE OFFICER

FORM 6A CONTINUED

COUNCIL RECOMMENDATION

This Amendment is recommended _____ by resolution of the City of Nedlands at the Ordinary Meeting of the Council held on the _____ day of _____, 20_____, and the Common Seal of the City of Nedlands was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR

.....
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

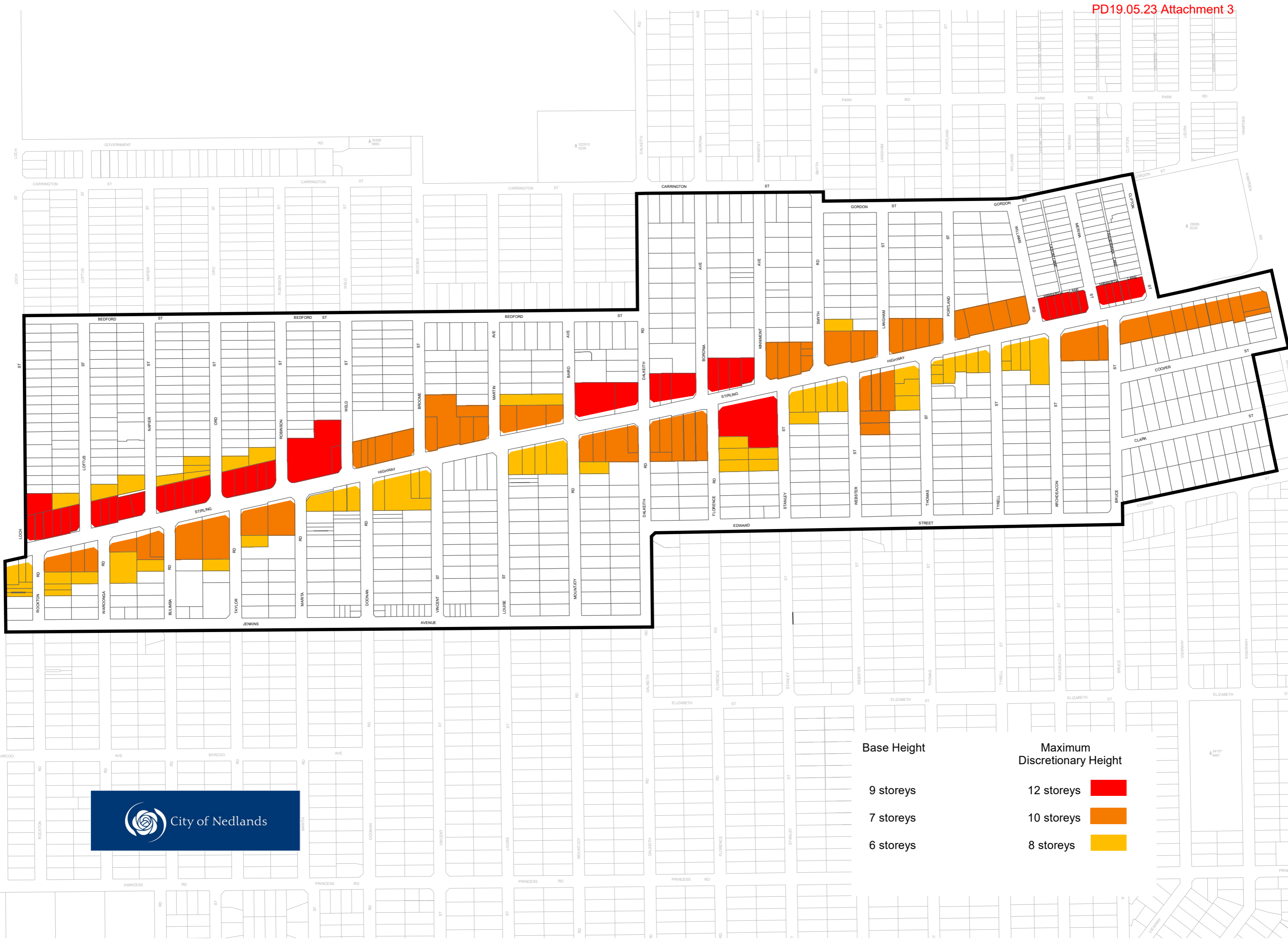
.....
**DELEGATED UNDER S.16 OF
THE P&D ACT 2005**

DATE.....

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....



Base Height

9 storeys

7 storeys

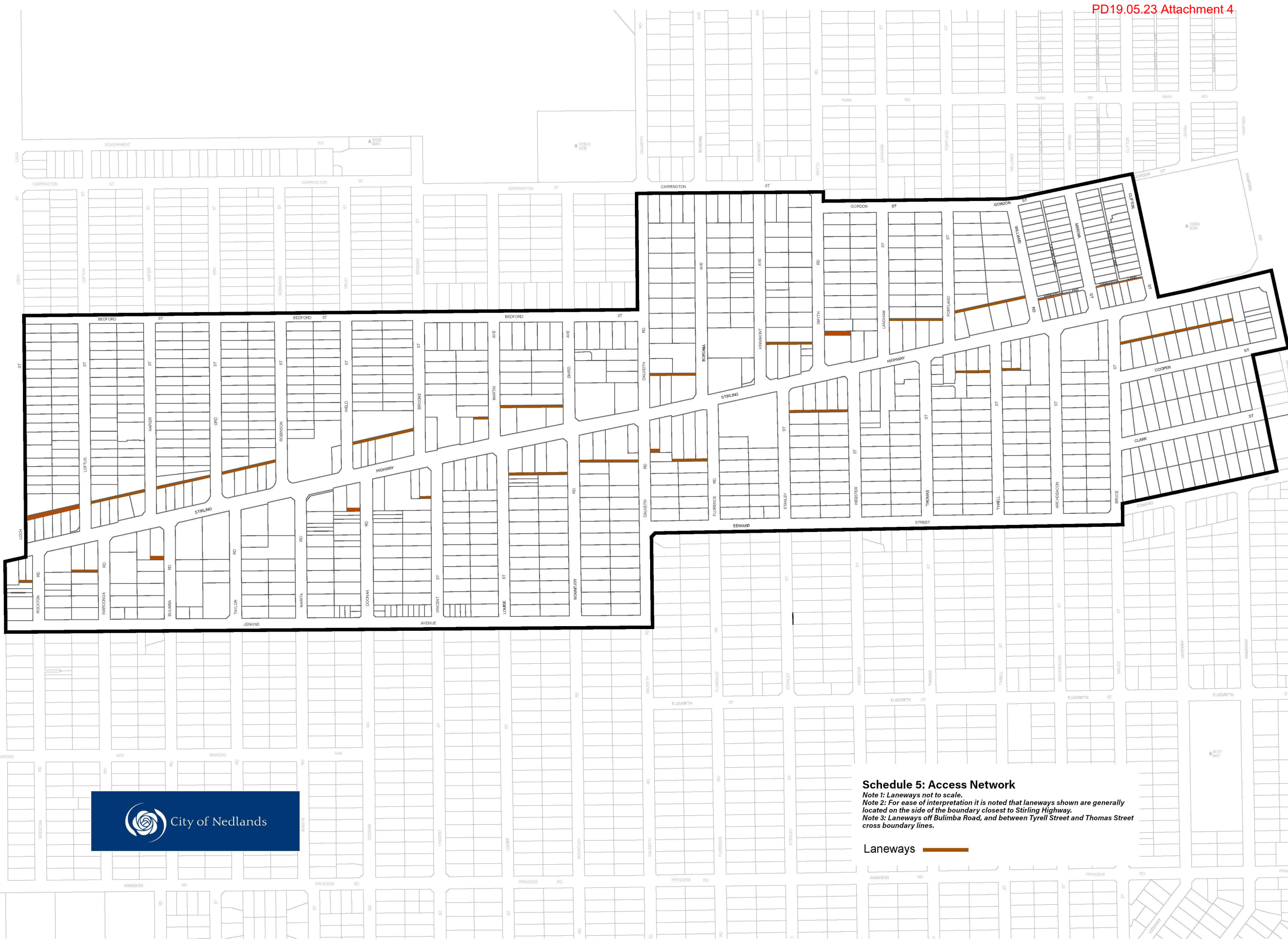
6 storeys

Maximum Discretionary Height

12 storeys ■

10 storeys ■

8 storeys ■

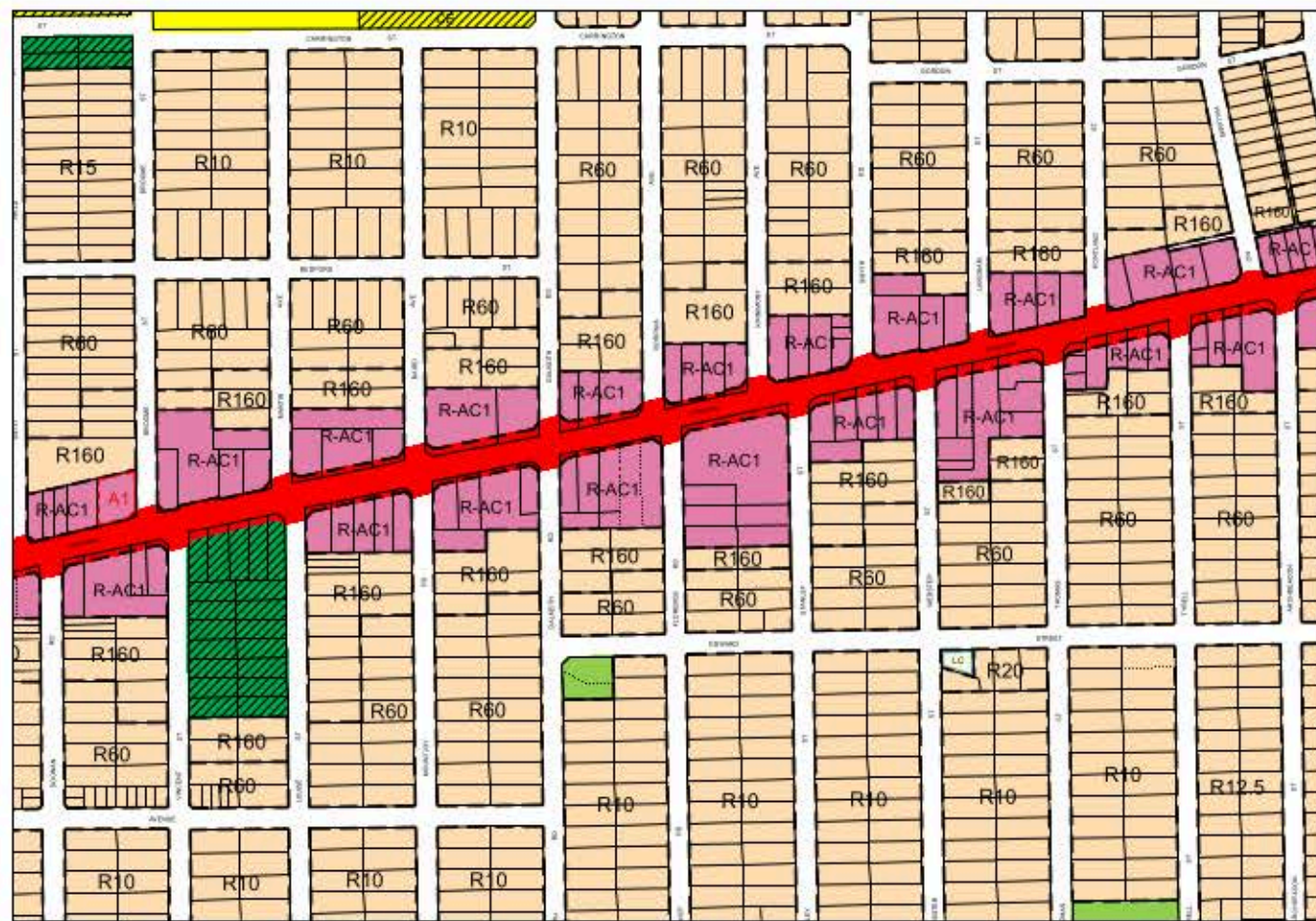


Schedule 5: Access Network

*Note 1: Laneways not to scale.
 Note 2: For ease of interpretation it is noted that laneways shown are generally located on the side of the boundary closest to Strling Highway.
 Note 3: Laneways off Bulimba Road, and between Tyrell Street and Thomas Street cross boundary lines.*

Laneways

EXISTING ZONING



Legend

REGION SCHEME RESERVES (MRS)

- Primary Regional Roads
- Public Purposes

LOCAL SCHEME RESERVES

- Government Services
- Public Open Space

LOCAL SCHEME ZONES

- Local Centre
- Mixed Use
- Private Community Purposes
- Residential
- Neighbourhood Centre

OTHER CATEGORIES

- R10 R Codes
- A1 Additional Uses

PROPOSED ZONING



COUNCIL ADOPTION

This Standard Amendment was prepared by resolution of the Council of the CITY OF NEDLANDS at the ordinary meeting of the Council held on the

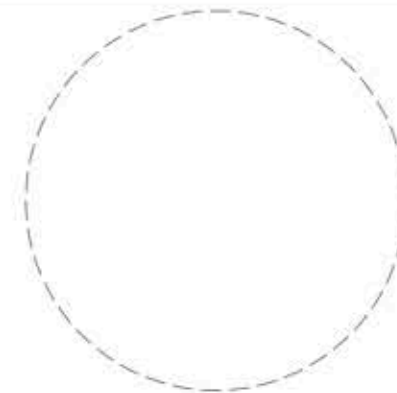
.....day of..... 20.....

Mayor

Chief Executive Officer

FINAL APPROVAL

1. This amendment is recommended for support by resolution of the CITY OF NEDLANDS at the ordinary Meeting of the Council held on the day of20..... and the Common Seal of the CITY OF NEDLANDS was hereunto affixed by the authority of a resolution of the Council in the presence of



Mayor

Chief Executive Officer

2. RECOMMENDED / SUBMITTED FOR FINAL APPROVAL

Delegated under Section 16 of the Planning and Development Act 2005 Date

3. FINAL APPROVAL GRANTED

Minister for Planning Date



AMENDMENT No. 13

Rezoning the following lots from Mixed Use to Neighbourhood Centre: Odd street numbers 81 through 105 Stirling Highway, Nedlands (inclusive); Even street numbers 80 through 104 Stirling Highway, Nedlands (inclusive); Even street numbers 2 through 6 Florence Road, Nedlands (inclusive); Street numbers 7 and 9 Stanley Street, Nedlands; Street number 4 Mountjoy Road, Nedlands; and Street number 56 Dalkeith Road, Nedlands.

Rezoning the following lots from Mixed Use to Residential: Street numbers 128A through 134C Stirling Highway, Nedlands (inclusive); Street numbers 1A, 1B and 3 Vincent Street, Nedlands; Street numbers 108, 109, 110, 111, 112, 114, 115, 117, 119, 125 Stirling Highway, Nedlands; Street number 26 Broome Street, Nedlands; Street numbers 34 and 35 Martin Avenue, Nedlands; Street number 33 Baird Avenue, Nedlands; Even Street numbers 36 through 56 Stirling Highway, Nedlands (inclusive); Even street numbers 68 through 74 Stirling Highway, Nedlands (inclusive); Odd street numbers 57 through 67 Stirling Highway, Nedlands (inclusive); Even street numbers 73 through 77A Stirling Highway, Nedlands (inclusive); Street numbers 50 through 60 Kinninmont Avenue, Nedlands (inclusive); Street number 103 Smyth Road, Nedlands; Street number 2 Stanley Street, Nedlands; Street number 1 Webster Street, Nedlands; Street numbers 1A, 1B, 2D and 2E Thomas Street, Nedlands; Street numbers 2B and 2C Tyrell Street, Nedlands.



16.2 PD20.05.23 Consideration of Development Application – Residential - Five Grouped Dwellings at 63 Dalkeith Road, Nedlands

Meeting & Date	Council Meeting – 23 May 2023
Applicant	Pinnacle Planning
Information Provided	All relevant information required for this assessment has been provided by the applicant.
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff involved in the preparation of this report and the proponents or their consultants.
Report Author	Roy Winslow – Manager Urban Planning
Director	Tony Free – Director Planning and Development
Attachments	1. Aerial Image and Zoning Map 2. Development Plans dated 21 March 2023 3. Architectural Perspectives 4. CONFIDENTIAL ATTACHMENT - Submissions

Purpose

The purpose of this report is for Council to consider a development application for five grouped dwellings at 63 Dalkeith Road, Nedlands. This proposal is being presented to Council for consideration due to the number of dwellings exceeding four and the proposal receiving objections within the consultation period.

Council is requested to exercise its judgement in considering the merits of the application against the design principles of Volume 1 of the Residential Planning Codes for the following aspects of the proposal:

- Street setback (Dalkeith Road and common property)
- Lot boundary setback (from the northern boundary)
- Outdoor living area (Unit 1)
- Visitor parking

Recommendation

That Council, in accordance with Clause 68(2)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, approves the development application in accordance with the plans date stamped 21 March 2023 for five grouped dwellings at 63 Dalkeith Road, Nedlands, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 21 March 2023. 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 building permit, a Demolition or Construction Management Plan (as appropriate) shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plan shall be observed at all times throughout the construction process to the satisfaction of the City.
4. Prior to occupation, walls on or adjacent to lot boundaries are to be finished externally to the same standard as the rest of the development in:
 - a. Face brick;
 - b. Painted render;
 - c. Painted brickwork; or
 - d. Other clean finish as specified on the approved plans.

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

5. Prior to occupation, landscaping shall be completed in accordance with the Landscaping Plan dated 11 April 2023. All landscaped areas are to be maintained on an ongoing basis for the life of the development on the site to the satisfaction of the City of Nedlands.
6. The street tree(s) within the verge in front of the lot are to be protected and maintained through the duration of the demolition and construction process to the satisfaction of the City of Nedlands. Should the tree(s) die or be damaged, they are to be replaced with a specified species at the owner's expense and to the satisfaction of the City of Nedlands.
7. Prior to occupation, the applicant is to plant a minimum of one (1) x 30L tree located on the Dalkeith Road verge, at the expense of the applicant and to the satisfaction of the City of Nedlands.
8. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of Nedlands.
9. The recommendations contained within the Sustainable Design Assessment report dated 19 April 2023 are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.
10. Prior to the issuing of a Building Permit, an acoustic report and noise management plan shall be prepared by a suitably qualified acoustic engineer certifying that the proposal incorporates sufficient sound attenuation measures in accordance with the quiet house design requirements as identified in State Planning Policy 5.4 – Road and Rail Noise.

11. All recommendations contained within the acoustic report shall be implemented and adhered to for the lifetime of the development to the satisfaction of the City of Nedlands. Any changes to the assumptions, recommendations, or acoustic solutions require assessment by an acoustic consultant to confirm compliance with Environmental Protection (Noise) Regulations 1997.
12. Prior to occupation of the development, a notification pursuant to Section 70A of the Transfer of Land Act 1893 shall be prepared at the expense of the owner and registered against the Certificate of Title to the land the subject of the proposed development advising the owners and subsequent owners of the land of the following matter(s):

“This lot is situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise. Additional planning and building requirements may apply to development on this land to achieve an acceptable level of noise reduction.”

Voting Requirement

Simple Majority.

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

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

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

Background

Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R60
Land area	Parent Lot: 1,012m ² Strata Lot 1: 163m ² Strata Lot 2: 150m ² Strata Lot 3: 150m ² Strata Lot 4: 150m ² Strata Lot 5: 199m ²

Land Use	Residential (Grouped Dwellings)
Use Class	'P' – Permitted Use

The site is located at 63 Dalkeith Road, Nedlands and is 120m south of Stirling Highway (**Attachment 1**). The site is currently occupied by a single storey, single house with a pool. The site is the subject of a subdivision application for five strata lots and a common property driveway. The site slopes upward from front to back with a fall of 1.7m from west (rear) to east (front).

The locality is predominantly characterised by single residential houses between one to two storeys. The properties in this area are coded R60 or R160 and are expected to undergo a gradual transition to a higher density and scale of development.

The property to the south (65 Dalkeith Road) has approval for five grouped dwellings, which are nearing completion. The property diagonally opposite at 66 Dalkeith Road has been previously subdivided into three lots with houses now completed on each.

Nedlands Stirling Highway Activity Corridor – Residential Precinct Local Planning Policy

The Nedlands Stirling Highway Activity Corridor – Residential Precinct Local Planning Policy was adopted by Council on 26 April 2023. The development application for 63 Dalkeith Road, Nedlands was subject to pre-lodgement discussion with the City in March 2022, was lodged in August 2022 and had been designed, assessed and amended several times prior to the adoption of the Policy. As such, the provisions of the newly adopted Policy have not been given full weight in this assessment.

Application Details

The application seeks development approval for the construction of five grouped dwellings, two storeys in height, containing three bedrooms and two bathrooms each.

Unit 1 is proposed to have independent pedestrian access directly from Dalkeith Road and vehicle access from the common property driveway. The remaining four units obtain vehicle and pedestrian access from the common property driveway.

The development includes a single visitor parking bay located behind Lot 1. The visitor bay has been located behind the front unit to reduce the visual impact of parking on the streetscape.

The proposal has been subject to refinement over time as a result of design review and consultation. The current version of plans dated 17 March 2023 are included at **Attachment 2** and form the basis of Council's consideration of this application. Architectural perspectives of the development are included at **Attachment 3**.

Discussion

Assessment of Statutory Provisions

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

Local Planning Scheme No. 3

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

Design Review Panel

The application was reviewed by the City's Design Review Panel (DRP) on 13 February 2023. A final review of revised plans was conducted by the DRP Chair on 17 April 2023.

A summary of the DRP advice is provided in the table below.

DRP Design Quality Evaluation		
	Supported	
	Further Information Required	
	Not supported	
SPP 7.0 Principles	13 February 2023 DR1	17 April 2023 (Chair Review)
1. Context and Character		
2. Landscape Quality		
3. Built Form and Scale		
4. Functionality and Built Quality		
5. Sustainability		
6. Amenity		
7. Legibility		
8. Safety		
9. Community		
10. Aesthetics		

There was notable improvement in the overall design of the development between the two reviews, including the following:

- Reduction in overall site cover.
- Reduction in the length of the internal boundary wall abutting the outdoor living area of Lot 4.

- An increase in outdoor living area size for Lots 2-5.
- An amended landscaping plan to increase landscaping over the entire site.
- Reduced projections from buildings to improve vehicle manoeuvrability.

In relation to sustainability, a report prepared by Sustainability WA assessed the design and has identified aspects which contribute to, and made recommendations that will further ensure, the sustainability of the proposal. Details of the report include:

- Solar passive design is achieved through north facing living areas and appropriate eastern and western window shading.
- Provision has been made for future solar collectors.
- All appliances will achieve a 5 or 6 star WELS rating.
- Landscaping irrigation will be 'drip fed' with moisture sensors.

A condition is recommended that requires the sustainability initiatives in the sustainable design assessment report dated 19 April 2023 to be implemented.

The DRP Chairs final assessment included:

Landscape Quality

A comprehensive landscape plan has been prepared by a landscape consultant. Landscape quality is greatly improved and increased outdoor living areas provided. Each unit is now articulated by landscape.

Amenity

Many small amendments have improved the amenity of the units, in particular the kitchen and scullery areas.

Safety

Sweep paths have been included to establish safe vehicle movements while pedestrian entries are now better articulated.

Aesthetics

Greatly improved by following the advice of the DRP. Noteworthy are the improved north and west elevations.

State Planning Policy 5.4 Road and Rail Noise

The objective of State Planning Policy 5.4 is to protect the community from unreasonable levels of transport noise and ensure transport infrastructure and land use can mutually exist within urban corridors. The subject site is within the policy "trigger distance" of Stirling Highway, which is an "other significant freight/traffic route". Where a site is located within or partly within a trigger distance, an assessment against the state planning policy is required to determine the likely level of transport noise and management/mitigation required.

The state planning policy provides a noise target for noise-sensitive land use, such as dwellings. These targets recommend a maximum daytime and night-time decibel of 55dB and 50dB respectively for outdoors. For indoors the daytime recommendation is 40dB for living and work areas. At night in bedrooms the recommendation is 35dB. It is recommended that a condition be placed on any approval granted by Council that the dwellings be constructed to meet the noise targets of the state planning policy.

State Planning Policy 7.3 - Residential Design Codes – Volume 1

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

The proposed development is seeking a design principle assessment pathway for parts of this proposal relating to street setback, lot boundary setback, outdoor living area and parking.

A new version of the Codes for low and medium density development will come into effect on 1 September 2023 (R-Codes 2023). Consistent with Western Australian Planning Commission advice to local government, the City has assessed the development against the deemed-to-comply provisions of the R-Codes 2021. Where a design principle assessment has been required, due regard has been made to the relevant design principle of the R-Codes 2023.

Clause 5.1.2 - Street Setback

Unit 1 proposes an upper floor setback of 1.0m from Dalkeith Road. Units 2 to 5 propose a nil or 1.3m setback to the common property. The design principles for street setbacks consider the immediate and future streetscape, privacy, site planning requirements and building mass. The development meets the design principles as:

- The minimum upper floor setback of 1.0m from Dalkeith Road responds to the future intended high density character of the area, which is informed by immediately adjacent lots coded R160 and the nearby RAC-1 areas of Stirling Highway.
- The impact of bulk from the upper floor wall on lot 1 is ameliorated by articulation and design features. The front façade provides a varied setback to Dalkeith Road ranging from 1.0m to 1.6m and incorporates several design elements to create visual interest including timber screen battens and an inset window to the upper floor living area.
- The internal street setbacks have no adverse impact on any external lots or the streetscape.
- The street setbacks do not compromise open space across the lots as the open space achieves the deemed-to-comply provisions of the R-Codes.
- The proposal responds to site planning requirements, including vehicle access, parking, and utility services. These site planning requirements are appropriately screened from the street interface where possible.

Clause 5.1.3 - Lot Boundary Setback

Unit 1 proposes a 3.0m setback from the northern side lot boundary on the first floor. The design principles for lot boundary setbacks consider the impact of building bulk on adjoining properties, providing adequate sun and ventilation and minimising overlooking. The proposed northern lot boundary setback is considered to meet the design principles for the following reasons:

- The proposed lot boundary setbacks do not impede on the northern adjoining lot's solar access or ventilation. Solar access achieves the deemed-to-comply provisions of the R-Codes.

- Setback at 3.0m, the wall is a sufficient distance from the boundary to minimise the adverse impact of building bulk on the adjoining lot.
- The proposed setback does not impact adjoining properties in terms of overlooking as the major opening from the master bedroom achieves the visual privacy deemed-to-comply provisions of the R-Codes.
- The proposed lot boundary setback is consistent with the site's density code and is typical for a grouped dwelling proposal.

Clause 5.3.1 - Outdoor Living Areas

The outdoor living area of Unit 1 is partially located within the front setback area. The design principles for outdoor living area consider the space to be functional and usable, allow for winter sun and natural ventilation, the provision of landscaping and to facilitate street surveillance when in the front setback area. The development meets the design principles for the following reasons:

- The outdoor living area for Unit 1 is directly accessible from the primary living area of the dwelling via triple framed sliding doors from the dining room.
- There is sufficient space in Unit 1 to provide for landscaping, entertaining and connection to the outdoors. This space is both functional and usable and consists of a covered alfresco area, along with space for two small trees and shrubbery.
- The outdoor living area is bounded by a front fence that is visually permeable above 0.7m. This allows for views of the lot's landscaping from the street and provides passive surveillance.

Clause 5.3.3 - Parking

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

Availability of On-Street Parking

Street parking to a limit of 3 hours is available on both sides of Dalkeith Road.

Proximity to High Frequency Public Transport

The subject site is located 130m from Stirling Highway, on which there are two '900 series' high frequency bus routes – the 995 (Perth-Claremont) and 998/999 (Circle Route). The 900 series routes provide a daytime off-peak service frequency of 15 minutes in each direction, seven days a week. This exceeds the R-Codes definition of a 'high frequency route', which requires a 15-minute frequency only during the weekday morning and afternoon peaks of 7am-9am and 5pm-7pm respectively.

The nearest bus stops are located approximately 190m (towards Claremont/Fremantle) and 240m (towards Perth/Stirling) from the site. The service frequency on Stirling Highway is high given the combination of routes.

It is considered that the combination of the provision of the two car parking bays per dwelling and one visitor parking bay is sufficient given the availability of on-street parking and the site's proximity to high frequency public transport.

Upcoming Visitor Parking Changes

The deemed-to-comply provision for visitor parking in grouped dwellings required 5 lot proposals to provide one visitor parking space before 2 July 2021. From this date, the deemed-to-comply provision was modified to require two spaces.

The WAPC has recently released a revised version of the R-Codes Volume 1, which will become effective on 1 September 2023. From this date, visitor parking will revert to one space for 5-8 units sharing a common driveway. It is noted that the visitor parking for this development will be deemed-to-comply on 1 September 2023.

Consultation

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to five adjoining properties and for a period of 14 days from 21 February 2023 to 8 March 2023. At the close of the advertising period, one objection was received.

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

1. The development will result in a loss of significant trees and vegetation and does not provide sufficient landscaping.

The development provides 4 new medium trees, 4 new small trees and small shrubs to landscaped areas. The landscaping meets the deemed-to-comply provisions of the R-Codes Volume 1.

2. The development will result in an increase in traffic.

A Traffic Impact Statement has been provided which outlines that the dwelling will generate 0.8 vehicle trips per dwelling in peak hour. This equates to 4 total vehicle trips per hour in the peak, which is considered low impact and does not result in an adverse increase in traffic or failure of the road network.

Strategic Implications

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

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

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

Priority Area Urban form - protecting our quality living environment

Budget/Financial Implications

Nil.

Legislative and Policy Implications

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

Decision Implications

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

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

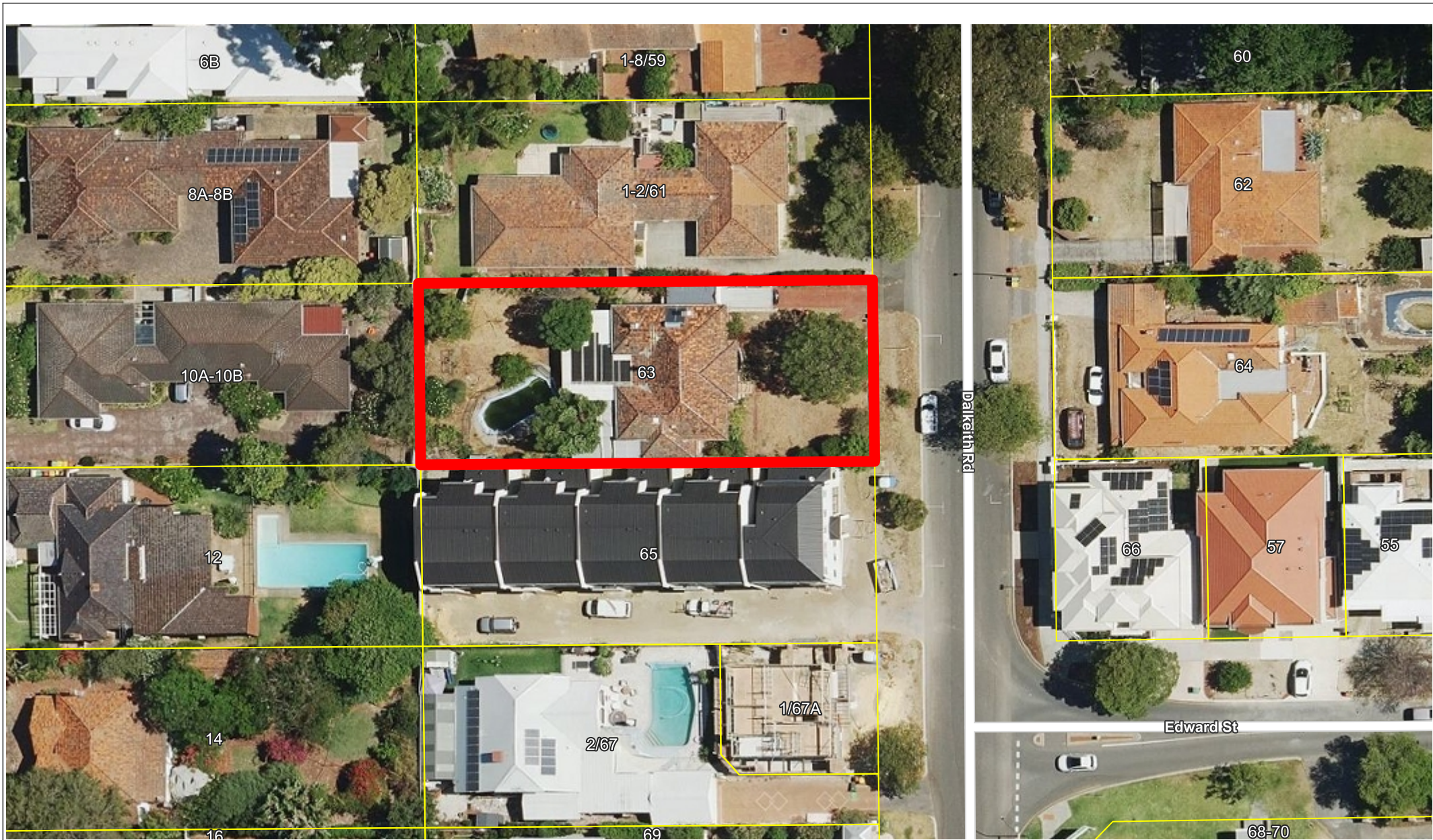
Conclusion

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

Accordingly, it is recommended that the application be approved by Council, subject to conditions of Administration's recommendation.

Further Information

Nil.



City of Nedlands

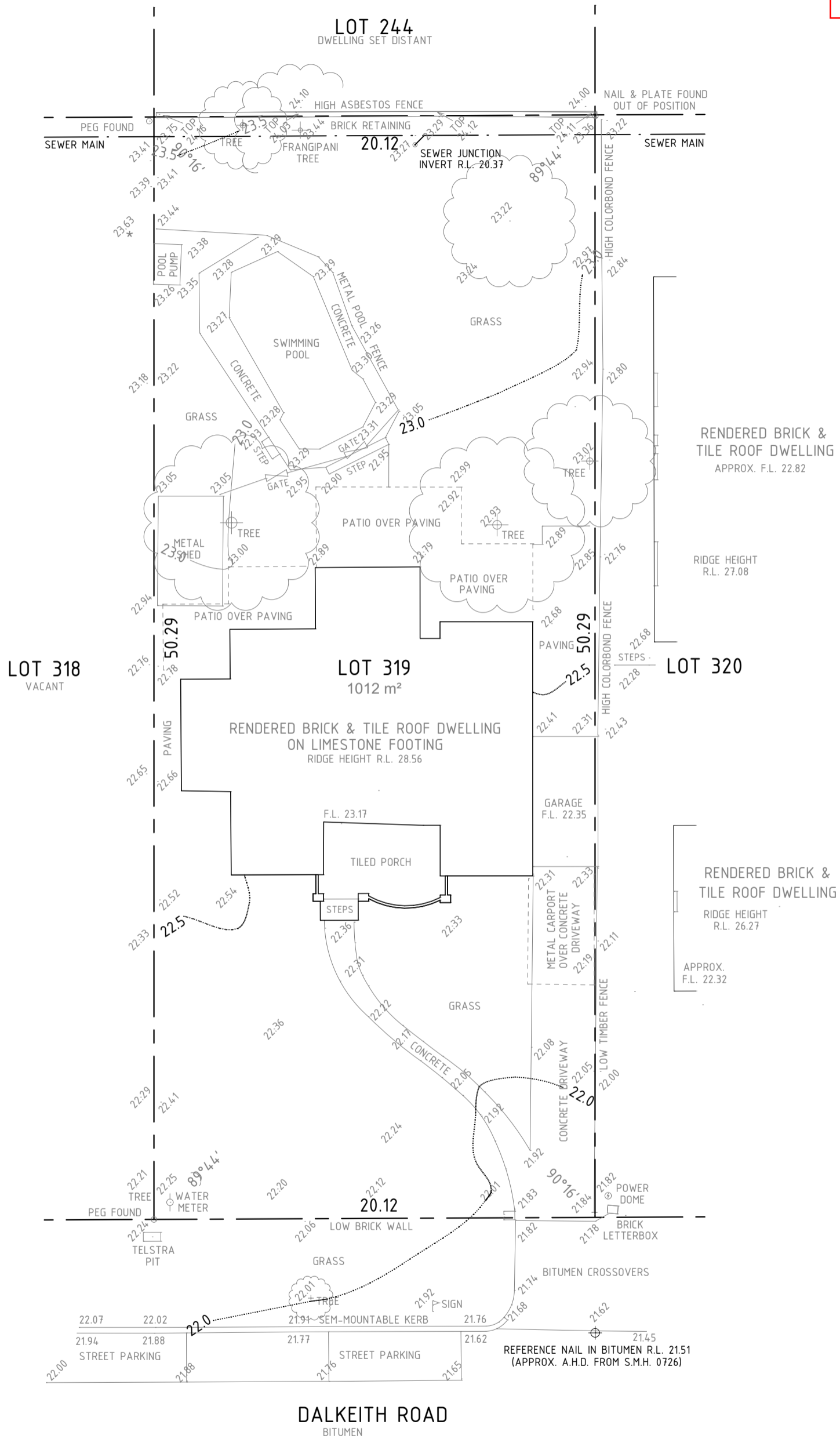
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21/04/2023

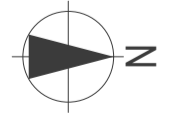
1:564



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FEATURE SURVEY
1:200



SURVEYING SOLUTIONS WA
LICENSED LAND SURVEYORS
9300 8137
www.surveyingsolutionswa.com.au

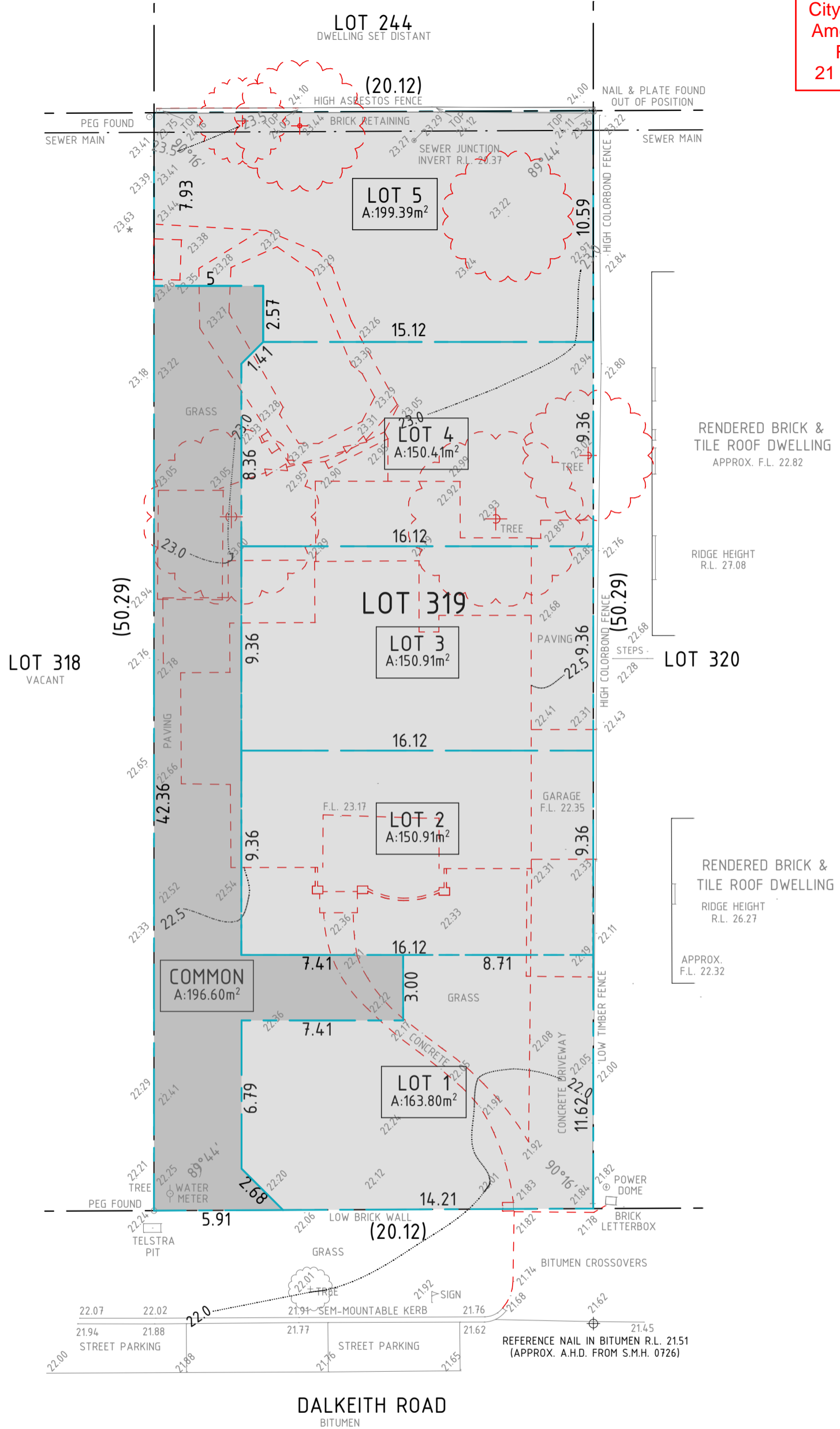
DIAL 1100 BEFORE YOU DIG
POWER - UNDERGROUND
WATER - YES
SEWERAGE - YES
GAS - YES
TELSTRA - YES
HYDRANTS - REFER TO WATER CORP E-PLAN
DRAINAGE - GOOD
ROAD - BITUMEN
KERB - SEMI-MOUNTABLE
FOOTPATH - NONE
VIEWS - NONE
OVERHANGING TREES - NONE
SIGNIFICANT ENCROACHMENTS - GARAGE & FENCES ON R.H.S. BOUNDARY & FENCES & RETAINING ON REAR BOUNDARY
BUSH FIRE PRONE AREA - NO



LOT 319 (NO. 63) DALKEITH ROAD, NEDLANDS
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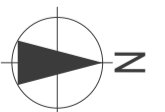
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SUB DIVISION PLAN (DEMOLITION SHOWN IN RED)
1:200

LOT 1	= 163.80m ²
LOT 2	= 150.91m ²
LOT 3	= 150.91m ²
LOT 4	= 150.41m ²
LOT 5	= 199.39m ²
COMMON	= 196.60m ²
TOTAL	= 1012.02m²



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SITE COVERAGE (UNIT E)

ZONED	R60
% ALLOWED	55%
SITE AREA	199.39m ²
SITE COV. AREA	114.03m ²

SITE COV. =57.2%

COMMON AREA (197m ² / 5)	39m ²
SITE AREA + COMMON AREA	239m ²

ADJUSTED SITE COVERAGE = 47.77%

SITE COVERAGE (UNIT D)

ZONED	R60
% ALLOWED	55%
SITE AREA	150.41m ²
SITE COV. AREA	104.31m ²

SITE COV. =69.4%

COMMON AREA (197m ² / 5)	39m ²
SITE AREA + COMMON AREA	190m ²

ADJUSTED SITE COVERAGE = 54.98%

SITE COVERAGE (UNIT C)

ZONED	R60
% ALLOWED	55%
SITE AREA	150.91m ²
SITE COV. AREA	104.36m ²

SITE COV. =69.2%

COMMON AREA (197m ² / 5)	39m ²
SITE AREA + COMMON AREA	190m ²

ADJUSTED SITE COVERAGE = 54.86%

SITE COVERAGE (UNIT B)

ZONED	R60
% ALLOWED	55%
SITE AREA	150.91m ²
SITE COV. AREA	102.45m ²

SITE COV. =67.9%

COMMON AREA (197m ² / 5)	39m ²
SITE AREA + COMMON AREA	190m ²

ADJUSTED SITE COVERAGE = 53.86%

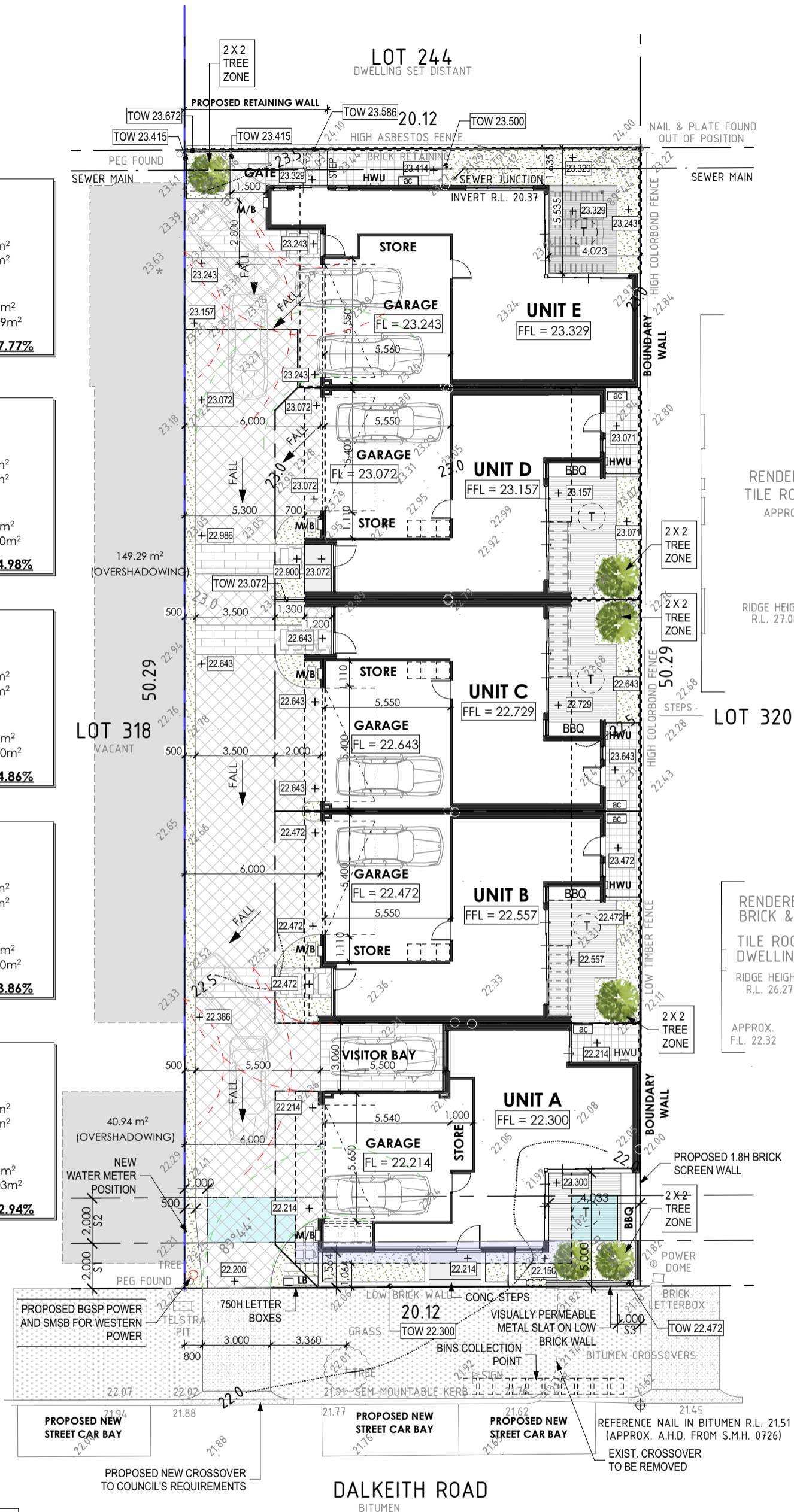
SITE COVERAGE (UNIT A)

ZONED	R60
% ALLOWED	55%
SITE AREA	163.81m ²
SITE COV. AREA	107.53m ²

SITE COV. =65.6%

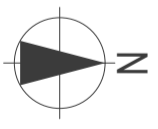
COMMON AREA (197m ² / 5)	39m ²
SITE AREA + COMMON AREA	203m ²

ADJUSTED SITE COVERAGE = 52.94%



SITE PLAN LEGEND

00.00	EXIST. SPOT LEVELS
+ 35.750	NEW FINISHED LEVELS
[Pattern]	LANDSCAPING
[Tree]	TREE PLANTING AREA
[T]	UNDERGROUND RAIN WATER TANK
[ac]	AIRCON CONDENSER
[Shaded Area]	AREA OF BUILDING FORWARD OF PRIMARY STREET SETBACK (11.69m ²)
[Light Blue Area]	COMPENSATING OPEN AREA BEHIND PRIMARY STREET SETBACK (11.84m ²)
[Pattern]	CONCRETE CROSSOVER
[Pattern]	PAVING TYPE 1
[Pattern]	PAVING TYPE 2
[Pattern]	PAVING TYPE 3
[Pattern]	PAVING TYPE 4
[Pattern]	TIMBER DECKING
[Wavy Line]	NEW 1.8H COLORBOND FENCE (WITH ALUMINUM RETAINING PLINTH IF REQUIRED)



LOT 1	= 163.80m ²
LOT 2	= 150.91m ²
LOT 3	= 150.91m ²
LOT 4	= 150.41m ²
LOT 5	= 199.39m ²
COMMON	= 196.60m ²
TOTAL	= 1012.02m²

SITE PLAN
1:200

OVERSHADOWING DIAGRAM AS PER: NOON 21ST JUNE

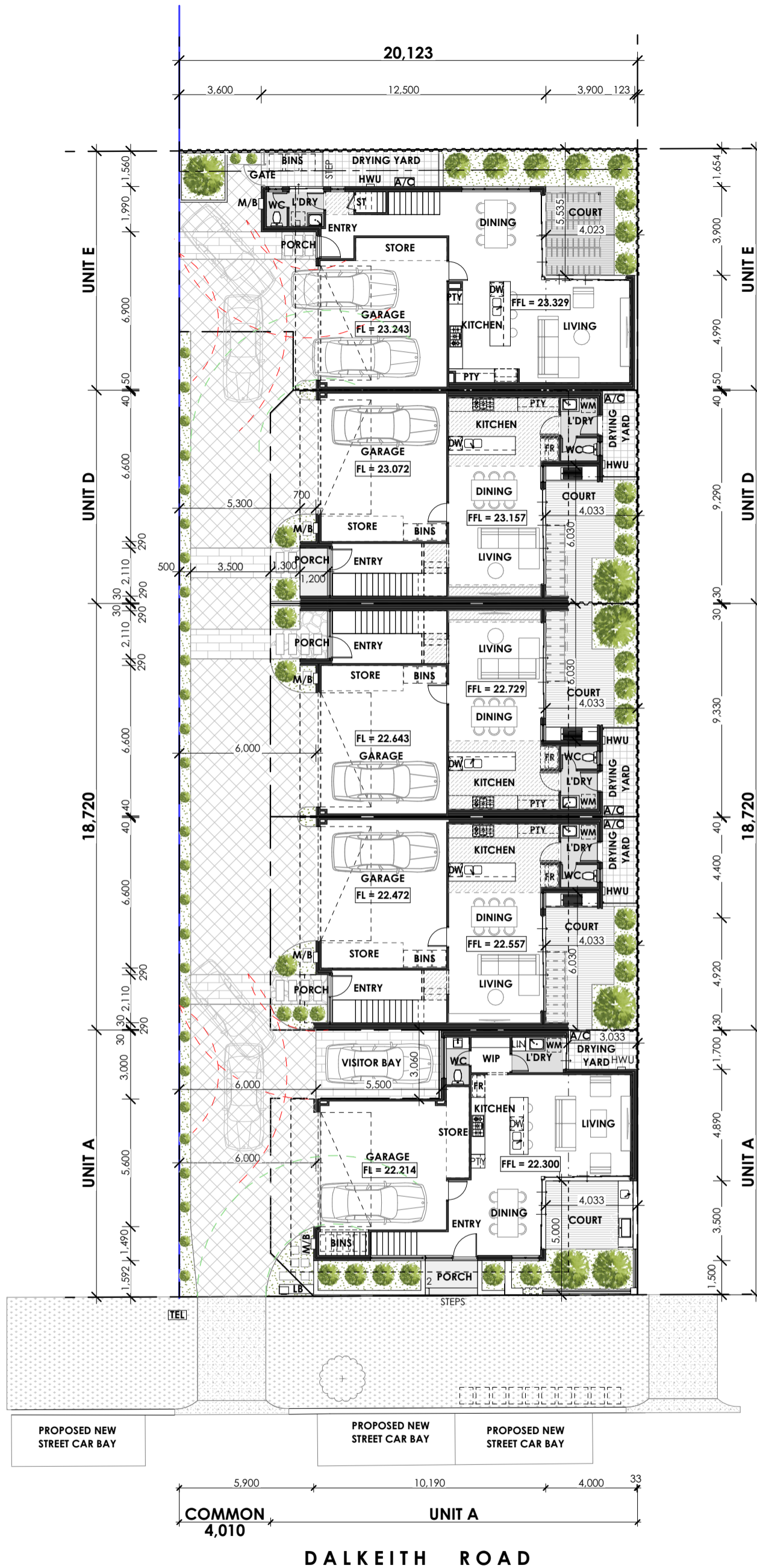
SOUTHERN LOT 318 (65 DALKEITH ROAD, NEDLANDS)
LOT AREA: 1011.7m²
ZONING: R60
AREA OF OVERSHADOWING: 190.23m²
OVERSHADOWING PERCENTAGE: 18.8%

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ROOM AREA CALCULATION (UNIT E)

ID	AREA
FIRST FLOOR	97.79
GROUND FLOOR	77.60
GARAGE & STORE	36.43
PERGOLA	8.74
PORCH	1.08
TOTAL	221.64 m²

ROOM AREA CALCULATION (UNIT D)

ID	AREA
FIRST FLOOR	106.42
GROUND FLOOR	63.88
GARAGE & STORE	37.88
PERGOLA	3.11
PORCH	2.53
TOTAL	213.82 m²

ROOM AREA CALCULATION (UNIT C)

ID	AREA
FIRST FLOOR	106.42
GROUND FLOOR	63.88
GARAGE & STORE	37.88
PERGOLA	3.09
PORCH	2.53
TOTAL	213.80 m²

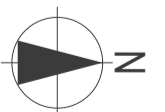
ROOM AREA CALCULATION (UNIT B)

ID	AREA
FIRST FLOOR	106.48
GROUND FLOOR	63.36
GARAGE & STORE	38.03
PORCH	2.53
TOTAL	210.40 m²

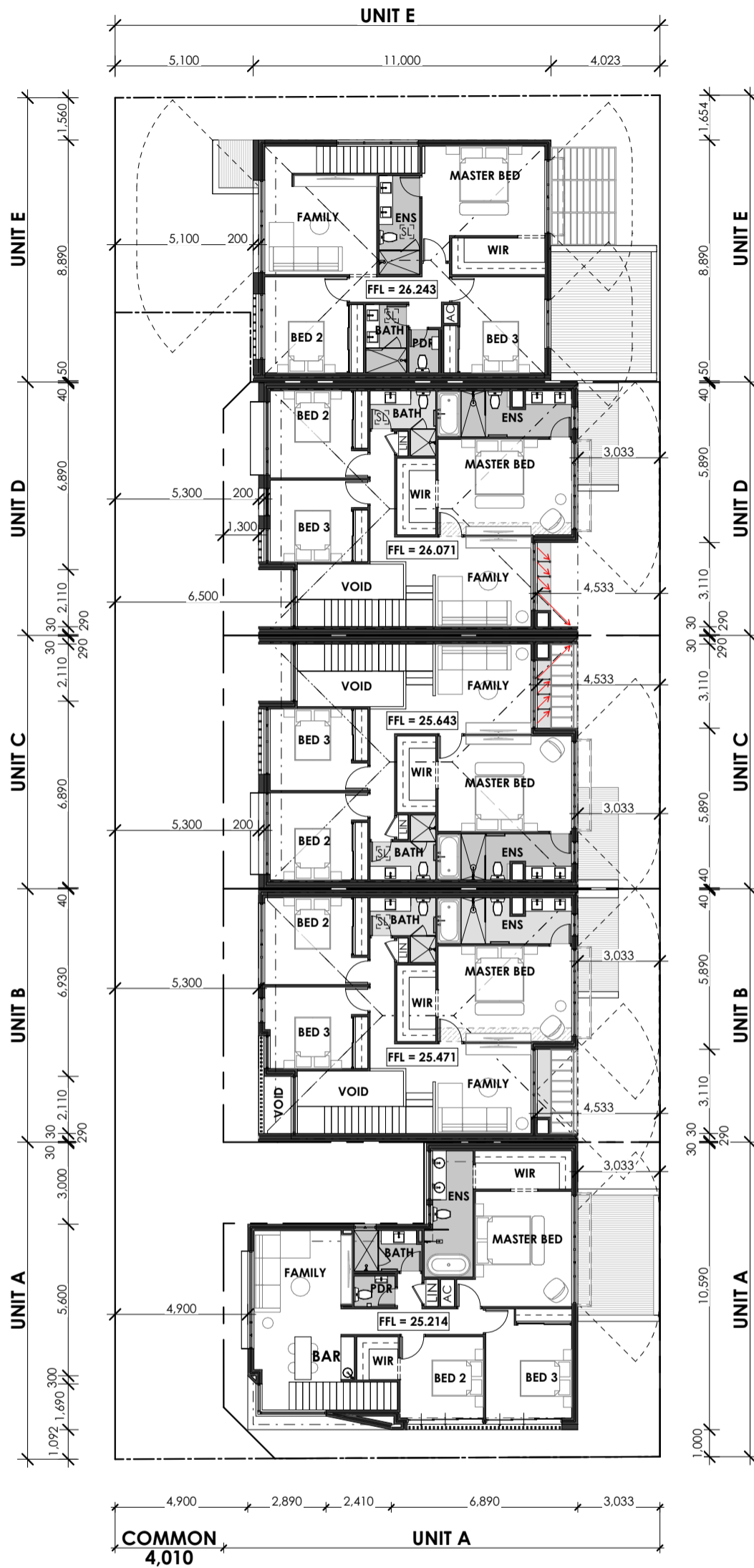
ROOM AREA CALCULATION (UNIT A)

ID	AREA
FIRST FLOOR	109.62
GROUND FLOOR	66.43
GARAGE & STORE	40.34
PORCH	1.15
TOTAL	217.54 m²

GROUND FLOOR PLAN
1:200



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ROOM AREA CALCULATION (UNIT E)	
ID	AREA
FIRST FLOOR	97.79
GROUND FLOOR	77.60
GARAGE & STORE	36.43
PERGOLA	8.74
PORCH	1.08
	221.64 m²

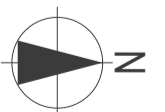
ROOM AREA CALCULATION (UNIT D)	
ID	AREA
FIRST FLOOR	106.42
GROUND FLOOR	63.88
GARAGE & STORE	37.88
PERGOLA	3.11
PORCH	2.53

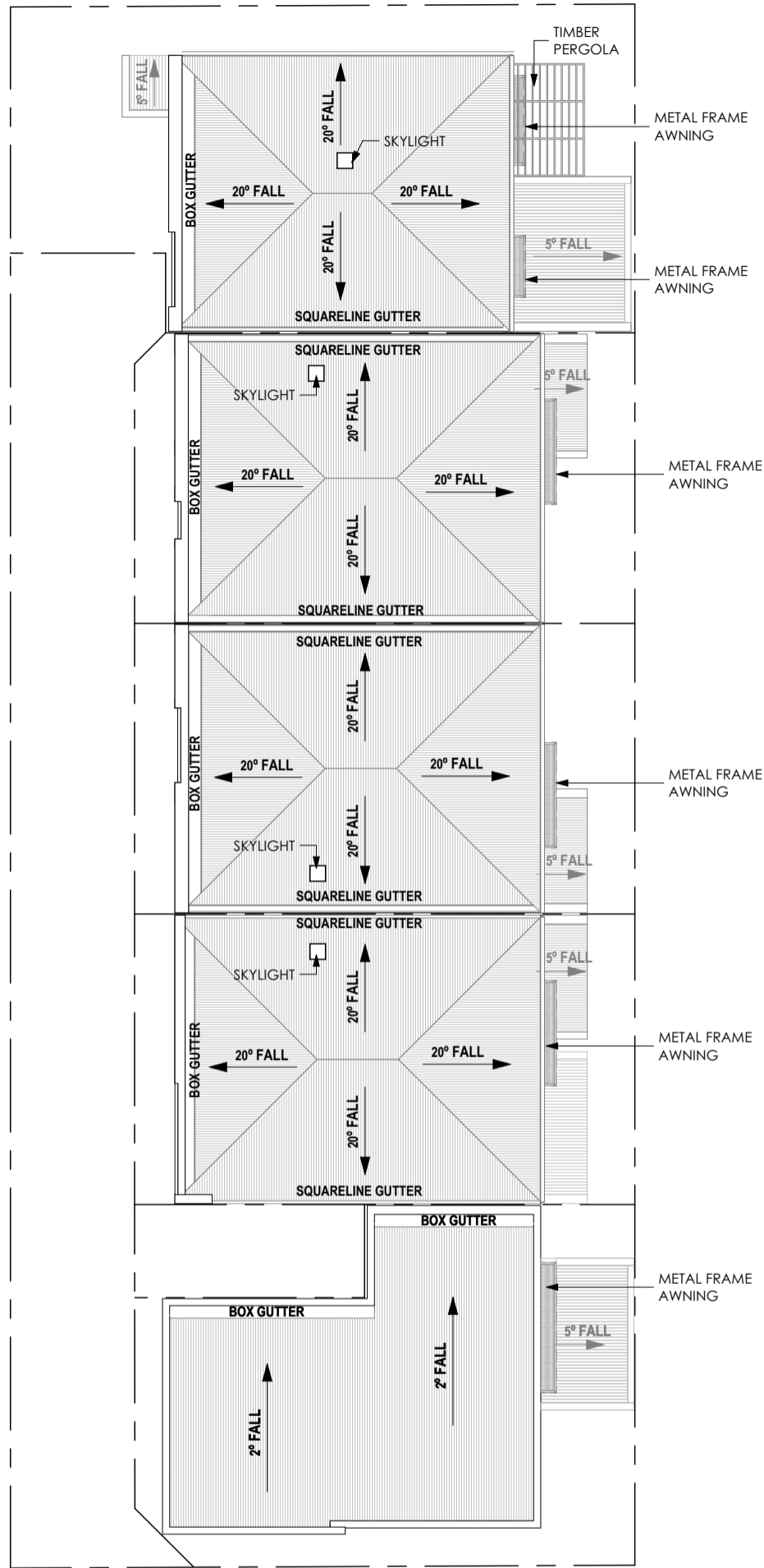
ROOM AREA CALCULATION (UNIT C)	
ID	AREA
FIRST FLOOR	106.42
GROUND FLOOR	63.88
GARAGE & STORE	37.88
PERGOLA	3.09
PORCH	2.53

ROOM AREA CALCULATION (UNIT B)	
ID	AREA
FIRST FLOOR	106.48
GROUND FLOOR	63.36
GARAGE & STORE	38.03
PORCH	2.53
	210.40 m²

ROOM AREA CALCULATION (UNIT A)	
ID	AREA
FIRST FLOOR	109.62
GROUND FLOOR	66.43
GARAGE & STORE	40.34
PORCH	1.15
	217.54 m²

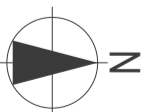
FIRST FLOOR PLAN
1:200

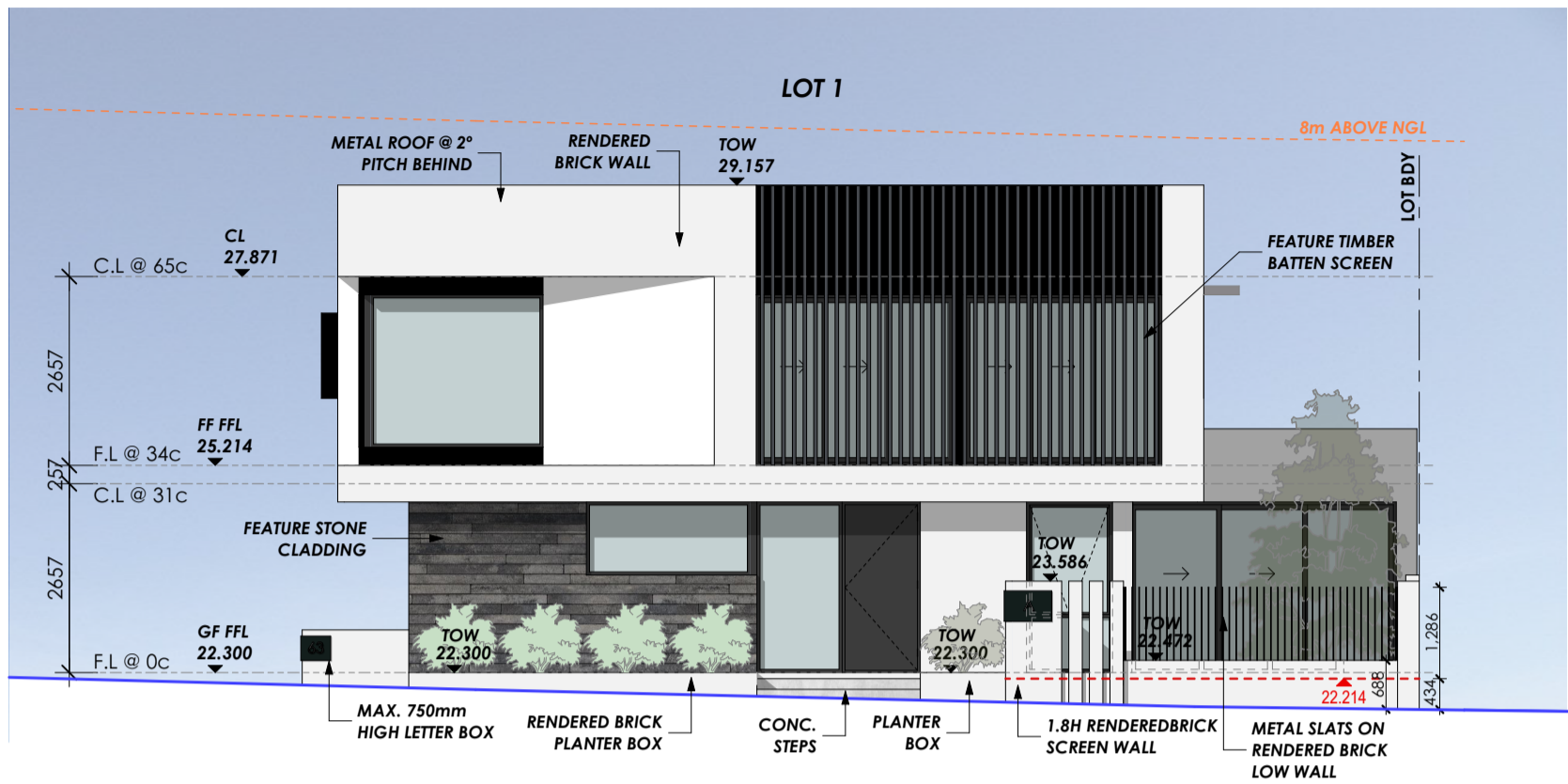




ROOF PLAN

1:200

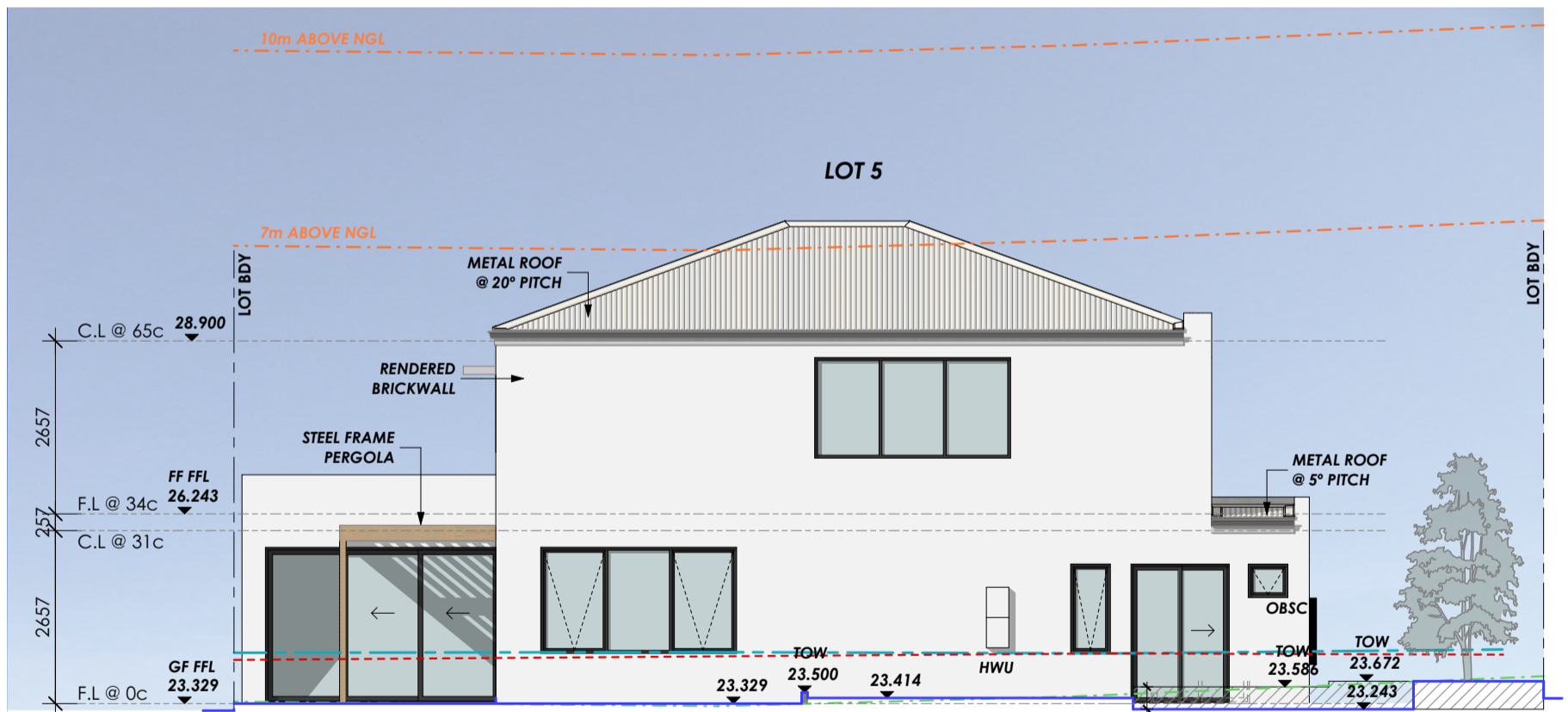




EAST ELEVATION - FRONT STREET VIEW

1:100

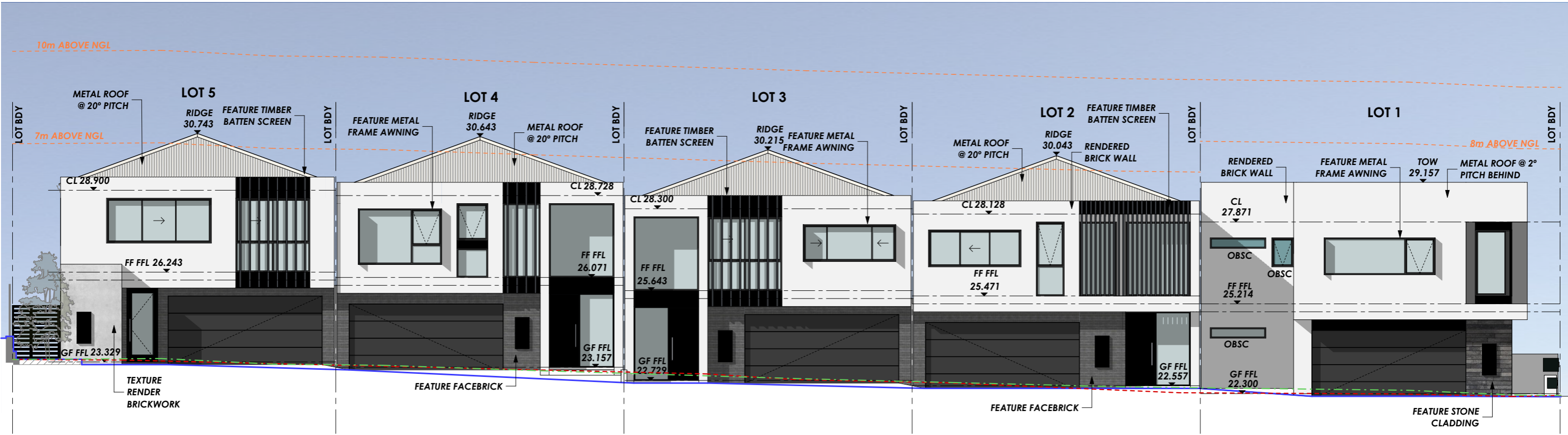
--- PROPOSED FINISHED GROUND LEVEL BEHIND FENCE
— NATURAL GROUND LEVEL ALONG BOUNDARY



WEST ELEVATION

1:100

--- PROPOSED RETAINING WALL (SHOWN SHADED) — TOP OF EXIST. RETAINING WALL LEVEL
--- ADJOINING LOT NATURAL GROUND LEVEL ALONG BOUNDARY
--- EXIST. NATURAL GROUND LEVEL ALONG BOUNDARY — PROPOSED FINISHED GROUND LEVEL



SOUTH ELEVATION - COMMON DRIVEWAY

1:125



NORTH ELEVATION

1:125

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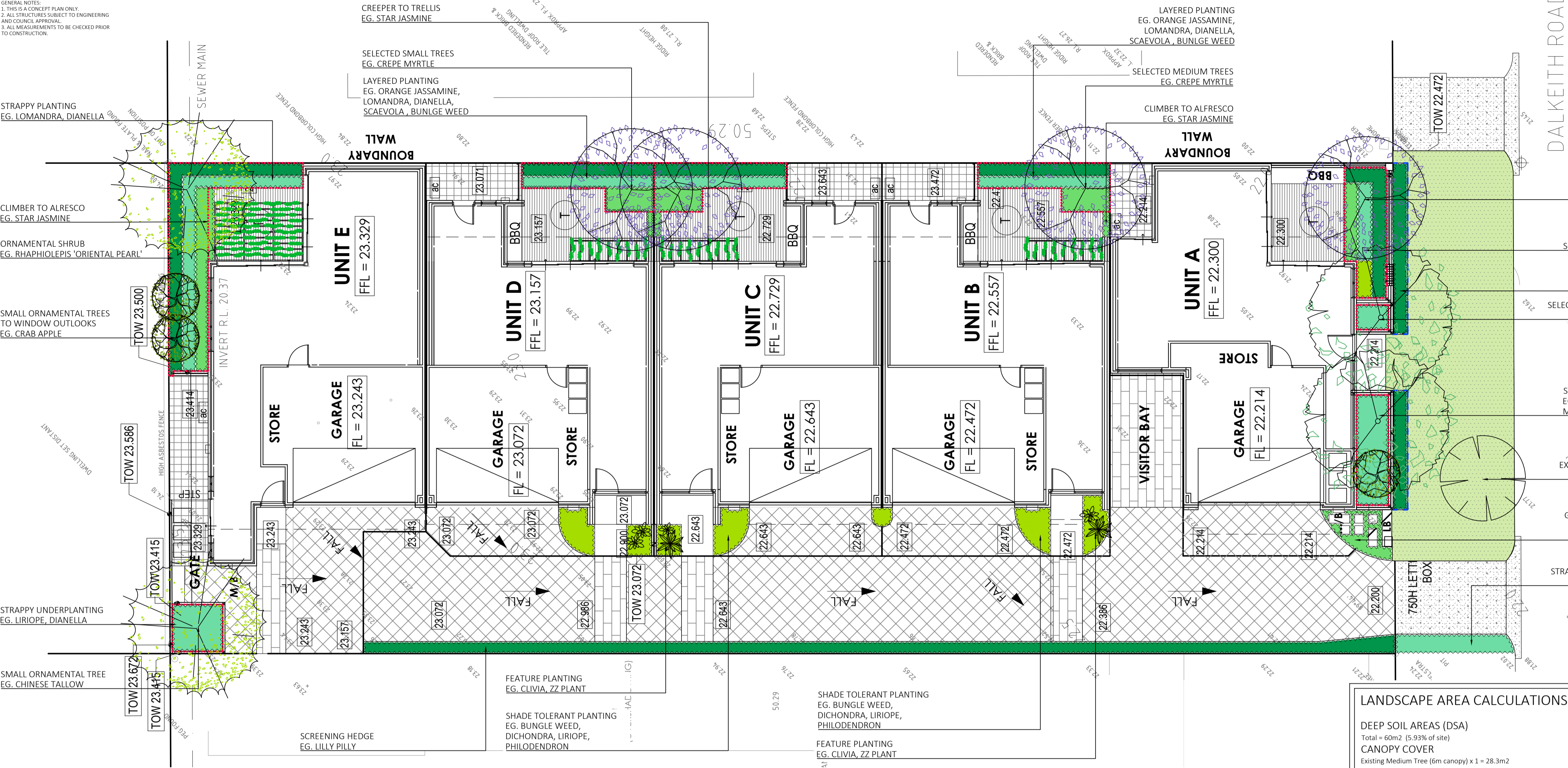
EXCEPTIONAL
HOMES

LOT 319 (NO. 63) DALKEITH ROAD, NEDLANDS

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GENERAL NOTES
 1. THIS IS A CONCEPT PLAN ONLY
 2. ALL STRUCTURES SUBJECT TO ENGINEERING AND COUNCIL APPROVAL
 3. ALL MEASUREMENTS TO BE CHECKED PRIOR TO CONSTRUCTION



REV	DATE	DWN	APP	DESCRIPTION
A	24.06.22	KD	KD	LANDSCAPE CONCEPT PLAN - GF
B	06.04.23	AC	KD	REDESIGN TO NEW LAYOUT

LEGEND

TREES

- SELECTED SMALL TREES 2-3m CANOPY EG. CRAB APPLE (CHOSEN FOR PROXIMITY TO SEWER LINE)
- SELECTED SMALL TREES 4-5m CANOPY EG. CREPE MYRTLE
- SELECTED MEDIUM TREES 6m CANOPY EG. CHINESE TALLOW (CHOSEN FOR PROXIMITY TO SEWER LINE)
- SELECTED MEDIUM TREES 6m CANOPY EG. TUCKEROO

FEATURE PLANTS

- SELECTED FEATURE PLANTING EG. BIRDS OF PARADISE, AGAVES

PLANTING

- PLANTING TYPE 01 GROUND COVER
- PLANTING TYPE 02 SHRUBS
- PLANTING TYPE 03 STRAPPY / MIXED
- PLANTING TYPE 04 SHADE PLANTING
- SELECTED LAWN SPECIES SOFT LEAF BUFFALO
- DEEP SOIL AREAS (DSA)

LANDSCAPE AREA CALCULATIONS

DEEP SOIL AREAS (DSA)
 Total = 60m² (5.93% of site)

CANOPY COVER
 Existing Medium Tree (6m canopy) x 1 = 28.3m²
 Proposed Medium Trees (6m canopy) x 5 = 113.2m²
 Proposed Small Trees (5m canopy) x 4 = 78.4m²
 Proposed Small Trees (3m canopy) x 3 = 21m²
 Total Canopy Cover = 212.6m² (21%)

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PLANTING PALETTE IMAGES



PLANTING PALETTE

Symbol	Species	Common Name	Spacing	Size
Trees:				
CUPana	Cupaniopsis anacardioides	Tuckeroo	As Shown	100L
LAGind	Lagerstroemia indica	Crepe Myrtle	As Shown	100L
MALflo	Malus floribunda	Crab Apple	As Shown	100L
SAPseb	Sapium sebifera	Chinese Tallow	As Shown	100L
Shrubs and Groundcovers:				
AJurep	Ajuga reptans	Bungle weed	3/m ²	140mm
DIAeme	Dianella tasmanica 'Emerald Arch'	Emerald Arch	3/m ²	140mm
DIAbla	Dianella tasmanica 'Blaze'	Blaze	3/m ²	140mm
DIawy	Dianella tasmanica 'Wyeena'	Wyeena	3/m ²	140mm
DICrep	Dichondra repens	Kidney Weed	3/m ²	140mm
LIRjus	Liriope muscari 'Just Right'	Just Right	3/m ²	140mm
LOmtan	Lomandra 'Tanika'	Tanika	3/m ²	200mm
MYOpar	Myoporum parvifolium 'Yareena'	Yareena	3/m ²	140mm
MURpan	Murraya paniculata	Orange Jasmine	2/lin.m	200mm
RHAori	Rhaphiolepis 'Oriental Pearl'	Dwarf Indian Hawthorn	2/lin.m	200mm
SANtri	Sansevieria trifasciata laurentii	Mother-in-law's Tongue	3/m ²	200mm
SYZora	Syzygium 'Orange Twist'	Orange Twist Lilly Pilly	2/lin.m	200mm
TRAjas	Trachelospermum jasminoides	Star Jasmine	3/m ²	140mm
WESaus	Westringia 'Aussie Box'	Aussie Box	2/lin.m	200mm
Feature Plants:				
AGAatt	Agave attenuata	Foxtail	As shown	12L
CLimin	Clivia miniata	Bush Lily	As shown	12L
PHixan	Philodendron xanadu	Xanadu	3/m ²	200mm
ZAMzam	Zamioculcas zamifolia	ZZ Plant	As shown	12L

NOTES

- LANDSCAPE WORKS**
 - 1.1 ALL AREAS ARE TO BE FINE GRADED EVENLY TO CONFORM TO KERB LEVELS AND SURROUNDING FINISHES.
 - 1.2 SURFACES SHALL BE FREE FROM DEPRESSIONS, IRREGULARITIES AND NOTICEABLE CHANGES IN GRADE. GENERALLY, GRADES SHALL DEVIATE IN LEVEL NO GREATER THAN 20mm IN ONE LINEAR METRE.
- SOIL PREPARATION**
 - 2.1 PLANTED AREAS SHALL BE SPREAD WITH MIN. 50mm OF APPROVED STANDARD SOIL CONDITIONER THAT SHALL BE RIPPED INTO EXISTING SOIL TO A MIN. DEPTH OF 200mm.
 - 2.2 TURF AREAS SHALL BE EVENLY SPREAD WITH MIN. 30mm OF APPROVED STANDARD SOIL CONDITIONER THAT SHALL BE RIPPED INTO EXISTING SITE SOIL TO A DEPTH OF 100mm.
- PLANTING**
 - 3.1 PLANTED AREAS SHALL BE MULCHED WITH AN ORGANIC MULCH UNLESS OTHERWISE STATED TO A MINIMUM DEPTH OF 70mm.
 - 3.2 ADVANCED TREES SHALL BE STAKED W/ 50x50mm DIA HARDWOOD POSTS. POSTS SHALL BE PAINTED BLACK AND INSTALLED TO A MIN DEPTH OF 500mm. TREES SHALL BE SECURED TO POLES W/ RUBBER TIES IN FIGURE 8.
 - 3.3 TREE LOCATIONS ARE AS SHOWN - REFER TO LEGEND.
 - 3.4 SHRUBS OVER 500mm ARE NOT TO BE PLANTED ON VERGE AREAS (SIGHT LINES).
 - 3.5 SHRUBS & GROUNDCOVERS IN MIXED PLANTING AREAS ARE TO BE PLANTED AT RANDOM IN GROUPINGS OF 2 OR 3.
 - 3.6 FINAL PLANTING SELECTION TO BE CHOSEN FROM PLANTING PALETTE SCHEDULE.
 - 3.7 PLANTS TO BE SET OUT IN EVEN SPACING TO FILL THE DESIGNATED AREAS.
- IRRIGATION**
 - 4.1 ALL PLANTING AND TURF AREAS TO BE IRRIGATED VIA A FULLY AUTOMATIC SYSTEM FROM MAINS.
 - 4.2 PLANTING TO COURTYARDS TO BE IRRIGATED VIA DIGITAL TAP TIMER (INDIVIDUAL CONNECTION POINTS TO BE PROVIDED).
 - 4.3 SLEEVES BENEATH PAVED SURFACES AND TO RAISED PLANTING AREAS TO BE PROVIDED BY OTHERS.
 - 4.4 IRRIGATION TO GARDEN BEDS TO BE METAFIM TECHLINE. SUB SURFACE IRRIGATION. INSTALLED TO MANUFACTURERS SPECIFICATION. IRRIGATION TO TURF TO BE POP UP SPRINKLERS, MP ROTATORS OR SIMILAR. IRRIGATION TO TREES TO BE BUBBLERS; TORO FLOOD BUBBLERS OR SIMILAR.
 - 4.5 WATER PRESSURE TO HAVE A MINIMUM FLOW RATE OF 30L/PM AT 300KPA FROM THE WATER CONNECTION POINT.
 - 4.6 IRRIGATION SYSTEM SHALL BE DUAL PROGRAM TO ALLOW TURF AND PLANTING AREAS TO BE WATERED SEPARATELY.
- GENERAL**
 - 5.1 THIS DRAWING SHALL NOT BE USED FOR CONSTRUCTION UNLESS REVISED 'O' ISSUED FOR CONSTRUCTION AND SIGNED AND APPROVED BY PROJECT MANAGER/SUPERINTENDENT.



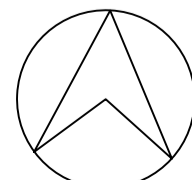
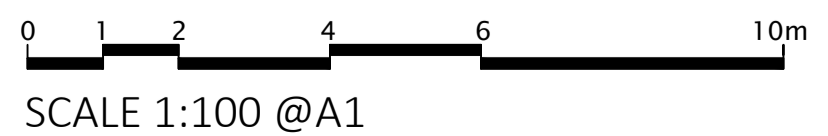
DEVELOPMENT APPROVAL

Innaloo WA 6018
 mob: 0450 965 569
 email: kelsie@kdla.com.au

JOB No. 0218

PAGE 101

REV B



DALKEITH TOWNHOUSE LANDSCAPE CONCEPT PLAN - GROUND FLOOR

ACHIEVE 360 PTY LTD
 63 DALKEITH ROAD, NEDLANDS



LOT 319 (NO. 63) DALKEITH ROAD, NEDLANDS

17/03/2023

PROJECT NO. NED-210803
REVISION NO. REV 02

DRAWING NO. A 00

16.3 PD21.05.23 Consideration of Development Application – Single House at 66 Clifton Street, Nedlands

Meeting & Date	Council Meeting – 23 May 2023
Applicant	Coast Homes
Information Provided	All relevant information required has been provided.
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff involved in the preparation of this report and the proponents or their consultants.
Report Author	Roy Winslow – Manager Urban Planning
Director	Tony Free – Director Planning and Development
Attachments	1. Aerial Image and Zoning Map 2. Development Plans 3. CONFIDENTIAL ATTACHMENT - Submissions 4. CONFIDENTIAL ATTACHMENT – Shadow Diagram

Purpose

The purpose of this report is for Council to consider a development application for a single house at 66 Clifton Street, Nedlands. The proposal is being presented to Council for consideration due to the proposal receiving an objection within the consultation period.

Council is requested to exercise its judgement in considering the merits of the application against the design principles of Volume 1 of the Residential Planning Codes for the following aspects of the proposal:

- Lot boundary setback (from the northern boundary)
- Open space
- Garage width
- Site works
- Solar access for adjoining sites

Recommendation

That Council, in accordance with Clause 68(2)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, approves the development application in accordance with the plans date stamped 20 March 2023 for a single house at 66 Clifton Street, Nedlands, subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 20 March 2023. 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 occupation, walls on or adjacent to lot boundaries are to be finished externally to the same standard as the rest of the development in:
 - a. Face brick;
 - b. Painted render;
 - c. Painted brickwork; or
 - d. Other clean finish as specified on the approved plans.

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

4. Prior to occupation, one tree shall be planted within the lot and shall have a minimum planting area of 2m x 2m, to the satisfaction of the City of Nedlands. The tree is to be maintained for the life of the development.
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 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.
7. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of Nedlands.

Voting Requirement

Simple Majority.

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

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

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

Background

Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R40
Land area	319m ²
Land Use	Residential – Single House
Use Class	'P' – Permitted Use

The site is located at 66 Clifton Street, Nedlands. The site is on the eastern side of Clifton Street. The site recently underwent a 2-lot subdivision with the adjoining southern property 66A Clifton Street, Nedlands. The lot is rectangular in shape with an 8.1m frontage and an area of 319m². The lot is sloping, with a 1m fall from west to east. The lot is currently vacant, as is the neighbouring lot to the south (66A Clifton Street)

The immediate streetscape is surrounded by existing single houses, ranging between one and two storeys in height.

Application Details

The application seeks development approval for the construction of a two-storey single house at 66 Clifton Street, Nedlands. The southern adjoining property at 66A Clifton Street has recent planning approval for a single storey single house. The below assessment has considered these plans where appropriate.

Hampden-Hollywood Precinct Local Planning Policy

The Hampden-Hollywood local planning policy was adopted by Council on 28 March 2023. The subject development application was submitted in November 2022 and had been designed and largely assessed prior to the adoption of the Policy.

Discussion

Assessment of Statutory Provisions

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

Further, it is considered unlikely that the development will have a significant adverse impact on the local amenity and character of the locality.

Local Planning Scheme No. 3

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

State Planning Policy 5.4 – Road and Rail Noise

The objective of State Planning Policy 5.4 is to protect the community from unreasonable levels of transport noise and ensure transport infrastructure and land use can mutually exist within urban corridors. The subject site is located approximately 275m north of Stirling Highway, which is an “other significant freight/traffic route”. As the subject site is not located within the 250m buffer zone, an assessment against the policy is not required.

State Planning Policy 7.3 - Residential Design Codes – Volume 1

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

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

A new version of the Codes for low and medium density development will come into effect on 1 September 2023 (R-Codes 2023). Consistent with Western Australian Planning Commission advice to local government, the City has assessed the development against the deemed-to-comply provisions of the R-Codes 2021. Where a design principle assessment has been required, due regard has been made to the relevant design principle of the R-Codes 2023.

Clause 5.1.3 - Lot Boundary Setback

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

- The upper floor elevation incorporates three wall articulations along the entire length. The provided setbacks, varying from 1.2m to 1.7m, will allow the perception of building bulk to be broken up.
- Any bulk from the upper floor wall is unlikely to be perceived by the adjoining property as the main portion of the adjoining house is setback to the north. Additionally, the upper

floor wall is bounded to the north by a carport on the adjoining property, therefore reducing the impacts of building bulk as experienced from the neighbouring property.

- Ventilation is maintained through the varied setback on the upper floor.
- The wall is to the northern boundary so does not result in overshadowing.
- There is no overlooking proposed as there are no major openings on the upper floor along the northern elevation.

Clause 5.1.4 - Open Space

The development proposes 42% open space. The design principles for open space consider the impact of building bulk, provision of adequate sun and ventilation and ability to use external spaces for outdoor pursuits and recreation. The proposed open space is considered to meet the design principles for the following reasons:

- The development's scale is considered to reflect the existing and desired future character of Clifton Street, being two storey in design and matching the established street setbacks with a range of single and two storey houses along the block.
- It is expected to see more subdivision along Clifton Street and the surrounding area with all lots being coded R40 or R60. In this context, the proposed development will be consistent with the future streetscape that is likely to develop over time.
- The proposed dwelling is considered to maximise access to natural light through the northern aspect of the site through the outdoor living area at the rear, north facing courtyard, and major opening to the north.
- Building bulk has been reduced through the design of the upper floor limited to the front half of the lot. This has mitigated the overall bulk of the dwelling when viewed from neighbouring properties.
- The primary street frontage is appropriately landscaped through the use of soft landscaping and the addition of a tree.
- The proposed outdoor living area provides opportunities for residents to use external space for outdoor pursuits, including covered and uncovered entertaining areas in the courtyard and alfresco.

Clause 5.2.2 - Garage width

The subject site has an 8.1m wide frontage. The development proposes a garage width of 79% of the lot frontage (6.4m). The garage width has been assessed against the design principles which considers sightlines and visual connectivity to maintained on the streetscape. The proposed garage width is considered to meet the design principles for the following reasons:

- The site is constrained in regards to lot width and frontage being limited to 8.1m. There is no alternative vehicular access such as a rear right-of-way present on site. Additionally, it is likely that when narrow frontage single house lots are created, with no alternate vehicular access, there is likely to be a prevalence of double garages and significant garage width at ground level.
- Visual connectivity is maintained between the dwelling and the street by the major opening from the study on the upper floor. The entry path to the house is located along the southern side of the site and is clearly defined through the use of a portico and paved access.

- The impact of the garage door is reduced through the use of the 5.0m setback from the boundary.
- The impact of the garage door is reduced as the upper floor is projected 1.0m forwards of the garage door. This provides articulation and reduces the visual dominance of the garage door on the streetscape.
- A reduced driveway width of 3.3m at the lot boundary and tapers out to provide access for vehicle manoeuvrability. Additional landscaping has been provided on either side of the driveway, with the addition of a tree in the south-western corner to achieve the deemed-to-comply provisions for landscaping.

Clause 5.3.7 - Site Works

The development proposes retaining walls to a maximum height of 0.7m (cut) within the front setback area. The house features one continuous finished floor level through the dwelling. The lot slopes 1m from west to east, with the finished floor level of the dwelling consistent with the average level across the site. The cut at the front of the lot is necessary for providing vehicular access to the garage. The retaining meets the design principles as it responds to the natural slope of the site, only exceeding a height of 0.5m for a small portion and does not create undue building bulk or over-height walls.

Clause 5.4.2 - Solar access for adjoining sites

The development proposes 64% overshadowing to 66A Clifton Street at the winter solstice. The design principles consider effective solar access for the subject development, and the protection of solar access for neighbouring properties.

Given the site's narrow lot width and east-west orientation, it is acknowledged that achieving deemed-to-comply overshadowing is unlikely to occur. For example, an otherwise deemed-to-comply single storey house would still result in approximately 43% overshadowing. In this regard, particular consideration needs to be given to the protection of solar access to the adjoining property's outdoor living areas, major openings to habitable rooms and solar collectors.

The application meets the design principles as:

- In relation to outdoor living areas, 66A Clifton has two courtyards positioned to the north of the lot. The primary outdoor living area is in the middle of the lot adjacent to the northern boundary. The proposed development has positioned the upper floor to the front of the site to avoid impacting this outdoor living area as much as possible. It is acknowledged that given the central positioning of 66A Clifton's outdoor living area, it is impractical to design a two-storey dwelling that avoids overshadowing this area entirely.
- In relation to major openings, 66A Clifton has two north facing major openings to the master bedroom at the rear of the lot. These are unaffected by the two-storey portion of the proposal. The shadow cast onto these major openings is from the dining room and alfresco, which are single storey and meet deemed-to-comply lot boundary setbacks. All other openings facing north are minor openings, largely into hallways.
- In relation to solar collectors, there are no roof mounted solar collectors proposed on the adjoining southern lot.

Consultation

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

The development application was advertised in accordance with the City's Local Planning Policy - Consultation of Planning Proposals to 25 adjoining properties. The application was advertised for a period of 14 days from 3 February 2023 to 17 February 2023. At the close of the advertising period, one objection was received.

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

1. Restricted natural solar access to the outdoor living areas of the southern lot from increased overshadow.

Given the lot constraints this site faces, including the narrow width and orientation, administration supports the proposed overshadowing, and the solar access is considered to achieve the design principles. See Clause 5.4.2 assessment above.

2. The southern boundary walls of the development reduce northern light to the southern lot.

The proposed southern boundary wall satisfies the deemed-to-comply provision in relation to lot boundary setback. The solar access is considered to achieve the design principles. See discussion on overshadowing assessment above.

Strategic Implications

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

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

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

Priority Area Urban form - protecting our quality living environment.

Budget/Financial Implications

Nil.

Legislative and Policy Implications

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

Decision Implications

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

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

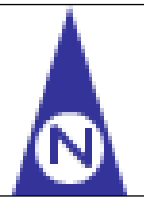
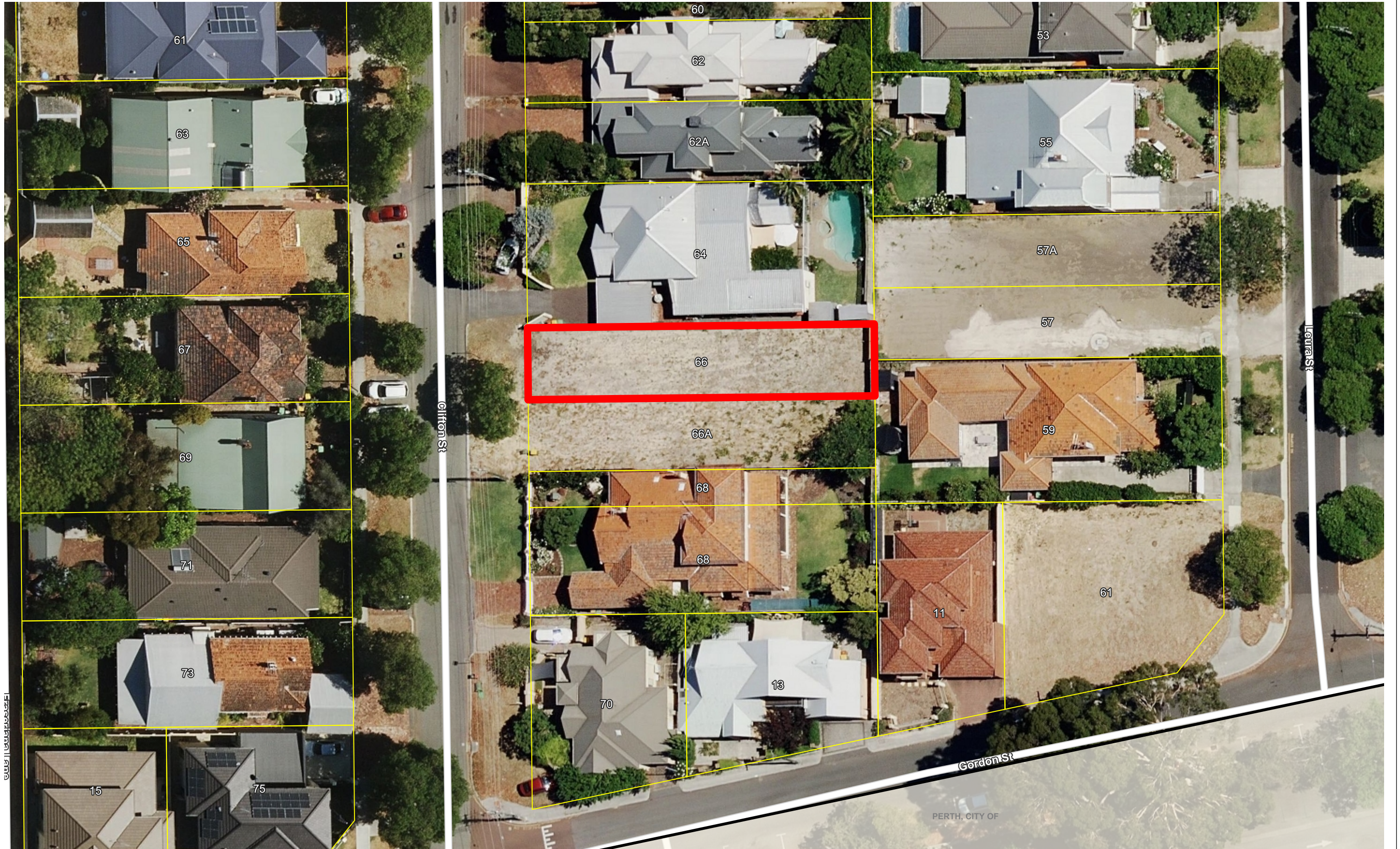
Conclusion

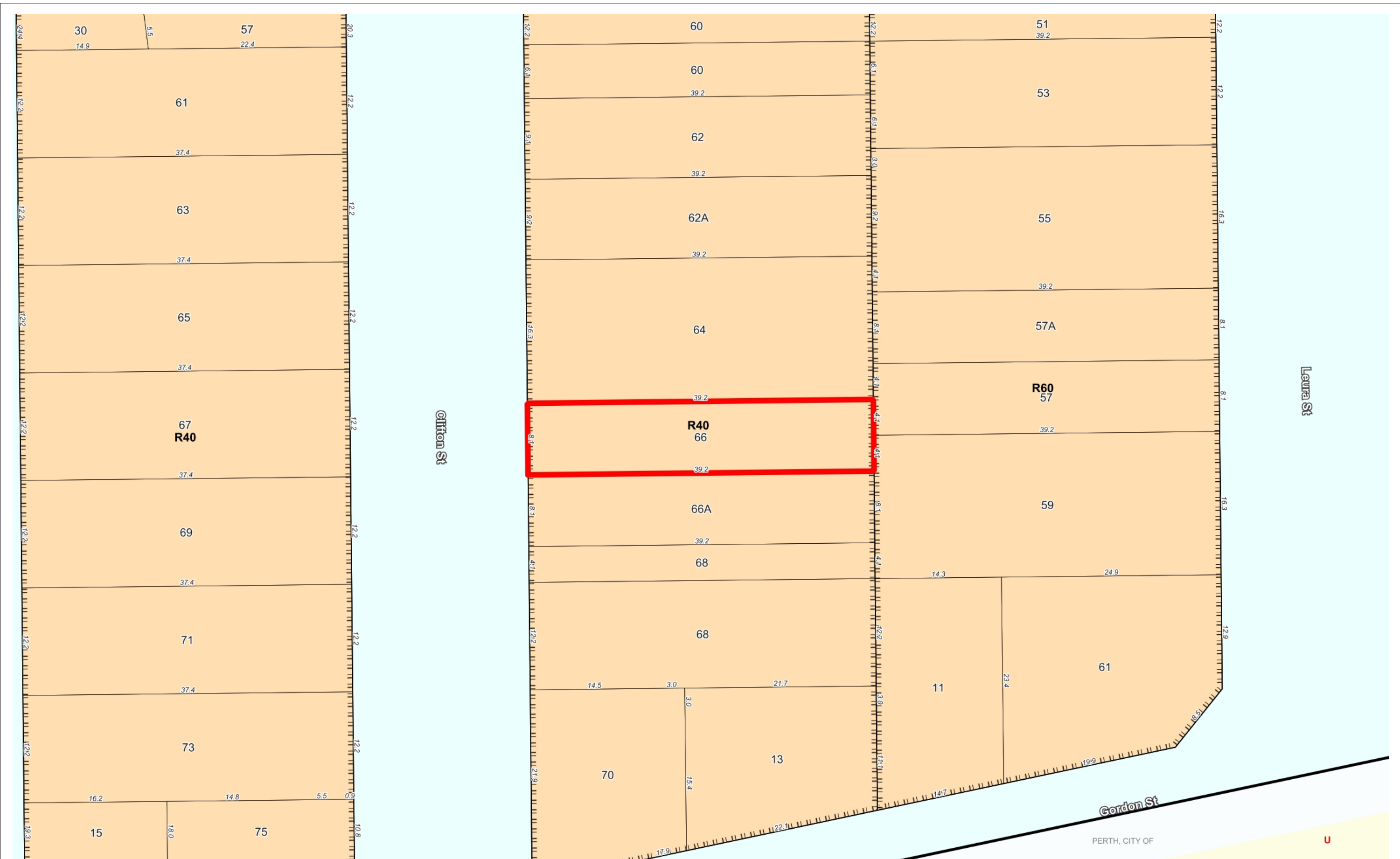
The application for a single house has been presented for Council consideration due to objections being received. The proposal is considered to meet the key amenity related elements of R-Codes Volume 1 and, as such, is unlikely to have a significant adverse impact on the local amenity of the area. The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

Accordingly, it is recommended that the application be approved by Council, subject to conditions of Administration's recommendation.

Further Information

Nil.



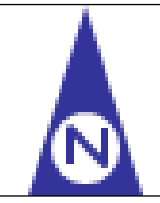


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Zoning Map

21/04/2023

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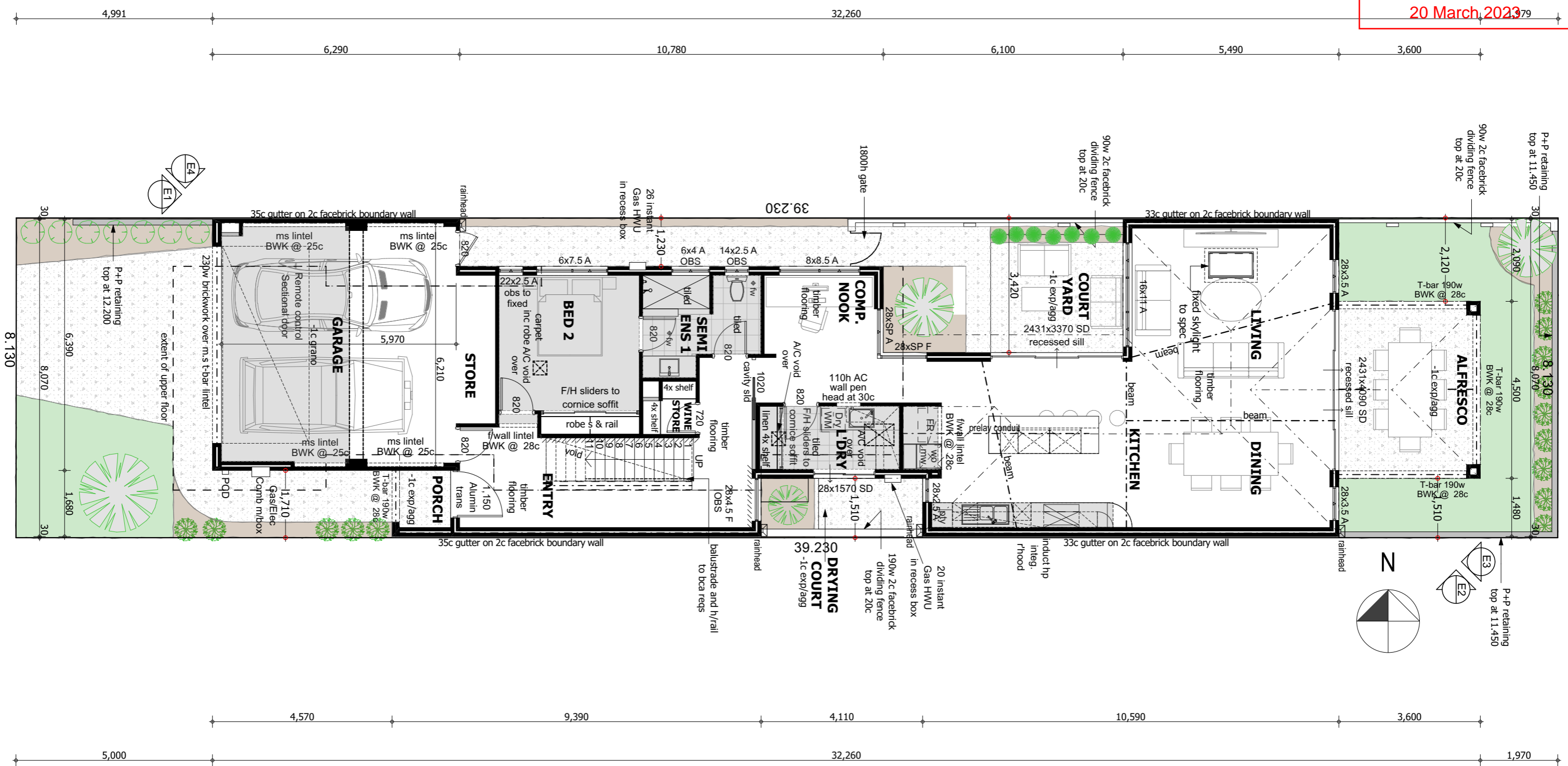
City of Nedlands
Amended Plans Received
20 March 2023



3D Perspective

	PROPOSED RESIDENCE TO BE ERRECTED ON: Lot 888 (#66) Clifton Street Nedlands FOR: Andy & Caroline Crowhurst	SIGNATURES: OWNER: _____ OWNER: _____ BUILDER: _____ DATE: _____	AMENDMENTS: <table border="1"> <tr><td>31/10/22</td><td>SS</td><td>Planning Amendments</td></tr> <tr><td>11/11/22</td><td>SS</td><td>Variation S3</td></tr> <tr><td>23/11/22</td><td>GM</td><td>VO S4</td></tr> <tr><td>16/01/22</td><td>SS</td><td>Engineers</td></tr> <tr><td>31/01/23</td><td>SS</td><td>Planning Amendments</td></tr> <tr><td>Soakwells</td><td>SS</td><td>02/02/23</td></tr> <tr><td>20/03/23</td><td>SS</td><td>Eaves removed</td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	31/10/22	SS	Planning Amendments	11/11/22	SS	Variation S3	23/11/22	GM	VO S4	16/01/22	SS	Engineers	31/01/23	SS	Planning Amendments	Soakwells	SS	02/02/23	20/03/23	SS	Eaves removed													A3 SHEET SHEET: 1 of 8 DRN: SS DATE: 28/07/22 SCALE: CONTRACT NO: 22017
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20/03/23	SS	Eaves removed																																			
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20 March 2023



Area Calc		
. GROUND FLOOR	137.61	68,680
. UPPER FLOOR	95.83	51,320
. GARAGE	39.73	25,360
. ALFRESCO	16.20	16,200
. STORE	4.07	10,140
. PORCH	2.53	6,380
		295.97 m ²

GROUND FLOOR PLAN
1:100



PROPOSED RESIDENCE TO BE ERCTED ON:
Lot 888 (#66) Clifton Street Nedlands
FOR:
Andy & Caroline Crowhurst

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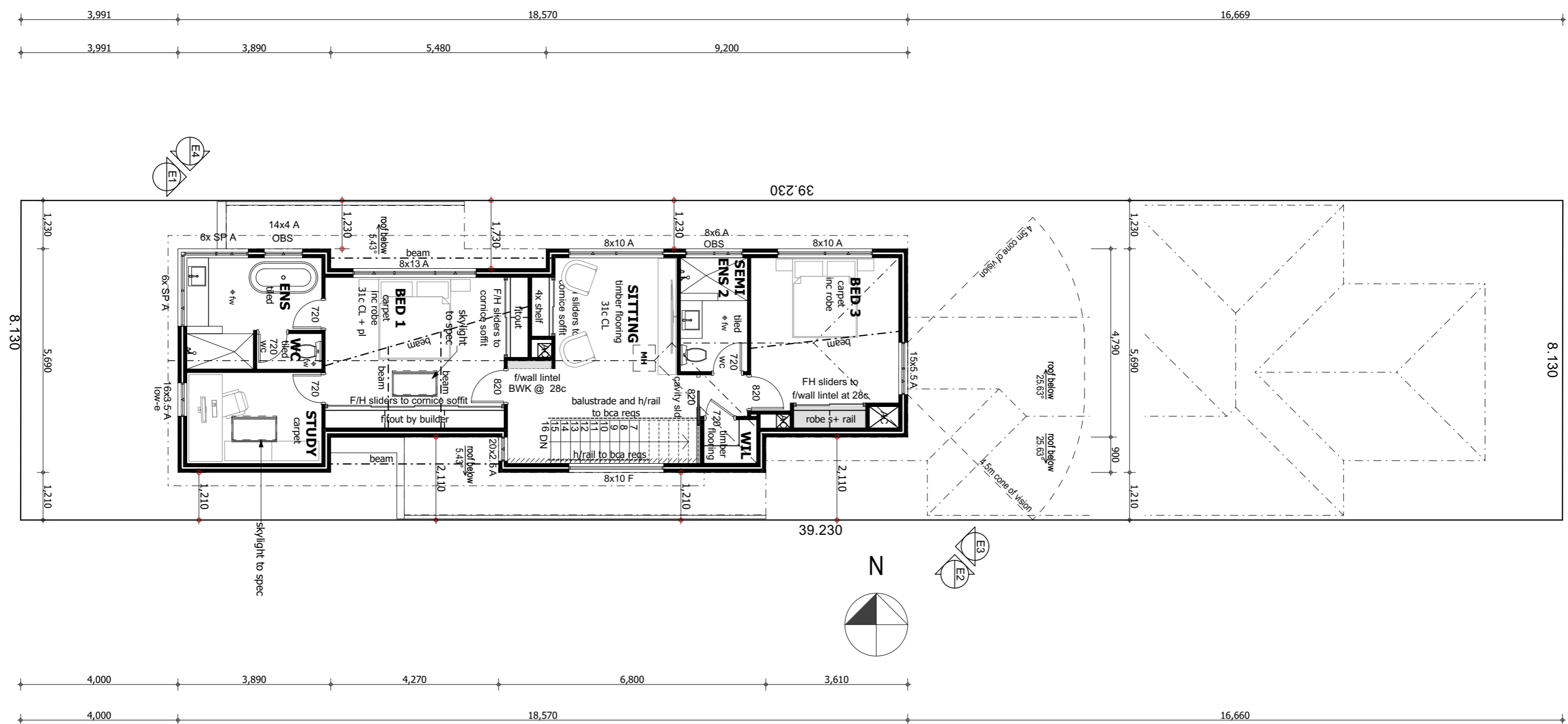
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OWNER: _____
OWNER: _____
BUILDER: _____
DATE: _____

AMENDMENTS:

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11/11/22	SS	Variation S3
23/11/22	GM	VO S4
16/01/22	SS	Engineers
31/01/23	SS	Planning Amendments
Soakwells	SS	02/02/23
20/03/23	SS	Eaves removed

A3 SHEET
SHEET: 2 of 8
DRN: SS
DATE: 28/07/22
SCALE: 1:100
CONTRACT NO:
22017

City of Nedlands
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Area Calc		
. GROUND FLOOR	137.61	68,680
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. STORE	4.07	10,140
. PORCH	2.53	6,380
	295.97	m ²

FIRST FLOOR PLAN
1:100



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Andy & Caroline Crowhurst
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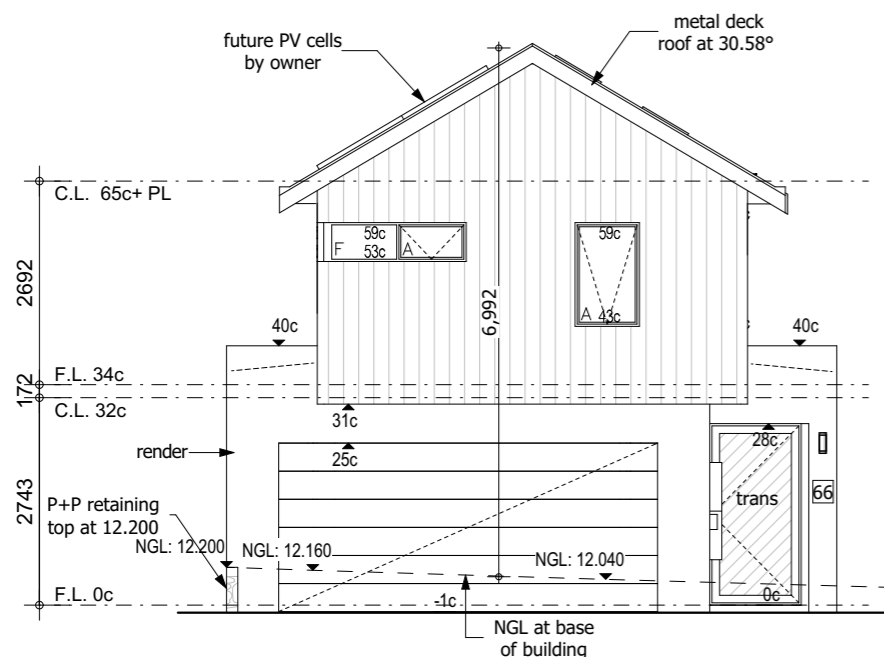
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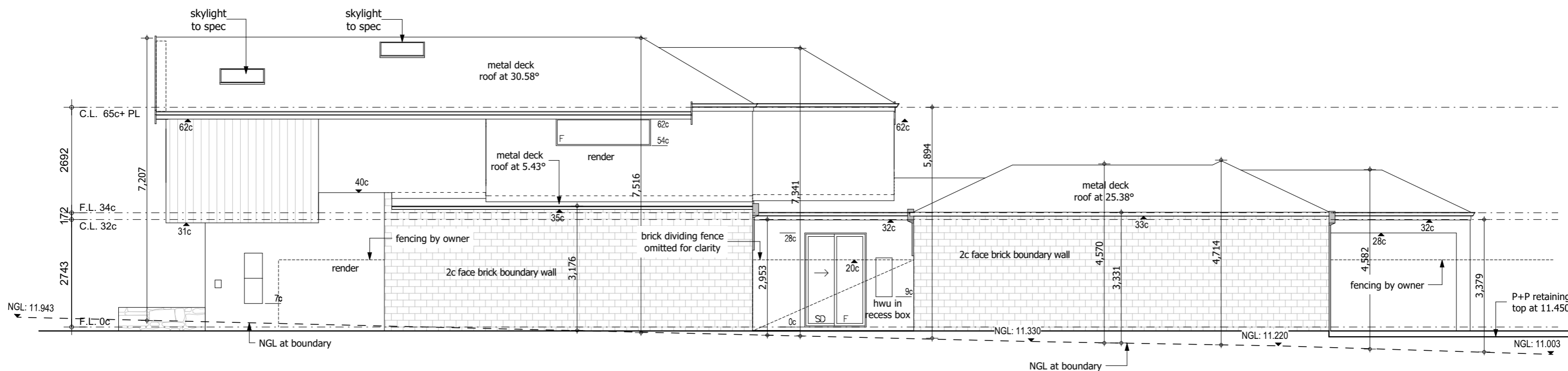
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Soakwells	SS	02/02/23
20/03/23	SS	Eaves removed

A3 SHEET
SHEET: 3 of 8
DRN: SS
DATE: 28/07/22
SCALE: 1:100
CONTRACT NO:
22017

City of Nedlands
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20 March 2023




E1 WEST ELEVATION
1:100

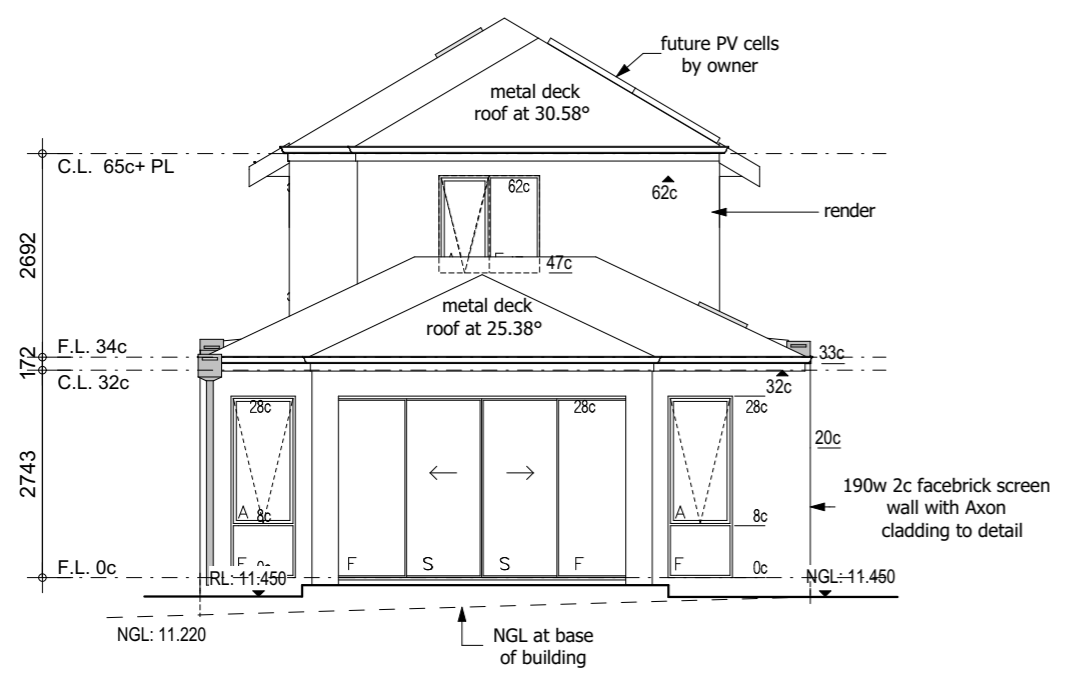


E2 SOUTH ELEVATION
1:100

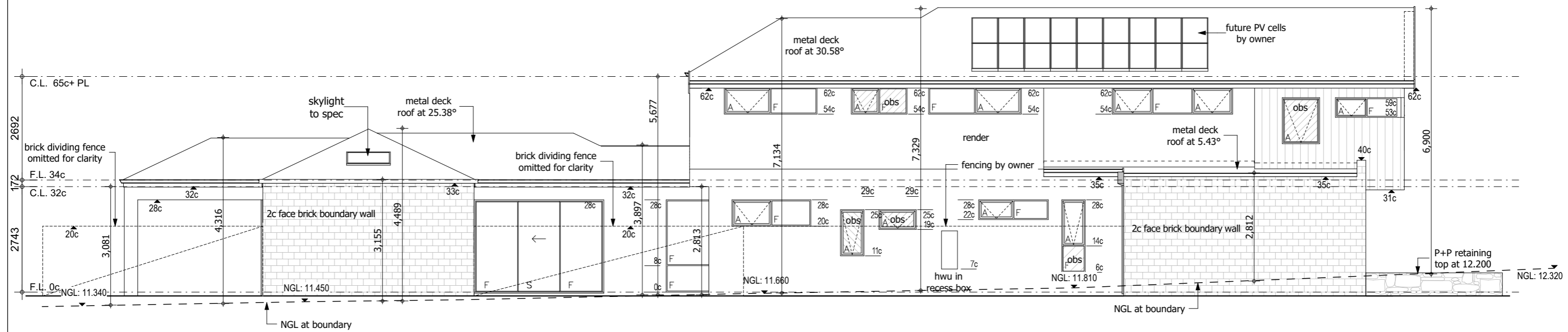
Elevations
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	PROPOSED RESIDENCE TO BE ERRECTED ON: Lot 888 (#66) Clifton Street Nedlands FOR: Andy & Caroline Crowhurst	SIGNATURES: OWNER: _____ OWNER: _____ BUILDER: _____ DATE: _____	AMENDMENTS: 31/10/22 SS Planning Amendments 11/11/22 SS Variation S3 23/11/22 GM VO S4 16/01/22 SS Engineers 31/01/23 SS Planning Amendments Soakwells SS 02/02/23 20/03/23 SS Eaves removed	A3 SHEET SHEET: 4 of 8 DRN: SS DATE: 28/07/22 SCALE: 1:100 CONTRACT NO: 22017
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City of Nedlands
Amended Plans Received
20 March 2023



E3 EAST ELEVATION
1:100



E4 NORTH ELEVATION
1:100
Elevations (1)
1:100



PROPOSED RESIDENCE TO BE ERRECTED ON:
Lot 888 (#66) Clifton Street Nedlands
FOR:
Andy & Caroline Crowhurst
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SIGNATURES:
OWNER: _____
OWNER: _____
BUILDER: _____
DATE: _____

AMENDMENTS:

31/10/22	SS	Planning Amendments
11/11/22	SS	Variation S3
23/11/22	GM	VO S4
16/01/22	SS	Engineers
31/01/23	SS	Planning Amendments
Soakwells	SS	02/02/23
20/03/23	SS	Eaves removed

A3 SHEET
SHEET: 5 of 8
DRN: SS
DATE: 28/07/22
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22017

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FEATURE SURVEY

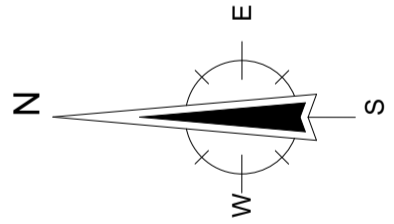
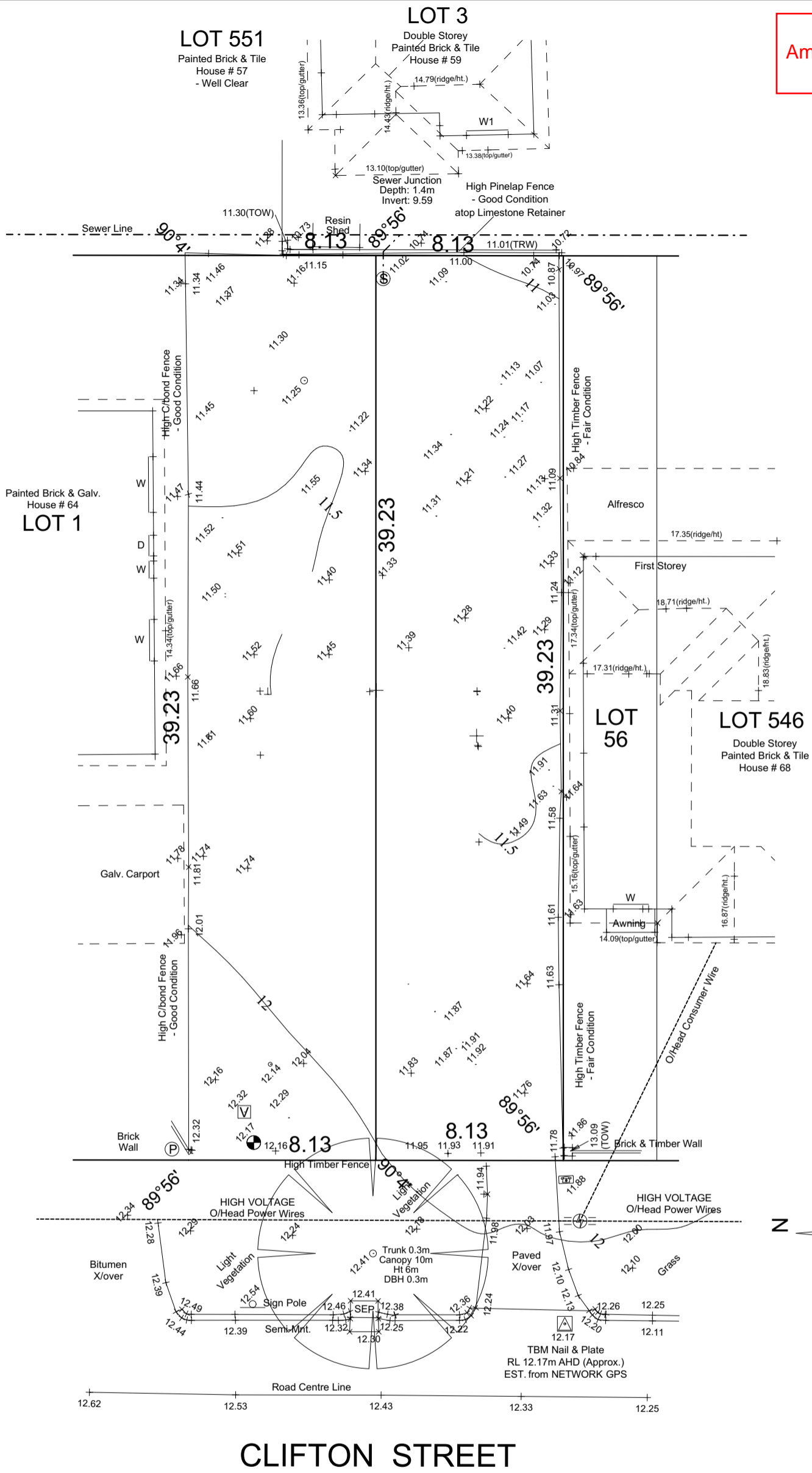
CLIENT'S DETAILS:
Georgina Chapple
LEVEL DATUM: AHD (Approx.)
DWG REF: Clifton 66 F - v1.0

STREET NAME: Clifton Street
SUBURB: Nedlands
HOUSE #: 66
LOT #: 54 & 55

LEGEND:
WATER METER
SEWER CONN.
TELSTRAN PIT
TOP OF WALL
TOP OF FENCE
TOP OF POLE
TREE (TO SCALE)
W WINDOW
D DOOR
W1 1ST FLOOR WINDOW
P POWER DOME
SEP SIDE ENTRY PIT

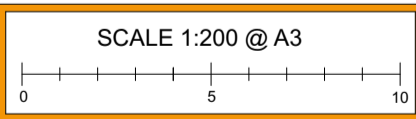
LOCAL AUTHORITY: City of Nedlands
R CODE: R40
LOT AREA: see plan

SCALE AT A3 SIZE: 1:200
SURVEY DATE: 16/11/2021



Vision surveys CONSULTING

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59 SCARBOROUGH BEACH RD,
SCARBOROUGH WA 6019
Email: info@visionsc.com.au
www.visionsurveys.com.au



PLAN / DIAG / SP	DP 34630	TELSTRA	YES
ELECTRICITY	OVERHEAD	SEWERAGE	YES
WATER	YES	DRAINAGE	GOOD
GAS	YES	VEG. / SOIL	AS DESCRIBED

IMPORTANT NOTES:
THE BOUNDARY CANNOT BE VERIFIED DUE TO LACK OF SURVEY MARKS/ PEGS. ALL BUILDING DIMENSIONS & FEATURES ARE APPROXIMATE ONLY. BOUNDARY POSITIONS HAVE BEEN TAKEN FROM BUILDINGS, FENCING, RETAINING WALLS AND OTHER TYPICAL FEATURES LOCATED ON THE BOUNDARY WHICH MAY OR MAY NOT BE ON THE CORRECT ALIGNMENT AND ARE TO BE VERIFIED WHEN REPEGGED.
BEFORE ANY WORK IS STARTED ON SITE OR PLANS ARE PRODUCED BY DESIGNERS/ ARCHITECTS, THE BOUNDARIES MUST BE REPEGGED AND EXACT OFFSETS MEASURED TO EXISTING STRUCTURES AND FENCING. VISION SURVEYS ACCEPTS NO RESPONSIBILITY FOR ANY CHANGES TO THE PARCEL OR PORTION OF THE PARCEL OF LAND SHOWN ON THIS SURVEY INCLUDING BUT NOT LIMITED TO ANY ADJOINING NEIGHBOURS LEVELS AND FEATURES THAT HAVE OCCURRED AFTER THE DATE ON THIS SURVEY.
THIS PLAN IS INTENDED FOR THE DEPT OF PLANNING & INFRASTRUCTURE ONLY.
SEWER / DRAINAGE MAY VARY FROM SCHEMATIC PRESENTATION / CHECK WITH APPROPRIATE AUTHORITY BEFORE ADOPTION OF POSITION.
CHECK TITLE FOR EASEMENTS / COVENANTS ETC.

Site Plan Existing
1:200

COAST HOMES

PROPOSED RESIDENCE TO BE ERRECTED ON:
Lot 888 (#66) Clifton Street Nedlands
FOR:
Andy & Caroline Crowhurst

© copyright

SALES CONSULTANT:
Roy Landless
LOCAL AUTHORITY:
City of Nedlands
ZONING: R40
SITE AREA: 319m²
SITE COVER: 57.78%

AMENDMENTS:

31/10/22	SS	Planning Amendments
11/11/22	SS	Variation S3
23/11/22	GM	VO S4
16/01/22	SS	Engineers
31/01/23	SS	Planning Amendments
Soakwells	SS	02/02/23
20/03/23	SS	Eaves removed

A3 SHEET
SHEET: 7 of 8
DRN: SS
DATE: 28/07/22
DSN:
SCALE: 1:200
CONTRACT NO:
22017

City of Nedlands
Amended Plans Received
20 March 2023

BEWARE!
POWER LINES
IN THE VICINITY

FEATURE SURVEY

CLIENTS DETAILS:
Georgina Chapple
DWG REF: Clifton 66 F - v1.0
LEVEL DATUM: AHD (Approx.)

STREET NAME: Clifton Street

LEGEND:
WATER METER (W) WATER (TO SCALE) (W) TREE (TO SCALE) (T) WINDOW (W) DOOR (D) POWER POLE (P) POWER DOME (P)
SEWER CONN. (S) SEWER TRAP (S) TELSTRAN PIT (T) TOP OF WALL (T) TOP OF FENCE (T) TOP OF RETAINING WALL (TRW) TEMP. BENCHMARK (T) SIDE ENTRY PIT (S)

LOCAL AUTHORITY: City of Nedlands

SUBURB: Nedlands

HOUSE #: 66

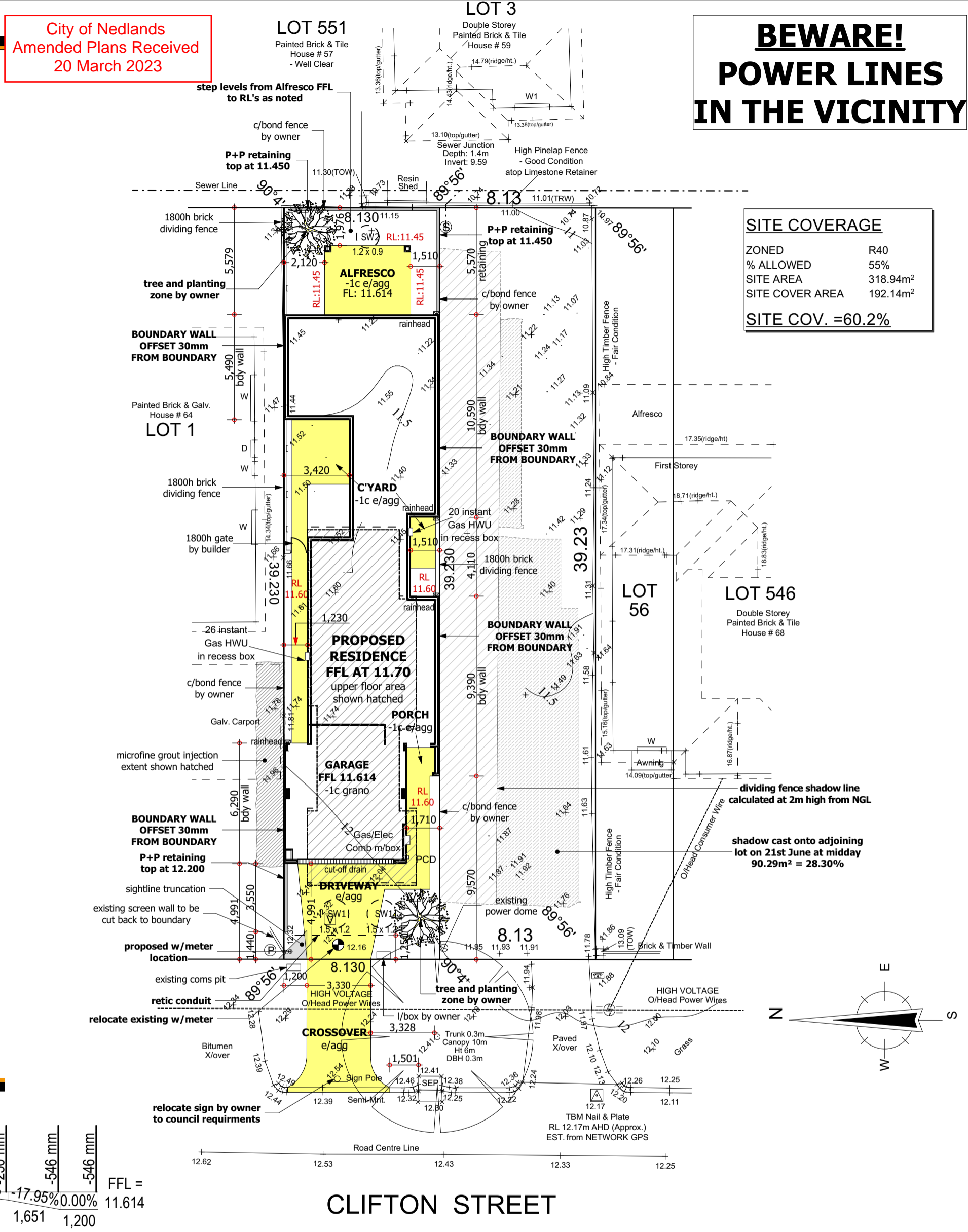
LOT #: 54 & 55

SCALE AT A3 SIZE: 1:200

SURVEY DATE: 16/11/2021

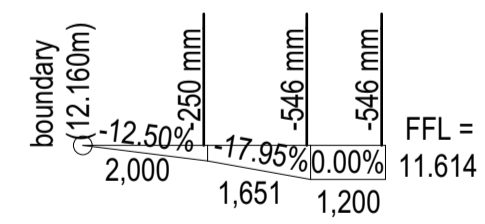
R CODE: R40

LOT AREA: see plan



SITE COVERAGE

ZONED	R40
% ALLOWED	55%
SITE AREA	318.94m ²
SITE COVER AREA	192.14m ²
SITE COV. = 60.2%	



Vision surveys CONSULTING

T: (08) 6144 0000 F: (08) 6144 0099
59 SCARBOROUGH BEACH RD, SCARBOROUGH WA 6019
Email: info@visionsurveys.com.au www.visionsurveys.com.au

SCALE 1:200 @ A3

IMPORTANT NOTES:
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CHECK TITLE FOR EASEMENTS / COVENANTS ETC.

PLAN / DIAG / SP	DP 34630	TELSTRA	YES
ELECTRICITY	OVERHEAD	SEWERAGE	YES
WATER	YES	DRAINAGE	GOOD
GAS	YES	VEG. / SOIL	AS DESCRIBED

Site Plan - PROPOSED
1:200

COAST HOMES

PROPOSED RESIDENCE TO BE ERCTED ON:
Lot 888 (#66) Clifton Street Nedlands
FOR:
Andy & Caroline Crowhurst

SALES CONSULTANT:
Roy Landless
LOCAL AUTHORITY:
City of Nedlands
ZONING: R40
SITE AREA: 319m²
SITE COVER: 57.78%

AMENDMENTS:

31/10/22	SS	Planning Amendments
11/11/22	SS	Variation S3
23/11/22	GM	VO S4
16/01/22	SS	Engineers
31/01/23	SS	Planning Amendments
Soakwells	SS	02/02/23
20/03/23	SS	Eaves removed

A3 SHEET
SHEET: 8 of 8
DRN: SS
DATE: 28/07/22
DSN:
SCALE: 1:200
CONTRACT NO:
22017

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17. Divisional Reports - Corporate Services Report No's CPS19.05.23 to CPS25.05.23

17.1 CPS19.05.23 Lease at the Tresillian Arts Centre – Delegation of Authority to the Chief Executive Officer

Meeting & Date	Council Meeting – 23 May 2023
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	Peter Scasserra – Coordinator Land and Property
Director	Michael Cole – Director Corporate Services
Attachments	Nil.

Purpose

This report seeks delegation of authority from Council to authorise the Chief Executive Officer (CEO) to accept and vary leases negotiated at Tresillian in accordance with the *Local Government Act 1995*. This delegation was not included in the last review of the Delegated Authority Manual endorsed by Council in September 2022 (CEO101.09.22 refers).

Recommendation

That Council:

1. **approves the following delegation of authority relating to Tresillian Arts Centre leases:**

The CEO is authorised to accept and vary leases negotiated at Tresillian Arts Centre in accordance with Section 3.58 of the *Local Government Act 1995*, up to an annual rental income of \$10,000; and

2. **delegates authority to the Chief Executive Officer to sign the associated Deeds of Lease as a deed following a negotiation process in accordance with that noted in (1) above.**

Voting Requirement

Absolute Majority.

Background

The City is required to review its Register of Delegations annually in accordance with section 5.46(2) of the Local Government Act 1995. The last review was endorsed by Council at its meeting of 27 September 2022. Due to an administrative oversight, this review did not include a previously endorsed delegation to the CEO to accept or vary leases negotiated at Tresillian Arts Centre.

Discussion

By resolution of Council on 23 March 1999 Council delegated authority to the CEO to accept leases negotiated at the Tresillian Arts Centre on the basis of direct negotiation in accordance with Sections 3.58(3) and (4) of the Local Government Act and up to an annual rental income of \$5,000.

A draft template for a standard lease agreement for the City to use for each artist studio lease was developed and has been used since that time. The amount for each lease is determined by individual market valuations with CPI based increases applicable in intervening years. In 2015 Council increased the amount to \$10,000 to reflect changes to market conditions.

While this delegation is required to be reviewed annually, due to an administrative oversight, was not reviewed by Council in September 2022.

To facilitate the ongoing management of leases at Tresillian, Administration requests this previous delegation to be re-affirmed.

Additionally, to give effect to a variation of lease or early surrender of lease during the term should either the City's or the Tenant's circumstances change, this delegation seeks to provide the CEO with authority to vary the lease terms within the constraints of the Use of Council Facilities for Community Purposes Policy.

Consultation

In reviewing the Register of Delegations in 2022, the CEO consulted with the Executive Officer, Governance Officer, Directors and relevant staff members to ensure the register complied with the requirements under the Local Government Act 1995, and the City's daily operational requirements. In reviewing this delegation the CEO has consulted with the Coordinator Land and Property and the Tresillian Arts Centre Coordinator.

Strategic Implications

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

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

Values

High standard of services

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

Great Governance and Civic Leadership

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

Great Communities

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

Budget/Financial Implications

There are no financial or budget implications with this report. Income for each lease at Tresillian is initially determined by market valuation with CPI based increases applying thereafter until the next market valuation is required.

Legislative and Policy Implications

Leases at Tresillian are a disposition of local government property under section 3.58 of the [Local Government Act 1995](#).

The Tresillian Café lease is deemed a commercial tenancy agreement under the [Commercial Tenancy \(Retail Shops\) Agreements Act 1985](#) and must be prepared in accordance with the provisions of this Act.

The [Use of Council Facilities for Community Purposes Policy](#) addresses requirements for all leases of Council facilities, including Tresillian Arts Centre.

Decision Implications

Endorsement of this recommendation will maintain consistency in process. More for the purpose of administrative efficiency, this prior delegated authority with minor amendments to reflect current market conditions is now presented to Council with a recommendation to retain and re-affirm.

By delegating this authority Council is requiring the City to continue to adhere to the legislated process of leasing of local government property but at the same time recognising the efficiency of Administration to fulfil this obligation. It also affords Council more time to consider more substantive matters. The process by which Tresillian leases have been

negotiated for at least the last decade and a half has been improved. Each submission for lease is assessed by a panel against compliance and qualitative criteria to provide for a consistent and equitable evaluation and align outcomes with the City's strategic vision. The legislation has remained the same regarding requirements for the process of leasing local government property such as at the Tresillian Arts Centre so it follows that internal processes would do the same.

Should Council not endorse the recommendation or pursues an alternative option, each lease at Tresillian may be required to be presented to Council.

Conclusion

This proposed retention of previous delegation of authority is to maintain processes considered to be assisting administrative efficiency. Through the recommendation for delegation of authority legislated processes are consistent and integrity of City of Nedlands procedures preserved.

Further Information

Nil.

17.2 CPS20.05.23 New Lease to St John Ambulance WA Ltd

Meeting & Date	Council – 23 May 2023
Applicant	St John Ambulance WA Ltd
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	Peter Scasserra – Coordinator Land and Property
Director	Michael Cole – Director Corporate Services
Attachments	1. CONFIDENTIAL – St John Lease Request

Purpose

The purpose of this report is for Council to consider a new lease for St John Ambulance WA Ltd for a portion of the Nedlands Community Care Office and adjacent carpark at 97-99 Waratah Avenue Dalkeith.

Recommendation

That Council:

1. approves the lease for a 465 m² (approx.) portion of the Nedlands Community Care Office and adjacent carpark at 97-99 Waratah Avenue Dalkeith (Part Lots 386 and 387 on Deposited Plan 3395) to St John Ambulance WA Ltd consistent with the key terms noted within this report;
2. approves an exemption to section 3.58 of the *Local Government Act 1995* pursuant to Regulation 30 of the *Local Government (Functions and General) Regulations 1996* for the lease of a 465 m² (approx.) portion of the Nedlands Community Care Office and adjacent carpark at 97-99 Waratah Avenue Dalkeith (Part Lots 386 and 387 on Deposited Plan 3395); and
3. authorises the Chief Executive Officer and Mayor to execute all documents necessary to give effect to a lease and apply the City's Common Seal.

Voting Requirement

Simple Majority.

Background

97-99 Waratah Avenue Dalkeith comprises Lots 385, 386 and 387 on Deposited Plan 3395 and is unencumbered freehold land owned by the City of Nedlands (City).

The improvements on the land include Dalkeith Hall, the Nedlands Community Care Office (NCC) and a carpark.

Dalkeith Hall was originally constructed in 1956 and spans Lots 385 and 386. This building is used by various community groups pursuant to hire terms, as well as the City's Positive Ageing program team.

The adjoining NCC office was constructed early to mid-1990's and spans Lots 386 and 387. It is currently used by the City's NCC team to provide both in-home support activities and group social support services for senior residents in the community.

On the 29th of August 2022, St John Ambulance WA Ltd (St John) contacted the City seeking assistance with finding a suitable premises to use as a training facility and office for their Event Health Service (EHS) team that meets the following requirements:

- Exclusive use.
- 24hr access.
- Space to accommodate up to 50 people.
- Bathroom and kitchen facilities.
- Capacity to garage an EHS ambulance vehicle.
- Move in date 1st July 2023.

Following subsequent discussions with the City, St John requested to view the rear section of the NCC office to determine whether it would provide for a suitable premises. After their site visit on the 6th of December 2022, St John advised they would like progress negotiations for a lease for a portion of the NCC office.

St John is a charitable, not-for-profit organisation that established itself in Western Australia during 1891 for the provision of first aid, ambulance services and primary and ancillary care to the community.

In May 1965, St John secured a site in Claremont to establish a division in the western suburbs. This site was located at 282 Stirling Highway Claremont and comprised a building that was constructed for St John by the Apex Club of Claremont with the assistance of the district residents, the State Government and Local Government bodies.

St John leased the premises at 282 Stirling Highway from the Town of Claremont pursuant to a peppercorn lease until the end of their lease term. The local government resolved not to renew the lease following a local planning scheme amendment that resulted in the zoning of the land accommodating the premises at 282 Stirling Highway changing to allow for future redevelopment.

The proposal seeks approval from the Council to lease a 465 m² (approx.) portion of the NCC office and adjacent carpark at 97-99 Waratah Avenue Dalkeith to St John for the purpose of a training facility and an office for their Event Health Service team.

Discussion

97-99 Waratah Avenue Dalkeith is zoned 'Mixed Use' by the City of Nedlands Local Planning Scheme No. 3.

Notwithstanding the current zoning, the existing use of the building is defined as a 'Community Purpose', being premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.

Considering the proposed use of the building aligns with the definition of community purpose, there is no fundamental change to the underlying use of the building as a result of the proposed lease to St John. Therefore, a use that continues to satisfy the objectives of a community purpose can be considered.

At present, the entire NCC office is used by the City's NCC team to facilitate the delivery of Commonwealth Home Support Program (CHSP) services.

At the Ordinary Council Meeting of the 28th of February 2023, the Administration recommended the City transition out of providing government funded CHSP services to eligible residents, (currently delivered from NCC) by the 30th of June 2023 to coincide with the cessation of government funding. The Council, at a subsequent Ordinary Council Meeting, resolved to discontinue NCC services on the 30th of December 2023.

The NCC office layout is divided into two main sections. The front section consists of offices for the City's NCC team and Positive Ageing program team whilst the rear section is where on-site services are provided, as well as staff work areas.

Notwithstanding NCC services will discontinue on the 30th of December 2023, services delivered through the City's Positive Aging Program will continue. Therefore, Officers investigated whether the NCC office could accommodate a separate tenancy based on a collocation scenario with view to maximizing the utilisation of the City's building asset.

Evidently, the NCC office floor plan allows for a division of space (front and rear) and possible collocation opportunity. The division of space involves isolating the front section from the rear section by installing a door or similar type barrier in the corridor connecting the two sections of the building.

To allow for a feasible collocation scenario between the City and St John, the front section of the NCC office needs to be retained to accommodate the City's Positive Ageing program team with consideration to the following:

- NCC office exclusive car bays and adjoining public car bays cannot be monopolised by people attending the lease area during normal business hours.

- General public access including access of clients attending Positive Ageing program activities cannot be restricted.
- Access to Dalkeith Hall or any portion of the NCC office outside the lease area is not permitted.
- Any signage promoting the purpose of the lease area would not over-ride/affect the required signage for the City's Positive Ageing program.

The proposed lease area captures the remaining rear section of the NCC office and includes a separate entry foyer, a single office, two kitchens, male toilets, female toilets, disabled toilet, a function room, a conference room, two storerooms, and a covered enclosed courtyard. Additionally, the proposed lease area seeks to incorporate a 40 m² portion of the car park behind the courtyard for the purpose of constructing a shed required to garage an EHS ambulance vehicle, as well as 5 exclusive car bays for the St John EHS team.

As of July 2022, EHS had approximately 1,024 volunteers, this included volunteers waiting to be trained. During the 2021/2022 financial year these volunteers attended 3,475 events, from these events 13,984 patients required EHS attention. From EHS's overall volunteers, 81 of these were from the Western Suburbs Division, they provided 2,380 hours of volunteering in 2021/2022.

EHS community services involve volunteers safeguarding the public at all types of events including:

- Major venues such as RAC Arena
- Numerous sporting events including obstacle courses and fun runs
- Concerts, dance and music festivals
- Community fairs, festivals and parades
- School fetes, fairs and sporting carnivals
- Exhibitions, conferences
- Agricultural shows including the Perth Royal Show
- Government initiatives and Commemorative services
- Motorsports and racing
- Horse jumping/racing
- Charity and not-for-profit events, gala dinners and balls such as Telethon
- Filming movies and TV shows
- State emergency call outs

EHS volunteers are also active when needed to support St John operational on-road paramedics for fire call outs and other mass emergency situations (Volunteers assisted with on road paramedics during peak COVID periods).

The recommendation makes provision for the key terms of the lease to be reviewed and authorised by the Council, the intent being to accommodate reasonable and sensible negotiation of the proposed lease relationship.

Notwithstanding St John's move in date requirement of the 1st of July 2023, a commencement date of the 1st of September 2023 has been negotiated. Officers believe the

Operations of NCC can be confined to the remaining part of the NCC office by the lease commencement date to avoid impacting on timeframes.

Key Terms and Special Conditions

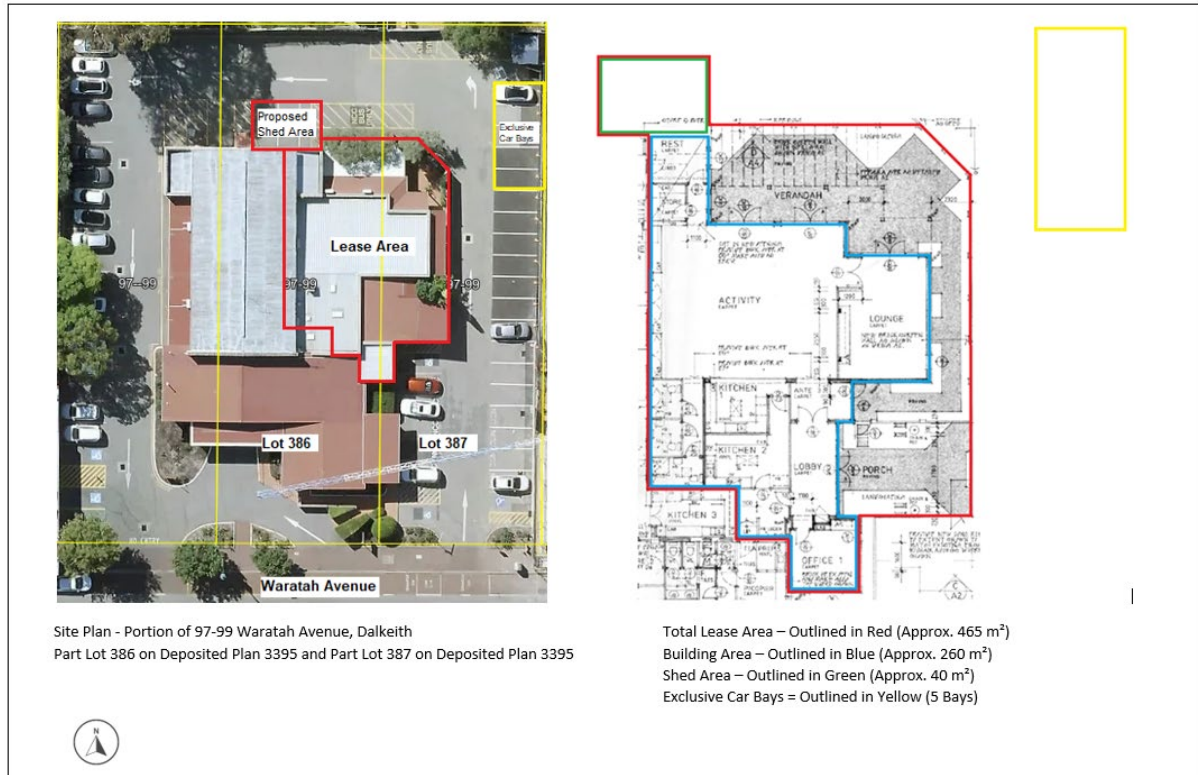
On the 9th of February 2023, St John agreed to all the key terms noted within the report below to facilitate a lease.

Proposed Lease - St John Ambulance WA Ltd	
Key Terms	
Lease Term	Details
Land	Portion of 97-99 Waratah Avenue, Dalkeith – Part Lot 387 on Deposited Plan 3395 and Part Lot 386 on Deposited Plan 3395.
Lease Area	465 m ² (approx.).
Lessor	City of Nedlands
Lessee	St John Ambulance WA Ltd
Commencement Date	Upon execution by both parties (1 September 2023)
Permitted Purpose	Training Facility, Event Health Services Headquarters (Western Suburbs Division) and uses ancillary thereto.
Market Rental Valuation Assessment	Completed 12 January 2023.
Annual Rent	\$64,000 net per annum excluding GST and variable outgoings. Inclusive of 5 exclusive car bays.
Rent Reviews	3% Fixed Annual Increase
Outgoings	Proportionate outgoings payable by Lessee.
Term	5 years.
Further Term Option 1	3 years.
Further Term Option 2	3 years.
Operating/Access	Monday to Friday and Weekends.
Public Liability Insurance	The Lessee is responsible for Public Liability and will hold \$20M minimum cover, however the Lessor will continue to hold its policy.
Building Insurance	The Lessor will insure its interests in the building and the shed, however, will recover the payment of the annual insurance premium (proportionate to the lease area) from the Lessee.
Contents Insurance	The Lessee will hold adequate contents insurance cover.
Workers Compensation	The Lessee will hold adequate workers compensation cover.
Indemnity	The Lessee will indemnify the Lessor against any liability and all claims in connection with the lease.
Preventative Maintenance	The Lessee will be responsible for the following preventative maintenance items:

	<ul style="list-style-type: none"> • Mechanical Services (servicing of air conditioning units and auto doors) • Fire Services (operational compliance check for smoke alarms, fire extinguishers and fire reels) • Electrical Services (operational compliance check for RCD, emergency lighting, fire panels, defibrillators and alarm/security system) • Hydraulic Services (servicing of sewer pump, grease trap and septic system- if applicable) • Pest Treatment • Gutter Clean • Carpet Clean • Painting (external and internal every 8-10 years or as required)
Non-Structural Maintenance	The Lessee will be responsible for all non-structural maintenance.
Structural Maintenance	The Lessor will be responsible for all structural maintenance.
Fit Out	The Lessee is responsible for all fit out works
Alteration/Additions	The Lessee will be responsible to any alterations or additions at their cost subject to all necessary approvals.
Capital Improvements	The Lessee will be responsible to any capital improvements and connection to services at their cost subject to all necessary approvals- detailed plans and certifications to be provided prior to any construction.
Signage	Prior written consent from the Lessor is required.
Lease Preparation Costs	The Lessee will be responsible for lease preparation costs
Special Conditions	<ul style="list-style-type: none"> • Lease is subject to City of Nedlands Council approval. • Lease is subject to the approval of the Board of St John Ambulance WA Ltd. • Lease is subject to a redevelopment clause with a 2 year notice period. • Entrance to shed must always remain unobstructed.
Annexures	Lease area sketch

Lease Area Sketch

The proposed lease area sketch is displayed following.



Market Rental Valuation Assessment

A market rental valuation assessment as defined by the International Valuation Standards Council was undertaken by an independent licensed valuer on the 12th of January 2023. The assessment considered various economic factors as well as market rental evidence including community based rental evidence with consideration to the following two scenarios:

- Scenario 1, assumes the following:
 - Variable outgoings for the tenancy fall within general market parameters.
 - If a single garage space is allocated to the subject tenancy.
 - If 5 open car bays are allocated to the subject tenancy.
- Scenario 2, assumes the following:
 - Variable outgoings for the tenancy fall within general market parameters.
 - If a single garage space is allocated to the subject tenancy.

The adopted market rental valuation methodology utilised the Direct Comparison approach as the primary and only method of rental valuation, and has determined the following rental:

- Scenario 1 - \$64,000 net per annum, ex GST and variable outgoings.
- Scenario 2 - \$61,000 net per annum, ex GST and variable outgoings.

Scenario 1 is preferred by St John.

Consultation

The City has carried out engagement with internal stakeholders and their feedback has been incorporated within the report.

Strategic Implications

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

Values

Great Governance and Civic Leadership

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

Budget/Financial Implications

The lease as proposed would be at no cost to Council. Should Council agree to the recommendation as proposed, the new lease would be prepared by a solicitor and full costs would be on-charged to the proponent.

Additionally, the proponent will be responsible for but not limited to all fit out and capital improvement costs.

The City currently does not receive revenue from the subject portion of 97-99 Waratah Avenue Dalkeith. Should Council resolve to endorse the recommendation, the proposed lease (based on Scenario 1) will provide for an income to the City of \$64,000 per annum (ex GST and variable outgoings) in revenue over a term of 5 years and any further term.

Legislative and Policy Implications

The City is bound by specific conditions under the *Local Government Act 1995* with regard to the disposal of property. Section 3.58 of the Act enables a local government to dispose of a property to the highest bidder at a public auction, by way of a public tender process or by giving local public notice of the proposed disposition and following the public consultation process as prescribed by sub-section section 3.58 (3) of the Act. In this context, disposing of a property means to 'sell, lease or otherwise dispose of, whether absolutely or not'.

Considering St John Ambulance WA Ltd are a registered charitable not-for-profit association, they are eligible for an exemption to section 3.58 of the *Local Government Act 1995* pursuant to Regulation 30 of the *Local Government (Functions and General) Regulations 1996*, therefore the proposed disposal of land is not required to be advertised.

Decision Implications

Should Council resolve to approve a lease for a 465 m² (approx.) portion of the NCC office and adjacent carpark at 97-99 Waratah Avenue Dalkeith, Officers will instruct the City's solicitor to prepare a lease in accordance with the key terms contained within this report at the full cost of the Lessee.

If Council do not resolve to approve a lease for a 465 m² (approx.) portion of the NCC office and adjacent carpark at 97-99 Waratah Avenue Dalkeith, the proponent will not be able to secure tenure within the City and will have to consider their future elsewhere.

Conclusion

St John have established a presence within the western suburbs since 1965. Their integrated model of service involves a high level of volunteerism and participation to enable the provision of the following services:

- Ambulance service.
- Community First Responder program.
- First Aid training for school students.
- First Aid training for community groups and at community events.
- Volunteer support.
- Community transport.
- State-wide defibrillator network.
- Ambulance education.
- Charitable programs that provide areas of vulnerability with equipment, education and training to overcome medical challenges.

Volunteer members are required to maintain a high standard of training to continue to keep a strong skill set for the delivery of services.

To support this skill set St John are seeking assistance from the City to secure long term tenure for a suitable premises within the western suburbs locality to allow their operations and services to continue.

Officers believe this request can be accommodated by way of a lease for a 465 m² (approx.) portion of the NCC office and adjacent carpark at 97-99 Waratah Avenue Dalkeith. Additionally, the proposal presents an opportunity for additional revenue for the City and the retention of EHS community services for the western suburbs community.

Further Information

Nil.

17.3 CPS21.05.23 New Lease to ADHD WA

Meeting & Date	Council – 23 May 2023
Applicant	ADHD WA
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Author	Peter Scasserra – Coordinator Land and Property
Director	Michael Cole – Director Corporate Services
Attachments	1. CONFIDENTIAL – ADHD WA Social Impact Proposal

Purpose

The purpose of this report is for Council to consider a new lease for ADHD WA for Haldane House at 109 Montgomery Avenue, Mount Claremont.

Recommendation

That Council:

1. approves the lease for Haldane House at 109 Montgomery Avenue, Mount Claremont (Part Lot 6987 on Deposited Plan 167276) to ADHD WA Inc consistent with the key terms noted within this report;
2. consider the community benefits delivered by ADHA WA Inc and approve an annual rent of \$28,000 p.a. excluding GST and outgoings;
3. approves an exemption to section 3.58 of the *Local Government Act 1995* pursuant to Regulation 30 of the *Local Government (Functions and General) Regulations 1996* for the lease of Haldane House at 109 Montgomery Avenue, Mount Claremont (Part Lot 6987 on Deposited Plan 167276); and
4. subject to the Minister for Lands' Consent, authorises the Chief Executive Officer and Mayor to execute all documents necessary to give effect to a lease and apply the City's Common Seal.

Voting Requirement

Simple Majority.

Background

109 Montgomery Avenue Mount Claremont comprises Lot 6987 on Deposited Plan 167276. The land is conditional freehold owned by the City of Nedlands (City), reserved for 'Civic and Community' purposes and constrained by Crown Grant in Trust conditions.

It is considered that a use that is within the definition of "Civic use" and/or "Community purpose" under the City's Local Planning Scheme No. 3 and that is permissible within the Deed of Trust can continue to operate on the site.

The improvements on the land include Tennis Courts, Playground, Mt Claremont Library, Mt Claremont Community Centre, Two Carparks and Haldane House.

Haldane House is a 268 m² (approx.) brick and tile detached building constructed in the 1990's as a community purpose facility. The layout consists of a front lounge, three smaller office areas with one incorporating an ensuite, an open plan function area which incorporates a kitchen and disabled bathroom and separate toilet, a rear washing room, and a double garage.

This building was historically leased to the Bethanie Group in January 2010 for the purpose of providing a young disabled respite service, or such other appropriate service agreed between the Lessee, Lessor and Minister for Lands. The lease came to an end in December 2019 and the City has subsequently been using the building on occasion to provide services from its Positive Aging Program.

In January 2023, the City received a request from ADHD WA, to view Haldane House to enable to determine whether it would be a suitable premises to occupy exclusively under a lease arrangement for the purpose of offices and consulting rooms.

ADHD WA operates as a not-for-profit organisation within a social enterprise model providing research-based support and information services that assist and empower individuals, families and carers with ADHD. They also provide training and education to partners, co-workers, teachers, or anyone who is connected to someone living with ADHD.

Historically based within the City of Nedlands, ADHD WA have been working alongside the ADHD community since 1993 and are currently operating from the Niche building within the QEII Health Campus. Due to a significant increase in growth driven by demand for their services, the current premises is no longer suitable, prompting a search for alternative office accommodation that meets space requirements.

Following a site visit to Haldane House on the 8th of February 2023 and subsequent discussions, ADHD WA advised they would like progress negotiations for a lease.

The proposal seeks approval from the Council to lease Haldane House and a portion of the adjacent carpark (1,033 m² approx. total lease area) at 109 Montgomery Avenue Mt Claremont (Part Lot 6987 on Deposited Plan 167276) for the purpose of an office and consulting rooms and uses ancillary thereto.

Discussion

Haldane House is located on the western side of Montgomery Avenue Mt Claremont, approximately 8kms west of the Perth city centre, and to the immediate north of the Mount Claremont Community Centre and Library. Development surrounding the site comprises established single residential housing situated either side of Montgomery Avenue.

Haldane House is within a local town planning scheme Reserve for Civic and Community purposes. Considering the existing use of the building is defined as a 'community purpose' and the proposed use is also a 'community purpose' without a requirement for external works there is effectively no change to the underlying use of the building as a result of the proposed lease to ADHD WA, from a town planning perspective.

Land Tenure

Before the introduction of the *Land Administration Act 1997*, the Minister for Lands may have issued a freehold title over a reserve, otherwise known as a Crown Grant in Trust for a particular purpose or any ancillary or beneficial purpose.

In these instances, the land was granted in fee simple free of cost but could only be used for a designated purpose. Leases may be registered but the Lessee may only use the land for the same designated purpose as the original Proprietor or Lessor.

Since the implementation of the *Land Administration Act 1997*, Crown Grants in Trust are referred to as conditional tenure land.

Conditional tenure land is fee simple land subject to conditions of use of the land registered against the title. The conditions are such conditions determined by the Minister for Lands for the use of the land, usually requiring that the land be used only for a designated purpose.

Lot 6987 on Deposited Plan 167276 was transferred to the City as a Crown Grant in Trust subject to conditions that require the land to be held and used for the purpose of a Civic Centre. Alternative uses that provide a community benefit may be considered, however, approval of the Minister for Lands is necessary, and a lease may not take effect until such consent has been obtained.

A preliminary assessment by the Department of Planning Lands and Heritage confirms they support the proposal because it falls within the land use category captured by a Civic Centre purpose and believe it will also support members of the community that use the facility.

Utilisation

At present, Haldane is used occasionally by the City's Positive Ageing Team to deliver services associated with their Positive Ageing Program. Considering these services are now predominantly being delivered from the Mt Claremont Community Centre, Officers assessed whether Haldane House could accommodate a tenancy for office use and consulting rooms.

The assessment determined Haldane House is under-utilised and identified the following matters in support of the proposal:

- a. Increases the level of passive surveillance of 109 Montgomery Avenue, thereby contributing to improved safety outcomes and reduced propensity for antisocial activity to occur while the space is being utilised by the lessee/visitors.
- b. Provides a space for community-based activities.
- c. Promotes increased activation of the precinct and adjacent reserve.
- d. A lessee is responsible for non-structural maintenance, preventative maintenance and the payment of utility costs and outgoings effectively reducing the financial burden on the City to maintain the building.
- e. Provides for maximizing building asset utilisation.
- f. A lease will facilitate the appropriate management and responsible use of the City's facilities for the benefit of the community and ensure managed properties are appropriately maintained. Well maintained and managed property assets present a significant benefit to the Council and the community.

Furthermore, Haldane House will allow ADHD WA to increase their services significantly to meet the increase in demand for people seeking their support and will facilitate the following:

- 100% increase in assessments and 34% increase in therapy sessions;
- increasing the phone support service for community members;
- provision of new health and wellness programs; and
- tailored services to best support children, teenagers and adults.

ADHD WA services contribute to the delivery of community benefits that improve the health and well-being of the community and meets a community need. The recommendation proposes approving a lease for Haldane House with consideration for a rent reduction and an exemption to section 3.58 of the *Local Government Act 1995* for advertising pursuant to regulation 30 of the *Local Government (Functions and General) Regulations 1996*.

The recommendation also makes provision for the key terms of the lease to be reviewed and authorised by the Council, the intent being to accommodate reasonable and sensible negotiation of the proposed lease relationship.

Key Terms and Special Conditions

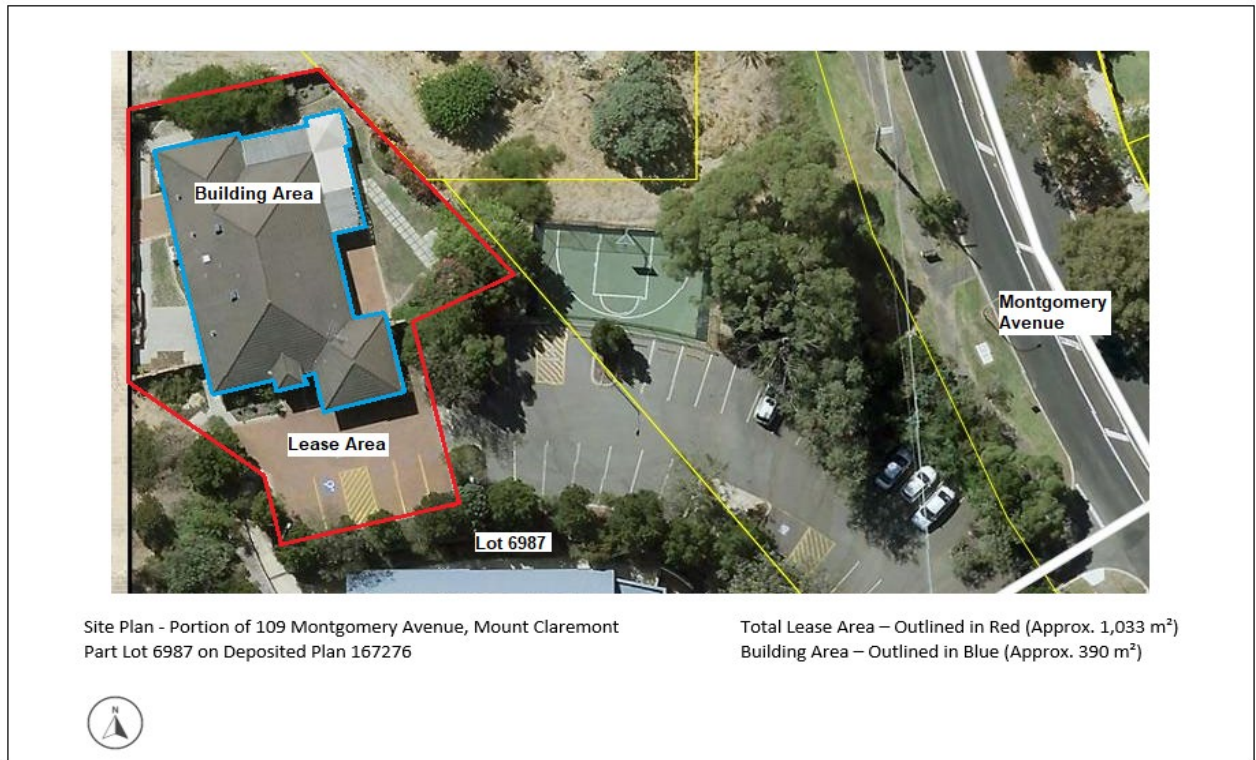
On the 2nd of March 2023, ADHD WA agreed to all the key terms noted within the table following to facilitate a lease.

Proposed Lease - ADHD WA	
Key Terms	
Lease Term	Details
Land	109 Montgomery Avenue, Mount Claremont – Part Lot 6987 on Deposited Plan 167276.
Lease Area	1,033 m ² (approx.).
Lessor	City of Nedlands
Lessee	ADHD WA Inc.
Commencement Date	Upon execution by both parties
Permitted Purpose	Office Headquarters and uses ancillary thereto.
Market Rental Valuation Assessment Date	Completed 21 February 2023.
Market Rental Valuation Assessment Annual Rent	\$56,000 net per annum excluding GST and variable outgoings. Inclusive of 6 open car bays and 2 under cover car bays.
Proposed Annual Rent	\$28,000 excluding GST and variable outgoings. Inclusive of 6 open car bays and 2 under cover car bays.
Proposed Discount	50%
Social Return	Community benefits provided via the delivery of services, initiatives and activities that align with the City's strategic objectives.
Rent Reviews	CPI
Outgoings	Outgoings payable by Lessee.
Term	10 years
Further Term Option 1	10 years
Further Term Option 2	5 years
Operating/Access	Monday to Friday and Weekends.
Public Liability Insurance	The Lessee is responsible for Public Liability and will hold \$20M minimum cover, however the Lessor will continue to hold its policy.
Building Insurance	The Lessor will insure its interests in the building, however will recover the payment of the annual insurance premium from the Lessee.
Contents Insurance	The Lessee will hold adequate contents insurance cover.
Workers Compensation	The Lessee will hold adequate workers compensation cover.
Indemnity	ADHD WA will indemnify the City of Nedlands against any liability and all claims in connection with the lease.
Preventative Maintenance	The Lessee will be responsible for the following preventative maintenance items:

	<ul style="list-style-type: none"> • Mechanical Services (servicing of air conditioning units and auto doors) • Fire Services (operational compliance check for smoke alarms, fire extinguishers and fire reels) • Electrical Services (operational compliance check for RCD, emergency lighting, fire panels, defibrillators and alarm/security system) • Hydraulic Services (servicing of sewer pump, grease trap and septic system- if applicable) • Pest Treatment • Gutter Clean • Carpet Clean • Painting (external and internal every 8-10 years or as required)
Non-Structural Maintenance	The Lessee will be responsible for all non-structural maintenance.
Structural Maintenance	The Lessor will be responsible for all structural maintenance.
Fit Out	The Lessee is responsible for all fit out works
Alteration/Additions	The Lessee will be responsible to any alterations or additions at their cost subject to all necessary approvals.
Capital Improvements	The Lessee will be responsible to any capital improvements and connection to services at their cost subject to all necessary approvals- detailed plans and certifications to be provided prior to any construction.
Signage	Prior written consent from the City of Nedlands is required.
Lease Preparation Costs	The Lessee will be responsible for lease preparation costs.
Special Conditions	<ul style="list-style-type: none"> • Lease is subject to the Minister for Lands consent. • Lease is subject to City of Nedlands Council approval. • Lease is subject to the approval of the Board of ADHD WA Inc. • Lease is subject to a redevelopment clause with a 2-year notice period.
Annexures	Lease area sketch

Lease Area Sketch

The proposed lease area sketch displayed following captures a total site area of 1,033m², encompassing Haldane House and immediate surrounds within the perimeter wall, as well as six open car bays and two undercover car bays in front of the building.



Market Rental Valuation Assessment

A market rental valuation assessment as defined by the International Valuation Standards Council was undertaken by an independent licensed valuer on the 21st February 2023. The assessment analysed various economic factors as well as comparable market rental evidence including community based rental evidence and suburban commercial office rents.

Additional factors were also considered, including but not limited to:

- The tenancy's size, location, quality of improvements and level of fit out;
- Variable outgoings for the tenancy fall within the general market parameters; and
- Six open car bays and two undercover car bays in the garage are allocated to the subject tenancy and are included within the rent at no additional charge.

The adopted market rental valuation methodology utilised the Direct Comparison approach as the primary and only method of rental valuation and has determined a rental of \$56,000 net per annum, ex GST and variable outgoings.

Proposed Rent

In lieu of the full rental value, ADHD WA are seeking a 50% rent reduction in recognition for the social impact of the services they provide, and how the services make a significant impact to individuals, families and carers impacted by ADHD providing direct positive outcomes.

Considering ADHD affects people across the lifespan, ADHD WA services are deemed incredibly valuable because they also address a community need. These services include:

1. Clinical service programs including:
 - a. ADHD assessments
 - b. ADHD therapy
 - c. Group therapy for adults
 - d. Group training for children, and
 - e. Coaching

2. Non-Clinical service programs including:
 - a. Events and networking
 - i. Annual conference
 - ii. Family picnics
 - iii. Walk and Talk
 - iv. HBF Run for a reason
 - b. Peer support groups
 - c. In person parent support group
 - d. Education and training for Teachers and School Psychologists
 - e. Health and wellness programs, and
 - f. Information and telephone helpline

Given the likely investment by ADHD WA in bringing forward the concept and associated benefits their services provide to the community, Officers believe a rent reduction is justified. Should Council approve a discount it is recommended the rent review mechanism in the lease include a market rent review increase set at 5-year intervals to enable the rent to be reset in accordance with current market rates. This method will not preclude ADHD WA from applying for another discount which may be considered by Council before the start of the following term.

Consultation

The City has carried out engagement with internal stakeholders and feedback has been incorporated within the report.

Strategic Implications

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

Values

Great Governance and Civic Leadership

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

Budget/Financial Implications

The lease as proposed would be at no cost to Council. Should Council agree to the recommendation as proposed, the new lease would be prepared by a solicitor and full costs would be on-charged to the Lessee.

Additionally, the Lessee will be responsible for but not limited to all fit out and capital improvement costs.

The City currently does not receive revenue from Haldane House Mt Claremont. Should Council resolve to endorse the recommendation, the proposed lease will provide for an income to the City in rent revenue over a term of 10 years and any further term. Additionally, all outgoings, preventative maintenance and non-structural maintenance items will become the responsibility of the Lessee.

Legislative and Policy Implications

The City is bound by specific conditions under the *Local Government Act 1995* with regard to the disposal of property. Section 3.58 of the Act enables a local government to dispose of a property to the highest bidder at a public auction, by way of a public tender process or by giving local public notice of the proposed disposition and following the public consultation process as prescribed by sub-section section 3.58 (3) of the Act. In this context, disposing of a property means to 'sell, lease or otherwise dispose of, whether absolutely or not'.

Considering ADHD WA are a registered charitable not-for-profit association, they are eligible for an exemption to section 3.58 of the *Local Government Act 1995* pursuant to Regulation 30 of the *Local Government (Functions and General) Regulations 1996*, therefore the proposed disposal of land is not required to be advertised.

Pursuant to section 75 of the *Land Administration Act 1997*, consent of the Minister for Lands is required for conditional freehold land tenure or land subject to a Crown Grant in Trust that is being leased.

Decision Implications

Should Council resolve to approve a lease for Haldane House at 109 Montgomery Avenue Mt Claremont, Officers will instruct the City's solicitor to prepare a lease in accordance with the key terms and adopted recommendation contained within this report at the full cost of the Lessee.

If Council do not resolve to approve a lease for Haldane House at 109 Montgomery Avenue Mt Claremont, the proponent will not be able to secure tenure within the City and will have to consider their future elsewhere.

Conclusion

ADHD WA are regarded as the peak body for providing specialized services to those directly and indirectly impacted by ADHD in WA. They have been actively servicing the community for 30 years, partnering with tertiary institutions, as well as working with schools and community groups. Since its inception, ADHD WA has also become the one stop shop for information and services for those seeking guidance and support.

The organisation is also recognised for the convenience and efficiency of being able to address the needs of the community within one place. To allow their operations and services to continue from a centralised location under one roof, ADHD WA are seeking a lease from the City to secure long term tenure for a suitable premises that will also support the growth of the organisation.

Officers believe this proposal can be accommodated by way of a lease for Haldane House, 109 Montgomery Avenue Mt Claremont (Part Lot 6987 on Deposited Plan 167276).

Further Information

Nil.

17.4 CPS22.05.23 Differential Rates 2023/24 – Approval for Advertisement

Meeting & Date	Council Meeting – 23 May 2023
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	Stuart Billingham – Manager Financial Services
Director	Michael Cole – Director Corporate Services
Attachments	1. Statement of Objects and Reasons for imposing the Differential Rates for 2023/24

Purpose

The purpose of this report is to seek Council approval for the advertising of the proposed differential rates and minimum rates for the 2023/24 financial year in accordance with *Section 6.36 of the Local Government Act 1995*.

Recommendation

That Council:

1. approves the advertising of the proposed differential rates for 2023/24 for:
 - a. for a period of 21 days by local public notice, in accordance with *Section 6.36(1) of the Local Government Act 1995*; and
 - b. post on the City’s website, in accordance with *Section 6.36(3)(c)(ii) of the Local Government Act 1995*; and
2. endorses the Statement of Objects and Reasons for each differential rate and minimum rate as detailed in Attachment 1.

Voting Requirement

Simple Majority.

Background

Each year where the City of Nedlands seeks to impose differential rates, it is required under section 6.36 of the *Local Government Act 1995* to advertise the proposed differential rates by local public notice for a period of at least 21 days, seeking submissions. Any submissions received to be considered by Council.

This year is also the year for the triennial Gross Rental Valuation (GRV) review by the Office of the Valuer General with the new GRVs effective from 1 July 2023. A comparison of City GRV over the previous two years is as follows:

Change in City of Nedlands Landgate Valuations

GRV Category	2021/22	2022/23	2023/24	% change
Residential	\$299,553,429	\$301,771,849	\$352,673,430	16.87
Residential Vacant	\$9,964,800	\$10,859,650	\$15,740,900	44.95
Non-Residential	\$53,129,577	\$55,994,977	\$59,629,673	6.49
Total	\$362,647,806	\$368,626,476	\$428,044,003	16.12

Number of assessments

GRV Category	2021/22	2022/23	2023/24	% change
Residential	8,304	8,301	8,332	0.37
Residential Vacant	275	331	364	9.97
Non-Residential	554	558	558	0.00

Discussion

The City imposes differential rates based on the purpose for which the land is zoned or for which the land is held or used. This allows the City the opportunity to levy different rates in the dollar on the Gross Rental Value (GRV) of different property classifications to reflect the differing levels of demand placed on City services and infrastructure in each differential category. Currently, the City uses 3 differential rate classifications as detailed following:

1. Residential
2. Residential Vacant
3. Non-Residential

The City also establishes a minimum rate for each differential rating classification to ensure that all ratepayers make a reasonable contribution to the cost of providing services and infrastructure by the City.

Proposed increase represents a 2.5% increase in rates from the 2022/23 Budget. In addition, the City expects a 2% growth in the rates base as a result of the completion of new dwellings and other additions.

The revaluation of GRVs saw an overall 16% increase in GRV for the City of Nedlands.

In a GRV revaluation year, the City's Rates in the Dollar are adjusted to achieve the same pre GRV revaluation rate income. Rates modelling was undertaken to reduce the rates in the dollar. These revised rates in the dollars for all categories were then increased by 2.5%. Minimum rates for Residential and Non-residential categories have been increased by 2.5%. Minimum for Residential Vacant adjusted down to ensure compliance with less than 50% of the Residential Vacant Land category are on a minimum rate.

The City proposes the following differential rates to be advertised for public comment:

Differential Rate	Adopted Minimum Rate 2022/23	Minimum Rate Proposed 2023/24	Adopted Rate in the Dollar (\$) 2022/23	Rate in the Dollar (\$) Proposed 2023/24
Residential	\$1,484	\$1,521	0.06558	0.05844
Non-Residential	\$1,957	\$2,006	0.07314	0.07211
Residential Vacant	\$1,950	\$1,894	0.09268	0.07732

The proposed rates have been achieved through a critical review of operational costs to continue delivering services and achieving a capital program that matches delivery capacity and City of Nedlands adopted Long-Term Financial Plan forecast expectations 2.5% inflation plus 2% growth.

In accordance with *Section 6.36 of the Local Government Act 1995*, the City is required to give local public notice of its intention to impose differential rates prior to adopting its budget for the 2023/24 financial year.

Consultation

The Council was presented with the draft budget and rates information at a series of Councillor Briefings held during March, April and May 2023.

Strategic Implications

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

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

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

Great Governance and Civic Leadership

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

Budget/Financial Implications

The proposed differential rates for 2023/24 budget total rates (\$26,711,364) will provide additional revenue of \$891,971 compared to the 2022- 23 budget total rates (\$25,819,393) to the City. The amounts to a 2.5% increase in rates plus 2% growth in the rates base due to the completion of new dwellings and additions. These projections are in line with the recently adopted Long-Term Financial Plan

Legislative and Policy Implications

[Section 6.36 of the Local Government Act 1995](#)

Decision Implications

Should Council endorse the recommendation then the City will fulfill its Statutory obligations under *s6.36 of the Local Government Act 1995* to advertise proposed differential rates for 2023/24 by giving Local Public Notice for 21 days and consider any submissions received. Should council not endorse the recommendation, this would result in delays to the adoption of the final budget for 2023/24.

Conclusion

Council's approval of the proposed differential rates and the supporting Statement of Objects and Reasons for Differential Rates will allow the City to meet its statutory obligation to advertise the proposed rate in the dollar and minimum rates for 21 days for public comments.

Further Information

Nil.



City of Nedlands

Objects and Reasons for Imposing Differential Rates for 2023/24

The following Objects and Reasons are provided in accordance with Section 6.36 of the *Local Government Act 1995* and the Council's "Notice of Intention to Levy Differential Rates" for the 2023/24 Financial Year on various categories of properties within the City.

The differential rates are to be levied in accordance with Sections 6.33 of the *Local Government Act 1995*. This document outlines the objects and reasons for implementing differential general rates.

Overall rating objective

The overall objective of the proposed rates in the 2023/24 Budget is to provide for the net funding requirement of the City of Nedlands' various programs, services, and facilities.

Pursuant to Section 6.36 (1) of the Act, the City has given local public notice of its intention to apply differential general rates and minimum payments in respect of each differential rating category.

Differential General Rating

The purpose of imposing a GRV differential rating for residential, residential vacant land and non-residential is to obtain a fair and equitable form of revenue raising from all categories of properties in the City.

Under the *Local Government Act*, Section 6.33 Differential general rates, a local government may impose differential general rates according to any, or a combination, of the following characteristics —

- (a) the purpose for which the land is zoned, whether or not under a local planning scheme or improvement scheme in force under the *Planning and Development Act 2005*; or
- (b) a purpose for which the land is held or used as determined by the local government; or
- (c) whether or not the land is vacant land; or
- (d) any other characteristic or combination of characteristics prescribed

The differential rates categories for Residential, Residential Vacant and Non-Residential for 2023/24 are proposed as:

Differential Rate	Minimum Rate Proposed	Rate in the Dollar (\$) Proposed
Residential	\$1,521	0.058446
Non-Residential	\$2,006	0.072115
Residential Vacant	\$1,849	0.077329

Following are the objects and reasons for each of the differential rates: -

1. Residential Differential Rate

The rate in the dollar and minimum rate have been set on the basis that ratepayers make a reasonable contribution to the cost of local government and facilities.

2. Residential Vacant Differential Rate

The rate in the dollar and minimum rate have been set in an effort to promote development of properties thereby stimulating growth and development in the Community.

3. Non-Residential Differential Rate

The rate in the dollar and minimum rate have been set to provide for a reasonable contribution towards infrastructure and the cost of local government.

Electors and ratepayers of the City of Nedlands are invited to submit their comments on the above rates in writing by 26 June 2023. Submissions should be addressed to the Chief Executive Officer, City of Nedlands, PO Box 9, Nedlands WA 6909 or council@nedlands.wa.gov.au, with "Differential Rates" in the subject line.

Bill Parker
Chief Executive Officer

17.5 CPS23.05.23 Monthly Financial Report – April 2023

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

17.6 CPS24.05.23 Monthly Investment Report – April 2023

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

17.7 CPS25.05.23 List of Accounts Paid – April 2023

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

18. Reports by the Chief Executive Officer CEO11.05.23

18.1 CEO11.05.23 Election to fill the Elected Member Vacancy – Hollywood Ward

Meeting & Date	Council Meeting – 23 May 2023
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	Libby Kania – Coordinator Governance and Risk
CEO	Bill Parker
Attachments	1. Letter from the Electoral Commissioner dated 28 April 2023.

Purpose

This report is provided for Council to consider making a request to the Western Australian Electoral Commission to leave the Hollywood Ward Council Member Vacancy unfilled until the October 2023 Ordinary Election.

Recommendation

That Council requests the Chief Executive Officer to write to the Electoral Commissioner of the Western Australian Electoral Commission requesting the Council Member vacancy for the Hollywood Ward remain unfilled until the October 2023 Ordinary Election.

Voting Requirement

Absolute Majority.

Background

On 26 April 2023, Mr Basson tendered his resignation from Council to the Chief Executive Officer (CEO) effective on that date. This has left a vacancy in the Hollywood Ward. Mr Basson's term of office was due to expire at the October 2023 Local Government Elections.

Any Extraordinary Election held now to fill this vacancy would only be for the balance of this term.

Discussion

Section 4.16(4) of the *Local Government Act 1995* provides that a Council may apply to the Electoral Commissioner to have an election for an Extraordinary Vacancy that occurs between the first Saturday in January and the first Saturday in July prior to an Ordinary Election, deferred until that Ordinary Election. Therefore, Council can seek approval from the Western Australian Electoral Commission requesting that this vacancy remain unfilled until the October 2023 Ordinary Election which would be the most cost effective and appropriate course of action.

Advice from the Western Australian Electoral Commission is that the Electoral Commissioner would agree to the vacancy remaining unfilled until the October 2023 Ordinary Election if requested by the City of Nedlands.

Should Council determine that it wants to fill the position, it will need to call an extraordinary election with the Electoral Commissioner conducting the election in accordance with the current Council resolution.

Extract Council Minutes – 23 April 2019 – Item 13.5 Future Elections and Polls to 2023

“Council:

1. declares, in accordance with section 4.20(4) of the Local Government Act 1995, the Western Australian Electoral Commissioner to be responsible for the conduct of all future elections and polls until the end of 2023; and
2. decides, in accordance with section 4.61(2) of the Local Government Act 1995 that the method of conducting all future elections or polls will be as a postal election.”

Please note that the earliest date that an extraordinary election may be held is 28 July 2023. On that basis, the term would be for approximately 3 months.

The costs associated with conducting the Extraordinary Election would be approximately \$20,000.

In determining whether to proceed to an extraordinary election or to request the Electoral Commissioner to allow the vacancy to remain unfilled until the October 2023 Ordinary Election, Council needs to be aware that a resolution to its Wards and Representation Review submission has not yet been received from the Local Government Advisory Board.

At the Special Council Meeting dated 13 February 2023, Council resolved the following –

That the City of Nedlands Council recommends to the Local Government Advisory Board, in accordance with Schedule 2.2(9) that:

1. The current four ward structure at the City of Nedlands be retained;
2. An order be made that the name of the Coastal Districts Ward be amended to the Coastal Ward, all other ward names be retained;

3. An order be made under s. 2.2(1) for a boundary adjustment between the Coastal and Hollywood Wards as follows:
 - a. The area bounded by Camelia Avenue to the North, Lantana Avenue to the West, Brockway Road to the East and Alfred Road to the South is moved from the current Coastal Ward to the Hollywood Ward.
4. An order be made under s. 2.18(3) to reduce the number of offices of Elected Member from 13 to 9 – comprised of a Mayor and 8 Councillors, and designates the following number of offices of councillor for each ward: Melvista (2), Hollywood (2), Dalkeith (2) and Coastal (2);
5. Authorises the Chief Executive Officer to prepare a report to be presented to the Local Government Advisory Board proposing that the orders resolved above be made under section 2.2(1) and s. 2.18(3) of the Local Government Act 1995; and
6. In the event that the Minister's proposed reforms to the Local Government Act 1995 to reduce the number of Council positions for local governments with populations between 5,000 to 75,000, to a maximum number of 9 elected members is not passed by State Parliament in time for the October 2023 Ordinary Local Government Elections, the City of Nedlands withdraws its application to the Local Government Advisory Board in respect to recommendation 4 of the Council resolution dated 13 February 2023, and retains the current representation of 13 elected members with 3 Councillors per each of the 4 wards for the 2023 election.

CARRIED BY ABSOLUTE MAJORITY 8/4
(Against: Mayor Argyle Crs. Bennett Mangano Youngman)

As the City did not provide a method on how the number of Council offices was to be reduced, it is open for the Minister to consider a complete spill at the 2023 Ordinary Election or that the number of council positions be reduced over one or two election cycles. As the term for this vacancy ends in October 2023 and it is the only expected vacancy in the Hollywood Ward at the October Ordinary election, it may be open to the Minister to recommend the office be permanently vacated, thereby achieving a reduction in the number of council positions for that Ward from three to two. This aligns with the Council resolution above. This is based on an assumption that the Minister does not recommend a complete spill of council offices.

Officers have contacted the Local Government Advisory Board as to the likely date for a determination on the City's submission. It is expected that this will occur once the legislation has passed through Parliament.

It is deemed appropriate for Council to determine not to fill the vacancy based on the considerations provided above. Council should note that there is less than 6 months until the Ordinary Elections, and an extraordinary election held in July would be for the remainder of the term, which would be three (3) months. The conduct of an extraordinary election for this period might be considered by the community as an unnecessary expenditure. Further, the City has a precedence for allowing vacancies to remain unfilled for a period of time, and indeed, this has occurred in the Hollywood Ward in the past.

Consultation

As this is a requirement under the *Local Government Act 1995* the decision only requires consultation with the Western Australian Electoral Commission (WAEC) and Council.

Administration have consulted with the Western Australian Electoral Commission who have advised that the Commissioner will grant approval for the Hollywood Ward Council Member vacancy to remain unfilled until the October 2023 Ordinary Election.

The necessary consultation and advertising required to run the election is set out in Part 4 of the Act and will be the responsibility of the returning officer appointed by the Western Australian Electoral Commission.

Strategic Implications

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

Values

Great Governance and Civic Leadership

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

Budget/Financial Implications

Holding an extraordinary election in the next financial year 2023/24 would mean that approximately \$20,000 would need to be included in the Annual Budget for 2023/24 in addition to the costs for the Ordinary Election which is to be held in October 2023. Should Council resolve to request the vacancy remain unfilled until the Ordinary Election in October 2023 then this would already be included in the 2023/24 annual budget as the vacancy formed part of the WAEC's costings for the Ordinary Election.

Legislative and Policy Implications

[Local Government Act 1995](#)

4.9. Election day for extraordinary election

- (1) Any poll needed for an extraordinary election is to be held on a day decided on and fixed —
 - (a) by the mayor or president, in writing, if a day has not already been fixed under paragraph (b); or

- (b) by the council at a meeting held within one month after the vacancy occurs, if a day has not already been fixed under paragraph (a).
- (2) The election day fixed for an extraordinary election is to be a day that allows enough time for the electoral requirements to be complied with but, unless the Electoral Commissioner approves or section 4.10(b) applies, it cannot be later than 4 months after the vacancy occurs.
- (3) If at the end of one month after the vacancy occurs an election day has not been fixed, the CEO is to notify the Electoral Commissioner and the Electoral Commissioner is to —
 - (a) fix a day for the holding of the poll that allows enough time for the electoral requirements to be complied with; and
 - (b) advise the CEO of the day fixed.

6.8. Expenditure from municipal fund not included in annual budget

- (1) A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure —
 - (a) is incurred in a financial year before the adoption of the annual budget by the local government; or
 - (b) is authorised in advance by resolution*; or
 - (c) is authorised in advance by the mayor or president in an emergency.

Decision Implications

The holding of elections is highly regulated by the *Local Government Act 1995*, consequently, there is a risk of the City being non-compliant if it does not act expediently to arrange the extraordinary election or request for the vacancy to remain unfilled until the October 2023 Ordinary Election.

Conclusion

In conclusion, there is under six (6) months until the October 2023 Ordinary Election therefore, due to the extremely tight timeframes and advice from the Western Australian Electoral Commission, Administration is recommending that Council make a request to the Electoral Commission to leave the Council Member Vacancy in the Hollywood Ward unfilled until the October 2023 Ordinary Election.

Further Information

Nil.



LGE 282

Mr Bill Parker
Chief Executive Officer
City of Nedlands
PO Box 9
NEDLANDS WA 6909

Attention: Ms Libby Kania

Dear Mr Parker

Councillor vacancy

I refer to your email of 28 April 2023 advising of the resignation of Councillor Basson effective 26 April 2023 creating a vacancy in the Hollywood Ward. In your letter you state that Council may be looking at the two options of either allowing the vacancy to remain unfilled until the 2023 Local Government Ordinary Election or conducting an extraordinary election for the Hollywood Ward to fill the vacancy as a postal election.

If council wishes to have the vacancy remain unfilled, approval is given under section 4.17(2) of the *Local Government Act 1995* to defer filling this vacancy until the next ordinary local government elections.

The estimated cost to conduct the extraordinary election would be \$20,000 including GST which has been based on the following assumptions:

- 4,100 electors;
- response rate of approximately 30%;
- appointment of a local Returning Officer and
- count to be conducted in Nedlands.

Costs not incorporated in this estimate include:

- non-statutory advertising (i.e. additional advertisements in community newspapers and promotional advertising);
- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns; and

- one local government staff member to work in the polling place on election day.

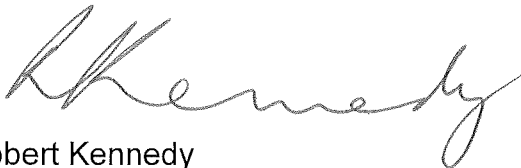
The Commission is required by the *Local Government Act 1995* to conduct local government elections on a full cost recovery basis. Please note that this is an estimate only and may vary depending on a range of factors including the cost of materials or number of replies received. The basis for our charges is all materials at cost and a margin on staff time only.

If an extraordinary election is to be conducted, under Section 4.9 of *Local Government Act 1995*, the election date will need to be decided and fixed by either the mayor in writing or council at a meeting within one month of the vacancy occurring.

I have enclosed an election schedule for an election date of Friday 28 July 2023 which is the earliest date an extraordinary election could be conducted.

If you have any further queries please contact Phil Richards Manager Election Events on 9214 0443.

Yours sincerely



Robert Kennedy
ELECTORAL COMMISSIONER

28 April 2023

Enc.



ELECTION TIMETABLE

City of Nedlands Extraordinary Election

Days to Polling Day	Local Government Act	References to Act/Regs	Day	Date
80	Last day for agreement of Electoral Commissioner to conduct postal election.	LGA 4.20 (2)(3)(4)	Tue	9/05/2023
80	A decision made to conduct the election as a postal election cannot be rescinded after the 80th day.	LGA 4.61(5)	Tue	9/05/2023
70	Electoral Commissioner to appoint a person to be the Returning Officer of the Local Government for the election.	LGA 4.20 (4)	Fri	19/05/2023
70 to 56	Between the 70th/56th day the CEO is to give Statewide public notice of the time and date of close of enrolments. Preferred date Wednesday 24 May 2023	LGA 4.39(2)	Fri to Fri	19/05/2023 to 2/06/2023
56	Last day for for the CEO to advise the Electoral Commissioner of the need to prepare a residents roll.	LGA 4.40(1)		2/06/2023
56	Advertising may begin for nominations from 56 days and no later than 45 days before election day. Preferred date Wednesday 7 June 2023	LGA 4.47(1)	Fri	2/06/2023
50	Close roll 5.00 pm	LGA 4.39(1)	Thu	8/06/2023
45	Last day for advertisement to be placed calling for nominations.	LGA 4.47(1)	Tue	13/06/2023
44	Nominations Open First day for candidates to lodge completed nomination paper, in the prescribed form, with the Returning Officer. Nominations period is open for 8 days.	LGA 4.49(a)	Wed	14/06/2023
38	If a candidate's nomination is withdrawn not later than 4.00 pm on the 38th day before election day, the candidate's deposit is to be refunded.	Reg. 27(5)	Tue	20/06/2023
37	Close of Nominations 4.00 pm on the 37th day before election day.	LGA 4.49(a)	Wed	21/06/2023
36	Last day for the CEO to prepare & certify an owners & occupiers roll for the election. Last day for the Electoral Commissioner to prepare & certify a residents roll.	LGA 4.41(1) LGA 4.40(2)	Thu	22/06/2023
29	Lodgement of election packages with Australia Post. Week Commencing	Approx	Thu	29/06/2023
22	The preparation of any consolidated roll under subregulation (1) be completed on or before 22nd day before election day.	Reg. 18(2)	Thu	6/07/2023
19	Last day for the Returning Officer to give Statewide public notice of the election. Preferred date Wednesday 28 June 2023	LGA 4.64(1)	Sun	9/07/2023
4	Commence processing returned election packages	Approx	Mon	24/07/2023
0	Election Day Close of poll 6.00 pm	LGA 4.7	Fri	28/07/2023

Roll Close

Nominations Open

Nominations Close

Election Day

Post Election Day	Post Declaration	References to Act/Regs	Day	Date
5	Election result advertisement.	LGA 4.77	Wed	2/08/2023
14	Report to Minister. The report relating to an election under section 4.79 is to be provided to the Minister within 14 days after the declaration of the result of the election.	Reg.81	Fri	11/08/2023
28	An invalidity complaint is to be made to a Court of Disputed Returns, constituted by a magistrate, but can only be made within 28 days after notice is given of the result of the election.	LGA 4.81(1)	Fri	25/08/2023

19. Council Members Notice of Motions of Which Previous Notice Has Been Given

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

20. Urgent Business Approved By the Presiding Member or By Decision

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

21. Confidential Items

Confidential items to be discussed at this point.

22. Declaration of Closure

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