



# MINUTES

## Ordinary Council Meeting

Wednesday, 01 October 2025

### **These Minutes are Subject to Confirmation**

Prior to acting on any resolution of the Council contained in these minutes, a check should be made of the Ordinary Meeting of Council following this meeting to ensure that there has not been a correction made to any resolution.



## Information

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

## Public Question Time

Public question time at an Ordinary Council Meeting is available for members of the public to ask a question about items on the agenda. Questions asked by members of the public are not to be accompanied by any statement reflecting adversely upon any Council Member, Committee Member or Employee.

Questions should be submitted via the online form available on the City's website: [Public question time | City of Nedlands](#)

Questions may be taken on notice to allow adequate time to prepare a response and all answers will be published in the minutes of the meeting.

## Addresses by Members of the Public

Members of the public may make presentations or ask questions on items contained within the agenda. Presentations are limited to 3 minutes. Members of the public must complete the online registration form available on the City's website: [Public Address Registration Form | City of Nedlands](#)

The Presiding Member will determine the order of speakers to address the Council, and the number of speakers is to be limited to 2 in support and 2 against any item on an Ordinary Council Meeting Agenda. The Public address session will be restricted to 15 minutes unless the Council, by resolution decides otherwise.

## Disclaimer

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## 1. DECLARATION OF OPENING

I am now pleased to declare this Ordinary Meeting of the Council of the City of Nedlands open at 5.00pm.

Good evening to everyone in the gallery tonight and those online — welcome to the eighth Council Meeting following the appointment of Commissioners ahead of the special election for the City of Nedlands in March 2026.

As the Commissioners sit as the Council, we are also available to receive feedback from the community — we acknowledge those who have taken the time to do so to date and encourage engagement from all members of the community by attending Council meetings or contacting us via our Commissioners email at [commissioners@nedlands.wa.gov.au](mailto:commissioners@nedlands.wa.gov.au)

I wish to remind those seeking to ask questions to focus on issues and not individuals and be respectful in approach. I also remind those in attendance that we may not be able to respond to questions that relate to matters considered confidential under section 5.23 of the Local Government Act nor questions that we determine as not being in good faith.

Finally, I wish to advise observers that Commissioners may refer to technical devices, such as phones and laptops, throughout the meeting to assist them in considering the information before them.

In opening the meeting, I acknowledge the traditional custodians of this land, the Whadjuk people of the Nyoongar Nation, and pay our respects to culture and Elders, past and present. The City of Nedlands also values the contributions made to the community over the years by people of diverse backgrounds and cultures, including those who have served and sacrificed.

This meeting is being live streamed and recorded, and I refer you to the disclaimer on page 2 of the agenda.

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

### **Commissioners**

Mr D Caddy	(Presiding Member)
Ms B Sandri	(Deputy)
Ms C Hart	(Online)

### **Staff**

Ms K Shannon	Chief Executive Officer
Mr S Amasi	Director Technical Services
Mr J Vojkovich	Acting Director Corporate Services
Mr B Thompson	Director Planning and Development



Mr S Famiano  
Mr A Van Rooyen  
Mr J Allen  
Mr S Piotrowski  
Ms T Douglas

Manager Urban Planning and Development  
Chief Information Officer  
Coordinator Governance, Legal and Risk  
Coordinator Transport & Development  
Executive Officer to CEO (minutes)

Ms A Walsh

Principal Consultant (DLGIRS)

**Apologies**

Nil

**Leave of Absence**

Nil

**Public**

10

**Media**

1

### **3. PUBLIC QUESTION TIME**

**Rex Hubbard, Alexander Road DALKEITH**

Question 1:

Did the development approval for 5A & 5B Alexander Road expire on 27 June 2025, which is the end of the 2-year period in condition #1 of the development approval?

Response: Chief Executive Officer, Keri Shannon  
Yes.

Question 2:

Did the Council purport to amend development approval condition #5 (front setback) in circumstances that it had no power to unilaterally do so? If so, when did the CEO take action to have the design rectified?

Response: Chief Executive Officer, Keri Shannon

This question is not within my knowledge as I was not the CEO at the time. I am aware an amended development approval was provided to Urbanista Town planning on 29 September 2023. I am unaware of the circumstances preceding the amended approval.

Question 3:

With respect, we sent you a letter that details this in great detail on the 25<sup>th</sup> of June 2025. Are you saying that following that letter, you are still not aware of the situation?

Response: Chief Executive Officer, Keri Shannon



The matters raised in the letter to me were matters which were procedural matters in relation to the approval of the development some two years beforehand. They were not pressing matters for me to deal with on that day.

**Dr Kylie Bennett, Alexander Road DALKEITH**

Question 1:

Did the Administration unilaterally waive compliance with development approval condition #10 (reasonable steps to perform a dilapidation survey of 7A Alexander Rd)? Who ultimately authorised this waiver, and did any staff disagree with this?

Response: Chief Executive Officer, Keri Shannon

Condition 9 of the amended development approval provided:

Prior to the issue of a building permit and the commencement of excavation works, a Dilapidation Report shall be submitted to the City of Nedlands and the owners of the adjoining properties listed below detailing the current condition and status of all buildings (both internal and external together with surrounding paved areas and rights of ways), including ancillary structures located upon these properties:

- a. Lot 101 (No. 7A) Alexander Road, Dalkeith
- b. Lot 1 (No. 3A) Alexander Road, Dalkeith

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the City of Nedlands that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

The owner of 7A had indicated they were able to undertake a dilapidation survey on 26 June 2025 – the day before the expiry of the approval. The builder requested an alternate date to allow them to clear the condition however this was not agreed to so the applicant demonstrated in writing to the City they had taken reasonable steps to obtain access. I accepted this written notice. I understand a Dilapidation report for 7A was subsequently undertaken. In my opinion the question of reasonableness was in the context of the 3-week period until the expiry of the DA.

Question 2:

Did the Administration issue a building permit for 5A & 5B Alexander Road in circumstances when it had no power to do so? Who ultimately authorised this permit, and did any staff disagree with this?

Response: Chief Executive Officer, Keri Shannon

The administration issued a building permit once all the conditions were cleared. I note the neighbours at 3 and 7A Alexander Road had meetings and multiple emails with the City's staff prior to 27 June 2025 encouraging them to refuse an extension of the development application however it was important this matter be determined in an unbiased and impartial manner. I authorised the building permit being issued.

**Alex Campbell, Alexander Road Dalkeith**



Question 1:

Did the project fail to achieve substantial commencement prior to expiry of the 2-year development approval on 27 June 2025?

Response: Chief Executive Officer, Keri Shannon

The City obtained independent legal advice that substantial commencement had been achieved by 27 June 2025.

Question 2:

Has the CEO taken action against the developer and builder to force work to stop? If so, when did the CEO do this?

Response: Chief Executive Officer, Keri Shannon

No, because the development was substantially commenced.

**Jenny Campbell, Alexander Road Dalkeith**

Question 1:

On the 8 July the CEO wrote to Julius Skinner of Thomson Geer: "Dear Mr Skinner, I note your letters dated 7 July 2025 and 25 June 2025 and advise the City is currently considering the matter and obtaining advice. Kind Regards Keri Shannon". Assuming the City has received the aforementioned "advice", why has the CEO refused to respond to any of my, or Thomson Geer's, emails and formal legal correspondence regarding this matter?

Response: Chief Executive Officer, Keri Shannon

The matters raised by Mr Skinner in his correspondence were procedural matters relating to the validity of the original development approval dated 29 September 2023 which were not relevant in relation to the determination of substantial commencement as at 27 June 2025.

**4. ADDRESSES BY MEMBERS OF THE PUBLIC**

Nil

**5. REQUESTS FOR LEAVE OF ABSENCE**

Nil

**6. PETITIONS**

Nil



## **7. DISCLOSURES OF FINANCIAL INTEREST**

**Commissioner Sandri declared a financial interest for item 15.3; Briefing Note – City of Nedlands LPS 3 and the UWA QE11 Improvement Plan No. 63**

Reason:

I am a Commissioner (Board Member) of the Western Australian Planning Commission, and I have been part of and will continue to be part of the decision-making process for the UWA QE11 Improvement Scheme in my capacity on the board of the WAPC. Accordingly, I have a financial interest in item 15.3 and will be leaving the room.

## **8. DISCLOSURES OF INTERESTS AFFECTING IMPARTIALITY**

**Commissioner Caddy declared an interest affecting impartiality for item 15.3; Briefing Note – City of Nedlands LPS 3 and the UWA QE11 Improvement Plan No. 63**

Reason:

With respect to Item 15.3, I will declare an impartiality interest in that I live in the City of Perth portion of the area contained within the Improvement Plan and that I do not believe that this would influence my ability to properly consider the interests of landowners within the City of Nedlands portion of the area contained within the Improvement Plan. I intend to continue to Chair the meeting for discussion on this item.

## **9. DECLARATIONS BY MEMBERS THAT THEY HAVE NOT GIVEN DUE CONSIDERATION TO PAPERS**

Nil

## **10. CONFIRMATION OF MINUTES**

### **Officer Recommendation and Council Decision**

**The Minutes of the Ordinary Council Meeting held Wednesday, 17 September 2025 are to be CONFIRMED.**

**Moved: Commissioner Sandri**

**Seconded: Commissioner Hart**

**CARRIED: UNANIMOUSLY 3-0**

**For: Commissioner Caddy, Commissioner Sandri, Commissioner Hart**

**Against: Nil**



## **11. ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

On the 17th of September I was very honoured to be able to have conferred citizenship on over 40 members of our community who have chosen to become Australian citizens and I congratulate them and their families.

Last Wednesday, Deputy Chair Commissioner Sandri and I met firstly with Sandra Brewer MLA, Member for Cottesloe and then with Jonathan Huston MLA, Member for Nedlands. As both these State seats cover portions of the City of Nedlands, we discussed a range of issues relevant to the operations of the City raised by their constituents.

*Commissioner Caddy proposed a Procedural Motion.*

### **Procedural Motion and Council Decision**

**That sections; 9.5, 10.1a and 3.92 of the Standing Orders Local Law 2016 be SUSPENDED for the duration of the meeting.**

Reason:

To allow Alternative Motions from the floor, to allow Commissioners to speak twice and Notice of Motions to be tabled.

**Moved: Commissioner Caddy**

**Seconded: Commissioner Sandri**

**CARRIED: UNANIMOUSLY 3-0**

**For: Commissioner Caddy, Commissioner Sandri, Commissioner Hart**

**Against: Nil**

## **12. MEMBERS ANNOUNCEMENTS WITHOUT DISCUSSION**

Nil

## **13. MATTERS FOR WHICH THE MEETING MAY BE CLOSED**

- **Item 23.1: Appointment of Lead Town Planning Consultant (and Sub-Consultants) – Local Planning Strategy Review**
- **Item 23.2: Authorisation to Enter into a Deed of Maintenance and Indemnity for Overhanging Awning – 71 (Lot 371) Princess Road, Nedlands**





**14. MINUTES OF COUNCIL COMMITTEES AND ADMINISTRATIVE LIAISON WORKING GROUPS**

Nil



## 15. DIVISIONAL REPORTS - PLANNING & DEVELOPMENT

### 15.1 Consideration of Development Application – 23 (Lot 1) Hillway, Nedlands – Extension of Time to DA22-83633 (Three Multiple Dwellings)

<b>Report Number</b>	<b>PD36.10.25</b>
<b>Applicant</b>	M Bombara
<b>Disclosure of Interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Authority/Discretion</b>	Quasi-Judicial
<b>Contributing Officer</b>	Chantel Weeresequera
<b>Responsible Author</b>	Sergio Famiano - Manager Urban Planning & Development
<b>Director</b>	Bruce Thompson – Director Planning and Development
<b>Attachments</b>	Attachment 1 – Location Plan Attachment 2 – Development Plans dated 16 May 2023 Attachment 3 – Schedule of Submissions and Applicant Response

#### Purpose

The purpose of this report is for Council to consider a development application for an extension of time to an existing development approval for three multiple dwellings at 23 (Lot 1) Hillway, Nedlands. The proposal is being presented to Council for consideration as the application received objections to the proposal during the community consultation period. Council is specifically required to exercise its judgement in considering the merits of the application for an extension of time to the substantial commencement date by two years.

#### Officer Recommendation and Council Decision

That Council in accordance with Clause 77(4)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, **APPROVES** the development application for an extension of time to a previous approved development, DA22-83633 dated 27 June 2023, for three multiple dwellings at 23 Hillway, Nedlands subject to the following conditions:

1. This approval relates only to the development as indicated on the approved plans dated 16 May 2023. It does not relate to any other development on this lot and must substantially commence within 4 years from the date of the decision letter, being 27 June 2027.
2. All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site.



3. All stormwater discharge from the development shall be contained and disposed of on-site unless otherwise approved by the City of Nedlands.

#### **Engineering and Design**

4. Prior to the issue of a building permit, a Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plan shall be observed at all times throughout the construction and demolition processes to the satisfaction of the City.
5. Prior to the issue of a building permit, a minimum of 20% units (1 unit) are to be designed at building permit stage to the Silver Level requirements as defined in the Liveable Housing Design Guidelines (Liveable Housing Australia) and implemented prior to occupation to the satisfaction of the City of Nedlands.
6. Prior to the issue of a building permit and the commencement of excavation works, a Dilapidation Report shall be submitted to the City of Nedlands and the owners of the adjoining properties listed below detailing the current condition and status of all buildings (both internal and external together with surrounding paved areas and rights of ways), including ancillary structures located upon these properties:
  - a. Lot 667 (No. 94) Kingsway, Nedlands
  - b. Lot 32 (No. 92A) Kingsway, Nedlands
  - c. Lot 31 (No. 92) Kingsway, Nedlands
  - d. Lot 2 (No. 90) Kingsway, Nedlands
  - e. Lot 666 (No. 96) Kingsway, Nedlands

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the City of Nedlands that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

7. 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

#### **Landscaping**

8. Prior to the issue of a building permit, the Landscape Concept Report dated 8 June 2023 is to be amended to demonstrate water efficient design to the satisfaction of the City of Nedlands. Prior to occupation, landscaping shall be completed in accordance with the amended Landscape Concept Report



to the satisfaction of the City of Nedlands. 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.

9. The street tree(s) within the verge in front of the lot are to be protected and maintained through the duration of the demolition and construction 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.
10. Prior to occupation, all communal and private open space areas with landscaping shall include a tap connected to an adequate water supply for the purpose of irrigation.
11. Prior to occupation, the applicant is to plant a minimum of one (1) x 30L tree located on the Hillway verge, at the expense of the applicant and to the satisfaction of the City of Nedlands.

#### **Acoustics and Sustainability**

12. Prior to the issue of a Building Permit the applicant is to lodge with the City of Nedlands an amended acoustic report prepared by a suitably qualified and licensed acoustic consultant demonstrating compliance of mechanical plants with the requirements of the Environmental Protection (Noise) Regulations 1997 to the satisfaction of the City of Nedlands.
13. Prior to occupation, the recommendations and specifications contained within the Emergen Sustainable Design Assessment Report dated 6 September 2022, or any approved modifications, are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.

#### **Waste**

14. The development shall comply with the approved Waste Management Plan date stamped 23 December 2022 to the satisfaction of the City of Nedlands. Any modification to the approved Waste Management Plan will require further approval by the City.
15. Prior to the issue of a Building Permit, the bin storage area shall be located and designed to meet the definition of a 'suitable enclosure' as defined by the City of Nedlands Health Local Law 2017.

#### **Parking**

16. Prior to occupation of the development, all car parking bays and visitor bicycle bays are to be clearly line marked, drained and with visitor car



parking clearly marked or signage provided, and maintained thereafter by the landowner to the satisfaction of the City of Nedlands.

17. All car parking dimensions (including associated wheel stops and headroom clearance), manoeuvring areas, ramps, crossovers and driveways shall comply with Australian Standard 2890.1-2004 - Off-street car parking and Australian Standard 2890.6:2009 - Off-street parking for people with disabilities (where applicable) to the satisfaction of the City of Nedlands.

18. Prior to occupation, all bicycle racks shall be provided and installed to the satisfaction of the City of Nedlands and maintained for the lifetime of the development.

### Screening

19. Prior to occupation, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened to the satisfaction of the City of Nedlands

Moved: Commissioner Sandri

Seconded: Commissioner Hart

**CARRIED: UNANIMOUSLY 3-0**

**For: Commissioner Caddy, Commissioner Sandri, Commissioner Hart**

**Against: Nil**

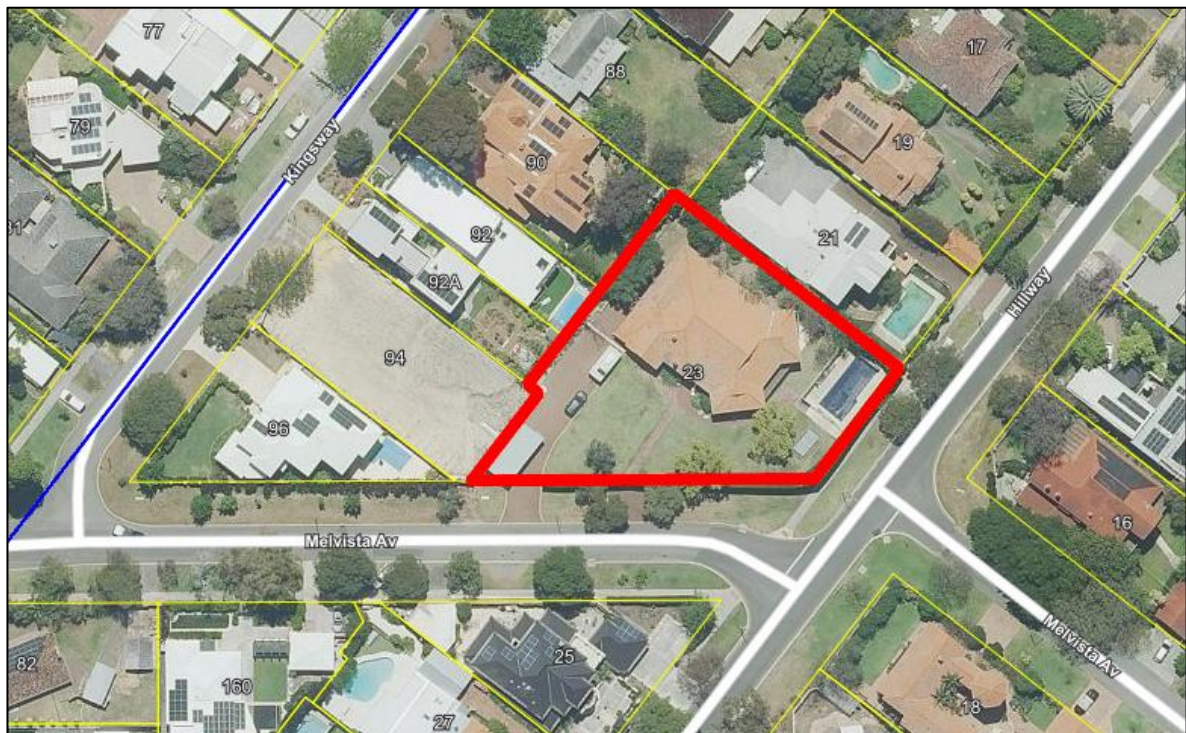
## Background

### Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R60
Land area	1,947m <sup>2</sup>
Land Use	Residential – Multiple Dwellings
Use Class	‘P’ – Permitted Use

The site is located at 23 (Lot 1) Hillway, Nedlands, on the corner of Melisa Avenue and Hillway (**Attachment 1**). The site has an area of 1,947m<sup>2</sup> and slopes upward from east to west with a rise of approximately 4.0m. The site is currently occupied by a single storey, single house with a pool (refer to **Figure 1**).

The locality is predominantly characterised by single residential houses between one to two storeys. The properties in this area are coded R60, R12.5 and R10. This street block of Hillway acts as a transitional corridor between the mixed-use, high-density development on Broadway and the low-density residential development further west. As a result, the immediate area is expected to undergo a gradual transition to a higher density and scale of development.



**Figure 1: Aerial image**

### **Application Details**

The application seeks development approval for development application for an extension of time to an existing approval for three multiple dwellings.

The original application, DA22-83633, was approved by Council at its meeting of 27 June 2023 (PD26.06.23) and must be substantially commenced by 27 June 2025. An extension to the substantial commencement date by two years is requested, this being 27 June 2027. No changes to the approved plans are proposed.

### **Discussion**

#### **Considerations for granting an extension of time**

The Planning and Development Act 2005 does not specify matters relevant to an application to extend an approval period. However, the following have been considered by decision-makers, such as SAT, on similar applications:

- a) Has the planning framework changed substantially since the development approval was granted?
- b) Would the development likely receive approval now?
- c) Has the proponent actively and relatively conscientiously pursued implementation?
- d) Was the initial period for approval provided reasonable and adequate?

#### **Has the planning framework changed?**

Since the development was approved in June 2023, the State Planning Framework and City's Local Planning Framework has changed.





The Residential Design Codes (R-Codes) have undergone significant alteration since the original approval. The original application was assessed against the R-Codes Volume 2 – Apartments. In April 2024, the R-Codes Volume 2 was amended to only apply to multiple dwelling developments coded R80 and above. At this same time, the R-Codes Volume 1 was divided into two parts, Part B and Part C. Part C of the R-Codes Volume 1 apply to multiple dwelling development in areas coded R30 to R60. The development remains largely consistent with the R-Codes Volume 1 Part C as outlined in this report.

The City's Local Planning Policy 1.3 Sustainable Design – Residential (LPP 1.3) was adopted on 27 February 2024. LPP 1.3 introduced additional criteria for all new mixed use and multiple dwellings assessed under Volume 1 of the R-Codes to improve sustainable design.

The City's Local Planning Policy 3.4 Tree Retention R25 - R80 (LPP 3.4) was adopted on 27 May 2025. The subject application does not involve the removal of any 'regulated trees' as defined by LPP 3.4. In this regard the adoption of LPP 3.4 does not impact on the development.

Local Planning Policy 5.14 Precincts (LPP 5.14) was adopted by the City on 27 August 2024. LPP 5.14 consolidated previous local planning policies including Local Planning Policy 5.10 Broadway Precinct (LPP 5.10) which was applicable to the original application. The development provisions within LPP 5.14 pertaining to the Broadway Precinct are essentially the same as those within the previous LPP 5.10. In this regard the adoption of LPP 5.14 since the original approval does not substantially impact on the development.

**Would the development likely receive approval now?**

In the context of the change to the planning framework as outlined above, it is necessary to consider whether the application would receive approval if it were assessed against the current planning framework. As outlined in the 'planning assessment' section below, it is considered that the development remains capable of approval.

**Has the proponent actively and relatively conscientiously pursued implementation?**

The applicant has conscientiously pursued implementation of the approval. The applicant has appointed a builder and prepared working drawings for the purpose of submitting a building permit. All required contractors have been engaged.

**Was the initial approval period sufficient?**

The initial approval period was for two years, which is the standard timeframe for development approvals issued via the City. However, it is acknowledged that the current construction market is a difficult environment in terms of accessing materials and contractors, and escalating construction costs. Over the last several years, the City has processed a higher than typical number of extension of time development applications, particularly for larger and/or complex projects.



It is further acknowledged that in 2024, the Development Assessment Panel (DAP) regulations were amended to remove the minimum number of dwellings threshold for DAP applications. This means that the subject application could now be processed as a DAP application and thereby receive a substantial commencement period of four years. The above factors indicate that the typical substantial commencement period of two years may no longer be sufficient for developments of this scale.

## Planning Assessment

### 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.

### State Planning Policy 7.3 - Residential Design Codes – Volume 1 Part C

Part C of the R-Codes Volume 1 applies to multiple dwelling development in areas coded R30 to R60. An approval under the R-Codes Volume 1 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. As required by the R-Codes, Council, in assessing the proposal against the design principles, should not apply the corresponding deemed-to-comply provisions.

This development application does not seek to alter the built form of the existing approval. Notwithstanding, a full assessment of the proposal against R-Codes Volume 1 Part C has been undertaken with the below variations from the deemed-to-comply identified. Assessment against design principles has been discussed where there has been a change in the relevant planning framework provisions since the original approval.

Design Element	R-Codes Part C and Volume 2 Comparison	Consistent With New Planning Framework?
Clause 1.2 Trees and Landscaping C1.2.4	Existing variation to R-Codes Volume 2 Acceptable Outcome A3.3.4.	Yes. Development provisions unchanged.
Clause 2.1 Size and Layout of Dwellings C2.1.12	Existing variation to R-Codes Volume 2 Acceptable Outcome A4.7.2	Yes. Development provisions unchanged.
Clause 2.3 Parking C2.3.3	Existing variation to R-Codes Volume 2 Acceptable Outcome A3.9.4	Yes. Development provisions unchanged.
Clause 3.2 Building Height C3.2.1.	Previously met Acceptable Outcomes.	No. New variation as development provisions have changed. See assessment below.
Clause 3.6 Streetscape C3.6.8 and C3.6.9	Existing variation to R-Codes Volume 2 Acceptable Outcome A3.6.6	Yes. Development provisions unchanged.

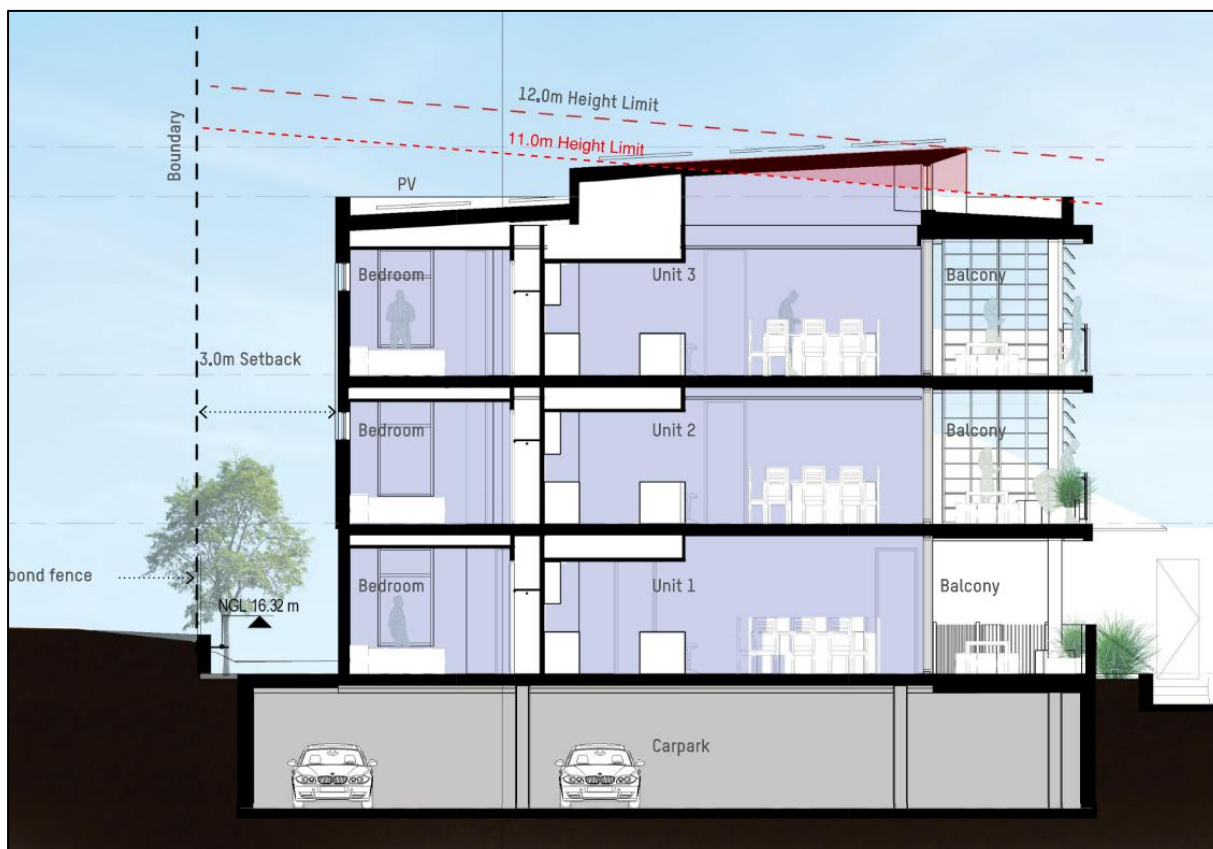




### Clause 3.2 Building Height

The development is three storeys with a maximum height of 11.7m to the top of the skillion roof projection. Under the previous Residential Design Codes Volume 2 the Acceptable Outcome building height was three storeys and 12m. Under the Residential Design Codes Volume 1 the deemed-to-comply building height is three storeys and 11m. The design principles for building height consider the compatibility with the existing and desired streetscape, and the impact on the amenity of adjoining properties. The building height is considered to meet the design principles for the following reasons:

- The bulk of the building achieves the deemed-to-comply height provisions, with a maximum height of 10.6m to the concealed roof. The portion of building which exceeds 11m relates only to the skillion roof projection, as highlighted in **Figure 2** below. The skillion roof is pitched with the highest side to the south of the lot. Noting that the site features a natural slope of 4.0m from the north down to the south, the height of the skillion does not impact the northern adjoining properties in terms of bulk and overshadowing.
- The portion of skillion roof is setback from the main building line thereby will be largely concealed within the line-of-sight as viewed from the street and adjoining properties, minimising the visual impact.
- A number of public submissions raised concerns with loss of views as a result of the building height. In considering views, the design principle only considers 'views of significance'. It has been established by the State Administrative Tribunal (SAT) that this may include views through to water bodies, in this case the Swan River. However, this does not include views of other properties, or views to the sky. Given that this portion of the lot is presently vacant, any development at the deemed-to-comply height will impact on existing views to some extent. In this context, it must be assessed whether there is a loss of views of significance beyond that which would be also impacted by building with a deemed-to-comply 11m height. In this context, the loss of any views as a result of the 0.7m height variation would only impact views to the sky and does not impact access to views of significance.
- It is reiterated that the building height is unchanged by this application, and the variation is technical due to the change in planning framework. The practical impact of the building remains the same as that approved in 2023.



**Figure 2:** North-South Section – Portion of building above 11.0m highlighted in red.

### Local Planning Policy 1.3: Sustainable Design

Local Planning Policy 1.3 Sustainable Design – Residential (LPP 1.3), adopted on 27 February 2024, applies additional sustainability requirements for new multiple dwellings assessed under the R-Codes Volume 1. The original development application included a Sustainable Design Assessment Report prepared by Emergen dated 6 September 2022.

Adherence to the recommendations and specifications contained within the report are a condition of development approval. As detailed in the table below, the initiatives contained within the Emergen report align with the requirements of LPP 1.3. An amended Condition 8 is recommended to ensure further water efficient design initiatives are detailed within the Landscaping plan.

LPP 1.3 Requirements (Mandatory)	Emergen Report
Urban Heat Island - Utilise light finishes, incorporate landscape within the design, and avoid unshaded parking areas.	Sufficient landscaping provided, no unshaded parking area. Predominantly light-coloured materials. Provision of solar PV array (5kW per apartment, 15kW in total) with allowance for future battery
Water Use - Utilise low flow taps, toilets and showers for all sanitary tapware	Provision of water efficient appliances and equipment (WELS Ratings as prescribed in report)



Irrigation Efficiency - Waterwise landscaping to be implemented	Amended Condition 8 – it is acknowledged that the approved Landscaping plan does not specifically detail water efficient design. It is recommended that an amended landscaping plan be provided prior to building permit to address this.
Sustainable Transport Infrastructure - Comply with NCC 2022 provisions for electric vehicle parking now	EV charging station with infrastructure to allow for future installation.
LPP 1.3 Requirements (Optional)	Emergen Report
Toxicity and Indoor Environment - Select products for internal finishes with low volatile organic compounds (VOC) and formaldehyde ratings.	Selection of low VOC finishes (as prescribed in report).
Performance Targets - Proponent to set operational performance targets for gas and electricity usage.	Average of 7 Star NatHERS Ratings.
Natural Ventilation - Ensure all bedrooms, kitchens and living areas comply with AS1668.4 for direct natural ventilation.	Natural ventilation has been designed and modelled for use of units throughout the year to the requirements of AS 1668.4-2012.

### Local Planning Policy 5.14 Precincts

Local Planning Policy 5.14 Precincts (LPP 5.14) which was adopted by the City on 27 August 2024, consolidated a number of previous City policies including Local Planning Policy 5.10 Broadway Precinct (LPP 5.10). The development provisions pertaining to the subject site within LPP 5.14 are largely consistent with those contained within LPP 5.10, which was duly considered at the time of the original application.

LPP 5.14 contains a desired future character statement for the Broadway sub-precinct in which the subject site is located. The proposal remains consistent with the desired future character statement of the policy for the following reasons:

- The development contributes to the dwelling stock available in the locality through the addition of three multiple dwellings.
- The development is three storeys in height and provides appropriate transition from the high and medium density areas of Broadway and Hillway, to the single and double storey, low density areas to the west.
- The development maintains a generous setback from Hillway, the primary street, and an appropriate distance from Melvista Avenue. The street setbacks ensure ample space for the retention of existing landscaping and the addition of new planter boxes and medium trees. The setbacks and landscaping provided contribute to the established leafy streetscapes typical of the area.
- Vehicle access is consolidated through one access point that services the existing house and the new development. The driveway comprises a small proportion of the Melvista Avenue frontage.



- The development is setback at least 3m from all side lot boundaries as viewed from the street and avoids the use of nil setback boundary walls to maintain the detached streetscape character of the area.
- The City's Design Review Panel considered the building façade materials and design to be attractive, inviting and contribute to a sense of place. This is unchanged by this application.

### **Local Planning Policy 7.2 Design Review Panel**

The original application was reviewed by the City's Design Review Panel (DRP) on 17 October 2022. A final review of revised plans was conducted by the DRP Chair on 23 May 2023. The final scoring resulted in all ten of the SPP 7.0 design principles being Green (Supported). As the subject application proposes no changes to the approved plans, this did not warrant further DRP review.

## **Consultation**

The development application was advertised in accordance with the City's Local Planning Policy 7.3 Consultation of Planning Proposals for a period of 14 days from 13 August 2025 to 27 August 2025. At the close of the advertising period, five objections were received (**Attachment 3**).

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

### **1. Building Height**

The proposed building height is considered to achieve the design principles as outlined in the Clause 3.2 and LPP 5.14 assessment above. The building height will not adversely impact the amenity of adjoining lots and does not preclude and restrict access to views in a significant way.

### **2. Street Setbacks**

The proposal is setback 31m from the primary street (Hillway) and 2m from the secondary street (Melvista Avenue). This meets the deemed-to-comply provisions of the R-Codes as augmented by LPP 5.14. Where a proposal meets the relevant deemed-to-comply provisions, the City cannot require further alterations.

### **3. Side Setbacks**

The proposal is setback a minimum of 3m from the side lot boundaries. The side setbacks achieve the deemed-to-comply provisions of the R-Codes Clause 3.4 and LPP 5.14. Where a proposal meets the relevant deemed-to-comply provision of the R-Codes, the City cannot require further alterations.

### **4. Construction/Excavation Concerns**

A Construction Management Plan will be required to be provided to and approved by the City prior to the issue of a building permit. This will address any construction related issues including but not limited to parking, dust, and noise. Dilapidation reports of adjoining properties are required to be obtained prior to commencement of excavation works.

### **5. No Upgrading of the Retained Dwelling Proposed**

The existing dwelling on site to be retained is already maintained to a high standard externally and positively contributes to the streetscape. It is highlighted that the new Clause 3.8 of the R-Codes Volume 1 only requires that the existing dwelling be of



an equivalent standard of maintenance as the new development. There is no requirement for the retained dwelling to match the new development aesthetically. The retained dwelling complies with the R-Codes in relation to parking, private open space, setbacks, landscaping, utilities and waste management as required by Clause 3.8.

## Strategic Implications

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

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

## Budget/Financial Implications

Nil

## Legislative and Policy Implications

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

## Decision Implications

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

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

## Conclusion

The application for an extension of time to an existing approval has been presented for Council consideration as the application received objections during the community consultation period. The development warrants an extension of time to the substantial



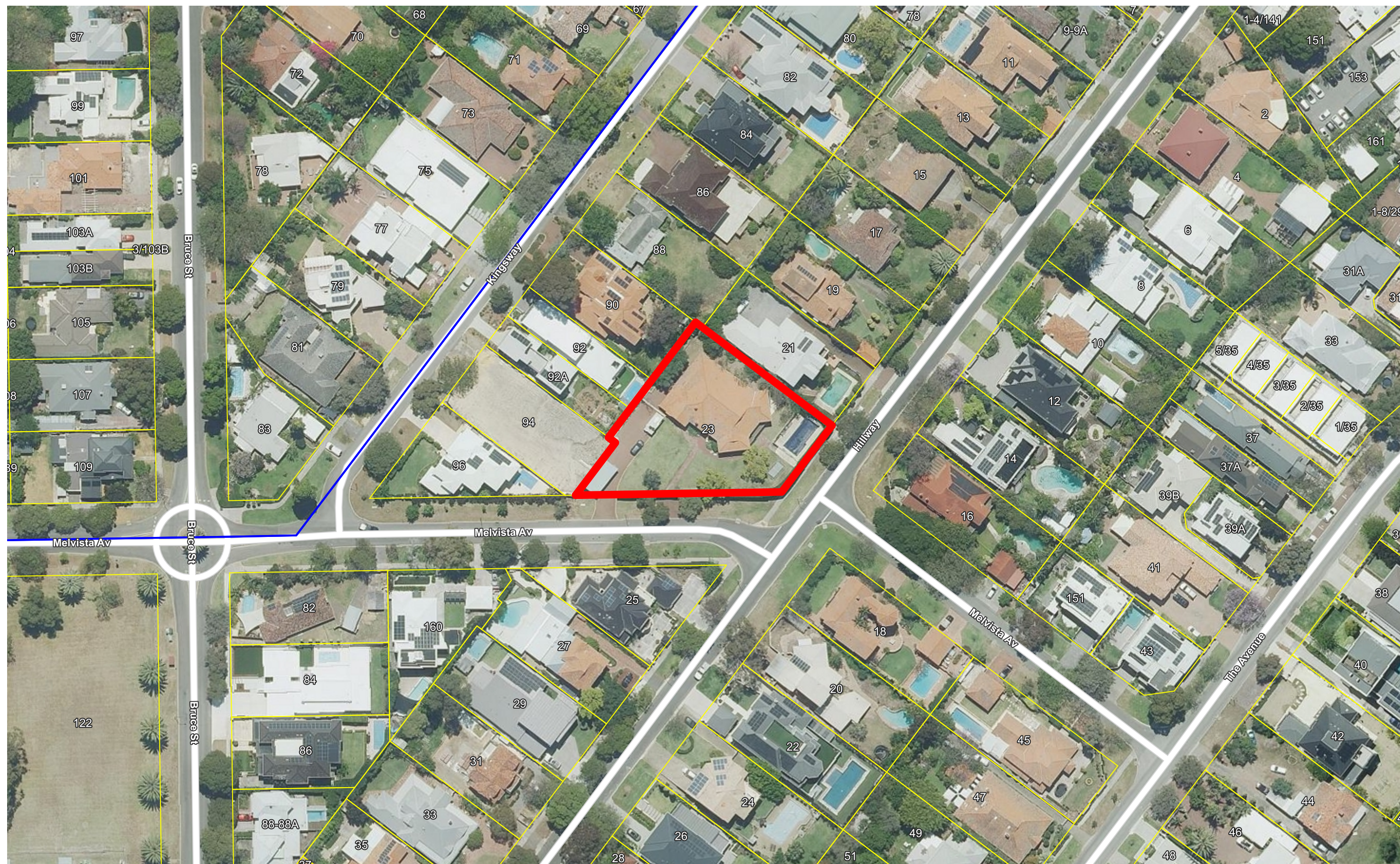
commencement date as the four established tests for extensions of time have been adequately satisfied. Furthermore, the proposal has been assessed and satisfies all relevant design principles of the R-Codes.

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

### **Further Information**

Nil





The City of Nedlands accepts no responsibility for the accuracy of this image or the results of any actions taken when using this image

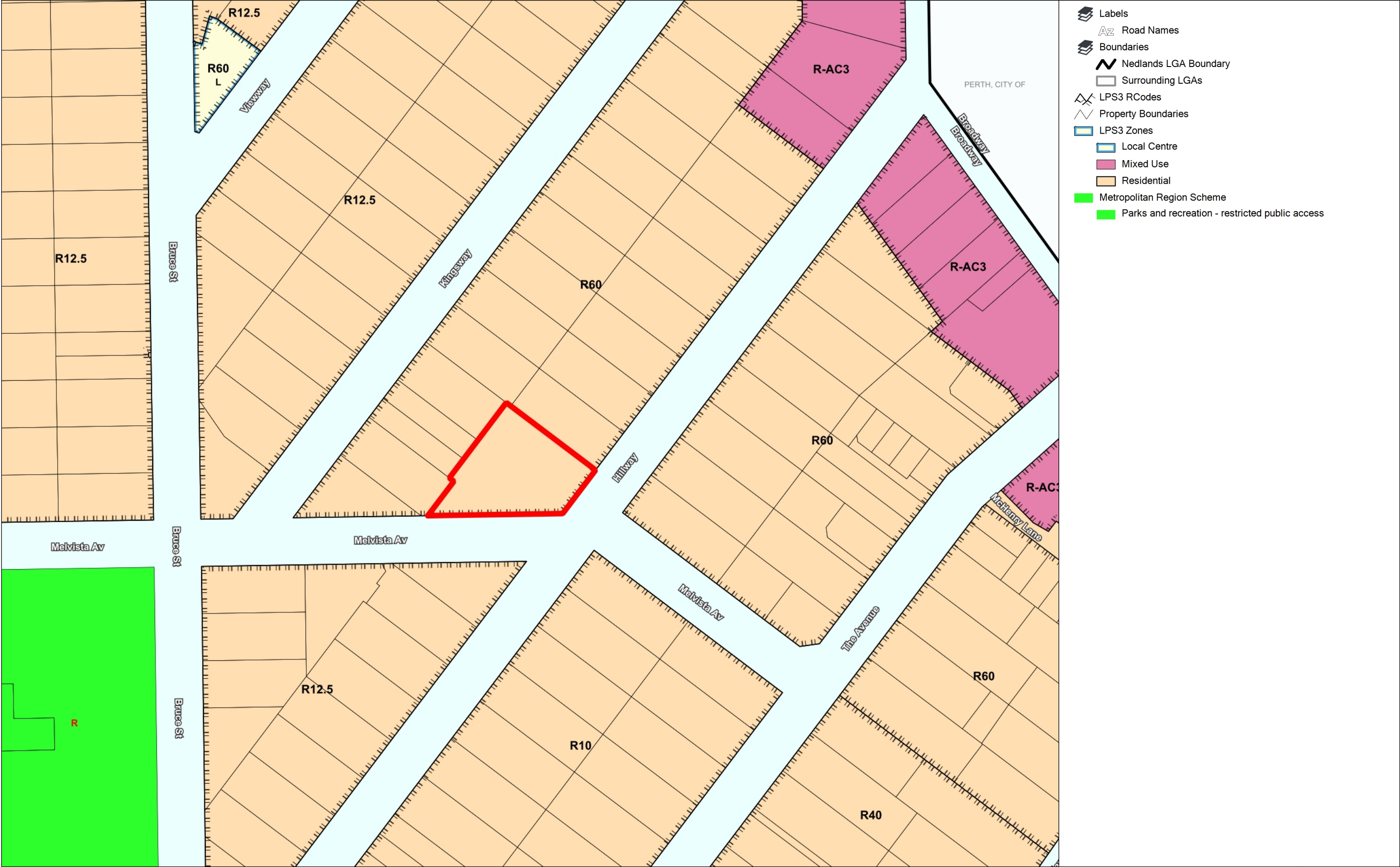
Aerial Map

2/09/2025

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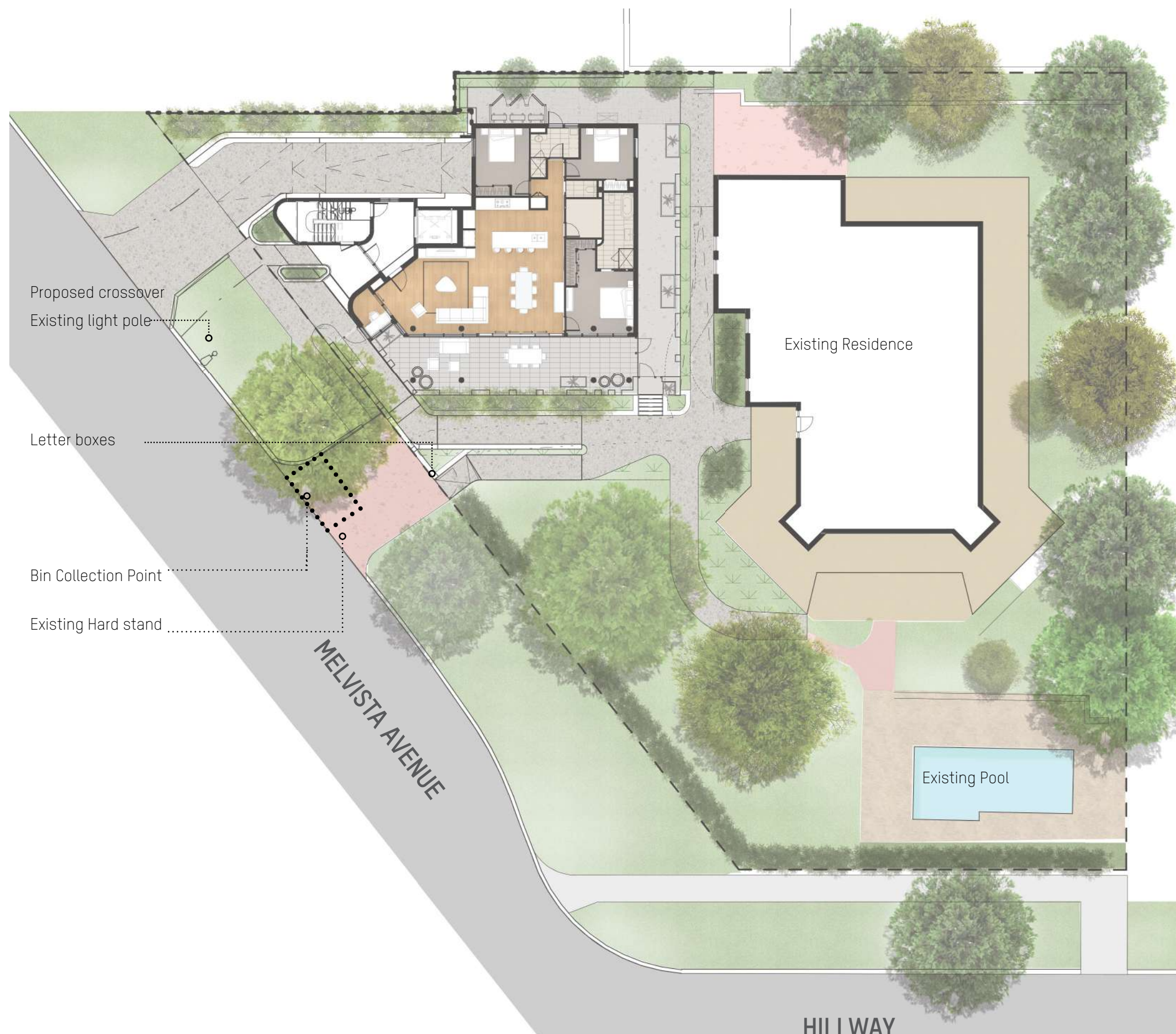






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Amended Plans  
Received  
16 May 2023

CAMERON  
CHISHOLM  
NICOL

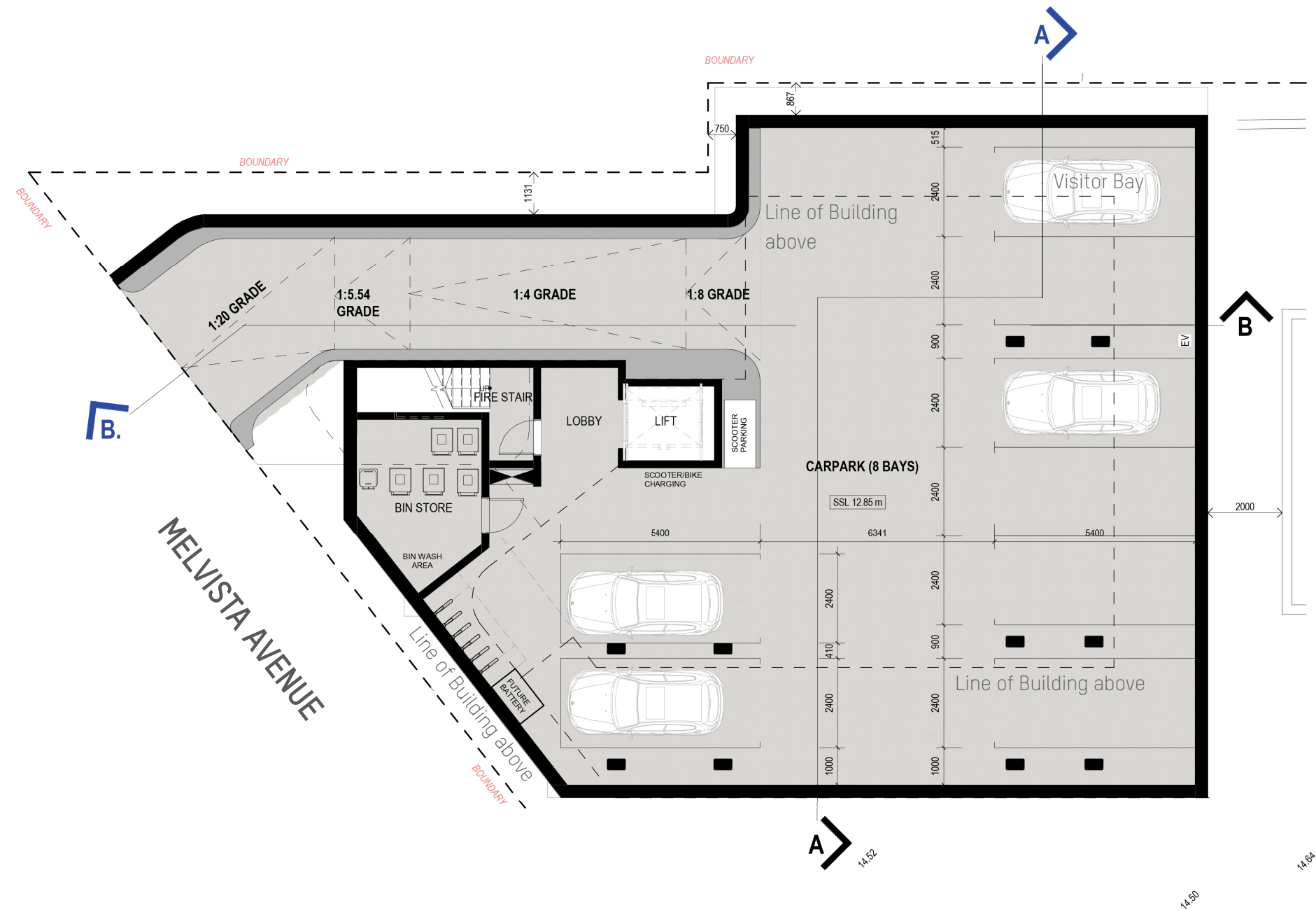


SITE PLAN

23 HILLWAY, NEDLANDS

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CAMERON  
CHISHOLM  
NICOL



## BASEMENT PLAN

23 HILLWAY, NEDLANDS



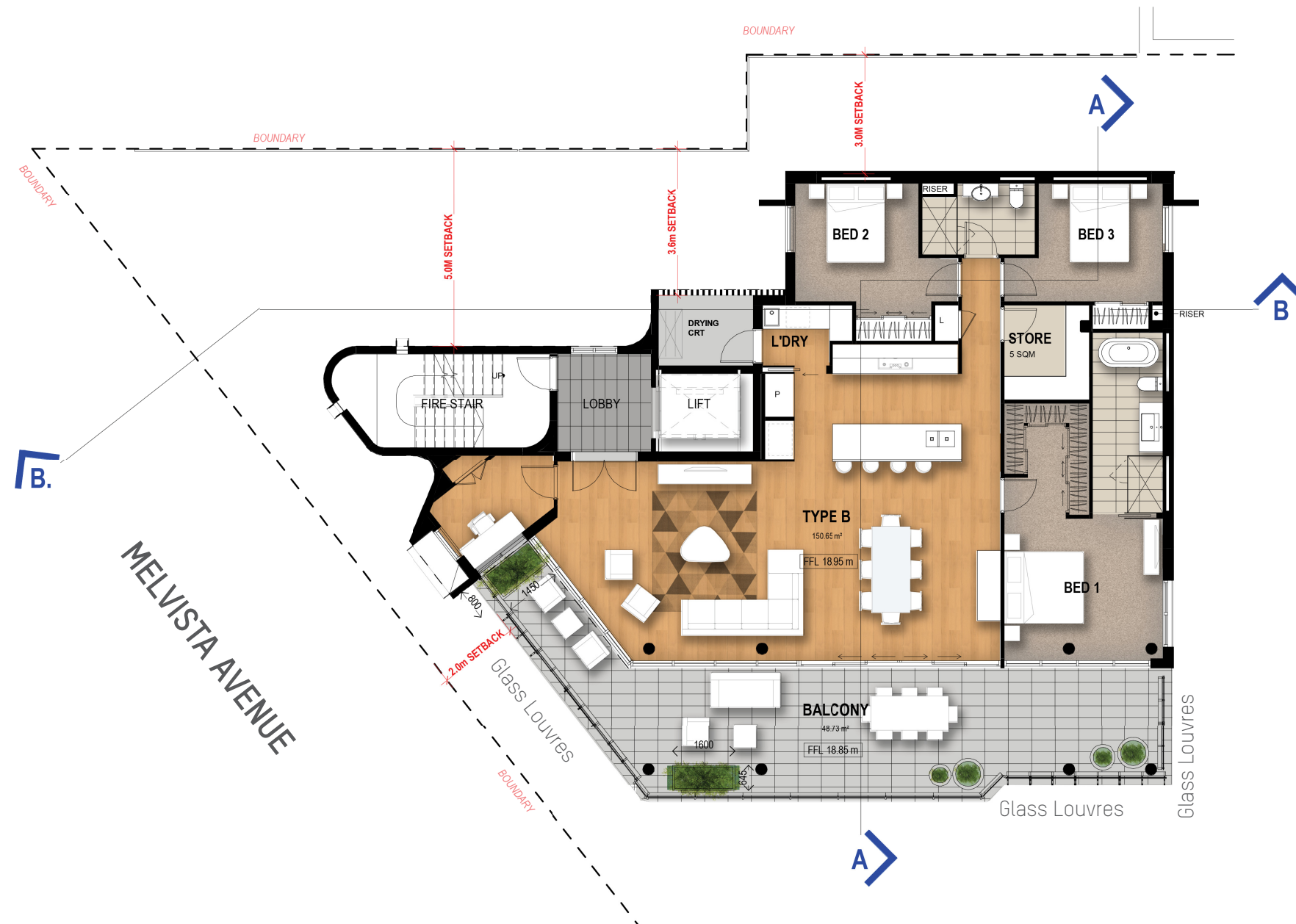


## GROUND FLOOR PLAN



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CAMERON  
CHISHOLM  
NICOL

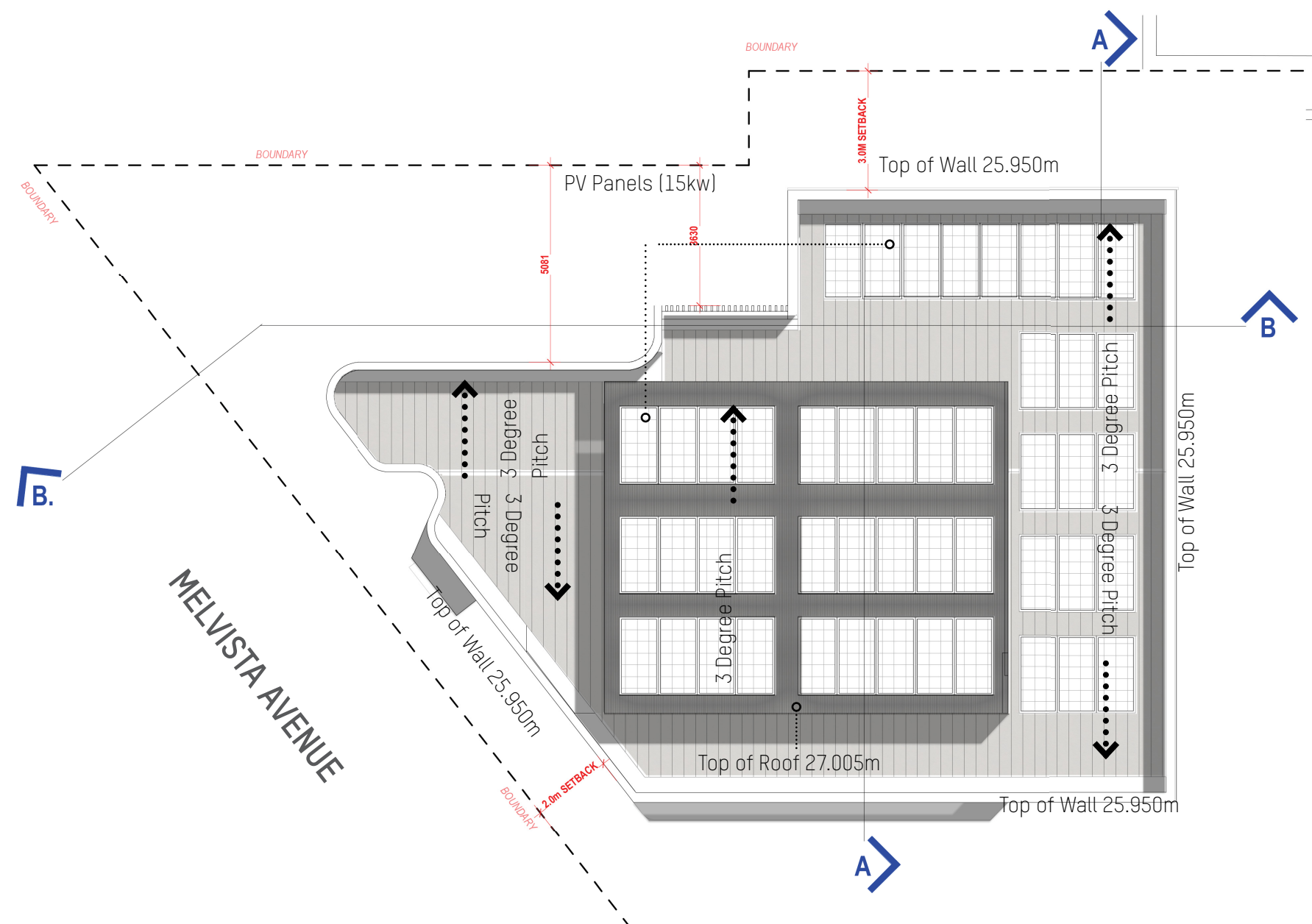


LEVEL 1-2

23 HILLWAY, NEDLANDS

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CAMERON  
CHISHOLM  
NICOL



ROOF PLAN

23 HILLWAY, NEDLANDS



Aluminium Blade Fence

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HILLWAY



LEVEL 2



Glass Louvre

LEVEL 1

GROUND  
FLOOR

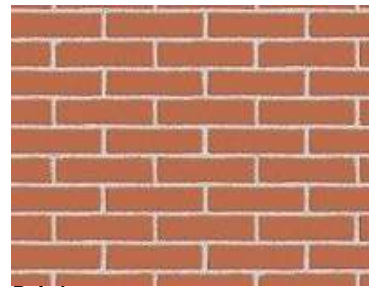


Limestone

SOUTH-EAST ELEVATION



White Texture Render



Brick



LEVEL 2

LEVEL 1

GROUND  
FLOOR



Colorbond Fence

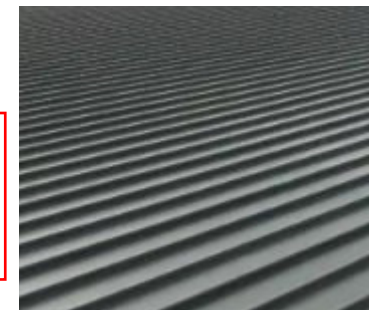
NORTH-EAST ELEVATION

# ELEVATIONS

23 HILLWAY, NEDLANDS

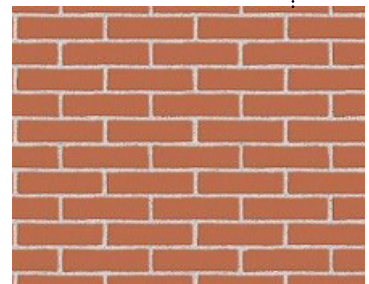


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Standing seam metal roof

EXISTING BOUNDARY  
FENCE



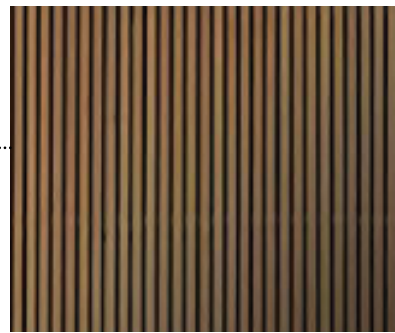
Brick



Sandstone



NORTH-WEST ELEVATION



Aluminium Bronze Battens



White Texture Render



MELVISTA AVENUE ELEVATION

LEVEL 2

LEVEL 1

GROUND  
FLOOR



Glass Louvre

# ELEVATIONS

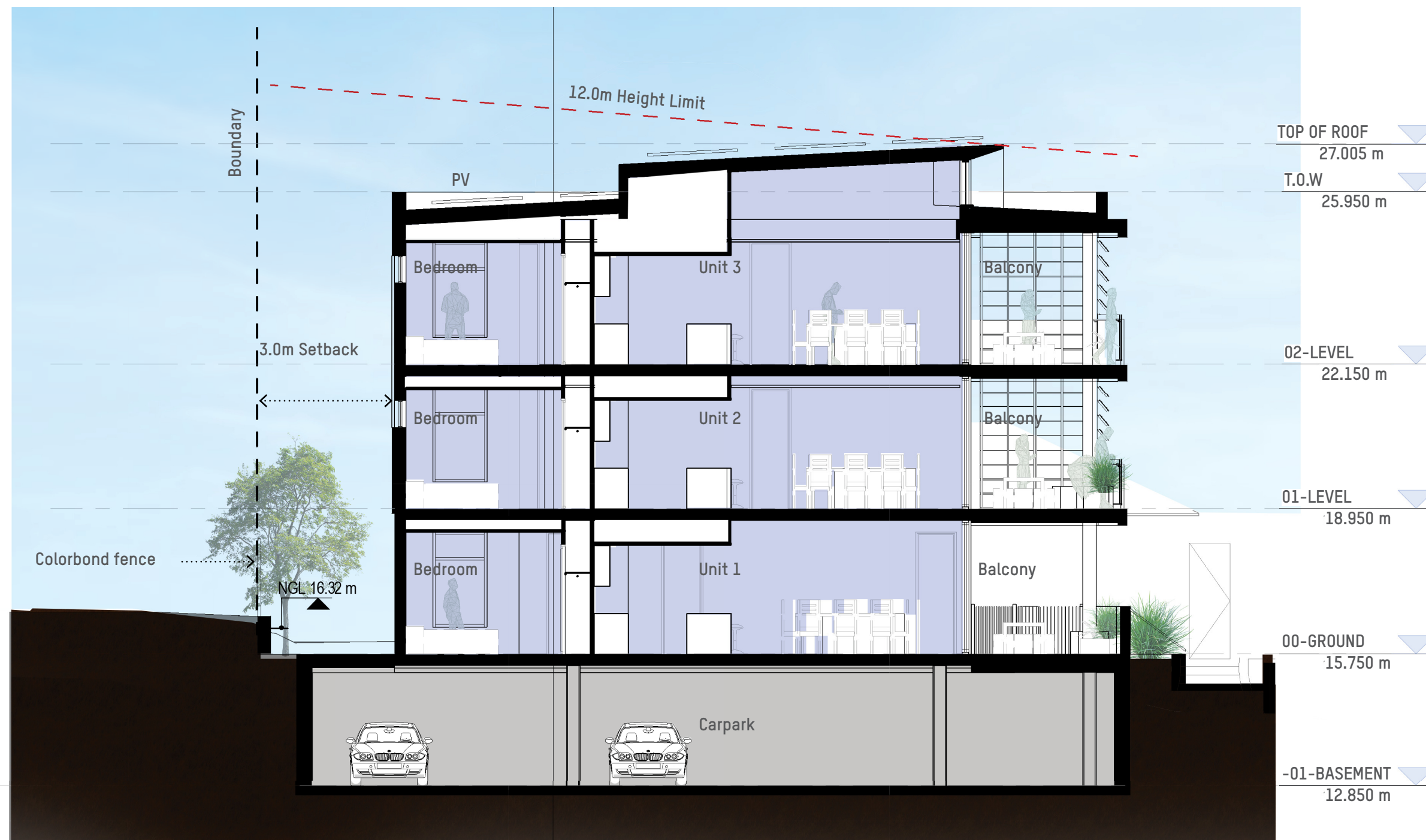
23 HILLWAY, NEDLANDS



# SECTION A

CAMERON  
CHISHOLM  
NICOL

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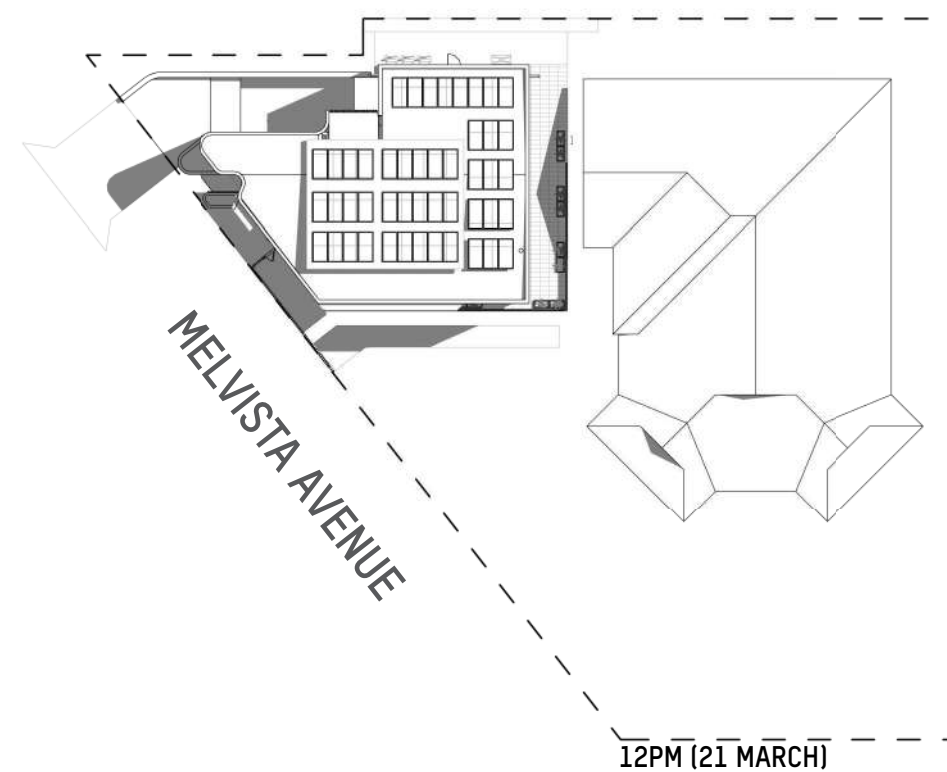
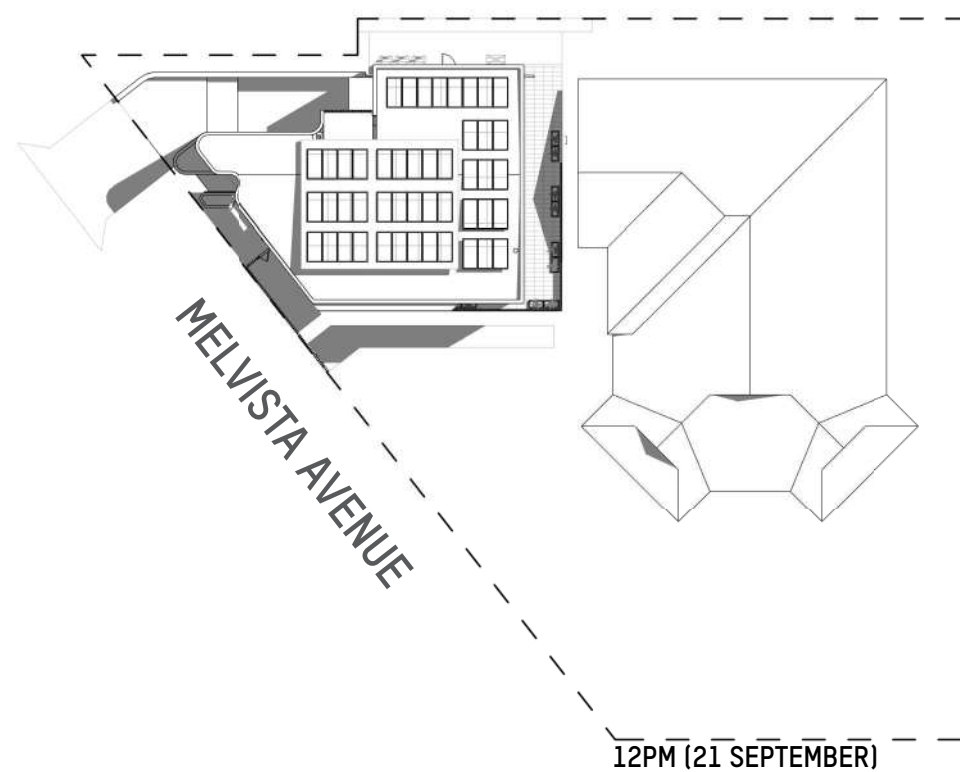
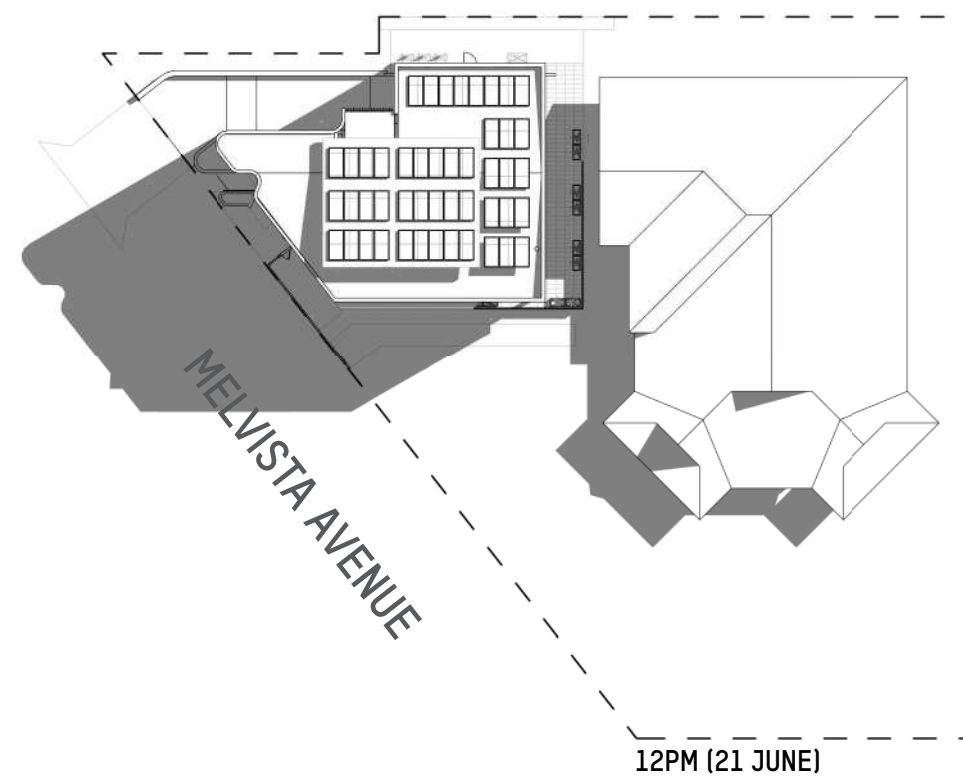
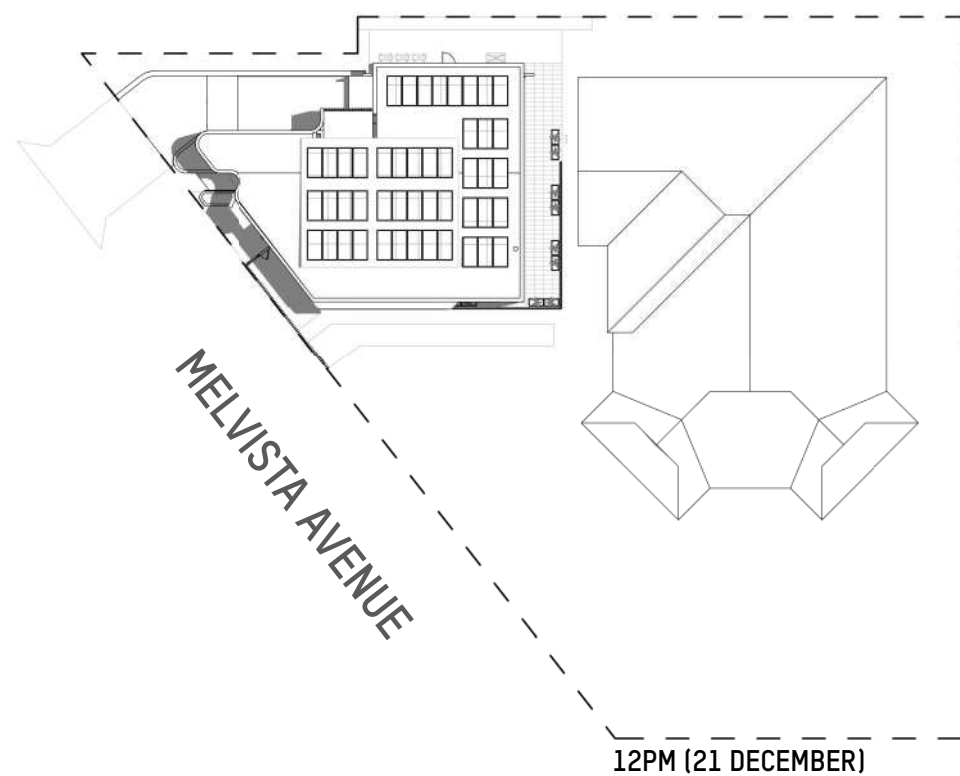


23 HILLWAY, NEDLANDS

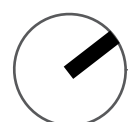


# SHADOW DIAGRAM

City of Nedlands  
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16 May 2023



23 HILLWAY, NEDLANDS



**To the Commissioners**  
City of Nedlands

**Re: Application for Extension of Time – DA22-83633. 23 Hillway, Nedlands**

Dear Commissioners,

Thank you for the opportunity to respond to the submissions regarding my request for an extension of time for the above development approval. I wish to address the relevant planning issues raised.

## **1. Building Height**

The submissions argue that the approved height exceeds the now, deemed-to-comply standard of 11 metres. The approved height of 11.67 metres was assessed under the Town Planning Scheme and R-Codes applicable at the time of approval in 2023. The difference of 0.67 metres is negligible in terms of amenity impact and was accepted by the decision-makers. An extension of time does not re-open the merits of that decision, and it would be disproportionate to apply later code changes retrospectively.

## **2. Views of Significance (Clause P3.2.2)**

The submitters raise concerns about obstruction of views to the Perth skyline, Applecross foreshore, and the Swan River. The WA planning framework does not guarantee private views. Clause P3.2.2 applies only where a proposal is being assessed against the design principles pathway — it does not retrospectively invalidate a development already approved in compliance with the applicable controls. The properties in question are several streets back from the river, with only incidental glimpses, many already screened by vegetation. On this basis, there is no material planning ground to refuse an extension of time.

## **3. Boundary Setbacks**

Concerns were raised regarding setbacks of 2.0 metres for a wall 10 metres in height, compared. This matter was expressly considered during the original DA assessment and approved in accordance with the relevant design principles. It cannot be re-litigated through an extension of time, which is a procedural consideration.

## **4. Retained Dwelling Upgrades**

Several submissions refer to the absence of upgrade plans for the existing dwelling under Clause C.3.8.1. No such requirement formed part of the approval granted in 2023, and an extension of time cannot impose new obligations retrospectively. The approval must be implemented in the form it was granted.

## 5. Scope of an Extension of Time

It has been suggested that an application for an extension of time must be assessed as a new DA. This is a misunderstanding of the legislation.

Clause 77(3) of the **Planning and Development (Local Planning Schemes) Regulations 2015** states that such applications are to be *processed* as if they were a development application — meaning they follow the same procedure (lodgement, advertising, submissions, and a determination). However, the **State Administrative Tribunal in *Georgiou Property 2*** confirmed that the correct approach is not to re-assess the merits of the proposal under current codes. Instead, the decision-maker must consider:

1. Was the approval lawfully granted at the time?
2. Have planning circumstances materially changed such that the approval should no longer reasonably be acted upon?
3. Has the applicant acted reasonably in progressing the development?

In this case:

- The approval was lawfully granted in 2023.
- The subsequent introduction of the March 2024 Residential Design Codes does not retrospectively apply to this approval, as they are subsidiary legislation under the **Planning and Development Act 2005**, which remains the governing statute.
- I have actively pursued implementation of the development and now seek only additional time due to delays outside my control.

On this basis, the submissions which seek to re-argue height, setbacks, and views as if this were a brand-new DA go beyond the proper scope of an extension request.

The matters raised in the submissions either:

- have already been considered and approved under the planning framework in place at the time,
- fall outside the scope of what may be considered in an extension of time, or
- do not constitute valid planning grounds.

Accordingly, I respectfully request that the Commissioners grant the extension of time, allowing this development to proceed in accordance with the existing approval.

Yours sincerely,



Hugo and Marianne Bombara

## Schedule of Submissions

### 23 Hillway, Nedlands



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No.	Submission
<b>Ojections</b>	
1	<p>I write to ask that this extension be rejected as it fails to meet the deemed-to-comply provision and the design principles of Residential Design Codes Volume 1 Part C.</p> <p>The reasons are as follows.</p> <ul style="list-style-type: none"> <li>- The building height (12 m) exceeds the allowed height of 11m</li> <li>- The proposed building's bulk and scale does not adequately respond to its context, particularly the scale of adjoining properties. The excessive height and massing will unreasonably limit access to significant views, contrary to the intent of Clause P.3.2.2. From my property, these significant views encompass a valuable vista that includes the City of Perth skyline, South Perth, and the foreshores of Applecross, and Swan River</li> <li>- The development does not comply with the required setbacks under Table 3.4A. The 2.0m setback for a wall over 10m high is less than the 3.0m 'deemed-to-comply' standard. This failure to meet the standard creates a building bulk that obstructs my property's significant views</li> <li>- The application is non-compliant as it omits details for upgrades to the retained dwelling, which is a requirement under Clause C.3.8.1. This omission prevents a proper assessment against the relevant design principles. The juxtaposition of the new, bulky development with the unimproved existing dwelling is likely to create a discordant and incongruous streetscape, adversely affecting visual amenity. For a fair and transparent assessment to occur, and for myself and my neighbours to properly evaluate the impact on our significant views, the required upgrade plans must be submitted</li> </ul> <p>Further, we object to the proposed construction methodology for the basement retaining wall.</p> <p>The applicant has repeatedly requested our approval to inject a concrete grout into our property as a stabilization method. Their approach has become increasingly persistent, and we perceive an implication that our refusal will force them to use an alternative method that would "inconvenience" other neighbours.</p> <p>We find this pressure unacceptable.</p>

## Schedule of Submissions

### 23 Hillway, Nedlands



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	<p>We wish to place on record the following points:</p> <ul style="list-style-type: none"> <li>• Right of refusal. We exercise our legal right to refuse any construction activity, including the intrusion of concrete grout, beneath our property. The applicant's attempts to assign blame for their design constraints onto us are inappropriate. The feasibility of their construction method is their responsibility to resolve within the bounds of their own property.</li> <li>• Acknowledged risk of alternative method. The applicant's own builder has provided a document (attached) which states that their alternative shoring and piling method carries a recognized risk of damage to neighbouring structures. By presenting this as our only alternative, the applicant is effectively acknowledging that their project poses a foreseeable risk to adjacent properties.</li> </ul> <p><u>Request for Council Action</u></p> <p>Given that the applicant's own documentation confirms the potential for damage to neighbouring structures, we respectfully request that the Council:</p> <ul style="list-style-type: none"> <li>• Reject the current basement design that necessitates either intrusion onto our land or an invasive construction method that poses a risk to all neighbouring structures</li> </ul> <p>This can be achieved by:</p> <ul style="list-style-type: none"> <li>• Reducing the overall basement size.</li> <li>• Increasing the setback of the basement wall from the shared property boundary.</li> </ul> <p>This revision would ensure that the project proceeds in a considerate and compliant manner.</p>
2	<p>Further to your letter dated the 13<sup>th</sup> August 2025 regarding the extension of time for the development, we provide our observations and comments.</p> <p>We understand that as the project has been delayed the development is now falls under the NCC 2022 Regulations.</p> <p>With this we note the following:</p> <ol style="list-style-type: none"> <li>The building height (12 m) exceeds the allowed height of 11m</li> <li>The proposed building's bulk and scale does not adequately reflect or the scale of adjoining properties. The shear wall are more of a commercial or industrial look. The excessive height and massing will unreasonably limit access to significant views, contrary to the intent of Clause P.3.2.2..</li> <li>The development does not comply with the required setbacks under Table 3.4A. The 2.0m setback for a wall over 10m high is less than the 3.0m 'deemed-to-comply' standard. This failure to meet the standard creates a building bulk that does not reflect the character and amenity of Nedlands and will extend into the view of the residence and persons using Melvista Ave.</li> </ol>

## Schedule of Submissions

### 23 Hillway, Nedlands



City of Nedlands  
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	<p>iv. The application is non-compliant as it omits details for upgrades to the retained dwelling, which is a requirement under Clause C.3.8.1. This omission prevents a proper assessment against the relevant design principles. The juxtaposition of the new, bulky development with the unimproved existing dwelling is likely to create a discordant and incongruous streetscape, adversely affecting visual amenity. For a fair and transparent assessment to occur, and for myself and my neighbours to properly evaluate the impact on our significant views, the required upgrade plans should be prepared and submitted as part of the package and considerations</p> <p>On The basis of he above we request the current development proposed be rejected until it is fully compliant with the NCC and associated Regulation and considers the bulk and scale sympathetic to the surrounding building and City of Nedlands character.</p>
3	<p>I am particularly concerned with regard to earthworks which are likely to damage the integrity of my pool and paved area. I refer to email shown to me from engineers engaged to do earthworks The proposed building is completely out of character with existing building . The building basement is too close to my boundary The 3 story build is excessive for the space provided . 7 residential homes will have significant views detrimentally effected by this proposal . There is no transparency in regard to upgrades to existing house .</p>
4	<p>I respectfully request you reject this extension of time on the basis the proposal does not meet the deemed-to-comply provision nor the design principles of Residential Design Codes Volume 1 Part C. Specifically:</p> <ol style="list-style-type: none"> <li>1. Building height of 12 meters exceeds the deemed to comply height of 11m per table 3.2A</li> <li>2. Building height: bulk and scale is not considerate of adjoining properties as the excessive bulk and height limits access to views of significance per clause P.3.2.2. Views of significance from my property include: City of Perth, South Perth, Applecross foreshore, Como foreshore, Nedlands foreshore, and the Derbal Yerrigan.</li> <li>3. Lot boundary setbacks along Melvista avenue of 2.0m is less than the deemed to comply setback of 3.0m per table 3.4A for a dwelling with a wall height greater than 10m. Non-compliance with this clause impacts my continued access to views of significance.</li> <li>4. The application does not include details on the planned upgrades to the retained dwelling as required by clause C.3.8.1. Equally it is not possible for Town Planning to assess the development per the design principles without the required details. This development, which is adjacent to an older-style free standing building leads to an oddity in the streetscape and does not align with the visual amenity. The upgrades should be provided so that you may make your assessment and I (and my neighbours) can evaluate any impact on views of significance available from my property and inform you accordingly.</li> </ol>



## Schedule of Submissions

### 23 Hillway, Nedlands



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In addition, I note the letter appended to the plans dated 9th July refers to submission of a building permit application. I remind you, the previously approved (and now lapsed) Development Application refers to a requirement for dilapidation assessments to be conducted on adjoining properties. This has not been done. I respectfully request you consider issuance of a Town Planning Infringement Notice to the applicant for failure to comply with section 218 of the Planning and Development Act 2005 (WA), specifically failing to comply with the previously approved (now lapsed) Development Application conditions. There has been no attempt to conduct a dilapidation assessment on my property by the applicant.

I concede I had received a flyer pushed through my mailbox from a company advertising dilapidation assessments some three or four months ago. I had made contact with the company via telephone, however I received no follow up. I am not aware if this was an attempt by the applicant to conduct a dilapidation assessment on my property.

Finally, if you are considering a further extension to this Development Application, I respectfully request you impose conditions to protect neighboring properties from construction damage, specifically during piling and shoring works. In the letter appended to the plans dated 9<sup>th</sup> July I feel the applicant attempts to imply fault with a neighbour for exercising their rights to prevent the applicant from encroaching on their property. I refer explicitly to sentence "...the protracted effort to obtain a signed BA20 from an adjoining neighbour, who repeatedly declined to provide consent." As an alternative, the applicant could have stated in their letter to you: "The reason for the delay was the time taken to identify a shoring solution for the underground works and obtain new engineering drawings, which avoided impact to neighbouring properties during construction." The second instance, as I have described above, relates to avoidance by the applicant to complete dilapidation assessment on adjoining properties per the previously approved (now lapsed) Development Application. I ask you to consider this pattern of blame-finding and bypassing of Development Application stipulations, and to consider if this continues during the construction period whether it will lead to positive outcomes for neighbours. I repeat my request for you to impose conditions above the norm on the applicant to protect us during construction.

I take this opportunity to remind you of the debacle that has occurred on the corner of Hillway and Broadway, where shoring failed during construction of *Hillway* leading to structural failure of the neighboring property's foundation and slab. This issue continues to be unresolved despite some two and a half years passing since the defect occurred.

#### Comments Only

- |   |  |
|---|--|
| 5 | <p>I want to know what the council will be doing to alleviate local traffic for Hillway, Melvista Avenue and on Bruce street, after approving more dwellings in the area such as the one in the subject - if not know at the least provide some information on how traffic management has been planned (both vehicle and foot traffic).</p> <p>Currently people drive ridiculously fast, Turning onto Melvista Avenue (from Hillway) often onto the wrong side of the road (turning right onto Melvista Avenue from hillway)</p> |
|---|--|



## Schedule of Submissions

### 23 Hillway, Nedlands



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Buses thrash it down all surrounding streets waking us up - this should be raised with the PTA from the local council (i have raised this and have been ignored).

A few options for your consideration:

Adding a keep left sign at the corner of Melvista and Hill way (on Melvista) down the middle.

Making the leg from Bruce Street to Hillway one way (down hill or up hill) or blocking off Melvista Avenue from Bruce street to alleviate local traffic thoroughfare.

In addition to the increase in local vehicle traffic noticed over the past few years from poor town planning. I would also like to see less foot traffic from non-residents and non-ratepayers in the area.

I urge the the local council to instigate a parking limit for non-residence in the JC Smith Pavillion and surrounding areas as alot of university students park there.

I would also like to see the local rangers actually issue fines to non-resident vehicles in the area specifically outside the tennis courts on bruce street with a 3 hour limit who are often students who have driven in to avoid paying for parking at the university.

I would also like to see local card exemptions for residents (sticker on cars) of the area as seen with other local councils.

I am not against the enjoyment of the area by non-residents, however I am against making amenities better and prioritising those amenities for visitors to the area at the ratepayers expense.

I have noticed an uptick in foot traffic with people leaving rubbish and animal faeces on my verge and I have also experienced changes to the verge without notification or consultation from the council and from the PTA - a footpath appeared, where I used to park my car on the Bruce street verge adjoining my property, without community consultation.

Once i questioned the PTA, they mentioned its intended purpose and for a route that is used by "UP TO" 40 people every fortnight (that is not the bus top across the road, which was wholly inadequate and had nothing wrong with the existing bus stop. -this was the entire route). I have since seen this used twice and I can no longer park on the verge for the street I live on. The PTA contractors also damaged my wall and I will have to foot the bill for this and the damage to my reticulation as the PTA have mentioned that I had a time limit to contact them in - although they and the location council had not provided any contact information or advanced notice.

**Schedule of Submissions**  
**23 Hillway, Nedlands**



City of Nedlands  
**nedlands.wa.gov.au**

This leads to a lot of frustration and anger in an area I call my home and I see the council and the council staff members completely missing the mark for the ratepayer's, prioritising the enjoyment and local amenities for those travelling to the area, while the ratepayers foot the bill.

The planning process and consultation with the local community is broken and I find it hard to justify the rates I pay.

Even today, I had staff from western power (without my permission or advanced notification) come onto my property, dig up a power meter on my property and then proceed to dig up the verge adjoining my property.

There is more traffic (foot and vehicle traffic) from non-residents than ever before and backs have been turned on the residents and ratepayers of Nedlands council while costs and rates are expected to increase and I am left picking up dog excrement and rubbish from those visiting the area.

This and the planning of other developments in the area are wholly inadequate without a robust planning approach and have not been met with any community consultation.

I am reaching out as this is the first letter I have received in the area providing advanced notification and while I applaud being contacted, I expect more community engagement and more to be done to help alleviate and that a plan for this current and future traffic, and hope this will not negatively impact those that live in the vicinity (myself and neighbours) further in the future months.



## 15.2 City of Nedlands Public Health Plan 2024-2025 Annual Review and Reporting

<b>Report Number</b>	<b>PD37.10.25</b>
<b>Applicant</b>	City of Nedlands
<b>Disclosure of Interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Authority/Discretion</b>	Information
<b>Contributing Officer</b>	Billy Leung – Coordinator Environmental Health
<b>Responsible Officer</b>	Alain Baldomero – Manager Health and Compliance
<b>Director</b>	Bruce Thompson - Director Planning and Development
<b>Attachments</b>	Attachment 1 – City of Nedlands Public Health Plan 2024-2028 Annual Reporting

### Purpose

To provide Council with a progress report of the City's [Public Health Plan 2024-28](#) (PHP) actions between July 2024 and June 2025.

### Officer Recommendation

That Council **NOTES** the first annual review and progress towards the deliverables within the Public Health Plan 2024–28, at Attachment 1.

*Commissioner Sandri proposed an Alternative Recommendation*

### Alternative Recommendation and Council Decision

That Council

1. **NOTES** the first annual review and progress towards the deliverables within the Public Health Plan 2024–28, at Attachment 1.
2. **REQUESTS** the 2026 annual review and progress report to include a review of the City's Public Health Plan 2024-2025 against the State Public Health Plan 2025-2030, to ensure alignment and consistency.

Reason:

To ensure the next review considers the new State Public Health Plan 2025-2030

**Moved: Commissioner Sandri**

**Seconded: Commissioner Hart**

**CARRIED: UNANIMOUSLY 3-0**

**For: Commissioner Caddy, Commissioner Sandri, Commissioner Hart**

**Against: Nil**



## Background

At the Ordinary Council Meeting held on 23 July 2024, Council adopted City of Nedlands Public Health Plan as required by the *Public Health Act 2016* and in accordance with City's Council Plan 2023-33. Following its adoption, the Plan forms an issue-specific plan to accompany the Council Plan and was made publicly available on the City's website.

## Legislation

In 2016, the *Public Health Act 2016 (Act)* was introduced to replace the *Health Act 1911*. It is currently in a transition phase, implementing the *Act* in a staged manner.

Under the *Act*, all local governments must finalise their public health plans by 4 June 2026. These plans must align with the State Public Health Plan while addressing local public health risks.

When the *Act* is fully implemented, each local government is required to report annually to the WA Department of Health on their performance under the *Act*.

To support this process, the Chief Health Officer released the Public Health Plan for Western Australia: Objectives and Priorities 2019–2024, providing guidance and ensuring consistency with state-level priorities.

## City of Nedlands Public Health Plan 2024-28 Development Journey

The development of the City of Nedlands Public Health Plan 2024–2028 was guided by a Working Group comprising internal stakeholders and representatives from the North Metropolitan Health Service.

The process began with the creation of a community health profile, based on health and demographic data from the WA Department of Health, North Metropolitan Health Service, and the Australian Bureau of Statistics.

Through a series of workshops, the Working Group translated findings of the community health profile into a framework consisting of three pillars, seven outcomes, 14 objectives, and 42 actions. A monitoring and reporting process was also developed to track progress.

On 26 March 2024, Council endorsed the draft Public Health Plan for public consultation. The Plan was advertised for six weeks via the Your Voice Nedlands platform and at the City's administration building.

During this period, 13 submissions were received via Your Voice Nedlands and email. Respondents included local residents, ratepayers, visitors, volunteers, service users, workers within the district, and a state government agency.

The final Public Health Plan was formally adopted by Council at the Ordinary Council Meeting held on 23 July 2024.



Discussion

The first annual review of all 42 actions in the City’s PHP has been completed. These actions span both operational projects and ongoing services, with detailed updates provided in Attachment 1. Key highlights between July 2024 and June 2025 include:

- The City supported local community groups with nearly \$5,000 through the Community Grants Fund to deliver community-focused projects and events.
- Fourteen successful applicants received support via City’s Youth Grants Fund to participate in events representing their sporting clubs and the City of Nedlands.
- City’s Positive Aging program offered a wide range of activities, classes, and workshops for residents aged 55+, led by tutors and volunteers. Sessions were free or low-cost (\$5–\$10), with 2025 seeing the highest number of classes offered due to high attendance rate.
- The City of Nedlands was officially recognised as a Gold Waterwise Council by The Hon. Minister Don Punch MLA at the Water Corporation’s Waterwise Recognition Breakfast on 7 May.
- A new condition had been incorporated into the Community Grant Information Guidelines requiring that any event or project applying for funding to cover catering or hospitality expenses must include healthy food and drink options.

Consultation

Community consultation is not required for the annual review of the PHP. However, between July and August 2025, various City departments were consulted and given the opportunity to provide updates on their progress toward relevant actions and feedback on the Plan’s implementation.

Strategic Implications

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

<b>Vision</b>	<b>Sustainable and responsible for a bright future</b>
<b>Pillar</b>	<b>People</b>
<b>Outcome</b>	2. A healthy, active and safe community.
<b>Outcome</b>	3. A caring and supportive community for all ages and abilities.

Budget/Financial Implications

The delivery of actions within the PHP, through operational projects and business-as-usual services, is supported by allocations within the City’s existing or planned operating budgets.



## Legislative and Policy Implications

As outlined in the PHP, the City is committed to reviewing the Plan annually and reporting to Council on the extent to which the Plan has been successfully implemented.

## Decision Implications

Should Council resolve to accept Administration's recommendation, the first annual review and progress towards the deliverables within the Public Health Plan 2024–28, at Attachment 1, will be noted.

Alternatively, if Council resolve not to accept Administration's recommendation, further direction will be required regarding the approach to annual reporting.

## Conclusion

The City is required to report on City's first year's progress on the implementation of City of Nedlands Public Health Plan since its inception on 23 July 2024.

Under the *Public Health Act 2016*, the City of Nedlands is required to implement and report on its Public Health Plan. The first annual review of the Plan has been completed, assessing progress on all 42 actions. Updates were provided by relevant departments between July and August 2025. Actions were delivered through operating projects and business-as-usual services, supported by existing or planned budgets.

Council is requested to note the first annual review and progress towards the deliverables outlined in Attachment 1. If Council does not accept the recommendation, further direction on annual reporting will be required.

## Further Information

Nil

## Attachment 1 – City of Nedlands Public Health Plan 2024-2028 Annual Reporting – July 2024 to June 2025

**Pillar 1 – Inspiring, empowering and enabling healthy living**

This pillar focuses on the significant opportunities to improve the health and wellbeing of our community by improving the surrounding environment to create vibrant, liveable neighbourhoods that offer a sense of belonging, culture and spirit, and by facilitating behaviour change to support people to lead healthier lifestyles.

**Outcome 1 – Improved health and wellbeing of our community**

Objectives 1	Actions	Action Type	Progress as of 30 June 2025
1.1 Provide opportunities and support for the community to lead active lifestyles.	1.1.1 Provide and maintain environments and opportunities to enable the community to lead active lifestyles.	Business-as-usual	<p>In progress.</p> <p>The City is currently progressing a Report of Review that will allow the team to engage in a updating the Local Planning Strategy. This strategy will allow the City to identify how to maintain and promote more active lifestyles through greater public open space, reviewing development surrounding activity centres and potential options for mid-tier transport.</p> <p>City Projects i.e. roads and footpaths are designed to include and support better pedestrian movement and access etc.</p>
	1.1.2 Facilitate and promote grant opportunities for local sporting clubs, groups and organisations to build their capacity to deliver health and wellbeing activities.	Business-as-usual	<p>In progress.</p> <p>The City continued to offer community grants, which have also been promoted on website and social media platform. In 24/25, just under \$5000 had been given to local community groups.</p>
	1.1.3 Promote local sporting clubs, groups and organisations.	Business-as-usual	<p>In progress.</p> <p>An ongoing item that was delivered by collaborative work of City internal teams.</p>
	1.1.4 Incorporate Heart Foundation Healthy Active by Design and Western Australian Planning Commission Liveable Neighbourhoods guidelines into relevant planning strategies plans and proposals.	Business-as-usual	<p>In progress.</p> <p>The City is currently progressing a Report of Review that will highlight how to proceed with the City's Planning Strategy and Local Planning Scheme No.3. This review will identify opportunities and provide the pathway to update the Local Planning Strategy to improve on current Healthy design matters. Applicable matters identified within the new strategy will then be integrated within the City's Local Planning Scheme.</p>
	1.1.5 Integrate health and wellbeing components into the designing of new and upgraded facilities.	Business-as-usual	<p>In progress.</p> <p>City internal teams worked closely to deliver components into upgraded facilities.</p>
	1.1.6 Ensure the City's services and facilities are accessible and inclusive.	Business-as-usual	<p>In progress.</p> <p>A Disability, Access and Inclusion Plan audit is underway for a number of City buildings. The audit will recommend actions to comply with the <i>Disability Discrimination Act 1992</i> and assign all actions a priority rating.</p> <p>All projects the City delivered are designed to support community access for all persons e.g. road and footpaths reconfigured to include additional access and ramps etc for all abilities.</p>
1.2 Support opportunities available for the community to consume a healthy diet consistent with national guidelines.	1.2.1 Promote local, state and federal health promotion/campaigns to increase community awareness of health risks and opportunities to adopt healthy eating strategies.	Business-as-usual	<p>In progress.</p> <p>The City promoted fresh produce options available at Mount Claremont Farmers Market of City's social media platform.</p>
	1.2.2 Provide statutory services which assist with the delivery of the Mt Claremont Farmers Markets.	Business-as-usual	<p>In progress.</p> <p>Over 80 routine food safety inspections of food stalls were conducted between July 2024 and June 2025 to ensure that the stalls operate in compliance with the <i>Food Act 2008</i>.</p>
	1.2.3 Provide guidance on healthy food and drink options into event funding guidelines.	Operating Project	<p>Actioned and closed out.</p> <p>Guidance on healthy food and drink options had been added as a condition in the <a href="#">community grant information guidelines</a>, stating that any event or project seeking funding to help with catering/hospitality costs must provide healthy food alternatives and must provide receipts and photos at the time of the acquittal.</p>



Objectives 1	Actions	Action Type	Progress as of 30 June 2025
1.3 Assist in the minimisation of the harm associated with tobacco, e-cigarettes and alcohol use.	1.3.1 Incorporate the banning of tobacco and e-cigarettes into user-agreements and leases.	Operating Project	<p>Not started.</p> <p>A City officer will conduct an audit / review of the City's current leases and signage at buildings in order to determine the further requirements related to this item, and work with internal stakeholders in relation to precinct-specific solutions to this issue and to ascertain further community engagement requirements related to this item.</p>
	1.3.2 Support State campaigns encouraging minimisation of the harm associated with smoking, e-cigarettes and alcohol use.	Business-as-usual	<p>In progress.</p> <p>The City does not permit the consumption of alcohol in halls and buildings for private, individual or business events. This information was included</p> <ul style="list-style-type: none"> <li>• in City's <a href="#">External Event Guide – Planning an event in the City of Nedlands</a>,</li> <li>• on City's <a href="#">venue booking platform SpacetoCo</a>, and</li> <li>• on City's <a href="#">'Book a Hall' webpage</a>.</li> </ul> <p>The City does not permit smoking within food business's outdoor dining area on council footpath.</p>
	1.3.3 Investigate methods within the authority of local government, that will prohibit the sale of e-cigarettes within the local government area.	Operating Project	<p>Actioned and closed out.</p> <p>New federal / state legislation has significantly restricted vapes to be only sold at registered pharmacies. Nicotine vapes must be accompanied with a doctor's prescription to be sold at pharmacies. Less than 50% of WA pharmacies participate in the sale of vapes / e-cigarettes.</p>

**Outcome 2 – A more inclusive and connected community**

Objectives	Actions	Action Type	City's progress
2.1 Recognise and celebrate local first nations peoples, places and stories.	2.1.1 Develop a Reconciliation Action Plan.	Council Plan Action 1.2.1	<p>In progress.</p> <p>The first stage of the Reconciliation Action Plan (RAP) was approved by Reconciliation Australia. This was presented to Council/Commissioner for Council adoption on 6 August 2025.</p> <p>The City is adding additional actions into the RAP for example, Acknowledgment of Country on website, Welcome of Country at Citizenship events, Community Development team attending Reconciliation events put on by Reconciliation WA and purchase of First nation inspired shirts for the Community Development team to wear while hosting events in the community.</p>
2.2 Provide and facilitate events, workshops and programs that bring community together.	2.2.1 Promote participation in volunteering, acknowledge and celebrate the efforts of volunteers.	Business-as-usual	<p>In progress.</p> <p>The City has ongoing social posts reaching out to the community of volunteers.</p> <p>The City held volunteer appreciation events on the 18 November 2024 and 21 May 2025.</p>
	2.2.2 Support the health and wellbeing of families and children.	Business-as-usual	<p>In progress.</p> <p>Youth programs took place included:</p> <ul style="list-style-type: none"> <li>Programs for schools <ul style="list-style-type: none"> <li>Walking School Bus Spring 2025;</li> <li>Carnaby Cockatoo support program with Schools Spring 2025;</li> <li>Emerge Youth Art Awards July 2025;</li> <li>NAIDOC week activities at libraries and other facilities, all at no cost.</li> </ul> </li> <li>At the libraries, <ul style="list-style-type: none"> <li>free school holiday workshops/activities and story times to help give families more variety of ways to keep children entertained during holidays at no cost;</li> <li>after school programming and term story time for children and teens;</li> </ul> <p>Youth librarian goes to schools to deliver Better Beginning early reader packs to primary aged children;</p> </li> <li>At Tresillian Arts Centre, an after-school and school holiday program for children and teens.</li> </ul>
	2.2.3 Provide events, activities and grants that connect local children, young people and their families with their local community.	Business-as-usual	<p>In progress.</p> <p>The Youth Grant budget was exhausted early in 24/25, with 14 applicants successful in receiving money to participate in events representing their sporting clubs and City of Nedlands.</p> <p>Emerge Youth Art Awards, 26 July – 22 August 2025, is in its 13th year. The award provides outstanding opportunities for exposure and celebration of young artists and is open to any West Australian artist between the ages of 12 – 25 years old. This exhibition is at Tresillian Arts Centre, with six awards on offer at a prize pool of \$2,250.</p> <p>Tresillian Arts Centre offered after-school and school holiday programming for children and teens.</p> <p>City library offered school term and school holiday activities for children and teens.</p>
	2.2.4 Provide a Positive Ageing Service to support people to age safely, happily with dignity and respect.	Business-as-usual	<p>In progress.</p> <p>City's Positive Aging service was delivered through a calendar full of activities/classes and workshops lead by tutors or volunteers that offer a range of different options for people over 55 years. This is either free or very low cost of \$5 - 10 per session. 2025 saw the largest number of classes on offer due to the high attendance rate.</p> <p>City's Positive Ageing also provided a Shopping bus service and a Books on Wheels service to seniors who were isolated/unable to get out on their own.</p>
	2.2.5 Advance opportunities, community participation and quality of life for people with a disability and their carers.	Business-as-usual	<p>In progress.</p> <p>There was an ongoing opportunity as part of the Community Grants. City of Nedlands offered that if one is applying for community grant that falls under a disability related project, they do not need to match the funds that the City of Nedlands contribute.</p> <p>The City continued to align and progress with its <a href="#">Disability and Inclusion Action Plan</a>.</p>

## Pillar 2 – Prevention protection for a healthier future

This pillar focuses on the provision of services which help prevent, reduce or eliminate the prevalence of many diseases, illnesses and injuries and build a healthier future. It includes the enforcement of public health legislation and standards, the management and implementation of surveillance and assessment programs and public information which are designed to provide clean air, safe food and water, and a hazard free environment.

### Outcome 3 – Regulatory services are provided in accordance with statutory requirements

Objectives	Actions	Action Type	City's progress
3.1 Manage environmental hazards to protect community health.	3.1.1 Investigate a range of environmental parameters that manage risk to the public including animals, noise, pest control, air quality, litter/dumping and environmental nuisance.	Business-as-usual	<p>In progress.</p> <p>City officers investigated and acted upon environmental health related concerns and complaints received from the community.</p> <p>During the 2024-25 Animal Registration Renewal mailout, a flyer was posted with each renewal notice, aimed to target registered pet owners within our community. Within, was general information relating nuisance dog barking, dog attacks, tips on how to keep everyone safe and specific information relating to the City's listed dog exercise areas.</p> <p>The City's website also established a page dedicated to domestic animals which informed the community of their responsibilities by recommending best practices to ensure they comply with legislation. Staff are encouraged to reference this source of information for convenience to the public. To ensure the community receive new updates, the City has information available for dissemination relating to responsible pet ownership and best practices, especially during the summer season or if a pet were to escape from their property.</p> <p>Engagement through social media not only targeted a wider demographic but also invited community consultation and engagement through playful images and education pieces.</p> <p>The City completed an audit of signage which resulted in the redesign, upgrade and installation of signage to better identify designated dog exercise areas where dogs can be off lead, on lead or in a prohibited area, particularly in the conservation area of Allen Park bushland, Swanbourne beach and along the beach and foreshore reserves.</p> <p>The City also proposed to submit a grant application under the Criminal Property Confiscation Grants Program where funds will be allocated to aid law enforcement by focusing on community safety and crime prevention. Notwithstanding this approval, the City is engaging with stakeholders to discuss surveillance options in 'hotspot' illegal dumping areas.</p>
	3.1.2 Provide solid waste collection and solid waste disposal services including domestic and commercial bin collection and bulk verge collection.	Business-as-usual	<p>In progress.</p> <p>The City's action plan is up-to-date and current. The collection, disposal, and recovery of waste are in accordance with the approved City of Nedlands waste plan. This has resulted in a recovery rate of over 65% from the City's waste stream, which supports the State Government's waste strategy action plan.</p> <p><a href="#">Strategic Direction Waste Avoidance and Resource Recovery Strategy 2030.pdf</a></p>

#### Outcome 4 – High standards of public and environmental health are maintained across the community

Objectives	Actions	Action Type	City's progress
4.1 Administer public and environment health legislation.	4.1.1 Provide regulatory services as legislated, including enforcing statutory responsibilities, that protect the community.	Business-as-usual	<p>In progress.</p> <p>The City administered state environmental health legislation and associated requirements through various tasks including statutory surveillance programs, and complaint investigations etc.</p> <p>Between July 2024 and June 2025, over 1,000 inspections, assessment and investigations relevant to health premises and environmental health complaints and enquiries were conducted.</p>
	4.1.2 Ensure development is compliant with legislative and policy requirements.	Business-as-usual	<p>In progress.</p> <p>Between July 2024 and June 2025, the City assessed 228 development applications, construction and demolition management plans in accordance with state environmental health legislation such as <i>Health (Miscellaneous Provisions) Act 1911</i>, <i>Food Act 2008</i> and <i>Environmental Protection Act 1986</i> etc.</p>
4.2 Maintain safe food and water.	4.2.1 Ensure food premises operate to required standards.	Business-as-usual	<p>In progress.</p> <p>The City undertook 225 routine inspections of food premises to assess the level of compliance with the <i>Food Act 2008</i> and associated legislation.</p>
	4.2.2 Participate in Local Health Authorities Analytical Committee (LHAAC) food sampling regime.	Business-as-usual	<p>In progress.</p> <p>The City contributed funding to Local Health Authorities Analytical Committee (LHAAC) annually and participate in all three sampling programs coordinated by LHAAC between July 2024 and June 2025.</p>
	4.2.3 Ensure food safety resources are available to local food businesses.	Business-as-usual	<p>In progress.</p> <p>Food safety resources are available on the City's webpage. <a href="https://www.nedlands.wa.gov.au/city-services/public-and-environmental-health/food/food-safety-resources.aspx">https://www.nedlands.wa.gov.au/city-services/public-and-environmental-health/food/food-safety-resources.aspx</a></p>
	4.2.4 Monitor publicly accessible aquatic facility waters and Swanbourne Beach to assess fit-for-use water quality.	Business-as-usual	<p>In progress.</p> <p>More than 120 inspections were conducted across 13 public aquatic facilities, with over 200 water samples collected and analysed to assess compliance against prescribed water quality levels.</p> <p>12 water samples were collected from Swanbourne Beach between October 2024 and March 2025 to assess against prescribed water quality levels.</p>

#### Outcome 5 – Health and wellbeing initiatives are identified and promoted

Objectives	Actions	Action Type	City's progress
5.1 Assist the community to be better informed of health and wellbeing issues.	5.1.1 Facilitate community access to health and wellbeing information which is readily accessible and in a mix of formats.	Business-as-usual	<p>In progress.</p> <p>The City promoted healthy food options available at Mount Claremont Farmers Market on City's social media.</p> <p>Promoted a free community event held at Nedlands Library about gut health recipes.</p> <p>Reading materials on health and wellbeing were available both physically and digitally at City's libraries.</p>
	5.1.2 Raise awareness in the community of the health and wellbeing services provided by the City and how to access these services.	Business-as-usual	<p>In progress.</p> <p>Regular communications were undertaken around Positive Ageing Program.</p> <p>Promotion of health events through the City's online <a href="#">event calendar</a> available through the City's website.</p>
5.2 Maintain and improve partnerships with stakeholders engaged in communicable disease control activities.	5.2.1 Partner with stakeholders and the State Government to respond to and manage communicable disease control.	Business-as-usual	<p>In progress.</p> <p>The City conducted follow up interviews and investigations when all three communicable disease notifications were received.</p>



Objectives	Actions	Action Type	City's progress
5.3 Support an inclusive and healthy workplace for City staff to promote physical and mental health and wellbeing.	5.3.1 Continue to provide programs which ensure the City is an employer of choice by providing a safe, supportive, interesting and rewarding working environment.	Business-as-usual	<p>In progress.</p> <p>Processes reviewed and initiatives introduced include:</p> <ul style="list-style-type: none"><li>• Monthly inductions launched &amp; new onboarding processes</li><li>• New organisational wide training calendar</li><li>• Flexible working arrangements</li><li>• Celebrating successes, reward &amp; recognition programme</li><li>• Health &amp; well-being initiatives</li><li>• Increase of communications</li><li>• Dogs in the Workplace</li></ul>

### Pillar 3 – Building resilient community health in a changing climate

This pillar focuses on the climate crisis which poses one of the biggest threats to both the planet and the health of the people who live on it. The pillar aligns directly with the City's environment initiatives.

#### Outcome 6 – Built and natural environments which support sustainable and healthy living

Objectives	Actions	Action Type	City's progress
6.1 Regulate and manage the built and natural environments to support sustainable and healthy living.	6.1.1 Prepare a Sustainability Strategy to guide the City's adoption of sustainability practices, improve community awareness and adoption of sustainable practices.	Council Plan Action 5.1.1	In progress.  Sustainability Strategy in early stages of project review. Internal workshops will be commencing in coming months with the strategy expected to be completed by middle of next year.
	6.1.2 Partner with and support community groups that promote environmental awareness and engagement with nature within environmental conservation areas.	Business-as-usual	In progress.  Revegetation works were scheduled with various Friends Groups for the 24/25 planting season.  The Urban Forest Strategy is currently being drafted and will cover some topics regarding environmental awareness
	6.1.3 Improve water management practices to achieve Gold Waterwise Status by 2025/26.	Business-as-usual	Achieved.  <a href="#">Waterwise Gold</a> achieved 2024/25 and announced 7 May 2025. Commencing internal monthly meetings in August to continue progression with the goal of Platinum Waterwise status for 25/26. Awaiting templates from WaterCorp for Reindorsement Report and Platinum application.
	6.1.4 Continue to increase the cover of the Urban Canopy (goal was by 10% towards the eventual target of 20% by 2028).	Urban Forest Strategy Action 1.1	In progress.  The Urban Forest Strategy is in the final draft stages and was presented to Council at the June 17, 2025, Forum where Gap analyses and costings based on two canopy cover target scenarios were presented. Awaiting endorsement once final documents have been issued.
	6.1.5 Develop a planning policy to mandate sustainable practices to new builds.	Council Plan Action 6.1.3	In progress.  <a href="#">Local Planning Policy 1.3 Sustainable Design – Residential</a> adopted by Council 27 February 2024. Currently being reviewed as per 3 February 2025 Notice of Motion.
	6.1.6 Deliver a safe, sustainable road and foot path network.	Business-as-usual	In progress.  Asset Management Plans are due to be reviewed in 2025/26 financial year. This document will provide the framework for the management of road and footpath network. City has engaged a consultant who currently assesses the road and footpath conditions. These reports will provide the basis for the future road and footpath renewal programs.
6.2 Support better waste management practices.	6.2.1 Improve the level of material either recycled or diverted from landfill either via education or new programs.	Business-as-usual	In progress.  The City has established a robust framework through its Waste Plan demonstrates a strategic, operational, and communicative approach to increasing recycling and diversion rates. This suggests a comprehensive and integrated effort to tackle the challenge of waste to landfill.  Specific Areas of Progress: <ul style="list-style-type: none"> <li>Strategic Direction (Waste Plan): The "Waste Plan" serves as the overarching strategy, likely setting targets for waste diversion and recycling, identifying key waste streams for focus, and outlining the long-term vision for sustainable waste management. The existence of this plan signifies a clear commitment to improving material diversion. This plan translates the strategic goals of the Waste Plan into actionable services. It would detail existing and planned initiatives for waste collection, processing, and diversion. This might include: <ul style="list-style-type: none"> <li>Existing Recycling Programs: Kerbside recycling, public drop-off points for specific materials (e.g., e-waste, batteries, chemicals).</li> <li>New Programs: Introduction of new recycling streams (e.g., FOGO - Food Organics Garden Organics), incentivised recycling schemes, or partnerships for hard-to-recycle items.</li> <li>Diversion Initiatives: Programs for composting, repurposing, or resource recovery beyond traditional recycling.</li> </ul> </li> </ul> This plan has been endorsed and valid until 2030. All the waste service initiative implementation is in accordance with the Department of Water and Environmental Regulation approved waste plan.
	6.2.2 Encourage waste minimisation (reduce, reuse and recycle) in accordance with the City's Waste Plan.	Business-as-usual	In progress.  Key Performance Indicators (KPIs) from waste collection and disposal contracts: Specific targets for waste reduction, reuse, and recycling (e.g., target diversion rate, per capita waste generation).  Actual data and annual reporting to DWER current waste generation figures, recycling rates, composting rates, and tonnage diverted from landfill.

Objectives	Actions	Action Type	City's progress
			<p>Monthly /quarterly reports to confirm the above scope. This is in accordance with the contractor KPI and DWER mandatory waste reporting compliance requirement.</p> <p>Program Implementation Details: Information on specific initiatives undertaken (e.g., new recycling programs, school educational workshops, community clean-up events).</p> <p>Community Engagement Metrics: Data on participation rates in recovery, website information to waste-related information, or public feedback on waste services using the City's media channels</p>
	6.2.3 Partner with waste collection contractors and processors to ensure efficient and effective collection and waste recycling practices to minimise waste going to landfill.	Business-as-usual	<p>In progress.</p> <p>The <a href="#">Waste Plan</a> drives the City's overall strategy for waste management, including the role of external contractors. The "Waste Management Services Service Plan" would then detail the operational aspects of these partnerships. This suggests that the City has a structured approach to identifying, engaging, and managing its waste collection and processing partners. Contractual Agreements and Performance Metrics: conditions of contracts with waste collection contractors and processors. These agreements include specific performance metrics related to collection efficiency (e.g., missed bin rates, route optimisation) and recycling effectiveness (e.g., contamination rates, material recovery targets).</p> <p>Reporting process monthly/quarterly.</p>

**Outcome 7 – Emergency management arrangements are ready to activate**

Objectives	Actions	Action Type	City's progress
7.1 Mitigate the impacts of public health emergencies through the management of environmental health risks that have the potential to affect the community.	7.1.1 Ensure internal emergency management prevention, preparation, response and recovery arrangements are in place.	Business-as-usual	<p>In progress.</p> <p>Western Central Local Emergency Management Arrangements 2024 was adopted by Council at the <a href="#">Ordinary Council Meeting</a> held on 24 September 2024.</p> <p>Various City teams held a Storm Event Meeting to discuss preparation, response, communication and lessons learn from previous years. Inclusive, the City ensured that contingency procedures remain in place and were reviewed annually. These meetings also ensured that staff are available to assist with afterhours works where required.</p> <p>Improvements had been made on the City's <a href="#">website</a> under Emergency Management in providing emergency contacts and information on the City's efforts with flooding and severe storm response. Further communications have been distributed through the Nedlands News section of the local community newspaper and social media portals.</p> <p>The City responded to incidents that could impact the public e.g. Drainage overflows which may have released contaminants or artifacts etc made safe / fenced off from public access.</p>
	7.1.2 Partner with relevant agencies (e.g. DFES, DoC) regarding emergency management arrangements via Local Emergency Management Arrangements (LEMA).	Business-as-usual	<p>In progress.</p> <p>City officers attended quarterly Western Central Local Emergency Management Committee (WCLEMC) on 12 September 2024, 12 December 2025, 13 March 2025 and 12 June 2025. The chair (or proxy) of the WCLEMC also attended District Emergency Management Committee (DEMC) meetings.</p>
	7.1.3 Providing conduit of State initiated emergency warning/information i.e. heatwave, pandemic.	Business-as-usual	<p>In progress.</p> <p>City officers monitored state emergency warning / information. Where required, warning / information was relayed through City's website and / or social media platforms.</p>



*Commissioner Sandri left Council Chambers at 5.25pm*

### 15.3 Briefing Note – City of Nedlands LPS 3 and the UWA QE11 Improvement Plan No. 63

<b>Report Number</b>	<b>PD38.10.25</b>
<b>Applicant</b>	City of Nedlands
<b>Disclosure of Interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Authority/Discretion</b>	Advocacy
<b>Contributing Officer</b>	Sergio Famiano - Manager Urban Planning & Development
<b>Responsible Officer</b>	Bruce Thompson - Director Planning and Development
<b>Director</b>	Bruce Thompson - Director Planning and Development
<b>Attachments</b>	Nil

#### Purpose

To provide an updated briefing on UWA QE11 Improvement Plan as this will be progressing along a similar timeline to the City's Scheme Text review of LPS No 3.

#### Officer Recommendation

That Council:

1. **ENDORSES** the Briefing Note Acknowledge the concurrent review processes of the LPS No. 3 Scheme Text and the UWA QE11 Improvement Plan, and the implications of the 67-hectare overlap.
2. **UNDERTAKES** to Contact the WAPC Seek clarification on how community representation and local input will be incorporated into the UWA QE11 Improvement Plan process, particularly given the State-led nature of the initiative.
3. **REQUESTS** Formal Coordination Between the Two Planning Processes Recommend that the City formally request the Department of Planning, Lands and Heritage (DPLH) and the WAPC to establish a coordination mechanism (e.g., joint working group or liaison officer) to:
  - a. Ensure consistency in land use planning across the overlapping area.
  - b. Avoid duplication or conflict in policy direction.
  - c. Align community engagement strategies.
4. **ADVOCATES** for a Shared Vision Statement Suggest the development of a shared planning vision or set of guiding principles for the 67ha overlap area, endorsed by both the City and the State, to guide future development and community expectations.

*Commissioner Caddy proposed an Alternative Recommendation*

#### Alternative Recommendation and Council Decision





**That Council:**

1. **NOTES** the Briefing Note Acknowledging the concurrent review processes of the LPS No. 3 Scheme Text and the UWA QEII Improvement Plan, and the implications of the 67-hectare overlap.
2. **REQUESTS** the Chief Executive Officer to Contact DPLH to seek clarification on how community representation and local input will be incorporated into the UWA QEII Improvement Plan process, particularly given the State-led nature of the initiative.
3. **REQUESTS** the Chief Executive Officer to Contact the Department of Planning, Lands and Heritage (DPLH) and the WAPC to consider establishing a coordination mechanism (e.g., joint working group or liaison officer) to:
  - a. **Ensure consistency in land use planning across the overlapping area.**
  - b. **Avoid duplication or conflict in policy direction.**
  - c. **Align community engagement strategies.**

**Reason:**

The proposed amended recommendation allows the Commissioners to note the activities being undertaken rather than formally endorsing the activities being undertaken. I have removed the fourth point of the Officer recommendation as the planning vision will naturally derive from the preparation of the Improvement Scheme. It must also be noted that the Improvement Scheme is not bound to cover all of the land in the Improvement Plan Area and that any Improvement Scheme will suspend the Local Planning Scheme.

**Moved: Commissioner Caddy**

**Seconded: Commissioner Hart**

**CARRIED: UNANIMOUSLY 2-0**

**For: Commissioner Caddy, Commissioner Hart**

**Against: Nil**

## **Background**

The City of Nedlands is currently undertaking a Scheme Text Review of Local Planning Scheme No. 3 (LPS 3), while the State Government is progressing the UWA QEII Improvement Plan through the Western Australian Planning Commission (WAPC). Both planning processes are advancing along similar timelines and involve overlapping land areas, with approximately 67 hectares falling within the boundaries of both the Improvement Plan and LPS 3.

This overlap presents a unique opportunity—and a potential risk—for misalignment between local and state planning objectives, particularly in relation to land use, community engagement, and development outcomes. Given the dual governance and strategic significance of the area, it is important that the Commissioners are informed and consider actions to ensure coordination and community representation.



### **City of Nedlands Position on the Improvement Plan**

While the City is broadly supportive of a single overarching state agency being responsible for planning improvements for the UWA-QEII Specialised Activity Centre area, particularly as they relate to the consideration and provision of infrastructure and transportation for the area and its surroundings, we are not supportive of the Improvement Plan as it relates to the City, and we believe the plan lacks adequate information in its current form.

### **Key Comments**

#### **1. Size of the Area**

The proposed improvement plan covers a substantial area of the City, including all the Mixed-Use R-AC3 coded sites along Broadway and Monash Avenue, as well as large portions of the nearby residential areas. It also includes the lots north of Verdun Street, which were not originally included within the Precinct Structure Plan area. This is a substantial portion of the city and has a high possibility of changing the feel of the urban landscape by significantly altering built form and land use controls with minimal consideration for the existing community identity.

The city is of the opinion that the areas near the foreshore along the Esplanade to the south, the area west of Clifton Street, and the area bounded by Verdun Street and Aberdare Road should not form part of the improvement plan.

These areas were mostly up coded only 5 years ago, are geographically removed from the Hampden/Broadway 'spine' which forms the basis of the Improvement Plan. The inclusion of these areas in the Improvement Plan will remove local planning controls for little benefit while placing a greater burden on the Western Australian Planning Commission (WAPC) to approve small scale development which is unnecessary and could easily be performed by the City of Nedlands.

#### **2. Coordination and Collaboration**

The City is currently underway with the major exercise of reviewing its Local Planning Scheme No3 (LPS No.3), with the recent adoption of the 'Report of Review' by Council at its meeting in June 2025. With the 'Report of Review' in the final stages of assessment with the WAPC, the City intends to undertake the review of its Local Planning Strategy and LPS No.3 over the next 2-3 years, involving a consultant team and significant community consultation. It would be beneficial if the timelines for this review corresponded with the review for the UWA QE11 improvement plan enabling the communities of the City of Nedlands and the City of Perth, to be fully informed.

#### **3. City Involvement in the Scheme**

While an Improvement Scheme will be advertised like a local planning scheme, it is not known how much, if any, input the city will have into creation of the Improvement Scheme prior to advertising. Engagement with the WAPC has been minimal at the moment and the City is eager to work with the WAPC to provide meaningful input into the scheme, rather than simply being a referral agency after the work has been done. Fostering greater collaboration between the City and the



WAPC will ultimately lead to a more inclusive and effective planning outcome at the interface with the precinct, which will ultimately benefit both the community and the state government.

#### **4. Existing Framework**

There is concern that the Improvement Scheme will be created with little regard for the City's existing suite of policies, particularly the recently adopted precinct policies and the ongoing heritage area work. The policies have been years in the making and were a result of community input and carefully considered built form modelling. The Broadway policy particularly was created to address specific community and Council concerns and is being used in the assessment of current projects. City Officers would encourage the WAPC to use the new policies as the basis for planning in these areas rather than starting from scratch.

The City encourages the WAPC to engage the community early and often in the process. The draft precinct structure plan for the UWA QEII precinct which the City of Nedlands, the City of Perth and the Department of Planning, Lands and Heritage (DPLH) have been developing since 2019 had initial community consultation in 2021, and would have involved more extensive consultation, both through the formulation of community reference groups and broader public engagement. The City requests that the WAPC maintain a similar level of meaningful engagement throughout the Improvement Scheme process.

#### **5. Transportation Delivery**

The overarching issue for the proposed improvement plan area is transportation, particularly public transport. Numerous projects have identified the need for alternative forms of transportation that do not rely on the road network, such as the addition of light rail or other mid-tier transport. The city is concerned that the Improvement Plan will alter the planning framework without delivering an appropriate medium to long term transport solution. Modifying and updating the transportation network for the area should be a key government priority and should be seen as being in addition to the current METRONET plan of works.

#### **6. Strategic Planning Considerations for the UWA-QEII Precinct**

The Queen Elizabeth II Medical Centre (QEII MC) is the largest medical campus in the southern hemisphere and hosts a significant workforce. It is estimated that over 10,000 staff work across its hospitals, research institutions, and support services. Presently QEII MC has more than 600 beds and treats over 420,000 patients annually. By 2050 it's reasonable to expect that SCGH could see a significant increase in its patient capacity, potentially reaching around 800 -1,000 beds.

Similarly, the University of Western Australia (UWA) employs approximately 8,300 staff across academic, research, and professional roles. As of recent data, UWA has around 25,000 students. To project future student numbers, we can consider historical growth rates and trends in higher education. If we assume a modest annual growth rate of around 1-2%, the student population could be between 35,000 and 40,000 by 2050.



Given the scale of these institutions and their regional significance, the planning framework for the UWA-QEII precinct should prioritise broader mixed-use zoning rather than defaulting to residential zoning alone. The current zonings which encourage medium density residential subdivision are probably out of sync with the future objectives of the Special control area. Broader transportation consideration is also required as the medical facilities at QEII and the UWA have expressed a desire for mid- tier public transport in the form of light rail to link the facilities with the Perth CBD, to encourage reduce car use and congestion, particularly along Hampton Road. Work undertaken by 18 Local Governments, Curtin University and METRONET in 2022, highlights the possibility of a 'knowledge arc' type light rail route which includes the UWA-QEII precinct. This work should be 'built into' the Improvement Plan scope of works.

### **6.1 Benefits of Broader Mixed-Use Zoning**

The inclusion of zoning that enables medical research facilities, specialist consulting suites, medi-hotels for patients and carers, student accommodation, and affordable housing for staff and visiting families from regional and remote areas could bring a range of benefits to this precinct.

This approach aligns with best practices in urban planning for health precincts and offers several benefits:

- **Economic vitality:** Encourages clustering of health-related businesses and services, boosting local employment and innovation.
- **Housing diversity:** Supports a range of accommodation types, improving affordability and access for students, staff, and regional visitors. It also reduces the need for workers to commute to this economic hub, thereby alleviating traffic congestion. Congestion in the area is often so severe that it impacts the ability of public transport to operate effectively.
- **Transport efficiency:** Reduces commuting distances and supports active transport modes like walking and cycling.
- **Supports the feasibility of higher order' public transport** such as light rail.
- **Community integration:** Creates vibrant, inclusive precincts that blend living, working, and learning environments.

**Local services:** The critical mass of population and workforce in the precinct could support the development of a small shopping centre and allied commercial services to supplement the existing services in a precinct such as Hampden Road. A local-centre could provide essential retail, food, and personal services to staff, students, patients, and visitors, enhancing

## **7. Comparative overview**

The spatial boundaries and planning jurisdictions between the City of Nedlands' Local Planning Scheme No. 3 and the State-led UWA QEII Improvement Plan No. 63.

### **7.1 City of Nedlands – Local Planning Scheme No. 3 (LPS3)**

The City of Nedlands Local Planning Scheme No 3 was Gazetted on the 16 April 2019. The Scheme has a coverage which encompasses the entire City of



Nedlands, including suburbs such as Dalkeith, Mount Claremont, Swanbourne, and parts of Shenton Park and Karrakatta.

The jurisdiction of the Scheme is administered by the City of Nedlands under the Planning and Development Act 2005.

The purpose of the Scheme is to regulate zoning, land use, density codes, and development standards across the municipality.

**7.2 UWA QEII Improvement Plan No. 63**

The UWA QE11 Improvement Plan was gazetted on the 28 June 2024.

The Improvement Plan coverage focuses on the Crawley–Nedlands precinct, including UWA, QEII Medical Centre, and surrounding institutional lands.

The jurisdiction of the Improvement Plan is administered by the Western Australian Planning Commission (WAPC) under an Improvement Scheme.

The purpose of the Improvement Plan is to facilitate strategic, State-led planning for a specialised activity centre of regional significance.

**7.3 Key Differences in Boundaries and Governance**

Feature	Comparison
Planning Authority	City of Nedlands vs WAPC (State Government)
Boundary Extent	Entire City of Nedlands vs Focused precinct within Nedlands and Crawley
Purpose	Local zoning and development control vs Strategic redevelopment and coordination
Overlap	Includes UWA and QEII lands vs Subset of LPS3 area, but under separate governance
Implications	Local approvals required vs State-led planning overrides local scheme

**7.4 Boundary Overlap**

Approximately 67 hectares of land currently governed under LPS No. 3 fall within the UWA QEII Improvement Plan No. 63 area. This overlap includes key institutional and mixed-use zones and is now subject to State-led planning controls, potentially superseding local scheme provisions.

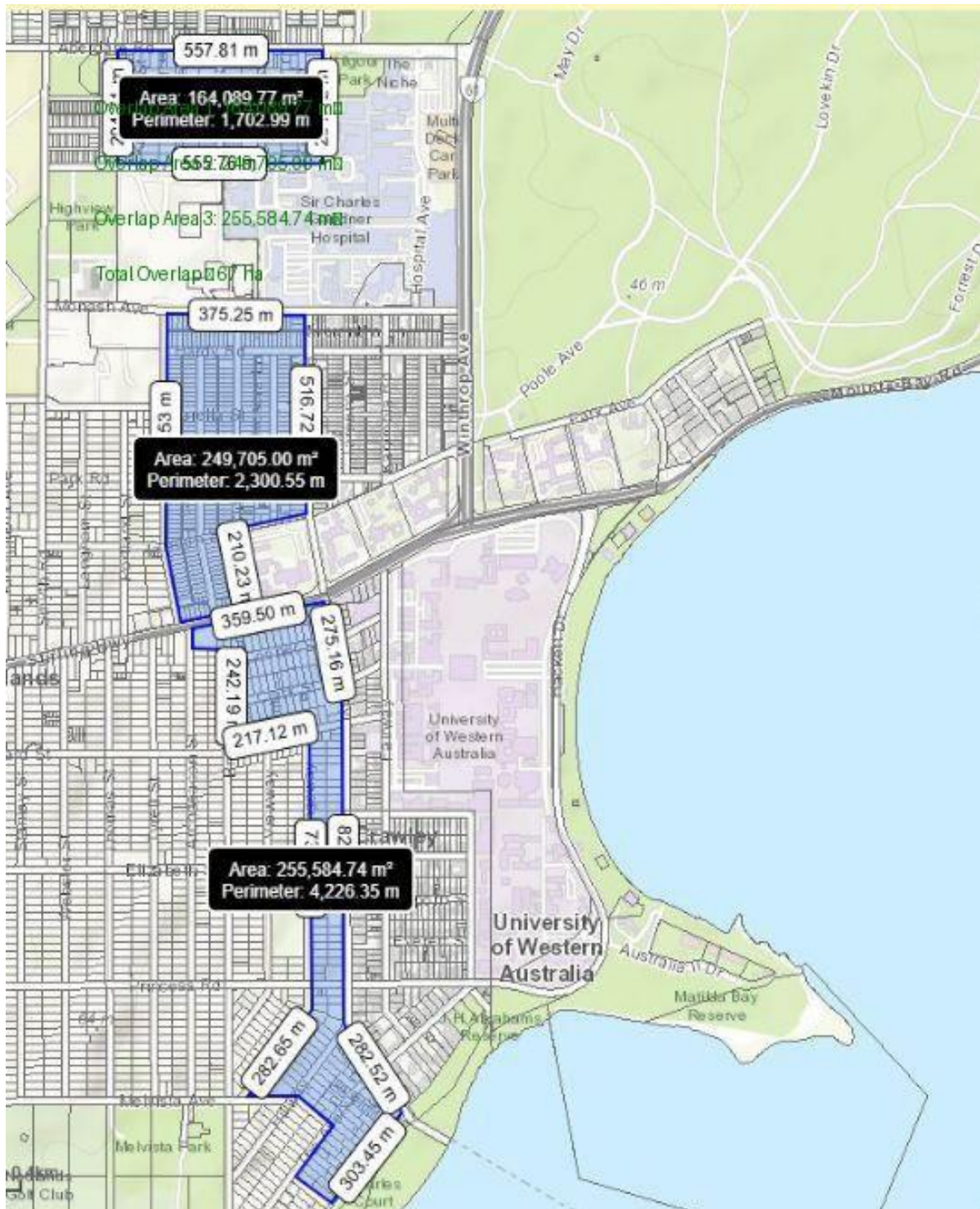
**7.5 Annotated Maps**

The following maps illustrate the boundaries and overlap:





**Figure 1: UWA QEII Improvement Plan Boundary and City of Perth Boundary**



**Figure 2:** Overlapping Areas (≈ 67 ha) between LPS3 and Improvement Plan No. 63

## Discussion

As noted in background.



Consultation

Community consultation has not commenced yet.

Strategic Implications

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

<b>Vision</b>	<b>Sustainable and responsible for a bright future</b>
<b>Pillar Outcome</b>	<b>People</b> 2. A healthy, active and safe community.
<b>Pillar Outcome</b>	<b>Planet</b> 5. Climate resilience.
<b>Pillar Outcome</b>	<b>Place</b> 7. Attractive and welcoming places.
<b>Pillar Outcome</b>	<b>Prosperity</b> 9. A vibrant local economy.
<b>Pillar Outcome</b>	<b>Performance</b> 12. A happy, well-informed and engaged community.

Budget/Financial Implications

Nil

Legislative and Policy Implications

Nil.

Decision Implications

Improved planning outcome

Further Information

Nil



*Commissioner Sandri returned to Council Chambers at 5.29pm*

## **16. DIVISIONAL REPORTS – CORPORATE SERVICES**

### **16.1 John XXIII Avenue Mount Claremont - Renewal of Lease**

<b>Report Number</b>	<b>CPS37.10.25</b>
<b>Applicant</b>	City of Nedlands
<b>Disclosure of Interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Authority/Discretion</b>	Executive
<b>Contributing Officer</b>	Anita Stirrat – A/Coordinator Strategic Land & Property
<b>Responsible Officer</b>	Anita Stirrat – A/Coordinator Strategic Land & Property
<b>Director</b>	Keri Shannon - Chief Executive Officer
<b>Attachments</b>	Attachment 1 – Lease Area Sketch Attachment 2 – CONFIDENTIAL Attachment 3 – CONFIDENTIAL

### **Purpose**

The purpose of this report is to seek in principle support for a proposed new lease agreement between the City of Nedlands (City) and Leo Heaney Pty Ltd (Proposed Lessee) over the land vested in the City located at the John XXIII Avenue Mount Claremont Depot Site.

### **Officer Recommendation**

**That Council:**

- 1. PROVIDE** in principle support for the proposed lease over a portion of the John XXIII Avenue Mt Claremont Depot Site, otherwise known as Reserve 45054 Lot 502 on Deposited Plan 73830 being a portion of the land comprised of Crown Land Title Volume LR3168 Folio 291;
- 2. NOTE** that this report is to supersede CPS01.03.25 John XXIII Avenue Mount Claremont Depot for portion of Reserve 45054 – Proposed Renewal of Lease to Leo Heaney Pty Ltd due to amended information provided
- 3. NOTE** that each submission received during the statutory advertising period has been considered in accordance with section 3.58(3) of the *Local Government Act 1995 (WA)*;
- 4. AUTHORISE** the Chief Executive Officer to negotiate and finalise the terms of the proposed new lease with Leo Heaney Pty Ltd over the John XXIII Avenue Mount Claremont Depot Site, otherwise known as Reserve 45054 Lot 502 on Deposited Plan 73830 being a portion of the land comprised of Crown Land Title Volume LR3168 Folio 291; and
- 5. AUTHORISE**, subject to the Minister for Lands' consent pursuant to section 18 of the *Land Administration Act 1997 (WA)*, the Chief Executive Officer and Presiding Member to affix the common seal of the City of





**Nedlands to the lease agreement pursuant to section 9.49A of the *Local Government Act 1995* (WA).**

*Administration proposed an Alternative Recommendation*

### **Alternative Motion and Council Decision**

**That Council DEFER this item to undertake Public Notice under section 3.58 of the Local Government Act and the item be considered at the Ordinary Council Meeting on 19 November 2025.**

Reason:

To allow public submission advertising and a new valuation of the land.

**Moved: Commissioner Sandri**

**Seconded: Commissioner Hart**

**CARRIED: UNANIMOUSLY 3-0**

**For: Commissioner Caddy, Commissioner Sandri, Commissioner Hart**

**Against: Nil**

### **Background**

#### **Land**

This report pertains to two portions of Crown land 'vested' in the City of Nedlands by a Management Order, which are both located in John XXIII Avenue in Mount Claremont, and known as the John XXIII Avenue Mount Claremont Depot Site. The Land:

1. is comprised of two lots known as:

- (a) Reserve 45054 – Lot 502 on Deposited Plan 73830 being the whole of the lands comprised on Crown Land Title Volume LR3168 Folio 292 (Lot 502), which is outlined in red in the below diagram:





- (b) Reserve 45632 – Lot 503 on Deposited Plan 73830 on being the whole of the lands comprised on Crown Land Title Volume LR3168 Folio 291 (Lot 503), which is outlined in red in the below diagram:



together, Lot 502 and Lot 503 are the Land.

2. is Crown Land as defined under the *Land Administration Act 1997* (WA).

- (a) is owned by the State of Western Australia, subject to the interests and Status Orders below:

- (i) the City of Nedlands is the Primary Interest Holder in the Land.
- (ii) is a "Reserve under Management Order", namely:
  - (A) the Reserve (Reserve);
  - (B) the Management Order which contains conditions to be observed with power to lease for any term subject to the consent of the Minister for Lands (Management Order).



- (iii) is subject to various other limitations, interests, encumbrances and notifications as listed in the Record of Qualified Certificate of Crown Land Title from time to time.


### Previous Lease

At its 22 April 2022 Ordinary Council Meeting (Refer Item 17.2 Report CPS14.04.22), Council resolved as follows:

*That Council:*

1. *REQUESTS the Chief Executive Officer to commence the statutory advertising of the pre-negotiated lease in accordance with section 3.58 of the Local Government Act 1995;*
2. *if no public submissions are received during the statutory advertising period, approves a lease for portion of Reserve 45054 between the City of Nedlands and Leo Heaney Pty Ltd consistent with the key terms as noted within this report; and*
3. *subject to the Minister for Lands' Consent, authorises the Chief Executive Officer and Mayor to execute the lease and apply the City's Common Seal.*

The terms of the previous lease (**2022 Lease**) were agreed as follows:

Term	Description
Lessor	City of Nedlands.
Lessee	Leo Heaney Pty Ltd ACN 108 787 784 / ABN 15 108 787 784
Leased Area / Land	<p>A portion of Lot 502 as shown below being an area of approximately 1,044 square metres:</p> 
Use / Permitted Purpose	Storage of vehicles and uses ancillary thereto.
Commencement Date	21 December 2022
Term	6 months from Commencement Date.



Further Term 1	6 months.
Further Term 2	6 months.
Further Term 3	6 months.
Expiry Date	20 November 2024
Rent	\$17,471.64 per annum exclusive of GST and outgoings.

The 2022 Lease has now expired and has been held over on a monthly basis with the rent being \$17,471.64 per annum exclusive of GST and outgoings. Over the course of the lease, the City has charged \$48,047 in rent.

The Proposed Lessee have advised the Site will be used primarily to store the trucks that are used the least amount (estimated at this time to be 3 or 4 water trucks). However, in the event these trucks need to be utilised, they are generally operated before school hours and would likely be back at the Leased Area prior to school finishing for the day.


The Proposed Lessee currently hold contracts with other local government entities that generally require works to be undertaken early in the morning and have those works completed by early afternoon before school finishes and community sporting activities take place.

## Discussion

Information below is amended from CPS01.03.25. The Proposed Lessee proposed to enter into a new lease agreement with the following key terms:

Proposed Term	Description
Lessor	City of Nedlands.
Lessee	Leo Heaney Pty Ltd ACN 108 787 784 / ABN 15 108 787 784
Leased Area / Land	A portion of Lot 502 as shown below being an area of approximately 600 square metres:



	
Use / Permitted Purpose	Storage of vehicles and uses ancillary thereto.
Commencement Date	Date of execution of the Lease or Minister of Lands' consent to the Lease.
Term	1 year from Commencement Date.
Further Term 1	1 year.
Further Term 2	1 year.
Further Term 3	1 year.
Expiry Date	20 November 2029 assuming all three options to extend the lease Term for Further Term are exercised.
Rent	Market rent - \$27.50 SQM (\$16500.00 plus GST)
Rent Review	By CPI at the anniversary of the Commencement Date.
Outgoings	Proposed Lessee responsible for outgoings associated with the use of the Land.
Maintenance	Proposed Lessee's responsibility.

On 26 November 2024, valuer Burgess Rawson valued the market rent for the proposed leased premises as \$28,710.00 per annum exclusive of GST, being \$27.50 per square meter based on an area of 1,044 square meters being the whole lot.

## Consultation

### Land & Property

The City's Land & Property Team advised they have no objections to land tenure arrangement. The arrangement generates an income for the City and utilises an otherwise unoccupied and vacant site. The terms proposed by the Proposed Lessee mitigate risk to Council.





## Strategic Implications

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

<b>Vision</b>	<b>Sustainable and responsible for a bright future</b>
<b>Pillar Outcome</b>	<b>Prosperity</b> 9. A vibrant local economy.
<b>Pillar Outcome</b>	<b>Performance</b> 11. Effective leadership and governance.

## Budget/Financial Implications

Assuming the Proposed Lessee continue to lease the proposed leased premises for the full term and 3 options to renew, the City would gain approximately \$66,000 over the full four years of the lease agreement from the Commencement Date until the Expiry Date.

## Legislative and Policy Implications

The City may only dispose of the Land under section 3.58 of the [Local Government Act 1995 \(WA\)](#) (LG Act).

As the Applicant is a commercial entity, there are advertising and market valuation requirements that need to be undertaken in accordance with the LG Act.

The City gave public notice of the above proposed disposition for a period of 2 weeks in compliance with section 3.58(3) of the *Local Government Act (WA)* and no submissions were received for review.

Section 18 of the [Land Administration Act 1997 \(WA\)](#) provides a local government must seek the consent of the Minister for Lands in relation to a lease over Crown Land.

## Decision Implications

Should Council choose to endorse the recommendations as contained within this report, the City can finalise negotiations and enter into a lease agreement with the Proposed Lessee in the terms proposed in the table above.

Should Council choose to not to endorse the recommendations as contained within this report, it is proposed the City re-advertise a lease and invite submissions from the



public. Should the City receive submissions from the public, a secondary report to Council would be required.

## **Conclusion**

The Proposed Lessee has proposed to enter into a new lease agreement over the Land at the John XXIII Avenue Mount Claremont Depot Site for a term of 1 year with 3 options to renew the lease for further term of 1 year thereafter.

## **Further Information**

Nil

## Lease Area – Sketch



Site Plan – Portion of Reserve 45054, John XXIII Avenue Mount Claremont

### Lease Area

Part Lot 502 on Deposited Plan 73830 outlined in Red– 600 m<sup>2</sup>  
(approx.)





## 16.2 Rate Exemption Approval – Charitable Organisation

<b>Report Number</b>	<b>CPS38.10.25</b>
<b>Applicant</b>	City of Nedlands
<b>Disclosure of Interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Authority/Discretion</b>	Quasi-Judicial
<b>Contributing Officer</b>	Bethany McCall – Finance Officer (Rates)
<b>Responsible Officer</b>	Bethany McCall – Finance Officer (Rates)
<b>Director</b>	John Vojkovich - Acting Director Corporate Services
<b>Attachments</b>	Attachment 1 - Statutory Declaration Attachment 2 - Application for Rates Exemption Attachment 3 - Extract of Local Government Act 1995 S6.26 Attachment 4 - ATO Endorsement - Charity Tax Concession Attachment 5 - Australian Charities & Not-for-profits Commission Certificate Attachment 6 - Certificate of Incorporation Replacement Attachment 7 - Organisation's Constitution Attachment 8 - Organisation's Financial Report

### Purpose

This report seeks approval for a rates exemption for the Royal Western Australian Historical Society (RWAHS) under Section 6.26(2)(g) of the Local Government Act 1995 for 2025/26 financial year and will be reviewed periodically as required.

### Officer Recommendation and Council Decision

**That Council APPROVES the request for a rates exemption from RWAHS for 109 Stirling Highway Nedlands under the Local Government Act 1995 for 2025/26.**

**Moved: Commissioner Hart**

**Seconded: Commissioner Sandri**

**CARRIED: UNANIMOUSLY 3-0**

**For: Commissioner Caddy, Commissioner Sandri, Commissioner Hart**

**Against: Nil**

### Background

Established in 1926 RWAHS' purpose is to foster and promote the History of WA. They have onsite activities and facilities which include a research library, museum, bookshop, published materials, community engagement, events and programs.

### Discussion





The Royal Western Australian Historical Society (RWAHS) had previously been granted a rate exemption at the property: 49 Broadway Nedlands. In December 2024 they purchased 109 Stirling Highway Nedlands and relocated their organization accordingly.

This report refers to the rates exemption application for 109 Stirling Highway Nedlands received in June 2025 for the 2025/26 financial year.

Section 6.26(2)(g) of the Local Government Act 1995 states: -

*“land is not rateable land if it is used exclusively for charitable purposes”*

RWAHS is an independent charity that has the largest non-government collections in WA, offering both members and the public access to thousands of items of historical WA resource materials.

## Consultation

Not applicable

## Budget/Financial Implications

Should Council agree to the recommendation, the rates exemption represents a loss of revenue of \$16,437.38 for 2025/26 financial year.

## Legislative and Policy Implications

Local Government Act 1995 - Section 6.26(2)(g) of the Local Government Act 1995, land used exclusively for charitable purposes is not-rateable. RWAHS' is a not-for-profit organization which meets the charitable purpose requirements.

## Decision Implications

The application has been assessed as meeting the requirements for an exemption from rates, effective from 1 July 2025. Should Council not endorse the recommendation the applicant can appeal the decision.

## Conclusion

The application from RWAHS' for a rates exemption meets the requirements of Section 6.26 (2)(g) of the Local Government Act 1995. Council's approval is recommended.



## Further Information

Nil



City of Nedlands

WESTERN AUSTRALIA

OATHS, AFFIDAVITS AND STATUTORY DECLARATIONS ACT 2005

STATUTORY DECLARATIONAPPLICATION FOR RATES EXEMPTION UNDER  
SECTION 6.26 OF THE LOCAL GOVERNMENT ACT 1995.STATEMENT OF PROPERTY USE FOR THE YEAR ENDING 30 JUNE 2026(1) Christian name or names  
and surname of declarant in full

(1) RICHARD OFFEN

(2) Address

(2) [REDACTED]  
of

In the State of Western Australia

3) Occupation

(3) Retired

Sincerely declare as follows:-

The property located at: 109 STIRLING HIGHWAY NEDLANDS  
is used by THE ROYAL WESTERN AUSTRALIAN HISTORICAL SOCIETY  
for the purposes of HEAD QUARTERS OFFICE WITH MUSEUM, ARCHIVE  
MEETING ROOMS AND BOOK SHOP  
Description of the activities the  
property is used for

for the period \_\_\_ to \_\_\_ or from 1 JULY 2025 to LAST YEAR.

The applicant agrees to advise the Local Government's Rating Services Section as soon as there is ANY change to the purpose/s as stated above.

This declaration is made under the Oaths, Affidavits and Statutory Declarations Act 2005

Declared at

this 20<sup>th</sup> day of MAY 20 25

In the presence of

(Signature of authorised witness)

ROMAN JONATHAN GREER

(Name of authorised witness and qualification as such a witness)

EXPERIENCED LAWYER

(4) Signature of person making the declaration

(4) RWHS PRESIDENT

\*Important This Declaration must be made before any of the following persons:-



## Privacy

The personal information collected on this form will only be used by the **City of Nedlands** for the sole purpose of providing requested and related services. Information will be stored securely by us will not be disclosed to any third parties without your express written consent.

This application form is to be used by organisations seeking exemption from rates, pursuant to the provisions of Section 6.26 of the Local Government Act 1995. In doing so you are objecting to the rate book under Section 6.76 of the Local Government Act 1995. The application for exemption will be checked based on the information you have provided, and you will be advised of the outcome in due course. Please attach any additional documents requested, as failure to do so may result in the application being refused.

Please note that where exemption from rates is approved, the property will still be subject to the Emergency Services Levy and any other service fees or charges, if applicable, such as rubbish collection charges. All properties granted exemption from rates are subject to periodic reviews to ensure continued approval.

**Instructions:** Please print clearly in the spaces provided.

### 1. Property Address Details

Street address

Suburb

Rates Assessment Number (if known)

### 2. What is the current use of the property? Please provide full details:

2. Established in 1926, RWAHS' purpose is to foster and promote the History of WA. Activities onsite; research library, museum, bookshop, publishing materials, community engagement, events and programs. Further a key state body for some 70 affiliated WA history associations and organisations.



**3. Property Owner Details**

Organisation:	ROYAL WESTERN AUSTRALIAN HISTORICAL SOCIETY, INC		
Property Owner: if different to above			
Postal Address:			
Telephone:		Facsimile:	
Mobile:		Facsimile:	
E-mail:			

**4. Applicant Details**

Contact Person:	NICK DREW		
Position Title:			
Postal Address:			
Telephone:		Postcode:	6010
Mobile:		Facsimile:	
E-mail:			

**5. Organisation Information**

Is the organisation:

An incorporated body as per the Associations Incorporations Act 1987 (WA)? Yes ☒ No ☐

*If yes, provide a Certificate of Incorporation*

Is the organisation considered 'not for profit' and registered under the Australian Charities and Not for Profit Commission (ACNC) and Public Benevolent Institution Status?

Yes ☒ No ☐

*If yes, please provide the registration number and provide a copy of the registration certificate*

Have a Charity Tax Exemption from the Australian Tax Office (ATO)?

Yes ☒ No ☐

*If yes, provide a certificate of tax exemption from the ATO*

Leasing the property?

Yes ☐ No ☒

*If yes, provide a copy of the lease and confirm if the lessee is responsible for payment of the rates*

Have planning approval for the land use of the property?

Yes ☒ No ☐

*A site inspection may be required and if found not to be compliant with the approved use, the application may be disallowed*

[Type here]

## 6. Documentation Requirements

Please provide a copy of:

- ☒ Organisation's Constitution
- ☒ Written statement outlining the nature of the Organisation's operations.

SEE  
ATTACHED.  
(A)

It should include the following details:

- Confirm the grounds upon which an objection is being made to the rate record under Section 6.76 of the Local Government Act 1995
- Confirm the grounds upon which the exemption application applies under Section 6.26 of the Local Government Act 1995
- Use and occupancy of the land, inclusive of date of commencement
- Type of service provided (e.g. food, accommodation etc)
- Frequency of service provision (e.g. full-time, daily, weekly etc)
- Whether payment is received for the service
- What is the main source of income for the organisation
- If there is commercial activity conducted on the land, provide details of the activity and if revenue is raised, where it is disbursed

☒ A plan of the property, showing all buildings and outbuildings

OR

☐ A floor plan of the leased property area, if only part of the property is the subject of this application

☐ A Copy of the latest audited financial statements for the Organisation  
(If this exemption applies to only a portion of land owned by this Organisation, provide the relevant statements for the land this application applies to.)

## 7. Authorisation

By signing this application, I hereby certify that the information provided is true and correct to the best of my knowledge.

Name:

Nick Drew

Position: Assoc

Organisation:

Signature of  
Applicant:

Date:

9/6/25

[Type here]

## OFFICE USE ONLY

### 1. Considerations

Approval with Town Planning Scheme?

YES

☐

NO

☐

Has the property been inspected?

YES

☐

NO

☐

Recommend for non-rateable status?

YES

☐

NO

☐

Applicant/Owner Name: \_\_\_\_\_

Section of the Local Government Act 1995 6.26(2) \_\_\_\_\_

Exemption Description: \_\_\_\_\_

Reason for non-rateable status:

New Application

☐

Review of Exemption

☐

Amount of rates to be exempted and dates to be applicable from (application date). The approval will be for a period of \_\_\_\_\_ years, unless circumstances change.

Amount: \_\_\_\_\_ Date (from): \_\_\_\_\_

Rubbish bin changes to be levied and dates to be applicable from:

Amount: \_\_\_\_\_ Date (from): \_\_\_\_\_

[Type here]

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**2. Decision under Delegated Authority**

This application has been:

DECLINED for  
non-rateable status ☐APPROVED for partial  
non-rateable status ☐APPROVED for  
non-rateable status ☐**Name:****Signature:**

	<b>Date:</b>	

**OR****Council Resolution Reference:** \_\_\_\_\_**Date of Council Meeting:** \_\_\_\_\_

[Type here]



No. 74]  
**s. 6.26**

*Local Government Act 1995*

and for the purpose of section 3.59) of the regional local government;

- (d) land used or held exclusively by a religious body as a place of public worship or in relation to that worship, a place of residence of a minister of religion, a convent, nunnery or monastery, or occupied exclusively by a religious brotherhood or sisterhood;
- (e) land used exclusively by a religious body as a school for the religious instruction of children;
- (f) land used exclusively as a private school which is registered under section 32A (1) of the *Education Act 1928*;
- (g) land used exclusively for charitable purposes;
- (h) land vested in trustees for agricultural or horticultural show purposes;
- (i) land owned by Co-operative Bulk Handling Limited or leased from the Crown or a statutory authority (within the meaning of that term in the *Financial Administration and Audit Act 1985*) by that company and used solely for the storage of grain where that company has agreed in writing to make a contribution to the local government;
- (j) land which is exempt from rates under any other written law; and
- (k) land which is declared by the Minister to be exempt from rates.

(3) If Co-operative Bulk Handling Limited and the relevant local government cannot reach an agreement under subsection (2) (i) either that company or the local government may refer the matter to the Minister for determination of the terms of the agreement and the decision of the Minister is final.



Australian Taxation Office

Date of Issue  
26 June 2001**Endorsement as an income tax exempt charitable entity**

Endorsement as an income tax exempt charitable entity under Subdivision 50-B of the *Income Tax Assessment Act 1997* is provided as detailed below.

Name	ROYAL WA HISTORICAL SOCIETY
Australian Business Number	43 607 110 473
Endorsement date of effect	01 July 2000
Item(s) in Subdivision 50-5 of the <i>Income Tax Assessment Act 1997</i>	Item 1.1 - charitable institution

You are required to notify the Commissioner of Taxation should you cease to be entitled to endorsement as an income tax exempt charitable entity. This is a requirement of section 50-145 of the *Income Tax Assessment Act 1997*.

Michael Carmody  
Commissioner of Taxation and  
Registrar of the Australian Business Register



Australian  
**Charities** and  
**Not-for-profits**  
Commission



THIS CERTIFIES THAT

**Royal WA Historical Society**

ABN: 43607110473

IS A REGISTERED CHARITY  
AND HAS BEEN TRANSFERRED FROM THE

**Australian Taxation Office**

TO THE

**Australian Charities and Not-for-profits Commission**

ON THE DATE OF  
**03/12/2012**

CERTIFIED BY

A handwritten signature in black ink, reading "Sue Woodward".

**Sue Woodward AM**

**Commissioner**

Australian Charities and Not-for-profits Commission

Copy only. Original available on request



I certify that this is a true copy of the original document. Dated 08-11-2023 *Blake*



Government of Western Australia  
Department of Mines, Industry Regulation and Safety  
Consumer Protection

**WESTERN AUSTRALIA**  
*Associations Incorporation Act 2015*  
(Section 10)

IARN: A0280001B

## Replacement Certificate of Incorporation

This is to certify that

**THE ROYAL WESTERN AUSTRALIAN HISTORICAL SOCIETY  
INCORPORATED**

is an association incorporated under the  
*Associations Incorporation Act 2015*

The date of incorporation is the  
eleventh day of January 1928

Patricia Blake  
Commissioner for Consumer Protection

**This replacement certificate is issued on the 08/11/2023**

**CERTIFICATE**





# HISTORY WEST

THE ROYAL WESTERN AUSTRALIAN HISTORICAL SOCIETY INC

## CONSTITUTION OF THE ROYAL WESTERN AUSTRALIAN HISTORICAL SOCIETY INCORPORATED Trading as History West

Adopted: 28 November 2024

Richard Offen  
PRESIDENT and CHAIR OF COUNCIL

Sally Anne Hasluck OAM  
DEPUTY CHAIR OF COUNCIL

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## PART 1 — PRELIMINARY

### 1. Terms used

In these rules, unless the contrary intention appears —

**ACNC** means the Australian Charities and Not-for-profits Commission

**Act** means the *Associations Incorporation Act 2015 (WA)*;

**annual general meeting** means the annual general meeting as defined under these rules;

**Affiliated Society** means a member referred to in Rule 87 in these rules.

**Association** means the incorporated association to which these rules apply and which is designated as the Royal Western Australian Historical Society Incorporated;

**Auxiliary** means the auxiliary which has been established by the Council of the Society in accordance with rule 86

**body corporate** means any body incorporated under Commonwealth or Western Australian corporations law or the *Associations Incorporation Act 2015 (WA)*;

**books**, of the Royal Western Australian Historical Society Incorporated, includes the following —

- (a) a register of members;
- (b) financial records, financial statements or financial reports, however compiled, recorded or stored;
- (c) a document;
- (d) any other record of information;

**by laws** means by-laws made by the Royal Western Australian Historical Society Incorporated under these rules;

**Chairperson of Council** hereinafter referred to as 'the Chairperson', means Chairperson of Council referred to in Part 5, Division 5;

**Commissioner** means the person for the time being designated as the Commissioner under section 153 of the Act;

**committee** means a committee appointed by the Council.

**Council** means the management council of the Royal Western Australian Historical Society Incorporated referred to in Part 5, Division 5;

**Council meeting** means a meeting of the Council;

**Councillor** means a member of the Council;

**Executive** has the meaning given by Part 5B

**financial records** includes —

- a. invoices, receipts, orders for the payment of money, bills of exchange, cheques, electronic fund transfer, promissory notes and vouchers; and
- b. documents of prime entry; and
- c. working papers and other documents needed to explain —
  - (i) the methods by which financial statements are prepared; and
  - (ii) adjustments to be made in preparing financial statements;

**financial report**, of a tier 2 association or a tier 3 association, has the meaning given in section 63 of the Act;

**financial statements** means the financial statements in relation to the Royal Western Australian Historical Society Incorporated required under Part 5 Division 3 of the Act;

**financial year**, of the Royal Western Australian Historical Society Incorporated, has the meaning given in rule 3;

**general meeting**, of the Royal Western Australian Historical Society Incorporated, means a meeting of the Royal Western Australian Historical Society Incorporated that all members are entitled to receive notice of and to attend as set out in Part 6;

**History West** is the business and trading name of the Royal Western Australian Historical Society Incorporated;

**member** means a person (including a body corporate) who is a member of the Royal Western Australian Historical Society Incorporated in accordance with Part 3 of these rules;

**ordinary Council member** means a Councillor member who is elected as an ordinary Councillor in accordance with Part 5, Division 3;

**ordinary resolution** means a resolution other than a special resolution;

**poll** means voting conducted in written form (as opposed to a show of hands);

**President** means the Council member holding office as the President of the Royal Western Australian Historical Society Incorporated in accordance with these rules;

**register of members** means the register of members referred to in section 53 of the Act;

**rules** means these rules of the Royal Western Australian Historical Society Incorporated, as in force for the time being;

**Secretary** means the Councillor holding office as the Secretary of the Society in accordance with these rules;

**Society** means the incorporated association to which these rules apply, namely The Royal Western Australian Historical Society Incorporated;

**special general meeting** means a general meeting of the Royal Western Australian Historical Society Incorporated (other than the annual general meeting) convened in accordance with these rules;

**special resolution** means a resolution passed by the members at a general meeting in accordance with section 51 of the Act;<sup>1</sup>

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<sup>1</sup> Requirements for special resolution (1) For the purposes of this Act, a resolution is a special resolution if it is passed — (a) at a general meeting of an incorporated association; and (b) by the votes of not less than three-fourths of the members of the association who cast a vote at the meeting. (2) A person is taken to cast a vote at a general meeting as mentioned in subsection (1) if the person has a right under the rules of the association to vote on the resolution and — (a) votes in person at the meeting; or (b) where proxies or postal votes are allowed by the rules of the association, votes on the resolution by proxy or postal vote. (3) Before the general meeting, written notice of — (a) the proposed special resolution; and (b) the time and place of the general meeting at which it is proposed to move the resolution, must be given, as required under the rules of the incorporated association, to each member of the association. (4) The notice must set out the wording of the proposed special



**tier 1 association** means an incorporated association to which section 64(1) of the Act applies;

**tier 2 association** means an incorporated association to which section 64(2) of the Act applies;

**tier 3 association** means an incorporated association to which section 64(3) of the Act applies;

**Treasurer** means the Councillor holding office as the Treasurer of the Royal Western Australian Historical Society Incorporated in accordance with these rules;

**Vice-Chairperson of Council**, means the Vice-Chairperson of Council referred to in these rules;

**Vice-President** means a Vice-President referred to in accordance with these rules.

## 2. Name and office

- (1) The name of the Association to which these rules apply is The Royal Western Australian Historical Society Incorporated, which also carries on its activities under the name History West.
- (2) The office of the Royal Western Australian Historical Society Incorporated is situated at Stirling House, 49 Broadway Nedlands Western Australia 6009, or such other place as the Council of the Royal Western Australian Historical Society Incorporated may determine.

## 3. Financial year

The financial year of the Royal Western Australian Historical Society Incorporated commences on 1<sup>st</sup> July and ends on 30<sup>th</sup> June of the following year.

# PART 2 — THE SOCIETY

## 4. Not-for-profit body

- (1) The Society is a not-for-profit incorporated association under the Act.
- (2) The property and income of the Society must be applied solely towards the promotion of the objects or purposes of the Society and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to any member, except in good faith in the promotion of those objects or purposes.
- (3) A payment may be made to a member out of the funds of the Society only if it is authorised under subrule (4).
- (4) A payment to a member out of the funds of the Society is authorised if it is —
  - a. the payment in good faith to the member as reasonable remuneration for any services provided to the Society, or for goods supplied to the Society, in the ordinary course of business; or

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resolution. (5) If notice is not given in accordance with subsections (3) and (4) the special resolution has no effect.



- b. the payment of interest, on money borrowed by the Society from the member, at a rate not greater than the cash rate published from time to time by the Reserve Bank of Australia; or
- c. the payment of reasonable rent to the member for premises leased by the member to the Society; or
- d. the reimbursement of reasonable expenses properly incurred by the member on behalf of the Society.

## 5. Object and functions of the Society

- (1) The object of the Society is to encourage the study, writing and enjoyment of the history of Western Australia in all its cultural diversity.
- (2) In order to achieve its object, the Society may establish structures and ensure resourcing to facilitate the following functions and activities:
  - a. collecting, classifying and preserving records, artefacts and oral histories;
  - b. maintaining a library of historical publications, documents, photographs and other images;
  - c. maintaining a museum, including the presentation of displays and exhibitions;
  - d. publishing, including a journal and a newsletter;
  - e. disseminating information to members and the wider community;
  - f. maintaining a retail outlet, particularly a bookshop;
  - g. arranging social events, including tours and visits to historical sites, for members and the wider community;
  - h. stimulating community interest and support;
  - i. encouraging the formation of historical societies throughout Western Australia having similar interests with a view to affiliation with the Society;
  - j. founding, subsidising or contributing to scholarships or prizes to promote this object;
  - k. conducting competitions to encourage the study of Western Australian history;
  - l. promoting the commemoration of historical events, personalities and places;
  - m. co-operating with the National Trust of Western Australia and any other bodies having aims similar to those of the Society; and
  - n. initiating projects and processes incidental to any of the above functions and activities.
- (3) The Society, in its policies, practices, structures and programs, is bound by the following cultural inclusion principles:
  - a. the Society shall reflect, promote and provide an environment which is free from all forms of discrimination, where all persons are treated with respect and, subject to restrictions which are imposed by the law, are free to express in writing or in speech a wide diversity of views ; and
  - b. the Society shall encourage the presentation of histories which address the historical aspects of the impact of cultural, social, economic and environmental policies on Western Australians regardless of their race, colour, creed, religion, gender or political beliefs.
- (4) The Society shall develop and implement strategies to encourage Aboriginal and Torres Strait Islander individuals and groups to record their histories and preserve their built and movable heritage and in so doing fully embrace the principles of cultural inclusion.

## 6. Powers of the Society

The Society may do all things necessary or convenient for carrying out its object, and in particular, may:

- a. acquire, hold, purchase, lease, hire, deal with and dispose of any real or personal property;
- b. sell, manage, lease, exchange, hire, mortgage, charge, dispose of or deal otherwise with any assets of the Society;

- c. open, close and operate bank accounts;
- d. invest its money:
  - i. in any security in which trust moneys may be lawfully invested; or
  - ii. in any other manner authorised by the rules of the Society;
- e. borrow money upon such terms and conditions as the Society thinks fit;
- f. give such security for the discharge of liabilities incurred by the Society as the Society thinks fit;
- g. appoint agents to transact any business of the Society on its behalf;
- h. enter into any contract it considers necessary or desirable;
- i. act as trustee and accept and hold real and personal property upon trust, but does not have power to do any act or thing as a trustee that, if done otherwise than as a trustee, would contravene the Act or the rules of the Society;
- j. appoint a trustee or trustees personal or corporate to receive and hold any property on behalf of the Society and to allow any such property to remain in control of such trustee or trustees;
- k. provide, maintain, manage and carry on the principal office of the Society in the course of the undertaking of its object;
- l. construct, maintain and alter any houses, buildings or works necessary or convenient for the purposes of the Society;
- m. take such steps by personal or written appeals, public appeals, meetings or otherwise as may from time to time be deemed expedient for the purpose of procuring contributions to the funds of the Society or to any particular fund established by the Society;
- n. establish, either by itself or through another eligible body, a fund or funds designated by name or record of the Society, including funds that enable donors to obtain benefits under Australian taxation legislation, for a particular purpose or the attainment of a particular objective, and to seek contributions to such fund or funds by donations, allocation of part or the whole of incoming subscriptions, or otherwise according to the object of the Society;
- o. enter into arrangements which enable at law donors of artefacts, art works, photographs, or documents to obtain benefits under Australian taxation legislation;
- p. incur liability and undertake an obligation of or incidental to the object of the Society;
- q. engage and dismiss employees, contractors and advisers to support the Society in addressing its object and in accordance with agreed terms of engagement and dismissal or similar;
- r. may make by-laws as provided by these rules; and
- s. delegate a function or functions in accordance with these rules.

## PART 3 — MEMBERS<sup>2</sup>

### Division 1 — Membership<sup>3,4</sup>

#### 7. Eligibility for membership<sup>5</sup>

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<sup>2</sup> *Act Requirements - Membership* - Under sections 4 and 17 of the Act an association must always have at least 6 members with full voting rights.

<sup>3</sup> *Guidance Note – Liability of Members* - A member is only liable for their own outstanding membership fees (if any) payable under rule 12.

<sup>4</sup> *Act Requirements – Liabilities of the association* - Under section 19 of the Act a member of the management Council, trustee or a member of the association is not liable in respect of the liabilities of the association. This does not apply to liabilities incurred by or on behalf of the association prior to incorporation.

<sup>5</sup> *Guidance Note – Eligibility for membership*



- (1) The Society must comply with all legal and regulatory obligations that may apply to the Society under any other law when assessing eligibility of an applicant for membership.
- (2) Membership of the Society is open to any individual or such incorporated body under the Act, body corporate, government agency or group as the Council shall determine from time-to-time subject to these rules and who or which agrees with the object of the Society.
- (3) An individual who has not reached the age of 15 years is not eligible to apply for a class of membership that confers full voting rights.<sup>6</sup>
- (4) Employees of the Society are not eligible for membership.

## 8. Applying for membership

- (1) A person who wants to become a member must apply in writing to the Society.
- (2) The application must include a proposed member's details.
- (3) The application must be signed by the applicant.
- (4) The applicant must specify in the application the class of membership, if there is more than one, to which the application relates.

## 9. Dealing with membership applications

- (1) The Council must consider each application for membership of the Society and decide whether to accept or reject the application.
- (2) Subject to subrule (3), the Council must consider applications in the order in which they are received by the Society.
- (3) The Council may delay its consideration of an application if the Council considers that any matter relating to the application needs to be clarified by the applicant or that the applicant needs to provide further information in support of the application.
- (4) The Council must not accept an application unless the applicant —
  - a. is eligible under these rules; and
  - b. has applied in accordance with these rules.
- (5) The Council may reject an application even if the applicant —
  - a. is eligible under these rules; and
  - b. has applied in accordance with these rules.
- (6) The Council must notify the applicant of the Council's decision to accept or reject the application as soon as practicable after making the decision.

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- *The by-laws may require members to hold specified educational, trade or professional qualifications.*
  - *The association must comply with all legal and regulatory obligations that may apply to the association under any other law when assessing eligibility of an applicant for membership.*

<sup>6</sup> *Guidance Note - Voting rights of Members*

- *Each ordinary member of the Association has one vote at a general meeting of the Association.*
- *Each ordinary member of the Association that is a body corporate has one vote at a general meeting of the Association.*

- (7) If the Council rejects the application, the Council is not required to give the applicant its reasons for doing so.
- (8) The names of all new members shall be announced at the next general meeting, and also in one of the Society's publications distributed to members.

#### 10. Becoming a member<sup>7,8</sup>

An applicant for membership of the Society becomes a member when —

- a. the Council accepts the application; and
- b. the applicant pays any membership fees payable to the Society under these rules.

#### 11. Classes of membership

- (1) The Society consists of ordinary members and any associate members provided for under subrule (2).
- (2) The Society may have any class of membership and associate membership approved by resolution at a general meeting, including junior membership, senior membership and the categories of membership listed below.
- (3) There shall be the following categories of member:
  - a. persons approved by the Council as members, including:
  - b. two persons in a household who apply for household membership whereby each such person shall have all the rights and privileges of an ordinary member except between them they will only receive one copy of any publication or communication made available to members;
  - c. life members who are members who have chosen to become such by compounding their annual subscriptions by the payment of one sum which shall be twenty times the annual subscription at the time the member so chooses;
  - d. a benefactor member who is a member having donated an amount determined by Council and confirmed by a general meeting of the Society as appropriate to entitle a member, or other person to become a benefactor member. A benefactor member shall enjoy all the privileges of an ordinary member;
  - e. bodies corporate, government agencies or groups approved by the Council admitted as members;
  - f. Honorary Life Members of the Society;
  - g. Fellows of the Society;
  - h. Affiliated societies;
  - i. Concessional members;
  - j. Corporate members.

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<sup>7</sup> Act requirement – Member to receive rules – section 36(1)(b) of the Act provides that the association must give each person who become a member of the association of copy of the rules in force at the time their membership commences.

<sup>8</sup> Guidance note – Format of rules provided - It is acceptable for the association to provide a copy of the rules to new members by electronic transmission or providing the details for the website whether the rules may be downloaded. A hard copy must be provided if the member requests that the rules be provided in that manner.



- (4) An individual who has not reached the age of 15 years is only eligible to be an associate member.
- (5) A person can only be an ordinary member or belong to one class of associate membership.
- (6) An ordinary member has full voting rights and any other rights conferred on members by these rules or approved by resolution at a general meeting or determined by the Council.<sup>9</sup>
- (7) An associate member has the rights referred to in subrule (6) other than full voting rights.
- (8) The number of members of any category is not limited unless otherwise approved by resolution at a general meeting.

## 12. When membership ceases

- (1) A person ceases to be a member when any of the following takes place —
  - a. for a member who is an individual, the individual dies;
  - b. non-payment by a member of his or her subscription within three months of the date fixed by the Council for subscriptions to be paid, unless the Council decides otherwise in accordance with these rules;
  - c. the person resigns from the Society in accordance with these rules;
  - d. the person is expelled from the Society in accordance with these rules;
  - e. the person ceases to be a member in accordance with these rules;
  - f. for a member who is a body corporate, the body corporate is wound up.
- (2) The Secretary must keep a record, for at least one year after a person ceases to be a member, of —
  - a. the date on which the person ceased to be a member; and
  - b. the reason why the person ceased to be a member.

## 13. Resignation

- (1) A member may resign from membership of the Society by giving written notice of the resignation to the Secretary.
- (2) The resignation takes effect —
  - a. when the Secretary receives the notice; or
  - b. if a later time is stated in the notice, at that later time.
- (3) A person who has resigned from membership of the Society remains liable for any fees that are owed to the Society (the *owed amount*) at the time of resignation.
- (4) The owed amount may be recovered by the Society in a court of competent jurisdiction as a debt due to the Society.

## 14. Rights not transferable

The rights of a member are not transferable and end when membership ceases.

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<sup>9</sup> *Guidance Note - Voting rights of Members*

- *Each ordinary member of the Association has one vote at a general meeting of the Association.*
- *Each ordinary member of the Association that is a body corporate has one vote at a general meeting of the Association.*

## Division 2 — Membership fees

### 15. Membership fees

- (1) The Council must determine the entrance fee (if any) and the annual membership fee (if any) to be paid for membership of the Society such determination shall be reported to the next convenient general meeting.
- (2) The fees determined under subrule (1) may be different for different classes of membership.
- (3) A member must pay the annual membership fee to the Treasurer, or another person authorised by the Council to accept payments, by the date (the *due date*) determined by the Council.
- (4) If a member has not paid the annual membership fee within the period of 3 months after the due date, the member ceases to be a member on the expiry of that period.
- (5) If a person who has ceased to be a member under subrule (4) offers to pay the annual membership fee after the period referred to in that subrule has expired —
  - a. the Council may, at its discretion, accept that payment; and
  - b. if the payment is accepted, the person's membership is reinstated from the date the payment is accepted.
- (6) In the case of proposed members if payment is received on or after May 1 then this payment will be applicable to the following financial year.

## Division 3 — Register of members

### 16. Register of members

- (1) The Secretary, or another person authorised by the Council, is responsible for the requirements imposed on the Society under section 53 of the Act to maintain the register of members and record in that register any change in the membership of the Society.
- (2) In addition to the matters referred to in section 53(2) of the Act, the register of members must include the class of membership (if applicable) to which each member belongs and the date on which each member becomes a member.
- (3) The register of members must be kept and maintained at the Society's headquarters, or at another place determined by the Council.
- (4) A member who wishes to inspect the register of members must contact the Society's headquarters to make the necessary arrangements.
- (5) If —
  - a. a member inspecting the register of members wishes to make a copy of, or take an extract from, the register under section 54(2) of the Act but where it is in physical form shall not have a right to remove the register; or
  - b. a member makes a written request under section 56(1) of the Act to be provided with a copy of the register of members,

the Council may require the member to provide a statutory declaration setting out the purpose for which the copy or extract is required and declaring that the purpose is connected with the affairs of the Society.

## Part 4 — Disciplinary Action, Disputes and Mediation

### Division 1 — Term used

#### 17. Term used: member

In this Part —  
*member*, in relation to a member who is expelled from the Society, includes former member.

### Division 2 — Disciplinary action

#### 18. Suspension or expulsion<sup>10</sup>

- (1) The Council may decide to suspend a member's membership or to expel a member from the Society if —
  - a. the member contravenes any of these rules; or
  - b. the member acts detrimentally to the interests of the Society.
- (2) The Secretary must give the member written notice of the proposed suspension or expulsion at least 28 days before the Council meeting at which the proposal is to be considered by the Council.
- (3) The notice given to the member must state —
  - a. when and where the Council meeting is to be held; and
  - b. the grounds on which the proposed suspension or expulsion is based; and
  - c. that the member, or the member's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the Council about the proposed suspension or expulsion;
- (4) At the Council meeting, the Council must —
  - a. give the member, or the member's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the Council about the proposed suspension or expulsion; and
  - b. give due consideration to any submissions so made; and
  - c. decide —
    - (i) whether or not to suspend the member's membership and, if the decision is to suspend the membership, the period of suspension; or
    - (ii) whether or not to expel the member from the Society.
- (5) A decision of the Council to suspend the member's membership or to expel the member from the Society takes immediate effect.
- (6) The Council must give the member written notice of the Council's decision, and the reasons for the decision, within 7 days after the Council meeting at which the decision is made.

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<sup>10</sup> *Guidance Note — Suspension or expulsion of a Member - Once the Council has decided to suspend or expel a member under rule 15(5) the member is immediately suspended or expelled.*



- (7) A member whose membership is suspended or who is expelled from the Society may, within 14 days after receiving notice of the Council's decision under subrule (6), give written notice to the Secretary requesting the appointment of a mediator in accordance with these rules.
- (8) If notice is given under subrule (7), the member who gives the notice and the Council are the parties to the mediation.

#### 19. Consequences of suspension

- (1) During the period a member's membership is suspended, the member —
  - a. loses any rights (including voting rights) arising as a result of membership; and
  - b. is not entitled to a refund, rebate, relief or credit for membership fees paid, or payable, to the Society.
- (2) When a member's membership is suspended, it must be recorded in the register of members —
  - a. that the member's membership is suspended; and
  - b. the date on which the suspension takes effect; and
  - c. the period of the suspension.
- (3) When the period of the suspension ends, it must be recorded in the register of members that the member's membership is no longer suspended.
- (4)

### Division 3 — Resolving disputes

#### 20. Terms used

In this Division —

*grievance procedure* means the procedures set out in this Division;

*party to a dispute* includes a person —

- a. who is a party to the dispute; and
- b. who ceases to be a member within 6 months before the dispute has come to the attention of each party to the dispute.

#### 21. Application of Division

The procedure set out in this Division (the grievance procedure) applies to disputes —

- a. between members; or
- b. between one or more members and the Society.

#### 22. Parties attempt to resolve dispute

The parties to a dispute must attempt to resolve the dispute between themselves within 14 days after the dispute has come to the attention of each party.

#### 23. How grievance procedure is started

- (1) If the parties to a dispute are unable to resolve the dispute between themselves within the time required by these rules, any party to the dispute may start the grievance procedure by giving written notice to the Secretary of —
  - a. the parties to the dispute; and
  - b. the matters that are the subject of the dispute.
- (2) Within 28 days after the Secretary is given the notice, a Council meeting must be convened to consider and determine the dispute.



- (3) The Secretary must give each party to the dispute written notice of the Council meeting at which the dispute is to be considered and determined at least 7 days before the meeting is held.
- (4) The notice given to each party to the dispute must state —
  - a. when and where the Council meeting is to be held; and
  - b. that the party, or the party's representative, may attend the meeting and will be given a reasonable opportunity to make written or oral (or both written and oral) submissions to the Council about the dispute.
- (5) If —
  - a. the dispute is between one or more members and the Society; and
  - b. any party to the dispute gives written notice to the Secretary stating that the party —
    - i. does not agree to the dispute being determined by the Council; and
    - ii. requests the appointment of a mediator in accordance with these rules, the Council must not determine the dispute.

## 24. Determination of dispute by Council

- (1) At the Council meeting at which a dispute is to be considered and determined, the Council must
  - a. give each party to the dispute, or the party's representative, a reasonable opportunity to make written or oral (or both written and oral) submissions to the Council about the dispute; and
  - b. give due consideration to any submissions so made; and
  - c. determine the dispute.
- (2) The Council must give each party to the dispute written notice of the Council's determination, and the reasons for the determination, within 7 days after the Council meeting at which the determination is made.
- (3) A party to the dispute may, within 14 days after receiving notice of the Council's determination under subrule (1)(c), give written notice to the Secretary requesting the appointment of a mediator under these rules.
- (4) If notice is given under subrule (3), each party to the dispute is a party to the mediation.

## Division 4 - Mediation

### 25. Application of Division

- (1) This Division (Pt 4, Div 4) applies if written notice has been given to the Secretary requesting the appointment of a mediator —
  - a. by a member under these rules or
  - b. by a party to a dispute under these rules.
- (2) If this Division (Pt 4, Div 4) applies, a mediator must be chosen or appointed in accordance with these rules.

### 26. Appointment of mediator

- (1) The mediator must be a person chosen —
  - a. if the appointment of a mediator was requested by a member and the Council under rule 15(7) — by agreement between the Member and the Council; or

- b. if the appointment of a mediator was requested by a party to a dispute in accordance with these rules — by agreement between the parties to the dispute.
- (2) If there is no agreement for the purposes of subrule (1)(a) or (b), then, subject to subrules (3) and (4), the Council must appoint the mediator.
- (3) The person appointed as mediator by the Council must be a person who acts as a mediator for another not-for-profit body, such as a community legal centre, if the appointment of a mediator was requested by —
  - a. a member under rule in accordance with these rules; or
  - b. a party to a dispute in accordance with these rules; or
  - c. a party to a dispute in accordance with these rules and the dispute is between one or more members and the Society.
- (4) The person appointed as mediator by the Council may be a member or former member of the Society but must not —
  - a. have a personal interest in the matter that is the subject of the mediation; or
  - b. be biased in favour of or against any party to the mediation.

## 27. Mediation Process<sup>11</sup>

- (1) The parties to the mediation must attempt in good faith to settle the matter that is the subject of the mediation.
- (2) Each party to the mediation must give the mediator a written statement of the issues that need to be considered at the mediation at least 5 days before the mediation takes place.
- (3) In conducting the mediation, the mediator must —
  - a. give each party to the mediation every opportunity to be heard; and
  - b. allow each party to the mediation to give due consideration to any written statement given by another party; and
  - c. ensure that natural justice is given to the parties to the mediation throughout the mediation process.
- (4) The mediator cannot determine the matter that is the subject of the mediation.
- (5) The mediation must be confidential, and any information given at the mediation cannot be used in any other proceedings that take place in relation to the matter that is the subject of the mediation.
- (6) The costs of the mediation are to be paid by the party or parties to the mediation that requested the appointment of the mediator.
- (7) subrule (3), each party to the dispute is a party to the mediation.

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<sup>11</sup> Section 182(1) of the Act provides that an application may be made to the State Administrative Tribunal to have a dispute determined if the dispute has not been resolved under the procedure provided for in the incorporated association's rules.

## 28. If mediation results in decision to suspend or expel being revoked

If —

- a. mediation takes place because a member whose membership is suspended or who is expelled from the Society gives notice in accordance with these rules; and
- b. as the result of the mediation, the decision to suspend the member's membership or expel the member is revoked,

that revocation does not affect the validity of any decision made at a Council meeting or general meeting during the period of suspension or expulsion.

## PART 5 — COUNCIL

### Division 1 — Powers of Council

## 29. Council

- (1) Subject to the Act, these rules, the by-laws (if any) and any resolution passed at a general meeting, the Council has power to do all things necessary or convenient to be done for the proper management of the affairs of the Society.
- (2) Without in any way limiting or affecting the general powers hereinbefore vested in the Council it shall have specifically conferred upon it the following powers:
- (3) To manage the business of the Society;
- (4) To formulate and develop the policy of the Society:
  - a. To control the finances of the Society and the expenditure of its funds for such purpose as the Council may think fit;
  - b. To engage, control and dismiss the employees of the Society;
  - c. To recommend to members at a general meeting membership fees and benefits for members;
  - d. To make calls upon members or any class thereof, provided that a member shall not in any year be so called upon to pay an amount exceeding an amount equal to the subscription payable by that member in that year;
  - e. To make by-laws not inconsistent with the Constitution and subject to confirmation by the next appropriate general meeting of the Society; and
  - f. All such administrative powers as may be necessary for carrying out the object of the Society in accordance with this Constitution.

### Division 2 — Composition of Council

## 30. Council members

- (1) A person will only be eligible to be a Council member if the person is —
  - a. an individual who has reached 18 years of age; and
  - b. an ordinary member who at the time of election or appointment has been a financial member of the Society for at least one (1) year immediately preceding the date of election or appointment unless that person has been exempted from payment of annual fees under the provisions of these rules.
- (2) The Council members shall comprise —
  - a. a President elected annually at the annual general meeting;



- b. a Vice-President elected annually at the annual general meeting;
  - c. a Secretary elected at the annual general meeting or failing the filling of this position, with the agreement of Council an individual appointed to the office;
  - d. a Treasurer elected at the annual general meeting, or failing the filling of this position, with the agreement of Council an individual appointed to the office;
  - e. eight (8) other persons elected at an annual general meeting for a two-year term, half of whom shall retire annually in rotation.
  - f. not more than three (3) members of the Society who have been co-opted to the Council to serve for the current year (who are included in the description "the ordinary Council members");
  - g. a representative of the Society's Auxiliary elected annually by the Council;
  - h. a person nominated by the Affiliated Societies Committee of Council, who shall be a member of an affiliated society and a member of the Affiliated Societies Committee of Council. The appointment shall be for a term of two years. No nominated member shall serve for more than two (2) consecutive years unless the Affiliated Societies Committee of Council is unable to find another person who is willing to accept nomination. The term of office of a nominated member commences on the date of the next Council meeting following the date of nomination, and terminates the day before the next Council meeting following nomination of his or her successor in the year of expiration of the member's appointment.
- (3) A person must not hold 2 or more of the offices mentioned in subrule (2) at the same time.
- (4) The Council shall not include in its membership any persons excluded by the Act from being such.

### 31. **Honorary officers**<sup>12,13</sup>

The Council may appoint honorary officers to positions as determined by Council.

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<sup>12</sup> *Act Requirements – Persons who are not to be members of Council*

a. *Under section 39 of the Act the following persons must not, without leave of the Commissioner, accept an appointment or act as a member of a management Council of an association:*

- *a person who is, according to the Interpretation Act 1984 section 13D, a bankrupt or person whose affairs are under insolvency laws;*
- *a person who has been convicted, within or outside the State, of-*
  - *an indictable offence in relation to the promotion, formation or management of a body corporate; or*
  - *an offence involving fraud or dishonesty punishable by imprisonment for a period of not less than three months; or*

*an offence under Part 4 Division 3 or section 127 of the Act*

<sup>13</sup> *Act Requirements - Duties of Council Members and Officers*

*Section 3 of the Act provides a definition of "officer". The duties provisions will apply to Council members and to those persons who have the ability to influence the management Council but who do not hold a formal Council position*



### Division 3 — Election of Council members and tenure of office

#### 32. How members become Council members

Subject to other provisions in this Constitution, a member becomes a Council member if the member —

- a. is elected to the Council at an annual general meeting; or otherwise appointed under these rules;
- b. is appointed to the Council by the Council to fill a casual vacancy under rule 38 or as a co-opted member of Council.

#### 33. Nomination of Council members

- (1) At least 42 days before an annual general meeting, the Secretary must send written notice to all the members —
  - a. calling for nominations for election to the Council either as an officer or as an ordinary Council member; and
  - b. stating the date by which nominations must be received by the Secretary to comply with subrule (2).
- (2) A member who wishes to be considered for election to the Council at the annual general meeting must nominate for election by sending written notice of the nomination to the Secretary at least 28 days before the annual general meeting.
- (3) The written notice must include a nomination by another member.
- (4) A member may nominate for more than one specified position of office holder of the Society or to be an ordinary Council member but may hold only one position on the Council during any given term.
- (5) A member whose nomination does not comply with this rule is not eligible for election to the Council unless the member is nominated under rule 34(2) or 35(2)(b).

#### 34. Election of office holders

- (1) At an annual general meeting, a separate election must be held for each position of office holder of the Society.
- (2) If there is no nomination for a position, the chair of the meeting may call for nominations from the ordinary members at the meeting.
- (3) If only one member has nominated for a position, the chair of the meeting must declare the member elected to the position.
- (4) If more than one member has nominated for a position, the ordinary members at the meeting must vote in accordance with procedures that have been determined by the Council to decide who is to be elected to the position.
- (5) Each ordinary member present at the meeting may vote for one member who has nominated for the position.
- (6) A member who has nominated for the position may vote for himself or herself.
- (7) On the election of a President, that President of the Society may take over as the chair of an annual general meeting.

### 35. Election of ordinary Council members

- (1) At the annual general meeting, the Society must decide by resolution the number of ordinary Council members (if any) to hold office for the next year.
- (2) If the number of members nominating for the position of ordinary Council member is not greater than the number to be elected, the chairperson of the meeting —
  - a. must declare each of those members to be elected to the position; and
  - b. may call for further nominations from the ordinary members at the meeting to fill any positions remaining unfilled after the elections under paragraph (a).
- (3) If —
  - a. the number of members nominating for the position of ordinary Council member is greater than the number to be elected; or
  - b. the number of members nominating under subrule (2)(b) is greater than the number of positions remaining unfilled, the ordinary members at the meeting must vote in accordance with procedures that have been determined by the Council to decide the members who are to be elected to the position of ordinary Council member.
- (4) A member who has nominated for the position of ordinary Council member may vote in accordance with that nomination.

### 36. Term of office<sup>14</sup>

- (1) The term of office of a Council member begins when the member —
  - a. is elected at an annual general meeting or under subrule 37(3)(b); or
  - b. is appointed to fill a casual vacancy under rule 39(1).
- (2) Subject to rule 37, a Council member holds office until the positions on the Council are declared vacant at the next annual general meeting.
- (3) Subject to this Constitution, a Council member may be re-elected.

### 37. Resignation and removal from office

- (1) A Council member may resign from the Council by written notice given to the Secretary or, if the resigning member is the Secretary, given to the Chairperson.
- (2) The resignation takes effect —
  - a. when the notice is received by the Secretary or Chairperson; or
  - a. if a later time is stated in the notice, at the later time.
- (3) At a general meeting, the Society may by resolution —
  - a. remove a Council member from office; and
  - b. elect a member who is eligible under rule 30(1) to fill the vacant position.
- (4) A Council member who is the subject of a proposed resolution under subrule (3)(a) may make written representations (of a reasonable length) to the Secretary or Chairperson and may ask that the representations be provided to the members.
- (5) The Secretary may give a copy of the representations to each member or, if they are not so given, the Council member may require them to be read out at the general meeting at which the resolution is to be considered.

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<sup>14</sup> *Guidance Note – Council members upon incorporation - The Council members appointed on incorporation of the association will hold office until the conclusion of the first annual general meeting of the association and will be eligible for re-election.*



### 38. When membership of Council ceases<sup>15</sup>

A person ceases to be a Council member if the person —

- a. dies or otherwise ceases to be a member; or
- b. resigns from the Council or is removed from office under rule 37; or
- c. becomes ineligible to accept an appointment or act as a Council member under section 39 of the Act;
- d. becomes permanently unable to act as a Council member because of a mental or physical disability; or
- e. fails to attend 3 consecutive Council meetings, of which the person has been given notice, without having notified the Council that the person will be unable to attend.

### 39 Filling casual vacancies

- (1) The Council may appoint a member who is eligible to fill a position on the Council that —
  - a. has become vacant under rule 37; or
  - b. was not filled by election at the most recent annual general meeting or under rule 37(3)(b).
- (2) If the position of Councillor becomes vacant, the Council must appoint a member who is eligible to fill the position within 14 days after the vacancy arises.
- (3) Subject to the requirement for a quorum under Rule 46(2), the Council may continue to act despite any vacancy in its membership.
- (4) If there are fewer Council members than required for a quorum, the Council may act only for the purpose of —
  - a. appointing Council members under this rule; or
  - b. convening a general meeting.

### 40 Validity of acts

The acts of a Council or a committee, or of a Council member or member of a committee, are valid despite any defect that may afterwards be discovered in the election, appointment or qualification of a Council member or member of a sub-Council.

### 41 Payments to Council and committee members

- (1) In this rule —  
*Council member* includes a member of the Council or committees;  
*Council meeting* includes a meeting of the Council or committees.
- (2) A Council member is entitled to be paid out of the funds of the Society for any out-of-pocket expenses for travel and accommodation properly incurred —
  - a. in attending a Council meeting or
  - b. in attending a general meeting; or
  - c. otherwise in connection with the Society's business.
- (3) Payments under this rule can only occur if the payment is authorised by a resolution of the Society.

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<sup>15</sup> Section 41 of the Act imposes requirements, arising when a person ceases to be a member of the management Council of an incorporated Society, that relate to returning documents and records.

Section 41 of the Act requires a person as soon as practicable after their membership ceases, to deliver to a member of the Council all of the relevant documents and records they hold pertaining to the management of the Society's affairs.

## Division 4 — Council meetings

### 42. Council meetings

- (1) The Council must meet at least 3 times in each calendar year on the dates and at the times and places determined by the Council.
- (2) The date, time and place of the first Council meeting must be determined by the Council members as soon as practicable after the annual general meeting at which the Council members are elected.
- (3) Special Council meetings may be convened by the President or any 2 Council members.

### 43. Notice of Council meetings

- (1) Notice of each Council meeting must be given to each Council member at least 48 hours before the time of the meeting.
- (2) The notice must state the date, time and place of the meeting and must describe the general nature of the business to be conducted at the meeting.
- (3) Unless subrule (4) applies, the only business that may be conducted at the meeting is the business described in the notice.
- (4) Urgent business that has not been described in the notice may be conducted at the meeting if a majority of Council members at the meeting agree to treat that business as urgent.

### 44. Procedure and order of business

- (1) The Chairperson or, in the Chairperson's absence, the Vice-Chairperson must preside as chairperson of each Council meeting.
- (2) If the Chairperson and Vice-Chairperson are absent or are unwilling to act as chairperson of a meeting, the Council members at the meeting must choose one of them to act as chairperson of the meeting.
- (3) The Council shall regulate its meetings and procedures as it sees fit.
- (4) The order of business at a Council meeting may be determined by the Council members at the meeting.
- (5) A member or other person who is not a Council member may attend a Council meeting if invited to do so by the Council.
- (6) A person invited under subrule (5) to attend a Council meeting —
  - a. has no right to any agenda, minutes or other document circulated at the meeting; and
  - b. must not comment about any matter discussed at the meeting unless invited by the Council to do so; and
  - c. cannot vote on any matter that is to be decided at the meeting.

### 45. Use of technology to be present at Council meetings

- (1) The presence of a Council member at a Council meeting need not be by attendance in person but may be by that Council member and each other Council member at



the meeting being simultaneously in contact by telephone or other means of instantaneous communication.

- (2) A member who participates in a Council meeting as allowed under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.

#### 46. Quorum for Council meetings

- (1) Subject to rule 39(4), no business is to be conducted at a Council meeting unless a quorum is present.
- (2) A quorum for a Council meeting shall be seven (7) Council members entitled to vote.
- (3) If a quorum is not present within 30 minutes after the notified commencement time of a Council meeting —
  - a. in the case of a special meeting — the meeting lapses; or
  - b. otherwise, the meeting is adjourned to the same time, day and place in the following week.

#### 47. Disclosure of material interests<sup>16</sup>

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<sup>16</sup> **Act Requirements -Material Personal Interests of Council Members**

- Under section 42 of the Act a member of the Council who has a material personal interest in a matter being considered at a Council meeting must:
  - as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Council;
  - disclose the nature and extent of the interest at the next general meeting of the association
- Under section 42(3) of the Act this rule does not apply in respect of a material personal interest
  - (a) that exists only because the member-
    - is an employee of the incorporated association; or
    - is a member of a class of persons for whose benefit the association is established; or
  - (b) that the member has in common with all, or a substantial proportion of, the members of the Association.
- Under section 43 of the Act a member of the management Council who has a material personal interest in a matter being considered at a meeting of the management Council must not be present while the matter is being considered at the meeting or vote on the matter.
 

Under section 42(6) of the Act the association must record every disclosure made by a Council member of a material personal interest in the minutes of the Council meeting at which the disclosure is made.

If these model rules are adopted, the quorum for a Council meeting is as notified to the Commissioner under section 7(4)(d) or 29(5)(d) of the Act

- (1) A Council member having any direct or indirect pecuniary interest in a contract, or proposed contract, made by, or in the contemplation of, the Council (except if that pecuniary interest exists only by virtue of the fact that the member of the Council is a member of a class of persons for whose benefit the Society is established), shall:
  - a. as soon as he or she becomes aware of that interest, disclose the nature and extent of his or her interest to the Council; and
  - b. not take part in any deliberations or decision of the Council with respect to that contract.
- (2) The chairperson shall cause every disclosure made under sub-rule 21(6) (a) by a member of the Council to be recorded in the minutes of the meeting of the Council at which it is made.

#### 48. Voting at Council meetings

- (1) Each Council member present at a Council meeting has one vote on any question arising at the meeting.
- (2) A motion is carried if a majority of the Council members present at the Council meeting vote in favour of the motion.
- (3) If the votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.
- (4) A vote may take place by the Council members present indicating their agreement or disagreement or by a show of hands, unless the Council decides that a secret ballot is needed to determine a particular question.
- (5) If a secret ballot is needed, the chairperson of the meeting must decide how the ballot is to be conducted.

#### 49. Minutes of Council meetings<sup>17</sup>

- (1) The Council must ensure that minutes are taken and kept of each Council meeting.
- (2) The minutes must record the following —
  - a. the names of the Council members present at the meeting;
  - b. the name of any person attending the meeting under rule 44 (5);
  - c. the business considered at the meeting;
  - d. any motion on which a vote is taken at the meeting and the result of the vote.
- (3) The draft minutes shall be promptly sent to each member of the Council, which may be transmitted in electronic form.
- (4) The minutes of a Council meeting must be entered in the Society's minute book within 30 days after the meeting is held.
- (5) The President and/or Chairperson must ensure that the minutes of a Council meeting are reviewed and signed as correct by —
  - a. the President and/or Chairperson of the meeting; or
  - b. the President and/or Chairperson of the next Council meeting.

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<sup>17</sup> Section 42(6) of the Act requires details relating to the disclosure of a Council member's material personal interest in a matter being considered at a Council meeting to be recorded in the minutes of the meeting.

- (6) When the minutes of a Council meeting have been signed as correct they are, until the contrary is proved, evidence that —
- the meeting to which the minutes relate was duly convened and held; and
  - the matters recorded as having taken place at the meeting took place as recorded; and
  - any appointment purportedly made at the meeting was validly made.

## Division 5 — Chairperson of Council

### 50. Election of Chairperson and Vice-Chairperson

The Council may from time-to-time and at least annually at the time of the first Council in the financial year elect a member of Council to be its Chairperson and another such member to be a Vice-Chairperson.

### 51. Duties of Chairperson and Vice-Chairperson<sup>18</sup>

The Chairperson has the following duties —

- consulting with the President and other officers where necessary regarding the business of each Council and general meeting.
- chair all meetings of the Council if available to do so. If the Chairperson is not available, the Vice-Chairperson shall preside. If neither the Chairperson nor the Vice-Chairperson is available the members present shall appoint one of their members to chair that meeting of Council;
- liaise with the authorised person to execute the resolutions and business of the Council and Committees, and in so doing ensure that:
  - the correspondence of the Society is co-ordinated;
  - the rules of the Society are kept and maintained in an up-to-date condition and shall

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<sup>18</sup> Act Requirements - Duties of Council Members and Officers

Section 3 of the Act provides a definition of “officer”. The duties provisions will apply to Council members and to those persons who have the ability to influence the management Council but who do not hold a formal Council position

- Under section 44 of the Act an officer of an association must exercise his or her powers and discharge his or her duties with a degree of care and diligence that a reasonable person would exercise if that person-
  - were an officer of the association in the association’s circumstances; and
  - occupied the office held by, and had the same responsibilities within the association as, the officer.
- Under section 45 of the Act an officer of an association must exercise his or her powers and discharge his or her duties-
  - in good faith in the best interests of the Association; and
  - for a proper purpose.
- Under section 46 an officer of an association must not improperly use his or her position to-
  - gain an advantage for the officer or another person; or
  - cause detriment to the Association.
- Under section 47 a person who obtains information because the person is, or has been, an officer of an association must not improperly use the information to-
  - gain an advantage for the person or another person; or cause detriment to the Association.



- make available those rules to each member;
- iii. the Society shall keep and maintain a record of:-
  - (A) the names and residential or postal addresses of the persons who hold the offices of the Society provided for by these rules, including all offices held by the persons who constitute the Council and persons who are authorised to use the common seal of the Society under rule 36; and
  - (B) the names and residential or postal addresses of any persons who are appointed or act as trustees on behalf of the Society, and ensure that upon the request of a member of the Society, the record is made available for the inspection of the member and the member may make a copy of or take an extract from the record but shall not have a right to remove the record;
- iv. unless the members resolve otherwise at a general meeting, ensure that all books, documents, records and registers of the Society, including those referred to in paragraph (c) of sub-rule 16(1) (other than those required by rule 17 to be securely kept and maintained by the Treasurer) are securely kept by a member or member of the paid staff delegated with the responsibility;
- d. co-operate with the President, Vice-President and Secretary in the best interests of the Society;
- e. co-operate with the Treasurer and employees in managing the financial affairs of the Society;
- f. act where required as signatory with others to documents, letters and cheques in the name of the Society;
- g. ensure that the Society complies with relevant Commonwealth and State legislation, including industrial and health and safety legislation;
- h. ensure that employees operate in accordance with Council-approved duty statements and are appropriately supervised;
- i. table a report summarising the work of Committees and highlights of the year at the annual general meeting of the Society;
- j. be ex officio a member of all Committees;
- k. perform other duties as are imposed by these rules on the Chairperson.

## Division 6 —

### Committees and subsidiary offices

#### 52. Committees and subsidiary offices

- (1) To help the Council in the conduct of the Society's business, the Council may, in writing, do either or both of the following —
  - a. appoint one or more committees;
  - b. create one or more subsidiary offices and appoint people to those offices.
- (2) A committee may consist of the number of people, whether or not members, that the Council considers appropriate.
- (3) A person may be appointed to a subsidiary office whether or not the person is a member.
- (4) Subject to any directions given by the Council —
  - a. a committee may meet and conduct business as it considers appropriate; and
  - b. the holder of a subsidiary office may carry out the functions given to the holder as the holder considers appropriate.



- (5) The number of members required to constitute a quorum at any meeting of any committee shall be not less than half the members of such committee unless otherwise determined by the Council.

### 53 Delegation to committees and holders of subsidiary offices

- (1) In this rule —  
*non-delegable duty* means a duty imposed on the Council by the Act or another written law.
- (2) The Council may, in writing, delegate to a committee or the holder of a subsidiary office the exercise of any power or the performance of any duty of the Council other than —
- the power to delegate; and
  - a non-delegable duty.
- (3) A power or duty, the exercise or performance of which has been delegated to a committee or the holder of a subsidiary office under this rule, may be exercised or performed by the committee or holder in accordance with the terms of the delegation.
- (4) The delegation may be made subject to any conditions, qualifications, limitations or exceptions that the Council specifies in the document by which the delegation is made.
- (5) The delegation does not prevent the Council from exercising or performing at any time the power or duty delegated.
- (6) Any act or thing done by a committee or by the holder of a subsidiary office, under the delegation has the same force and effect as if it had been done by the Council.
- (7) The Council may, in writing, amend or revoke the delegation.

## PART 5A — OFFICERS AND THEIR DUTIES

### 54 Officers

The Society shall have the following Officers all of whom shall be members of the Council:

- A President
- A Vice-President
- A Secretary
- A Treasurer,

the duties of each of whom are as set out in the following rules.

### 55. President and Vice-President

- (1) A President may be elected to the office of President provided that no President shall hold that office for more than five (5) years consecutively and shall not again be eligible for office for two (2) years.
- (2) Subject to this rule, the President shall have the following duties and responsibilities which, where appropriate, shall be shared by the Vice-President:
- to promote the Object of the Society as set out in this Constitution;
  - to attend all meetings of the Council if available;
  - to preside at all general meetings of the Society and Council meetings in the absence of an elected Chairperson or Vice-Chairperson;

- d. to represent the Society and speak for the Society in a responsible manner accountable to the Council;
- e. to promote goodwill and friendly co-operation with people and organisations which have similar aims and objectives;
- f. to sign documents in the name of the Society and act with others as a signatory to letters and cheques in the name of the Society;
- g. to deliver the President's report at the annual general meeting incorporating appropriate philosophy, policies and aims for the future of the Society; and
- h. to be an ex officio member of all committees.
- i. to preside at the State History Conference of Affiliated Societies.

## 56 Secretary

The Secretary has the following duties —

- a. Dealing with the Council's correspondence;
- b. Preparing and settling the agenda for each Council Executive and general meeting;
- c. Preparing the notices required for meetings and for the business to be conducted at meetings;
- d. Unless another member is authorised by the Council to do so, maintaining on behalf of the Society the register of members, and recording in the register any changes in the membership, as required under section 53(1) of the Act;
- e. Maintaining on behalf of the Society an up-to-date copy of these rules, as required under section 35(1) of the Act;
- f. Unless another member is authorised by the Council to do so, maintaining on behalf of the Society a record of Council members and other persons authorised to act on behalf of the Society, as required under section 58(2) of the Act;
- g. Ensuring the safe custody of the books of the Society, other than the financial records, financial statements and financial reports, as applicable to the Society;
- h. Maintaining full and accurate minutes of Council meetings and general meetings;
- i. Carrying out any other duty given to the Secretary under these rules or by the Council.

## 57. Treasurer

The Treasurer has the following duties —

- a. ensuring that any amounts payable to the Society are collected and issuing receipts for those amounts, and for grants, donations and the like, in the Society's name;
- b. ensuring that any amounts paid to the Society are credited to the appropriate account of the Society, as directed by the Council;
- c. ensuring that any payments to be made by the Society that have been authorised by the Council or at a general meeting are made on time and in so doing ensure that all cheques are signed and all electronic or other payments are made in accordance with any requirements set by the Council;
- d. submitting a Budget, Income and Expenditure report, Balance Sheet and other reports if required, to meetings of the Council and the Society's annual general meeting;
- e. making new investments or amend existing investments in accordance with the Council's current approved investment policy and as resolved by Council;
- f. ensuring that the Society complies with the relevant requirements of Part 5 of the Act in respect of the accounting records of the Society;
- g. ensuring the safe custody of the Society's securities, financial records, financial statements and financial reports be these in printed or electronic form;
- h. ensuring secure custody of all User IDs, Logins, Passwords etc applicable to the Society's securities, bank accounts, accounting records, etc;
- i. if the Society is a tier 1 association, coordinating the preparation of the Society's financial statements before their submission to the Society's annual general meeting;



- j. Coordinating the preparation of the Society's financial report before its submission to the Society's annual general meeting;
- k. providing any assistance required by an auditor or reviewer conducting an audit or review of the Society's financial statements or financial report under Part 5 Division 5 of the Act;
- l. prepare and submit on time the Annual Information Statement (AIS) to the ACNC for each reporting period;
- m. carrying out any other duty given to the Treasurer under these rules or by the Council.

## Part 5B — EXECUTIVE

### 58. Composition of the Executive

- (1) The Society shall have an Executive, the members of which shall be as follows:
  - a. the President;
  - b. the Vice-President;
  - c. the Secretary;
  - d. the Treasurer; and
  - e. the Chairperson and Vice-Chairperson of Council in the event that such office holders have been elected in accordance with Rule 50.
- (2) In the absence of the President, the Vice-President, and failing that the next most senior Executive member present shall act as chairperson.
- (3) The Executive shall have the power to co-opt to its membership not more than three other members of the Society as required.
- (4) Co-opted members of the Executive shall be entitled to vote.
- (5) The Chairperson shall be entitled to vote and shall also have a casting vote in the Executive.
- (6) The powers, duties and responsibilities of the Executive shall be as follows:
  - a. to oversee the day to day administration and finances of the Society;
  - b. to make policy recommendations to Council;
  - c. to implement Council policies; and
  - d. to act upon other decisions of Council.

## PART 6 — GENERAL MEETINGS OF THE SOCIETY

### 59A Annual general meeting<sup>19</sup>

- (1) The Council must determine the date, time and place of the annual general meeting.
- (2) If it is proposed to hold the annual general meeting more than 6 months after the end of the Society's financial year, the Secretary must apply to the Commissioner for permission under section (3)(b) of the Act within 4 months after the end of the financial year.
- (3) The ordinary business of the annual general meeting is as follows —

<sup>19</sup> Unless the Commissioner allows otherwise, under section 50(3) of the Act the annual general meeting must be held within 6 months after the end of the Association's financial year. If it is the first annual general meeting, section 50(2) of the Act provides that it may be held at any time within 18 months after incorporation.

- a. to confirm the minutes of the previous annual general meeting and of any special general meeting held since then if the minutes of that meeting have not yet been confirmed;
  - b. to receive and consider —
    - (i) The President's annual report as provided for in Rule 55(2)(g).
    - (ii) the Council's annual report on the Society's activities during the preceding financial year; and
    - (iii) if the Society is a tier 1 association, the financial statements of the Society for the preceding financial year presented under Part 5 of the Act; and
    - (iv) if the Society is a tier 2 association or a tier 3 association, the financial report of the Society for the preceding financial year presented under Part 5 of the Act;
    - (v) if required to be presented for consideration under Part 5 of the Act, a copy of the report of the review or auditor's report on the financial statements or financial report;
  - c. to elect the office holders of the Society and other Council members;
  - d. if applicable, to appoint or remove a reviewer or auditor of the Society in accordance with the Act;
  - e. to confirm or vary the entrance fees, subscriptions and other amounts (if any) to be paid by members.
- (4) Any other business of which notice has been given in accordance with these rules may be conducted at the annual general meeting.

#### 59B Monthly general meetings

- a. Council may convene general meetings for such months of the year as it wishes to do so
- b. The purpose of such monthly general meetings shall be usually to hear a paper on a topic of historic interest, to inform members of other developments in the Society's program and to allow members to raise matters in relation to the Society.
- c. Council shall cause notice to be given to members of each proposed monthly general meeting by publication of relevant information in *History West*.

#### 60 Special general meetings<sup>20</sup>

- (1) The Council may convene a special general meeting.
- (2) The Council must convene a special general meeting if at least 20% of the members require a special general meeting to be convened.
- (3) The members requiring a special general meeting to be convened must —
  - a. make the requirement by written notice given to the Secretary; and
  - b. state in the notice the business to be considered at the meeting; and
  - c. each sign the notice.
- (4) The special general meeting must be convened within 28 days after notice is given under subrule (3)(a).
- (5) If the Council does not convene a special general meeting within that 28 day period, the members making the requirement (or any of them) may convene the special general meeting.

<sup>20</sup> Section 51(1) of the Act states that a resolution is a special resolution if it is passed —

- (a) at a general meeting of an incorporated association; and
- (b) by the votes of not less than three-fourths of the members of the association who cast a vote at the meeting.



- (6) A special general meeting convened by members under subrule (5) —
  - a. must be held within 3 months after the date the original requirement was made; and
  - b. may only consider the business stated in the notice by which the requirement was made.
- (7) The Society must reimburse any reasonable expenses incurred by the members convening a special general meeting under these rules.

#### 61. Notice of general meetings<sup>21</sup>

- (1) The Secretary or, in the case of a special general meeting convened under these rules, the members convening the meeting, must give to each member —
  - a. at least 21 days' notice of a general meeting if a special resolution is to be proposed at the meeting; or
  - b. at least 14 days' notice of a general meeting in any other case.
- (2) The notice must —
  - a. specify the date, time and place of the meeting; and
  - b. indicate the general nature of each item of business to be considered at the meeting; and
  - c. if the meeting is the annual general meeting, include the names of the members who have nominated for election to the Council under these rules; and
  - d. if a special resolution is proposed —
    - I. set out the wording of the proposed resolution as required by section 51(4) of the Act; and
    - II. state that the resolution is intended to be proposed as a special resolution; and
    - III. comply with rule 60(7).

#### 62. Proxies

- (1) Subject to subrule (2), an ordinary member may appoint an individual who is an ordinary member as his or her proxy to vote and speak on his or her behalf at a general meeting.
- (2) An ordinary member may be appointed the proxy for not more than 5 other members.
- (3) The appointment of a proxy must be in writing and signed by the member making the appointment.
- (4) The member appointing the proxy may give specific directions as to how the proxy is to vote on his or her behalf.
- (5) If no instructions are given to the proxy, the proxy may vote on behalf of the member in any matter as the proxy sees fit.
- (6) If the Council has approved a form for the appointment of a proxy, the member may use that form or any other form —
  - a. that clearly identifies the person appointed as the member's proxy; and
  - b. that has been signed by the member.

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<sup>21</sup> Act requirements – Notice to be given to reviewer or auditor – For Tier 2 and 3 associations – under section 86 of the Act a reviewer or auditor of an incorporated association is entitled to receive all notices of and other communications relating to any general meetings of the association that a member is entitled to receive.

- (7) Notice of a general meeting given to an ordinary member under these rules must —
  - a. state that the member may appoint an individual who is an ordinary member as a proxy for the meeting; and
  - b. include a copy of any form that the Council has approved for the appointment of a proxy.
- (8) A form appointing a proxy must be given to the Secretary before the commencement of the general meeting for which the proxy is appointed.
- (9) A form appointing a proxy sent by post or electronically is of no effect unless it is received by the Society not later than 24 hours before the commencement of the meeting.

#### 63. Use of technology to be present at general meetings

- (1) The presence of a member at a general meeting need not be by attendance in person but may be by that member and each other member at the meeting being simultaneously in contact by telephone or other means of instantaneous communication.
- (2) A member who participates in a general meeting as allowed under subrule (1) is taken to be present at the meeting and, if the member votes at the meeting, the member is taken to have voted in person.

#### 64. Presiding member and quorum for general meetings<sup>22</sup>

- (1) The President or, in the President's absence, a Vice-President must preside as chairperson of each general meeting.
- (2) If the President and each Vice-President are absent or are unwilling to act as Chair of a general meeting, the members at the meeting must choose one of them to act as chairperson of the meeting.
- (3) No business is to be conducted at a general meeting unless a quorum is present.
- (4) At all general meetings of the Society, except where otherwise provided by these Rules, thirty (30) members present in person, and eligible to vote, shall constitute a quorum.
- (5) If a quorum is not present within 30 minutes after the notified commencement time of a general meeting —
  - a. in the case of a special general meeting — the meeting lapses; or
  - b. in the case of the annual general meeting — the meeting is adjourned to —
    - i. the same time and day in the following week; and
    - ii. the same place, unless the chairperson specifies another place at the time of the adjournment or written notice of another place is given to the members before the day to which the meeting is adjourned.
- (6) If —
  - a. a quorum is not present within 30 minutes after the commencement time of an annual general meeting held under subrule (5)(b); and

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<sup>22</sup> If these model rules are adopted, the quorum for a general meeting is as notified to the Commissioner under section 7(4)(c) or 29(5)(c) of the Act.



- b. at least 2 ordinary members are present at the meeting, those members present are taken to constitute a quorum.

#### 65. Adjournment of general meeting

- (1) The person presiding at a general meeting at which a quorum is present may, with the consent of a majority of the ordinary members present at the meeting, adjourn the meeting to another time at the same place or at another place.
- (2) Without limiting subrule (1), a meeting may be adjourned —
  - a. if there is insufficient time to deal with the business at hand; or
  - b. to give the members more time to consider an item of business.
- (3) No business may be conducted on the resumption of an adjourned meeting other than the business that remained unfinished when the meeting was adjourned.
- (4) Notice of the adjournment of a meeting under this rule is not required unless the meeting is adjourned for 14 days or more, in which case notice of the meeting must be given in accordance with these rules.

#### 66. Voting at general meeting

- (1) On any question arising at a general meeting —
  - a. subject to subrule (6), each ordinary member has one vote unless the member may also vote on behalf of a body corporate under subrule (2); and
  - b. ordinary members may vote personally or by proxy.
- (2) An ordinary member that is a body corporate may, in writing, appoint an individual, whether or not the individual is a member, to vote on behalf of the body corporate on any question at a particular general meeting or at any general meeting, as specified in the document by which the appointment is made.
- (3) A copy of the document by which the appointment is made must be given to the Secretary before any general meeting to which the appointment applies.
  - a. The appointment has effect until —the end of any general meeting to which the appointment applies; or
  - b. the appointment is revoked by the body corporate and written notice of the revocation is given to the Secretary.
- (4) Except in the case of a special resolution, a motion is carried if a majority of the ordinary members present at a general meeting vote in favour of the motion.
- (5) If votes are divided equally on a question, the chairperson of the meeting has a second or casting vote.
- (6) If the question is whether or not to confirm the minutes of a previous general meeting, only members who were present at that meeting may vote.
- (7) For a person to be eligible to vote at a general meeting as an ordinary member, or on behalf of an ordinary member that is a body corporate under subrule (2) above, the ordinary member —
  - a. must have been an ordinary member at the time notice of the meeting was given under these rules; and
  - b. must have paid any fee or other money payable to the Society by the member.

## 67. When special resolutions are required<sup>23</sup>

- (1) A special resolution is required if it is proposed at a general meeting —
  - a. to affiliate the Society with another body; or
  - b. to request the Commissioner to apply to the State Administrative Tribunal under section 109 of the Act for the appointment of a statutory manager.
- (2) Subrule (1) does not limit the matters in relation to which a special resolution may be proposed.

## 68. Determining whether resolution carried

- (1) In this rule —  
*poll* means the process of voting in relation to a matter that is conducted in writing.
- (2) Subject to subrule (4), the person presiding at a general meeting may, on the basis of general agreement or disagreement or by a show of hands, declare that a resolution has been —
  - a. carried; or
  - b. carried unanimously; or
  - c. carried by a particular majority; or
  - d. lost.
- (3) If the resolution is a special resolution, the declaration under subrule (2) must identify the resolution as a special resolution.
- (4) If a poll is demanded on any question by the person presiding at the meeting or by at least 3 other ordinary members present in person or by proxy —
  - a. the poll must be taken at the meeting in the manner determined by the person presiding at the meeting
  - b. the person presiding at the meeting must declare the determination of the resolution on the basis of the poll.
- (5) If a poll is demanded on the election of the person to preside at the meeting or on a question of an adjournment, the poll must be taken immediately.
- (6) If a poll is demanded on any other question, the poll must be taken before the close of the meeting at a time determined by the chairperson person presiding”.
- (7) A declaration under subrule (2) or (4) must be entered in the minutes of the meeting, and the entry is, without proof of the voting in relation to the resolution, evidence of how the resolution was determined.

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<sup>23</sup> Under the Act, a special resolution is required if an incorporated association proposes to do any of the following—

- (a) to adopt these model rules (section 29(1));
- (b) to alter its rules, including changing the name of the association (section 30(1));
- (c) to decide to apply for registration or incorporation as a prescribed body corporate (section 93(1));
- (d) to approve the terms of an amalgamation with one or more other incorporated associations (section 102(4));
- (e) to be wound up voluntarily (section 121(2)) or by the Supreme Court (section 124(a) and Schedule 4 item 9);
- (f) to cancel its incorporation (section 129).



## 69. Minutes of general meeting

- (1) The Secretary, or a person authorised by the Council from time to time, must take and keep minutes of each general meeting.
- (2) The minutes must record the business considered at the meeting, any resolution on which a vote is taken and the result of the vote.
- (3) In addition, the minutes of each annual general meeting must record —
  - a. the names of the ordinary members attending the meeting; and
  - b. any proxy forms given to the chairperson of the meeting under these rules; and
  - c. the financial statements or financial report presented at the meeting, as required by these rules; and
  - d. any report of the review or auditor's report on the financial statements or financial report presented at the meeting, as referred to in rule 50(3)(b)(iv).
- (4) The minutes of a general meeting must be entered in the Society's minute book within 30 days after the meeting is held.
- (5) The President must ensure that the minutes of a general meeting are reviewed and signed as correct by —
  - a. the person presiding at the meeting; or
  - b. person presiding the next general meeting.
- (6) When the minutes of a general meeting have been signed as correct they are, in the absence of evidence to the contrary, taken to be proof that —
  - a. the meeting to which the minutes relate was duly convened and held; and
  - b. the matters recorded as having taken place at the meeting took place as recorded; and
  - c. any election or appointment purportedly made at the meeting was validly made.

## PART 7 — FINANCIAL MATTERS

### 70. Source of funds

The funds of the Society may be derived from entrance fees, annual subscriptions, donations, fund-raising activities, grants, interest and any other sources approved by the Council.

### 71. Control of funds

- (1) The Society must open an account in the name of the Society with a financial institution from which all expenditure of the Society is made and into which all funds received by the Society are deposited.
- (2) Subject to any restrictions imposed at a general meeting, the Council may approve expenditure on behalf of the Society.
- (3) The Council may authorise the treasurer to expend funds on behalf of the Society up to a specified limit without requiring approval from the Council for each item on which the funds are expended.
- (4) All cheques, drafts, bills of exchange, promissory notes, electronic payments and other negotiable instruments of the Society must be signed by —
  - a. Two Council members; or
  - b. one Council member and a person authorised by the Council.

- (5) All funds of the Society must be deposited into the Society's account within 5 working days after their receipt.

## 72. Financial statements and financial reports<sup>24</sup>

- (1) For each financial year, the Council must ensure that the requirements imposed on the Society under Part 5 of the Act relating to the financial statements or financial report of the Society are met.
- (2) Without limiting subrule (1), those requirements include —
- if the Society is a tier 1 association, the preparation of the financial statements; and
  - if the Society is a tier 2 association or tier 3 association, the preparation of the financial report; and
  - if required, the review or auditing of the financial statements or financial report, as applicable; and
  - the presentation to the annual general meeting of the financial statements or financial report, as applicable; and
  - if required, the presentation to the annual general meeting of the copy of the report of the review or auditor's report, as applicable, on the financial statements or financial report.

## PART 8 — GENERAL MATTERS

## 73. By-laws<sup>25</sup>

- (1) The Society may, by resolution at a general meeting, make, amend or revoke by-laws.
- (2) By-laws may —
- provide for the rights and obligations that apply to any classes of associate membership approved under these rules; and
  - impose restrictions on the Council's powers, including the power to dispose of the Society's assets; and
  - impose requirements relating to the financial reporting and financial accountability of the Society and the auditing of the Society's accounts; and
  - provide for any other matter the Society considers necessary or convenient to be dealt with in the by-laws.
- (3) A by-law is of no effect to the extent that it is inconsistent with the Act, the regulations or these rules.

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<sup>24</sup>

1. Under section 66 of the Act, an incorporated association must keep financial records that: -

- correctly record and explain its transactions and financial position and performance; and
- enable true and fair financial statements to be prepared in accordance with Part 5 Division 3 of the Act.

2. Under section 67 of the Act, an incorporated association must retain its financial records for at least 7 years after the transactions covered by the records are completed.

<sup>25</sup> Guidance Note – Status of By-laws - A by-law must be consistent with the Act, the regulations and these rules. The rules of an association bind the association and the members as an enforceable contract between them. By-laws may not have that status. Therefore, the use of by-laws should be reserved for more procedural or administrative matters.

- (4) Without limiting subrule (3), a by-law made for the purposes of subrule (2)(c) may only impose requirements on the Society that are additional to, and do not restrict, a requirement imposed on the Society under Part 5 of the Act.
- (5) At the request of a member, the Society must make a copy of the by-laws available for inspection by the member.

#### 74. Executing documents and common seal

- (1) The Society may execute a document without using a common seal if the document is signed by —
  - a. Two Council members; or
  - b. one Council member and a person authorised by the Council.
- (2) If the Society has a common seal —
  - a. the name of the Society must appear in legible characters on the common seal; and
  - b. a document may only be sealed with the common seal by the authority of the Council and in the presence of —
    - i. 2 Council members; or
    - ii. one Council member and a person authorised by the Council,
 and each of them is to sign the document to attest that the document was sealed in their presence.
- (3) The Secretary must make a written record of each use of the common seal.
- (4) The common seal must be kept at the Society in safe custody of the Secretary at the Society in or another Council member authorised by the Council and at the Society at in safe custody.

#### 75. Giving notices to members

- (1) In this rule —  
*recorded* means recorded in the register of members.
- (2) A notice or other document that is to be given to a member under these rules is taken not to have been given to the member unless it is in writing and —
  - a. delivered by hand to the recorded address of the member; or
  - b. sent by prepaid post to the recorded postal address of the member; or
  - c. sent by facsimile or electronic transmission to an appropriate recorded number or recorded electronic address of the member.

#### 76. Custody of financial records

- (1) Subject to subrule (2), the financial records and any securities of the Society must be kept at the Society in safe custody at the Society.
- (2) The financial records and securities, as applicable, the financial statements or financial reports of the Society, together with User IDs, Log Ins, Passwords, and the like must be kept in the Treasurer's custody or under the Treasurer's control at the Society in safe custody
- (3) Subrules (1) and (2) have effect except as otherwise decided by the Council.
- (4) The books of the Society must be retained in printed and/or electronic form for at least 7 years.



## 77. Record of office holders<sup>26</sup>

The record of Council members and other persons authorised to act on behalf of the Society that is required to be maintained under section 58(2) of the Act must be kept in the Secretary's custody or under the Secretary's control at the Society in safe custody.

## 78. Inspection of records and documents<sup>27</sup>

- (1) Subrule (2) applies to a member who wants to inspect —
  - a. the register of members under section 54(1) of the Act; or
  - b. the record of the names and addresses of Council members, and other persons authorised to act on behalf of the Society, under section 58(3) of the Act; or
  - c. any other record or document of the Society.
- (2) The member must contact the Secretary to make the necessary arrangements for the inspection.
- (3) The inspection must be free of charge.
- (4) If the member wants to inspect a document that records the minutes of a Council meeting, the right to inspect that document is subject to any decision the Council has made about minutes of Council meetings generally, or the minutes of a specific Council meeting, being available for inspection by members.
- (5) The member may make a copy of or take an extract from a record or document referred to in subrule (1)(c) but does not have a right to remove the record or document for that purpose.<sup>28</sup>
- (6) The member must not use or disclose information in a record or document referred to in subrule (1)(c) except for a purpose —
  - a. that is directly connected with the affairs of the Association; or

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<sup>26</sup> Under section 58 of the Act an association must maintain a record of —

- the names and addresses of the persons who are members of its management Council; or hold other offices of the association provided for by its rules;
- the name and address of any person who is authorised to use the common seal of the association (if it has a common seal); and
- the name and address of any person who is appointed or acts as trustee on behalf of the association.

Under section 58 of the Act the association must, upon the request of a member of the association, make available the record for the inspection of the member. The member may make a copy of or take an extract from the record but does not have a right to remove the record for that purpose.

<sup>27</sup> Section 58 of the Act —

- (a) sets out the details of the record that an incorporated association must maintain of the committee members and certain others; and
- (b) provides for members to inspect, make a copy of or take an extract from the record; and
- (c) prohibits a person from disclosing information in the record except for authorised purposes.

<sup>28</sup> Sections 54(2) and 58(4) of the Act provide for the making of copies of, or the taking of extracts from, the register referred to in subrule (1)(a) and the record referred to in subrule (1)(b).



- b. that is related to complying with a requirement of the Act.<sup>29</sup>

#### 79. Publication by Council members of statements about Society business prohibited

A Council member must not publish, or cause to be published, any statement about the business conducted by the Society at a general meeting or Council meeting unless —

- a. the Council member has been previously authorised to do so at a Council meeting; and
- b. the authority given to the Council member has been recorded in the minutes of the Council meeting at which it was given.

#### 80. Distribution of surplus property on cancellation of incorporation or winding up<sup>30,31</sup>

- (1) In this rule —

*surplus property*, in relation to the Society, means property remaining after satisfaction of —

- a. the debts and liabilities of the Society; and
- b. the costs, charges and expenses of winding up or cancelling the incorporation of the Society,

but does not include books relating to the management of the Society.

- (2) On the cancellation of the incorporation or the winding up of the Society, its surplus property must be distributed as determined by special resolution by reference to the persons mentioned in section 24(1) of the Act.

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<sup>29</sup> Sections 57(1) and 58(5) of the Act impose restrictions on the use or disclosure of information in the register referred to in subrule (1)(a) and the record referred to in subrule (1)(b).

<sup>30</sup> Section 24(1) of the Act sets out a provision that is implied in these rules describing the entities to which the surplus property of an incorporated association may be distributed on the cancellation of the incorporation or the winding up of the association. Part 9 of the Act deals with the winding up of incorporated associations, and Part 10 of the Act deals with the cancellation of the incorporation of incorporated associations.

<sup>31</sup> *Act Requirements – Distribution of surplus property*

*Under section 24(1) of the Act surplus property can only be distributed to one or more of the following —*

- *an incorporated association;*
- *a company limited by guarantee that is registered as mentioned in the Corporations Act section 150;*
- *a company holding a licence that continues in force under the Corporations Act section 151;*
- *a body corporate that at the time of the distribution is the holder of a licence under the Charitable Collections Act 1946;*
- *a body corporate that —*
  - *is a member or former member of the incorporated association; and*
  - *at the time of the distribution of surplus property, has rules that prevent the distribution of property to its members;*
- *a trustee for a body corporate referred to in paragraph (e);*
- *a co-operative registered under the Co-operatives Act 2009 that, at the time of the distribution of surplus property, is a non-distributing co-operative as defined in that Act.*

- (3) If, upon the winding up of the Society or revocation of its endorsement as a 'deductible gift recipient' under section 30-125 of the Commonwealth *Income Tax Assessment Act, 1997*, there remains in a gift deductible fund after satisfaction of all its debts and liabilities any deductible contributions and any money received in respect of such gifts and contributions, the same shall not be paid or distributed among the members, but shall be given or transferred to a gift deductible fund of another association incorporated under the Act which has a similar object and to which income tax deductible gifts can be made as approved by the Commissioner of Taxation and which Society shall be determined by resolution of the members.

#### 81. Alteration of rules<sup>32, 33</sup>

If the Society wants to alter or rescind any of these rules, or to make additional rules, the Society may do so only by special resolution and by otherwise complying with Part 3 Division 2 of the Act.

### PART 9 - HONOURS

#### 82. Patronage

- (1) The Council may prior to each annual general meeting invite the Governor of Western Australia to be Patron and/or other persons to be Patrons and/or Vice-Patrons of the Society and if the invitation/s are accepted, confirm the appointment/s at the annual general meeting.
- (2) Patrons and Vice-Patrons must be persons who, in the Council's view, are considered fit to support and advocate for the Society.
- (3) Patrons and Vice-Patrons shall have all the rights of ordinary members without payment of fees.

#### 83. Fellowship award

- (1) The Council may by special resolution at an annual general meeting recommend the conferring of a Fellowship of the Society upon any member of not less than ten (10) years standing for distinguished research in the field of Western Australian historiography or other work of outstanding value to the Society and the wider community.
- (2) The number of Fellows of the Society extant at any one time shall not exceed twelve (12).
- (3) Every Fellow of the Society shall receive a certificate under the seal of the Society, stating the date and purpose for which the honour of the Fellowship was so conferred and shall be in all respects treated as an Honorary Life Member of the Society and shall be entitled to use the post-nominal letters FRWAHS.

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<sup>32</sup> Section 31 of the Act requires an incorporated association to obtain the Commissioner's approval if the alteration of its rules has effect to change the name of the association.

Section 33 of the Act requires an incorporated association to obtain the Commissioner's approval if the alteration of its rules has effect to alter the objects or purposes of the association or the manner in which surplus property of the association must be distributed or dealt with if the association is wound up or its incorporation is cancelled.

<sup>33</sup> Guidance Note – Alteration of Rules. Amendments to the rules do not take effect until required documents are lodged with the Commissioner, even if the amendments do not require the approval of the Commissioner under section 31 or section 33. The required documents must be lodged within one month after the special resolution is passed.



**84. Honorary Life Membership**

The Council may by special resolution at an annual general meeting recommend the election as an Honorary Life Member of any member of not less than ten (10) years standing who has rendered exceptional service in furthering the object of the Society. An Honorary Life Member shall receive a certificate under the seal of the Society stating the date and purpose for which the honour was so conferred, be exempt from the payment of fees and contributions, and shall have all the rights and privileges of ordinary members.

**85. Award of Merit**

- (1) The Council may bestow an Award of Merit upon any member of not less than five (5) years standing in recognition for special services rendered to the Society in one or more areas of its committee programs.
- (2) Every member recognised by an Award of Merit shall receive a certificate under the Seal of the Society, stating the date and purpose for which the honour of the Award was so conferred.

**PART 10. - RELATED BODIES****86. The Royal Western Australian Historical Society Incorporated Auxiliary**

- (1) The Council may establish a Royal Western Australian Historical Society Incorporated. (RWAHS) Auxiliary for the purpose of furthering the object of the Society.
- (2) The Royal Western Australian Historical Society Incorporated Auxiliary shall manage its own affairs including finance subject to the control of the Council in accordance with by-laws made by the Council after consultation with the Auxiliary.
- (3) All property acquired by the Royal Western Australian Historical Society Incorporated Auxiliary shall be vested in the Society.

**87. Affiliated societies**

- (1) A body corporate, government agency or group having an object similar to or in accordance with the object of the Society may apply to the Council to become affiliated with the Society.
- (2) The Council may in its absolute discretion and without giving any reason accept or reject any application referred to in sub-rule 33(1).
- (3) If the Council accepts the application the body corporate, government agency or group shall become an ordinary member of the Society and on payment of the appropriate membership fee shall receive a Certificate of Affiliation and shall have the voting and other rights of an ordinary member of the Society and may be represented at meetings of the Society.
- (4) The Society may hold an annual State History Conference of Affiliated Societies on a date and at a place decided upon by the previous Conference or, failing that, by the Council.
- (5) Each affiliated society shall forward an annual report to the Society in the form and manner of report as adopted by the annual State History Conference of Affiliated Societies.

- (6) If a State History Conference of Affiliated Societies is to be held outside the Perth metropolitan area the Society shall endeavour to give to its members twelve (12) months' notice of the time and place of that conference.
- (7) Each affiliated society shall have one vote only at the annual State History Conference of Affiliated Societies but may be represented by two delegates either of whom may exercise that vote.

## PART 11 – STANDARDS OF CONDUCT

### 88. Rules of conduct

From time-to-time the Council, after such consultation as it considers appropriate, may make and adopt standards of conduct, engagement and/or behaviour applicable to the work of the Society, its affiliates and/or members, including non-member volunteers.

### 89. Acquisition and management of Museum and Library items

- (1) The Museum Committee or Library Committee shall receive all materials acquired for the Museum and Library collections consistent with Council policies, supervise their safe-keeping, accessioning, cataloguing and disposition in accordance with the Society's policies and within the limits of the Society's resources adhere to requirements of museum or library collections best practice.
- (2) The Museum Committee and the Library Committee shall make recommendations to Council as to the disposal of items in the Society's Museum and Library collections.





The Royal Western Australian Historical Society (Inc)

ABN: 43 607 110 473

Annual Accounts

Wednesday 16 October 2024

Stirling House, 49 Broadway

Nedlands Western Australia 6009

Phone: 9386 3841 Email: [admin@histwest.org.au](mailto:admin@histwest.org.au)

## Financial Report

For the Year Ended 30 June 2024

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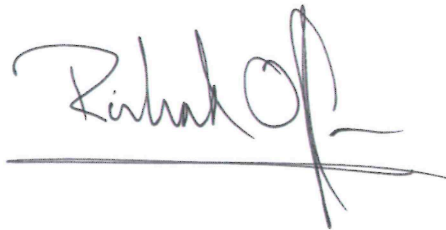
## Treasurers' Declaration

The Council of the Society declare that, in their opinion:

- a) There are reasonable grounds to believe the Society is able to pay all of its debts, as and when they become due and payable; and
- b) The attached financial statements and notes thereto satisfy the requirements of the *Australian Charities and Not-for-profits Commission Act 2012*, including:
  - i. giving a true and fair view of the financial position and performance of the registered entity; and
  - ii. complying with Australian Accounting Standards as described in note 2 to the financial statements

Signed in accordance with a resolution of the Council pursuant to Regulation 60.15 of the *Australian Charities and Not-for-profits Commission Regulation 2013*.

On behalf of the Council

A handwritten signature in blue ink, appearing to read 'Richard Offen', with a long horizontal stroke extending to the right.

Mr. Richard Offen, President

A handwritten signature in blue ink, appearing to read 'Klara Haselhurst', with a stylized, cursive script.

Ms Klara Haselhurst, Treasurer

Dated: 16 October 2024

## Statement of Profit or Loss and other Comprehensive Income

For the Year Ended 30 June 2024

	Note	2024 \$	2023 \$
Income	3(a)	165,962	278,746
Archival Products Surplus		4,596	5,563
Bookshop Trading Surplus		20,286	17,835
Other income	3(b)	61,354	54,053
		<u>252,198</u>	<u>356,197</u>
Employee benefits expense		(49,955)	(54,979)
Occupancy expenses		(21,068)	(22,230)
Administration expenses		(121,784)	(191,678)
Depreciation expenses		(1,041)	(1,131)
Other expenses		-	-
		<u>(193,847)</u>	<u>(270,018)</u>
<b>Surplus/(loss) for the year</b>		<u>58,351</u>	<u>86,179</u>



## Statement of Financial Position

As at 30 June 2024

	Note	2024 \$	2023 RESTATED \$
<b>ASSETS</b>			
<b>Current assets</b>			
Cash and cash equivalents	4	475,407	431,957
Trade and other receivables	5	0	695
Inventories	6	23,482	23,356
<b>Total current assets</b>		<b>498,888</b>	<b>456,008</b>
<b>Non-current assets</b>			
Trade and other receivables		6,348	0
Property, plant and equipment	7	2,255,903	2,251,904
Investments – Shares		793,795	718,577
<b>Total non-current assets</b>		<b>3,056,046</b>	<b>2,970,481</b>
<b>TOTAL ASSETS</b>		<b>3,554,934</b>	<b>3,426,489</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>			
Trade and other payables	8	30,305	36,167
Employee benefits	9	12,382	11,643
<b>Total current liabilities</b>		<b>42,688</b>	<b>47,810</b>
<b>TOTAL LIABILITIES</b>		<b>42,688</b>	<b>47,810</b>
<b>NET ASSETS</b>		<b>3,512,246</b>	<b>3,378,679</b>
<b>FUNDS</b>			
	13		
Reserves		1,205,103	1,120,813
Asset Revaluation Reserve		2,154,045	2,154,045
Share Revaluation Reserve		51,175	(24,043)
Accumulated funds		101,923	127,863
<b>TOTAL FUNDS</b>		<b>3,512,246</b>	<b>3,378,678</b>

## Statement of Changes in Equity

For the Year Ended 30 June 2024

	Accumulated Funds \$	Reserves \$	Asset Revaluation Surplus	Share Revaluation Reserves	Total \$
<b>Balance at 1 July 2023 (RESTATED)</b>	127,863	1,120,813	2,154,045	(24,043)	3,378,679
Surplus for the year attributable to members	58,351				58,351
				75,217	
Increase in market value of FVTOCI Investments					75,217
<b>Total comprehensive income for the current year attributable to members</b>	<b>58,351</b>			<b>75,217</b>	<b>133,568</b>
Movement in Reserves	(84,290)	84,290			
<b>Total transactions with owners and other transfers</b>	<b>(84,290)</b>	<b>84,290</b>			
<b>Balance at 30 June 2024</b>	<b>101,923</b>	<b>1,205,103</b>	<b>2,154,045</b>	<b>51,175</b>	<b>3,512,247</b>

## Summary of Significant Accounting Policies

### 1 Reporting Entity

The Royal Western Australian Historical Society Incorporated (the 'association') is a charity registered under the Australian Charities and Not-for-profits Commission and an association incorporated under Associations Incorporations Act (WA) (2015). The director has prepared the financial statements on the basis that the association is a non-reporting entity because there are no users dependent on general purpose financial reports. This financial report is therefore a special purpose financial report.

The address of the association's registered office is 49 Broadway Street, Nedlands, WA, 6009. The association operates on a charter to preserve the history of Western Australia.

The financial report covers The Royal Western Australian Historical Society Incorporated as an individual entity and was authorised for issue on 16 October 2024 by the Council.

### 2 Summary of Significant Accounting Policies

#### (a) Basis of Preparation

The financial statements are special purpose financial statements which have been prepared in accordance with the measurement and recognition criteria of Australian Accounting Standards ("AASBs") adopted by the Australian Accounting Standards Board ("AASB") to the extent as stated in the significant accounting policies below and the Australian Charities and Not-for-profits Commission Act 2012. The association is a not-for-profit entity for financial reporting purposes under Australian Accounting Standards.

The financial statements have been prepared on an accruals basis and are based on historical costs modified, where applicable, by measurement at fair value of selected non-current assets, financial assets and financial liabilities.

#### i. New, revised or amended accounting standards adopted

The association has adopted all of the new, revised or amended accounting standards and interpretations issued by the Australian Accounting Standards Board that are mandatory for the current reporting period. The adoption of these Accounting Standards and Interpretations did not have any material impact on the financial performance or position of the association in either the current or prior financial reporting periods.

#### ii. Presentation currency

These financial statements are presented in Australian dollars which is the Association's functional currency.

#### iii. Significant accounting judgements, estimates and assumptions

The preparation of financial statements requires management to make judgements, estimates and assumptions that affect the application of accounting policies and the reported amounts of assets, liabilities, income and expenses. Actual results could differ from those estimates and may have impact on future periods.

Estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised and in any future periods affected. Significant accounting judgements, estimates and assumptions are described below:

##### *Provision for employee benefits*

Provisions for employee benefits payable after 12 months from the reporting date are based on future wage and salary levels, experience of employee departures and periods of service, as described in Note 2(l). The amount of these provisions would change should any of these factors change in the next 12 months.

##### *Provision for impairment of trade receivables*

The value of the expected credit loss provision for impairment of receivables is estimated by considering the ageing of receivables, communication with the debtors and prior history.

## Summary of Significant Accounting Policies (Cont'd)

### (b) Revenue recognition

The Association recognised revenue when the amount of revenue can be reliably measured, it is probable that future economic benefits will flow to the entity and specific criteria have been met for each of the association's activities. All revenue is stated net of the amount of goods and services tax (GST).

Revenue recognised under AASB 15 is measured at the amount which the Association expects to receive in consideration for satisfying performance obligations to a customer. A performance obligation is the distinct good or service defined within the contract with a customer. The transaction price is allocated to one or more performance obligations contained within the contract, with revenue being recognised as or when the performance obligation is satisfied.

The association has elected not to recognise volunteer services as revenue.

#### i. Membership Fees

Membership fees are recognised over the period to which the provision of services relate. Fees received in advance are disclosed as a contract liability.

Membership fees are recognised net of concessions and are separately shown in Note 3.

#### ii. Sale of goods

Revenue from the sale goods is recognised as revenue when the performance obligation is satisfied (generally being delivery of the goods). Payment terms for the sale of goods are generally cash on delivery.

#### iii. Government grants – recurrent

Government grant funding that contain specific conditions on the use of those funds are recognised as and when the Association satisfies its performance obligations by providing those goods and services. A contract liability is recognised for unspent grant funds for which a refund obligation exists in relation to the funding period. General grants that do not impose specific performance obligations on the Association are recognised as income when the Association obtains control of those funds, which is usually on receipt.

#### iv. Interest revenue

Interest income is recognised on an accruals basis using the effective interest.

#### v. Donations

Donations that provide the Association with discretion over its use or do not contain specific performance obligations regarding its use are recognised as income when the Association controls the funds.

#### vi. Dividend Income

Revenue from dividends is recognised once the dividends have been paid out and the association controls the funds.



## Summary of Significant Accounting Policies (Cont'd)

### (c) Cash and Cash Equivalents

Cash and cash equivalents include cash on hand, deposits held at call with banks, and other short term highly liquid investments with original maturities of three months or less and are subject to an insignificant risk of change in value.

### (d) Inventories

Inventories comprise goods for resale and are stated at the lower of cost and net realisable value. Net realisable value is the estimated selling price in the ordinary course of business less the estimated costs necessary to make the sale.

Where inventories are acquired at no cost, or for nominal consideration, cost is determined as the current replacement cost as at the date of acquisition.

### (e) Property, Plant and Equipment

Each class of property, plant and equipment is carried at cost less, where applicable, any accumulated depreciation and any impairment losses except for land which is carried on the revaluation basis.

In the event that the carrying amount of plant and equipment is greater than its estimated recoverable amount, the carrying amount is written down immediately to its estimated recoverable amount and impairment losses are recognised in profit or loss. A formal assessment of recoverable amount is made when impairment indicators are present (refer to Note 2(g) for details of impairment).

#### Depreciation

The depreciable amount of all fixed assets including buildings and capitalised leased assets, but excluding freehold land, is depreciated on a straight line basis over their useful lives, commencing from the time the asset is held ready for use.

The depreciation rates used for each class of depreciable assets are:

Class of asset	Depreciation rate
Furniture and equipment	20%

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at the end of each reporting period.

Gains and losses on disposals are determined by comparing proceeds with the asset's carrying amount. These gains and losses are included in the statement of profit or loss and other comprehensive income.

### (f) Financial Instruments

#### Initial recognition and measurement

Financial assets and financial liabilities are recognised when the Association becomes a party to the contractual provisions of the instrument. For financial assets, this is the equivalent to the date that the Association commits itself to either the purchase or sale of the asset (i.e. trade date accounting is adopted).

## Summary of Significant Accounting Policies (Cont'd)

Financial instruments are initially measured at fair value plus transactions costs, except where the instrument is classified 'at fair value through profit or loss' in which case transaction costs are expensed to profit or loss immediately.

### Classification and subsequent measurement

Financial instruments are subsequently measured at either fair value or amortised cost using the effective interest rate method. The subsequent measurement depends on the classification of the financial instrument as described below.

#### (i) Financial assets

All recognised financial assets are subsequently measured at either amortised cost or fair value, depending on the classification of the financial assets.

Financial assets that meet the following conditions are subsequently measured at amortised cost:

- the contractual terms of the financial asset give rise on specified dates to cash flows that are solely payments of principal and interest on the principal amount outstanding; and
- the financial asset is held within a business model whose objective is to hold financial assets in order to collect contractual cash flows.

Financial assets that meet the following conditions are subsequently measured at fair value through other comprehensive income (FVTOCI):

- the contractual terms of the financial asset give rise on specified dates to cash flows that are solely payments of principal and interest on the principal amount outstanding; and
- the financial asset is held within a business model whose objective is achieved by both collecting contractual cash flows and selling the financial assets.

All other financial assets are subsequently measured at fair value through profit or loss (FVTPL), except that the Association has elected to present subsequent changes in fair value of investments in equity instrument in other comprehensive income (FVTOCI).

#### (ii) Financial liabilities

All financial liabilities are subsequently measured at amortised cost using the effective interest method.

Borrowings are classified as current liabilities unless the Association has an unconditional right to defer settlement of the liability for at least 12 months after the reporting date.

### Impairment of financial assets

The Association recognises a loss allowance for expected credit losses on financial assets that are measured at amortised cost or at FVTOCI. The amount of expected credit losses is updated at each reporting date to reflect changes in credit risk since initial recognition of the respective financial asset.

The Association recognises lifetime expected credit losses for trade receivables. The expected credit losses on these financial assets are estimated based on the Association's historical credit loss experience, adjusted for factors that are specific to the debtors, general economic conditions and an assessment of both the current as well as the forecast conditions at the reporting date, including time value of money where appropriate.

#### (g) Impairment of non-financial assets

At each reporting date, the councils assess whether there is an indication that an asset may be impaired. If such an indication exists, an impairment test is carried out on the asset by comparing the recoverable amount of the asset, being the higher of the asset's fair value less costs to sell and value in use, to the asset's carrying amount. Any excess of the asset's carrying amount over its recoverable amount is recognised immediately in profit or loss.

## Summary of Significant Accounting Policies (Cont'd)

Where it is not possible to estimate the recoverable amount of an individual asset, the entity estimates the recoverable amount of the cash-generating unit to which it belongs.

### **(h) Trade and other payables**

Trade and other payables represent the liability outstanding at the end of the reporting period for goods and services received by the Association during the reporting period which remain unpaid. The balance is recognised as a current liability with the amounts normally paid within 30 days of recognition of the liability. Trade and other payables are unsecured.

### **(i) Employee Benefits**

Provision is made for the Association's liability for employee benefits arising from services rendered by employees to the end of the reporting period. Employee benefits that are expected to be wholly settled within one year have been measured at the amounts expected to be paid when the liability is settled. Employee benefits not expected to be wholly settled within twelve months have been measured at the present value of the estimated future cash outflows to be made in respect of those benefits. In determining the liability, consideration is given to employee wage increases and the probability that the employee may not satisfy vesting requirements. Those estimated cash outflows are discounted using market yields on high quality corporate bonds with terms to maturity that match the expected timing of cash flows.

### **(j) Provisions**

Provisions are recognised when the Association has a legal or constructive obligation, as a result of past events, for which it is probable that an outflow of economic benefits will result, and that outflow can be reliably measured. Provisions recognised represent the best estimate of the amounts required to settle the obligation at the end of the reporting period.

### **(k) Goods and Services Tax (GST)**

Revenues, expenses and assets are recognised net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Taxation Office. In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense. Receivables and payables in the statement of financial position are shown inclusive of GST.

Cash flows are presented in the cash flow statement on a gross basis, except for the GST component of investing and financing activities, which are disclosed as operating cash flows.

### **(l) Income tax**

The Association is exempt from income tax under Division 50 of the Income Tax Assessment Act 1997.



## Notes to the Financial Statements

### 3 Revenue and other income

#### (a) Revenue from operating activities

	2024	2023
	\$	\$
Advertising sales	1,273	1,091
Booked in Cuppa	450	689
Building fund Donations	23,820	86,622
Cash & POS under/over	(1,435)	530
Community talks	7,555	4,668
Donations general	3,071	2,767
Donations Library	925	1,934
Donations Museum	1,045	2,981
Donations Early Days	4,030	105
Forrest preservation	0	8,143
General meeting surplus	1,561	2,628
Grant allocated income	9,482	5,500
HWCC fundraising Events	17,818	6,680
Interest Rec'd online saver	866	542
Interest Rec'd term deposit	6,108	794
Lottery West grant	11,600	61,215
Members badges	68	159
Membership dues	48,602	56,172
Photography sales	914	1,421
Postage & Handling	1,515	581
Raffle proceeds	1,135	1,928
Research / Library fees	65	151
Special Fundraising Book Sale#1	19,116	19,926
Special Fundraising other	0	32
Square discounts	(32)	(36)
Suspense	0	(175)
Tours & Events	6,410	11,699
	<u>165,962</u>	<u>278,746</u>

#### (b) Other income

Woodside	12,564	15,190
Wesfarmers	3,372	3,586
NAB	6,952	6,162
Westpac	9,823	9,469
ANZ	7,463	6,362
NAB Hybrid	3,275	2,473
Westpac hybrid	3,662	2,377
CBA Hybrid	2,407	1,724
ANZ Hybrid	10,694	5,947
Early Days Royalties	811	559
ANZ Williams	330	204
Bequest	-	-
	<u>61,354</u>	<u>54,053</u>

Non-recurrent grants received in the current and previous period are one-off with no expectation of future receipts.



**4 Cash and Cash Equivalents**

	<b>2024</b>	<b>2023</b>
CURRENT	\$	\$
Cash at bank	41,310	61,741
Cash on hand	150	150
Online saver	78,421	27,738
Term Deposit	141,292	136,492
M & L Building account <sup>1</sup>	12,082	201,584
Online saver M & L Building account <sup>1</sup>	151,309	0
Term Deposit M & L Building account <sup>1</sup>	50,183	0
Undeposited funds	150	4,252
Square	510	0
	<u>475,407</u>	<u>431,957</u>

1 The Society operates a deductible gift recipient Museum & Library; Museum & Library building fund. Cash and cash equivalents relating to the building fund are not available to meet operating expenses of the Society and must be used in relation to the acquisition, construction of the History West Community Centre (HWCC) and buildings. Refer to Note 10.

**Notes to the Financial Statements (Cont'd)****5 Trade and Other Receivables**

	<b>2024</b>	<b>2023</b>
CURRENT	\$	\$
Accounts receivable	(12,995)	(19,654)
Membership adjustment	12,995	20,279
Sundry Debtors	0	70
	<u>0</u>	<u>695</u>
NON CURRENT		
Prepaid Expenses	6,348	0
	<u>6,348</u>	<u>0</u>

**6 Inventories**

	<b>2024</b>	<b>2023</b>
CURRENT	\$	\$
Bookshop stock	9,420	9,003
RWAHS Publications	7,246	7437
Archival Stock	6,816	6,916
	<u>23,482</u>	<u>23,356</u>

**7 Property Plant and Equipment**

	<b>2024</b>	<b>2023</b>
NON CURRENT	\$	\$
At Fair value		
Land and Buildings - 49 Broadway Nedlands	2,250,000	2,250,000
Furniture and equipment	-	-
At cost	55,127	50,087
Accumulated depreciation	(49,224)	(48,183)
	<u>5,903</u>	<u>1,904</u>
	<u>2,255,903</u>	<u>2,251,904</u>

**8 Trade and Other Payables**

	<b>2024</b>	<b>2023</b>
CURRENT	<b>\$</b>	<b>\$</b>
Trade payables	5,238	1,604
Other creditors and accruals	25,067	34,563
	<u>30,305</u>	<u>36,167</u>

**9 Employee benefits**

	<b>2024</b>	<b>2023</b>
CURRENT	<b>\$</b>	<b>\$</b>
PAYG Payable	404	624
Superannuation	1,214	1,159
Provision for annual leave	1,377	1,840
Provision for long service leave	9,388	8,020
	<u>12,382</u>	<u>11,643</u>

The current provision for employee benefits includes accrued annual leave and long service leave. For long service leave it covers all unconditional entitlements where employees have completed the required period of service and, those where employees are entitled to pro-rata payments in certain circumstances. The amount of the provision presented as current is the amount the Society does not have an unconditional right to defer settlement of any of these obligations. However, based on past experience, the Society does not expect all employees to take the full amount of accrued leave or require payment within the next 12 months.

**Notes to the Financial Statements (Cont'd)****10 Reserves**

The Society operates a deductible gift recipient Museum & Library building fund. The building fund receives voluntary tax-deductible donations from Members and Donors which are available for the acquisition, construction of Society buildings. The Society recognises all building fund donations and interest in the profit or loss for the period and tracks the balance of the building fund in a separate reserve. The table below reconciles the movement in the Reserve in the period.

	<b>2024</b>	<b>2023</b>
M & L Building - Opening Balance	494,666	\$392,315
Building Fund Donations	23,820	\$86,622
Building Fund Dividends	14,643	9,199
HWCC Functions [41132]	17,818	\$6,680
Building HWCC expenses	(260)	0
HWCC Functions Costs [64050]	(4,829)	
		<u>(\$150)</u>
Closing Balance	545,857	\$494,666

<sup>1</sup> Royal Western Australian Historical Society Inc operates the Museum and Library with Tax Deductible status

## Notes to the Financial Statements (Cont'd)

	2024	2023
<b>Library</b> - Opening Balance	8,199	4,419
Research Fees	65	150
Library Fund Donations	925	1,934
Library Photograph Income	914	1,421
Library Conservation Expense - other	0	(46)
Library Conservation Forrest	0	8,143
Library Expense Books	0	0
Library Conservation Expense – Forrest	0	(7,822)
Grant Allocation	3,857	0
Database hosting	(453)	0
Allocation from Forrest & Adopt Book	3445	0
Closing Balance	16956	8,199
<b>Forrest Collection</b> Opening Balance	625	625
Forrest Preservation	0	0
Forrest Expense (archival purchases)	0	0
Allocation to the Library	(625)	0
Closing Balance	0	0
<b>Adopt A Book</b> Opening Balance	2,826	2,826
Allocation to the Library	(2,826)	0
Closing Balance	0	0
<b>Museum</b> Opening Balance	29,583	27,554
Museum Fund Donations	1,045	2,981
Museum Conservation	(7,788)	(952)
Museum Grants	5,625	0
Office Equipment	279	0
Postage & Freight	19	0
Database Hosting	(1,360)	0
Closing Balance	27,403	29,583
<b>Exhibition Fund</b> Opening Balance	17,202	13,075
Exhibition - Stirling House - Income	7,555	4,668
Exhibition - Stirling House - Expense	(306)	(541)
Closing Balance	24,452	17,202
<b>Jenny Wright Bequest Fund</b> Open Bal	267,105	267,550
Dividends	24,563	11,727
Museum Curator Expenses	(1,620)	(12,172)
Closing Balance	290,048	267,105
<b>Readings and Publications</b>		
<b>Booked in for a Cuppa</b> Opening Balance	4,302	3,714
Booked in for Cuppa - Income	450	689
Booked in for Cuppa - Expense	0	(101)
Closing Balance	4,752	4,302
<b>Lee Steere Williams</b> Opening Balance	18,907	19,703
ANZ Williams - dividend	330	204
Essay Prize	(1000)	(1,000)
Closing Balance	18,237	18,907

## 11 Commitments

The Society did not have any committed obligations at 30 June 2024 (2023: Nil)

## 12 Events after the Reporting Period

The Society has made an offer to purchase a new property located in Nedlands, WA and this offer was accepted on 19th September 2024. Council are currently undertaking due diligence investigations and have commenced negotiations for sale of current property Stirling House, 49 Broadway Nedlands WA. Council are not aware of any other significant events since the end of the reporting period.

## 13 Restatement for the year ended 2023

The 30 June 2023 balance has been restated due to correction in the allocation of reserves and accumulated funds.

This affected the balance sheet and statement of changes in equity.

	Before Restatement 2023	After Restatement 2023
<b>FUNDS</b>		
Reserves	1,009,179	1,120,813
Asset Revaluation Reserve	2,154,045	2,154,045
Share Revaluation Reserve	(24,043)	(24,043)
Accumulated funds	239,497	127,863
<b>TOTAL FUNDS</b>	<b>3,378,678</b>	<b>3,378,678</b>

	Accumulated Funds	Reserves	Asset Revaluation Surplus	Share Revaluation Reserves	Total
	\$	\$	\$	\$	\$
<b>Before restatement 2023</b>					
Balance at 30 June 2023	239,497	988,136	2,154,045	(24,043)	3,378,679
<b>After restatement 2023</b>					
Balance at 30 June 2023	127,863	1,120,813	2,154,045	(24,043)	3,378,679





**IS Assurance Pty Ltd**  
Suite 6, 328 Albany Highway  
Victoria Park WA 6100  
Tel: 0406960776  
Email: [irvan@isassurance.com.au](mailto:irvan@isassurance.com.au)  
ABN: 90 627 130 072

**AUDITOR'S INDEPENDENCE DECLARATION  
TO THE MEMBERS OF ROYAL WA HISTORICAL SOCIETY INC**

In accordance with the requirements of the *Australian Charities and Not-for-profits Commission Act 2012* ("ACNC Act"), as the auditor for the audit of Royal WA Historical Society Inc for the year ended 30 June 2024, I declare that, to the best of my knowledge and belief, there have been:

- a. no contravention of the auditor independence requirements of the *Australian Charities and Not-for-profits Commission Act 2012* ("ACNC Act"), in relation to the audit; and
- b. no contravention of any applicable code of professional conduct in relation to the audit.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Irvan Stanley', with a long horizontal line extending to the right.

---

**IRVAN STANLEY**  
Registered Company Auditor  
Registration No. 471858

Date: 16 October 2024  
Victoria Park, Western Australia



**IS Assurance Pty Ltd**  
 Suite 6, 328 Albany Highway  
 Victoria Park WA 6100  
 Tel: 0406960776  
 Email: [irvan@isassurance.com.au](mailto:irvan@isassurance.com.au)  
 ABN: 90 627 130 072

## Independent Auditor's Report

---

*To the members of the Royal WA Historical Society Inc:*

### ***Qualified opinion***

I have audited the accompanying financial report, being a special purpose financial report of the Royal WA Historical Society Inc, which comprises the Statement of Financial Position as at 30 June 2024, the Statement of Income and Expenditure and Statement of Changes in Members Funds for the year then ended, notes comprising a summary of significant accounting policies and other explanatory information, and the declaration by Board of the Elders.

In my opinion, except for the possible effects of the matter described in the *Basis of Qualified Opinion* paragraph, the financial report of the Royal WA Historical Society Inc has been prepared in accordance with Division 60 of the *Australian Charities and Not-for-Profits Commission Act 2012* (the "ACNC Act"), including:

- a) giving a true and fair view of the Society's financial position as at 30 June 2024 and of its financial performance for the year ended on that date; and
- b) complying with Australian Accounting Standards to the extent described in Note 1, and Division 60 the *Australian Charities and Not-for-profits Commission Regulation 2022*.

### ***Basis of qualified opinion***

As is common for non-profit entities, it is not practicable for the Royal WA Historical Society Inc to maintain an effective system of internal control over fund raised and expenses incurred until their entry into accounting records. Significant reliance is placed upon the honesty, integrity and acumen of members in gathering, reporting and presenting of funds and expenses for recording.

I conducted my audit in accordance with Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Report* section of my report. I am independent of the Society in accordance with the auditor independence requirements of the ACNC Act and the ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to my audit of the financial report in Australia. I have also fulfilled my other ethical responsibilities in accordance with the Code.

I confirm that the independence declaration required by the ACNC Act, which has been given to the members of the Society, would be in the same terms if given to the members as at the time of this auditor's report.

I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.



### ***Emphasis of matter - basis of accounting***

I draw attention to Note 1 to the financial report, which describes the basis of accounting. The financial report has been prepared for the purpose of fulfilling the Society's financial reporting responsibilities under the ACNC Act. As a result, the financial report may not be suitable for another purpose. My opinion is not modified in respect of this matter.

### ***The Board of Elders' responsibility for the financial report***

The Board of Elders (the "Board") of Royal WA Historical Society Inc is responsible for the preparation of the financial report that gives a true and fair view and have determined that the basis of preparation described in Note 1 to the financial report is appropriate to meet the requirements of the ACNC Act and the needs of the members. The Board's responsibility also includes such internal control as the Board determines is necessary to enable the preparation of a financial report that gives a true and fair view and is free from material misstatement, whether due to fraud or error.

In preparing the financial report, the Board is responsible for assessing the Society's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the directors either intend to liquidate the Society or to cease operations, or have no realistic alternative but to do so.

### ***Auditor's responsibility***

My objectives are to obtain reasonable assurance about whether the financial report as a whole is free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of this financial report.

A further description of my responsibilities for the audit of the financial report is located at the Auditing and Assurance Standards Board website at: <<http://www.auasb.gov.au/Home.aspx>>. This description forms part of my auditor's report.

---

**IRVAN STANLEY**

Director

Registration No. 471858

Dated this: 16 October 2024

Victoria Park, Western Australia



## 16.3 Perth Flying Squadron Yacht Club Redevelopment

Report Number	<b>CPS39.10.25</b>
Applicant	Perth Flying Squadron Yacht Club
Disclosure of Interest	Nil
Voting Requirements	Simple Majority
Authority/Discretion	Executive
Contributing Officer	Keri Shannon – Chief Executive Officer
Responsible Officer	Keri Shannon – Chief Executive Officer
Director	Keri Shannon - Chief Executive Officer
Attachments	Attachment 1 – Plans for Renovation and Extensions to the Perth Flying Squadron Yacht Club Attachment 2 – CONFIDENTIAL Attachment 3 - Application for Approval of Development

### Purpose

The City has received an application from the Perth Flying Squadron Yacht Club for a proposed clubhouse renovation and extension of the upper floor within the existing building envelope in its capacity of Lessor of the Premises.

### Officer Recommendation

That Council:

1. **NOTES** the proposed plans for the renovation and extension of the Perth Flying Squadron yacht club.
2. **CONSENTS** pursuant to clause 11.2(1)(a) of the Lease to the Lessee undertaking alterations, additions and improvements to the Premises in accordance with the proposed plans **SUBJECT TO** conditions, to be specified by the CEO to ensure the satisfactory construction of the building, require the work is carried out in accordance with plans and specifications and ensure that the alterations are carried out to the satisfaction of the City;
3. **AUTHORISES** the Chief Executive Officer to provide written consent on behalf of the City to the Lessee in accordance with clause 11.1 of the Lease and sign the development application with DBCA on behalf of the City.

*Commissioner Caddy proposed an Alternative Recommendation*

### Alternative Recommendation and Council Decision

That Council:

1. **NOTES** the proposed plans for the renovation and extension of the Perth Flying Squadron yacht club in accordance with attachment 1.





2. **CONSENTS** pursuant to clause 11.2(1)(a) of the Lease to the Lessee undertaking alterations, additions and improvements to the Premises in accordance with the proposed plans **SUBJECT TO** conditions, to ensure the satisfactory construction of the building as follows;
  - a. the provision of construction plans to allow the City to have a project manager attend at various hold points to ensure compliance with the Construction code;
  - b. ensure the City is provided with As Constructed drawings of final build and
  - c. ensure the City's interest is noted on any warranties.
  - d. require the work is carried out in accordance with plans and specifications and ensure that the alterations are carried out to the satisfaction of the City;
3. **AUTHORISES** the Chief Executive Officer to provide written consent on behalf of the City to the Lessee in accordance with clause 11.1 of the Lease and sign the development application with DBCA on behalf of the City.5.

Reason:

The reason for the amended motion is that the City cannot directly impose conditions on the approval. The City is a referral agency and can request that planning conditions be imposed.

It is noted that The City will be the issuing authority for the building permit and will be able to impose building conditions.

**Moved: Commissioner Caddy**

**Seconded: Commissioner Sandri**

**CARRIED: UNANIMOUSLY 3-0**

**For: Commissioner Caddy, Commissioner Sandri, Commissioner Hart**

**Against: Nil**

## Background

The Perth Flying Squadron yacht club ("the Club") has a lease of a portion of Reserve 17391 Lot 254 Birdwood Parade, Dalkeith ("the Lease"). The Lease commenced on 1 January 2011 for 21 years expiring on 31 December 2031 with rental of one peppercorn per annum payable upon demand.

The Permitted purpose of the Lease is for a private yacht club and licenses club premises under a club license pursuant to the Liquor Licensing Act 1988 and uses reasonably ancillary thereto. Under the Lease the club is required to contribute \$2000 per year to a Maintenance fund which must be expended on the Premises in each year to the Lessor's satisfaction.

## Discussion



The Club proposes to undertake extensive renovations and the extension of the upper floor deck at the deck, install a glass lift and replace the asbestos roof and windows at the Club.

Under clause 11(c) of the Lease the Lessee must not without prior written consent from the Lessor make or allow to be made any alteration, addition or improvement to or demolish any part of the Premises.

Under clause 11.2 of the Lease, the Lessor is able to provide consent to any matter referred to in clause 11.1 the Lessor may consent subject to conditions; and

- (i) may require that work be carried out in accordance with plans and specifications approved by the Lessor and
- (ii) require that any alteration be carried out to the satisfaction of the Lessor under the supervision of an engineer or other consultant.

If the Lessor gives consent to any matter in clause 11.1 of the Lease, the Lessor gives no warranty that the Lessor will issue any consents, approvals, authorities, permits or policies under any statute for such matters, and the Lessee must apply for and obtain all such consent approvals as required at law before undertaking any alterations, additions, improvements or demolitions.

The City recommends the appointment of a project manager to this redevelopment project to represent and manage the City's interests in this project and ensure the renovations and extension of the upper floor deck are undertaken in accordance with the plans and specifications approved by the Lessor and to the Lessor's satisfaction under the supervision of an engineer or other consultant.

The City should also require they are provided with copies of the building plans and the as constructed plans for its records. The City should ensure that any warranties provided by the builder and its contractors also are extended to the City, and the City is provided with copies of works insurance policies and any other matters that the CEO believes will ensure the satisfactory construction of the building.

As the Club premises are located on leased reserve land within the Swan Canning Development Control Area, the Department of Biodiversity, Conservation and Attractions (DBCA) is the primary authority for assessing the development application from the Club. The City of Nedlands is the land manager and lessor of the reserve land.

The site falls under the Swan and Canning Rivers Management Act 2006 which requires a Part 5 Development Approval from the Minister for the Environment for works within the development control area.

While the City is consulted during the assessment process, it does not issue the development application for this type of development. The City may provide technical feedback related to engineering, stormwater or environmental impacts. The City will be the issuing authority for the building permit.



## Consultation

Nil

## Strategic Implications

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

<b>Vision</b>	<b>Sustainable and responsible for a bright future</b>
<b>Pillar Outcome</b>	<b>People</b> 2. A healthy, active and safe community.
<b>Pillar Outcome</b>	<b>Planet</b> 4. Healthy and sustainable ecosystems.
<b>Pillar Outcome</b>	<b>Place</b> 8. A city that is easy to get around safely and sustainably.
<b>Pillar Outcome</b>	<b>Prosperity</b> 9. A vibrant local economy.
<b>Pillar Outcome</b>	<b>Performance</b> 11. Effective leadership and governance.

## Budget/Financial Implications

Nil

## Legislative and Policy Implications

Swan and Canning River Management Act 2006

## Decision Implications

The Club will be able to progress its development application for renovations and alterations to the DBCA and seek approval from the Minister for the Environment. There is no financial contribution sought from the City for this project which will be completely funded by the Club.



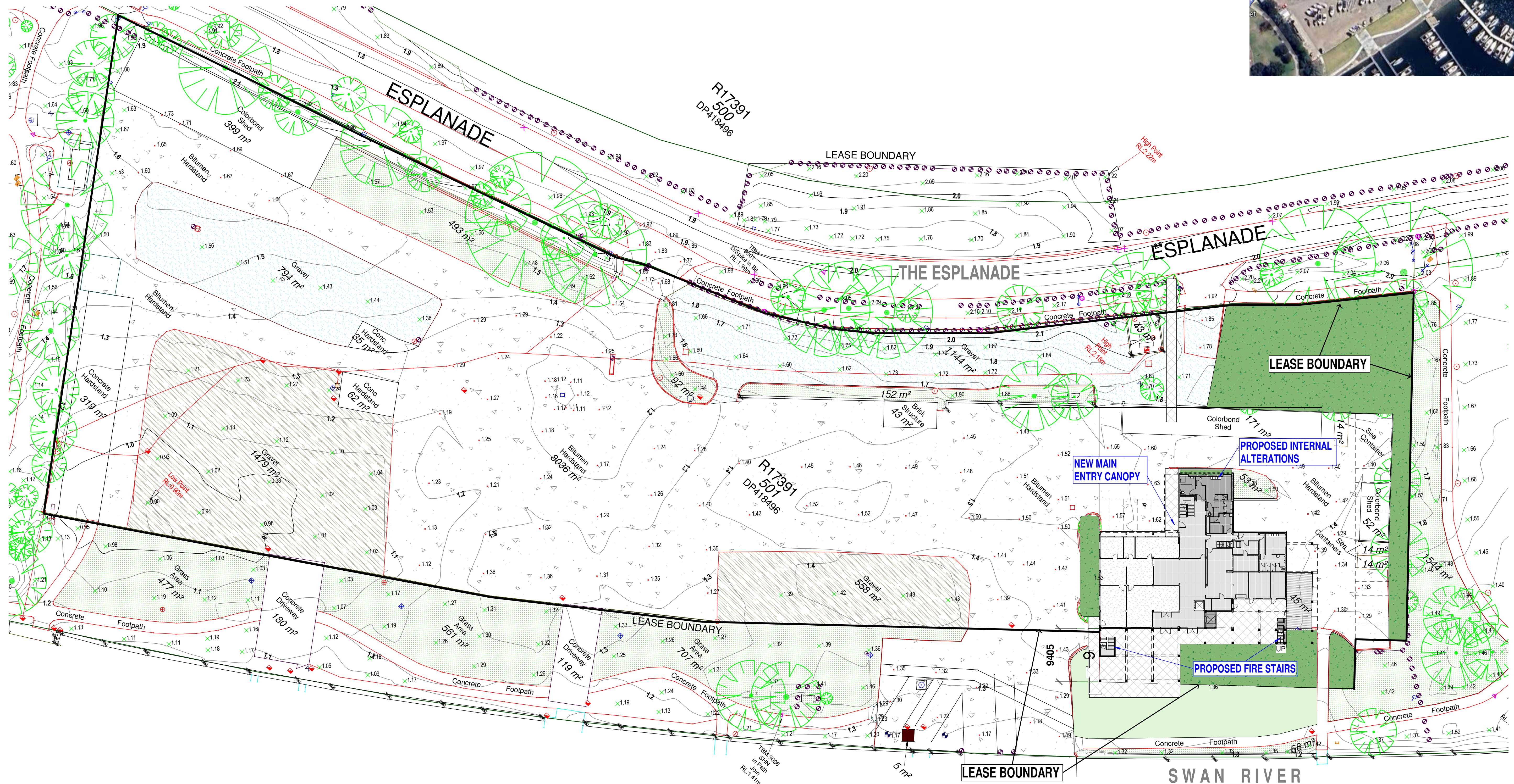
## **Conclusion**

The administration recommends the council provide consent to the alteration of the Premises in accordance with the proposed plans which are attached, subject to satisfactory conditions to be specified.

## **Further Information**

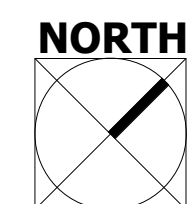
Nil





No.	Description	Date
1	PRELIMINARY	
A1.01	WORKING DRAWINGS	

Copyright to this drawing is reserved by Kyria Design & must not be retained or reproduced without their written permission. Before any new construction, alteration or shop fabrication is commenced the contractor must check all dimensions against the intent of the drawing & notify the superintendent of any discrepancies or omissions which will prevent or inhibit the satisfactory performance of the work. Contractor shall carry out all work in accordance with current BCA & Australian Standards.



**SITE PLAN**  
1 : 350



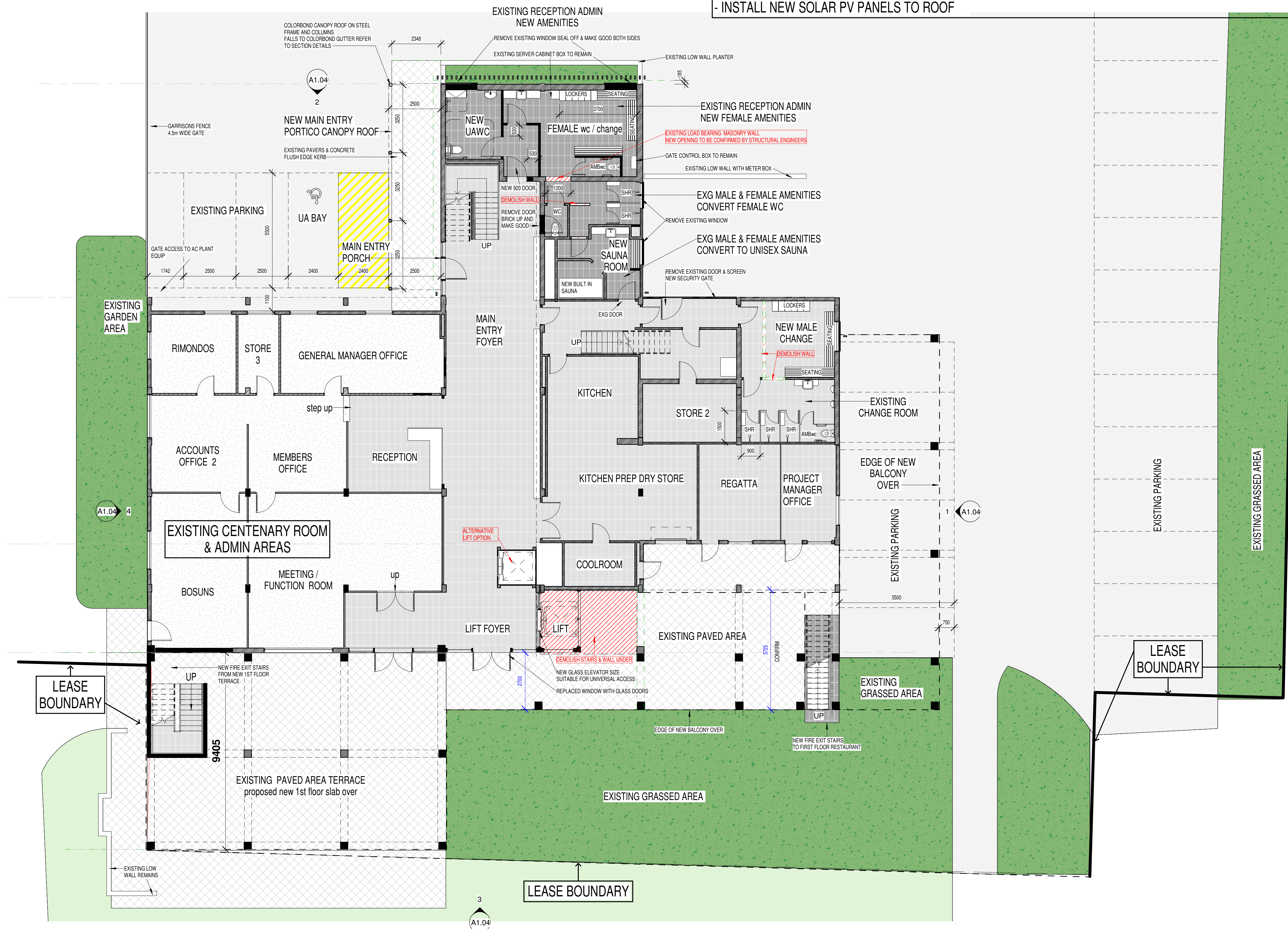
401 Scarborough beach Rd Osborne park WA  
kerry@kyriadesign.com.au  
www.kyriadesign.com.au  
M 0419948693

alteration and additions to PFSYC  
Perth Flying Squadron Yacht Club - the Esplanade Dalkeith  
PRELIMINARY WORKING DRAWINGS @ 25/08/25

SITE PLAN & MODEL VIEWS	
Scale	1 : 350
Project number	240501
A1.01	



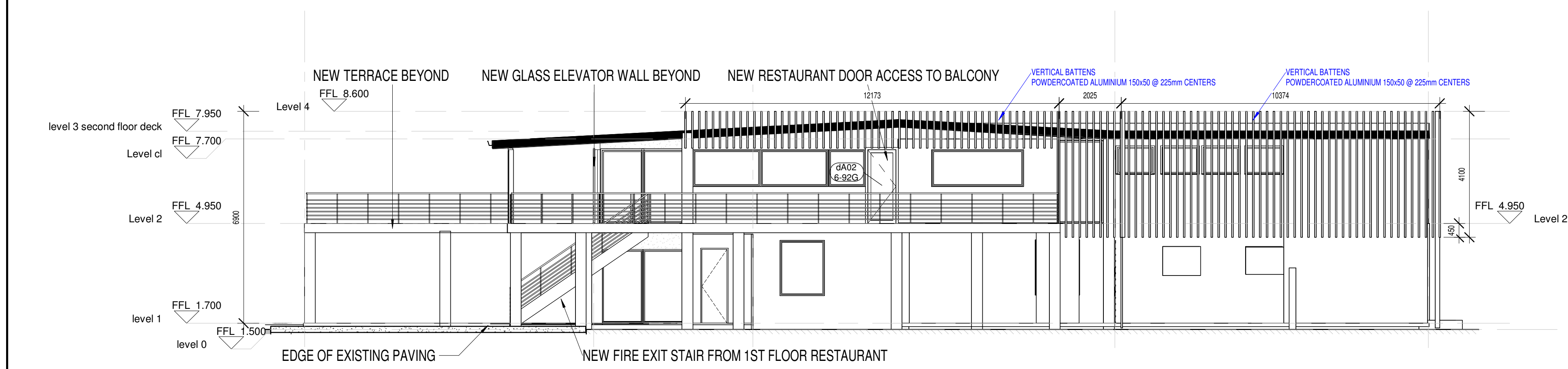
- EXTERNAL CLADDING
- NEW FEMALE + UNIVERSAL ACCESS AMENITIES TO GROUND FLOOR & 1ST FLOOR AS TO BE COMPLIANT TO NCCA & AUSTRALIAN STANDARDS
- NEW ELEVATOR FOR DISABLED ACCESS TO FIRST FLOOR
- REMOVE & REPLACE EXISTING 1ST FLOOR BALCONY & STAIRS (WITH SIGNS OF CONCRETE CANCER) WITH NEW SLAB & COMPLIANT BALUSTRADES
- NEW FIRE EXIT STAIR CASES TO MEET NCCA AND AUSTRALIAN STANDARDS
- REPLACE EXISTING ASBESTOS ROOF AND REPLACE WITH NEW COLORBOND METAL ROOF SHEETING WITH THERMAL INSULATION
- EXTEND FIRST FLOOR TERRACE OUT OVER GROUND FLOOR PAVED AREAS WITH EXTENDED ROOF OVER SOUTH EAST TERRACE
- NEW BALCONY TERRACE TO NORTH EAST SIDE
- INSTALL NEW SOLAR PV PANELS TO ROOF



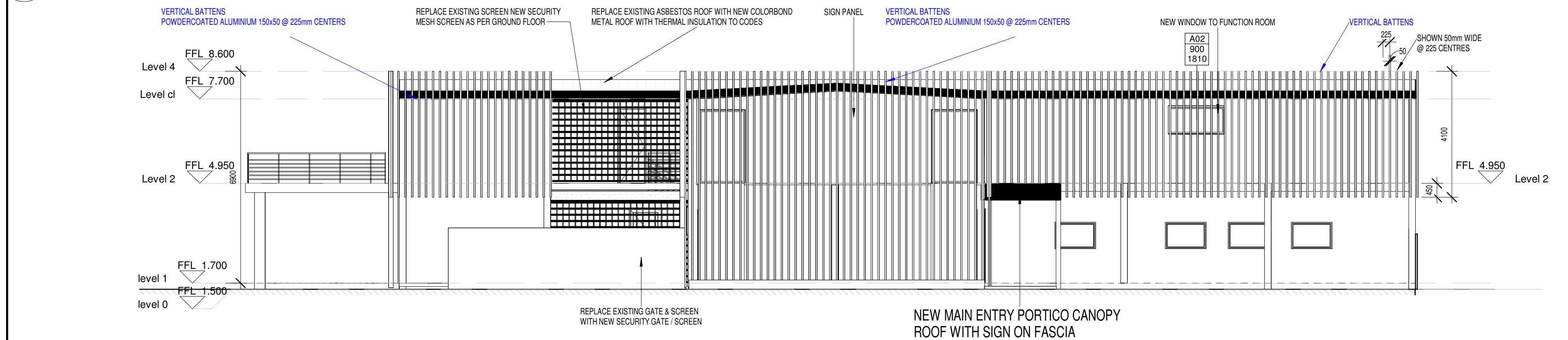




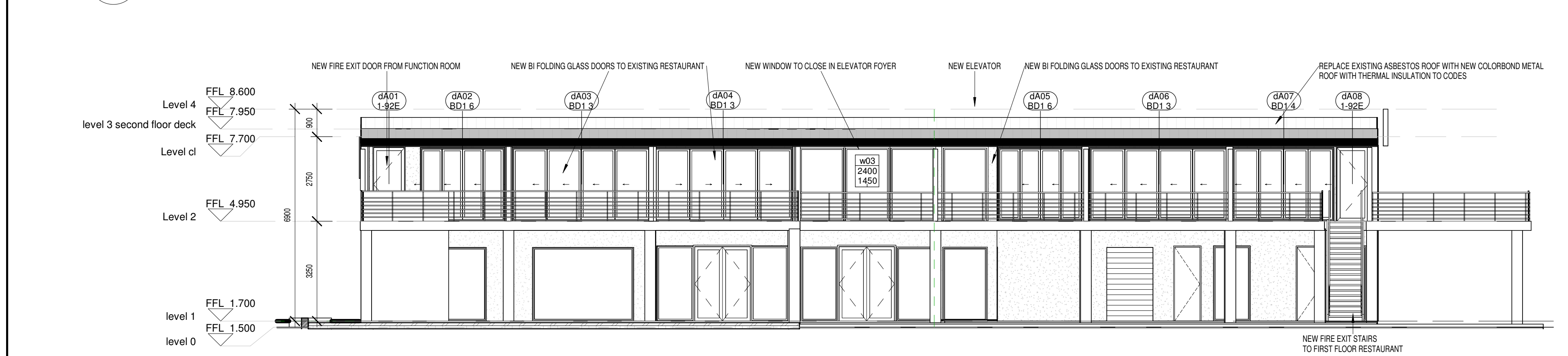




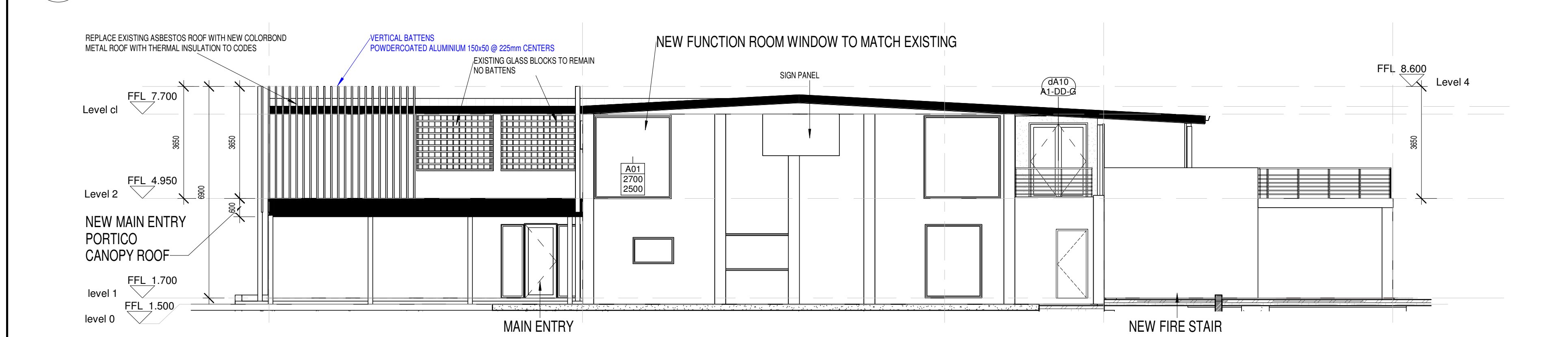
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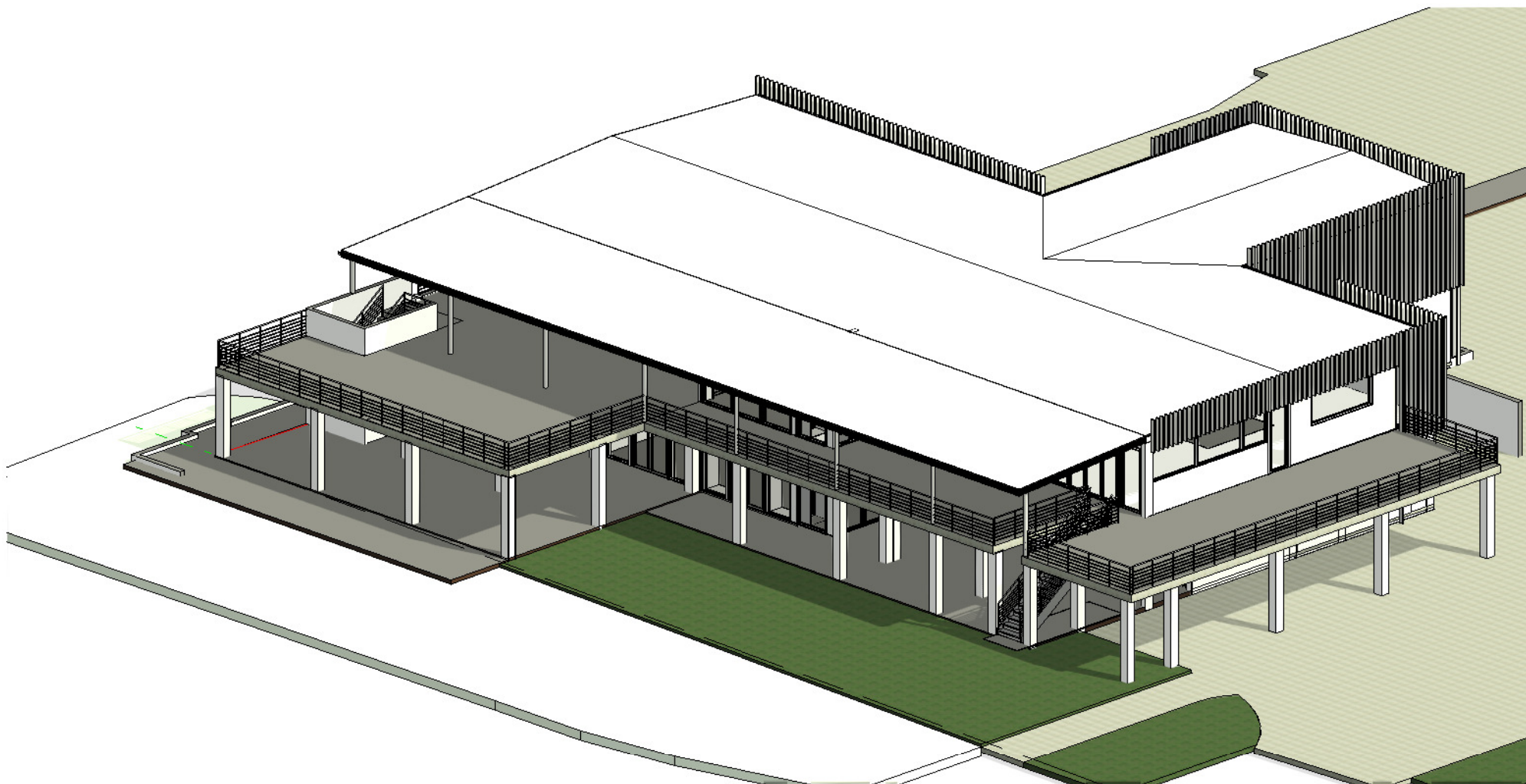
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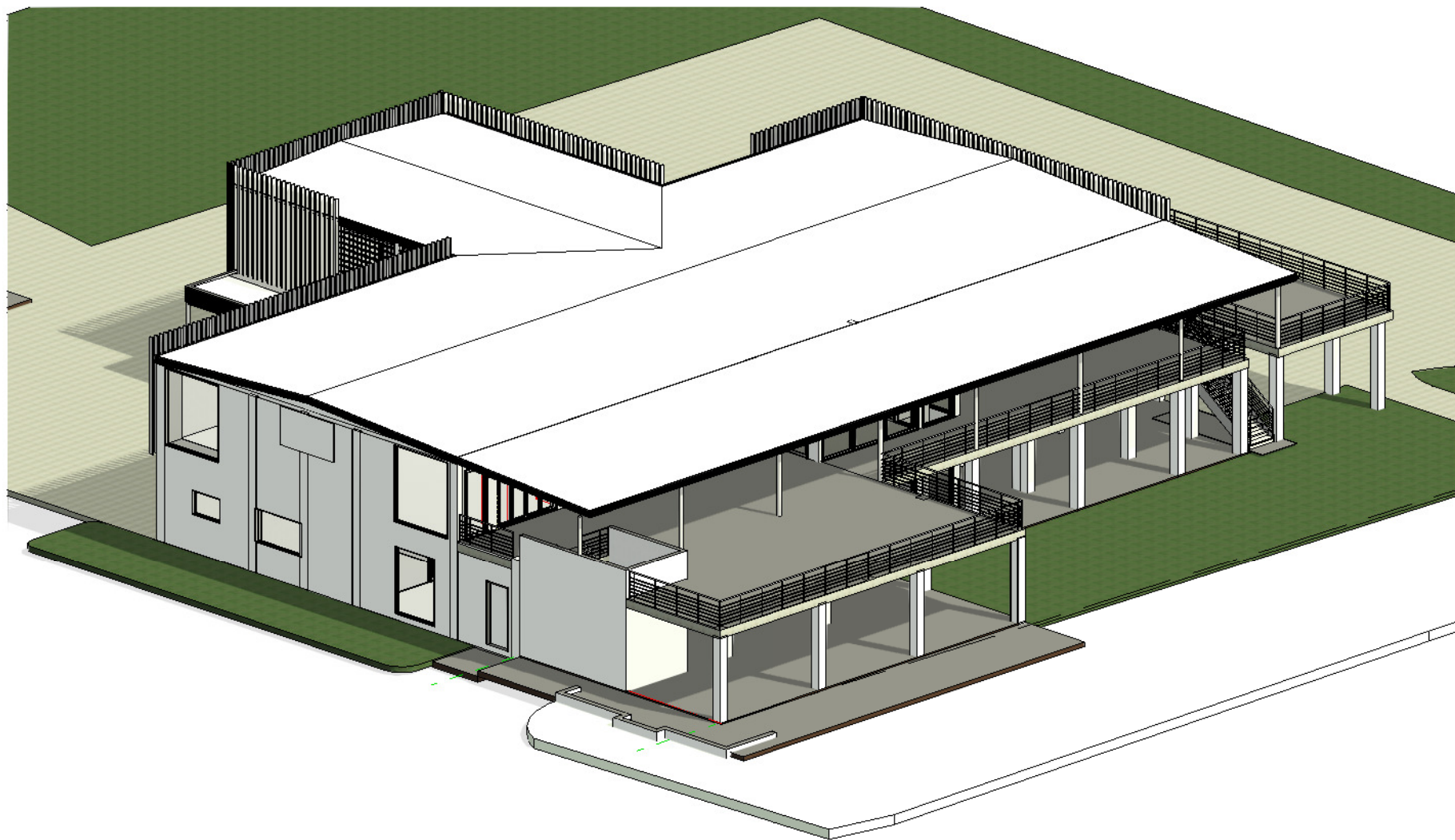
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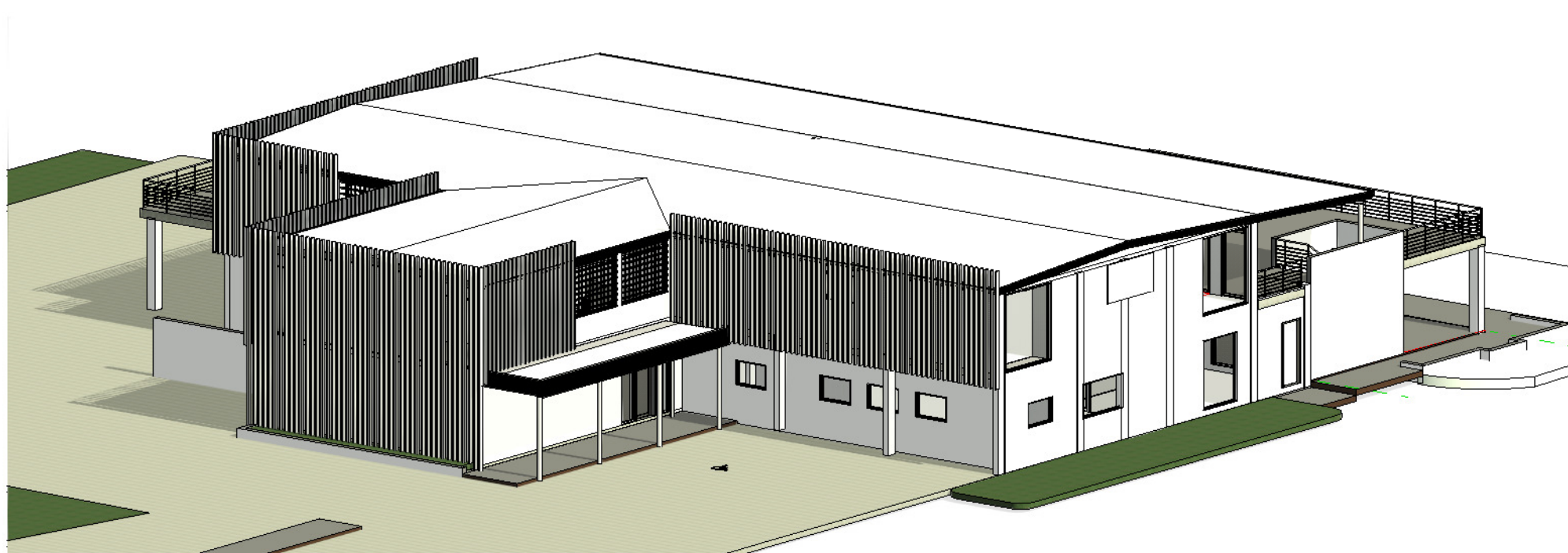
4  
A1.04  
SOUTH WEST  
1 : 100



5  
A1.04  
MODEL EAST VIEW



6  
A1.04  
MODEL SOUTH VIEW



7  
A1.04  
MODEL WEST VIEW

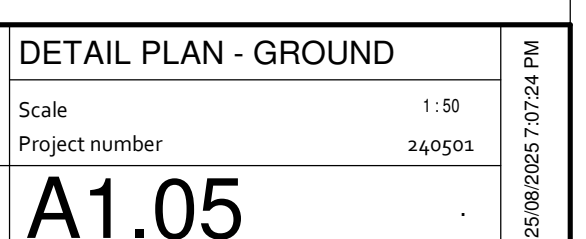
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Vertically fixed cladding battens  
option for Powdercoated aluminium battens  
nom 150X50 @ 225 centres as shown to extent indicated

No.	Description	Date
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2	WORKING DRAWINGS	



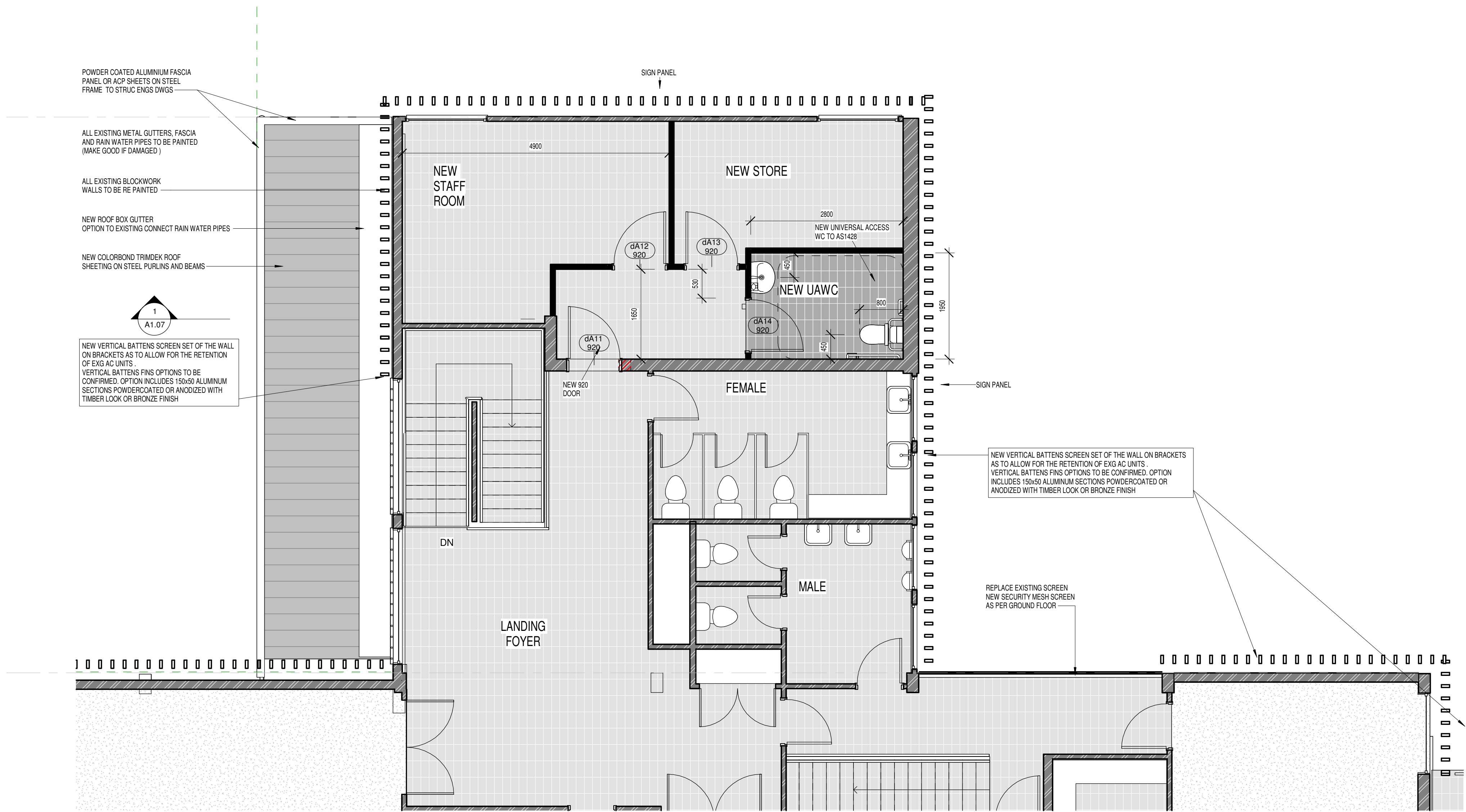
401 Scarborough beach Rd Osborne park WA kerry@kyriadesign.com.au www.kyriadesign.com.au M 0419948693	alteration and additions to PFSYC Perth Flying Squadron Yacht Club - the Esplanade Dalkeith PRELIMINARY WORKING DRAWINGS @ 25/08/25	ELEVATIONS Scale 1:100 Project number 240501 A1.04
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INTERNAL ELEVATION OF AMENITIES YET TO BE DONE



1  
A1.06

FIRST FLOOR DETAIL PLAN

1 : 50

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No.	Description	Date
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2	WORKING DRAWINGS	

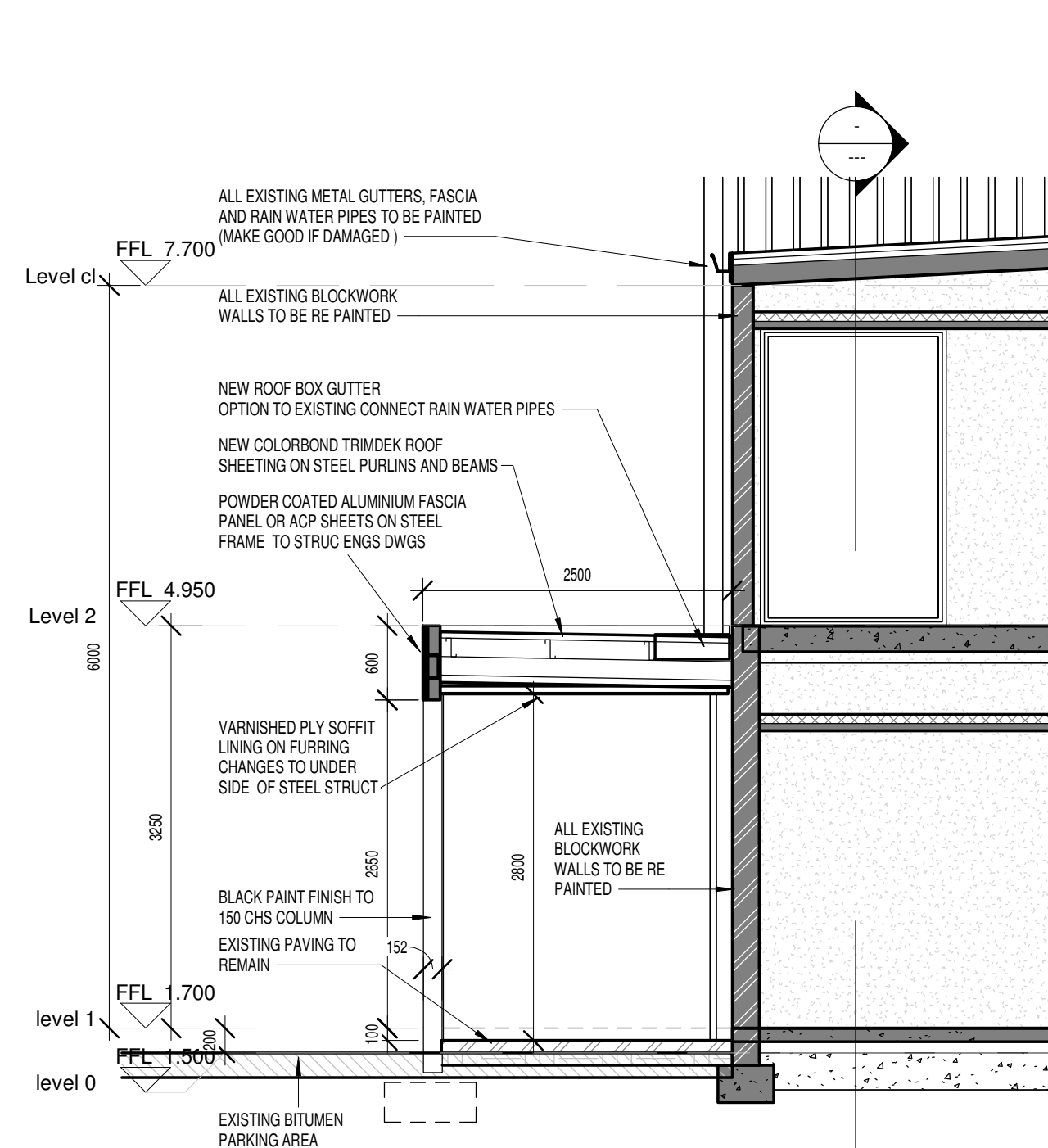
KYRIA  
DESIGN

401 Scarborough beach Rd Osborne park WA  
kerry@kyriadesign.com.au  
www.kyriadesign.com.au  
M 0419948693

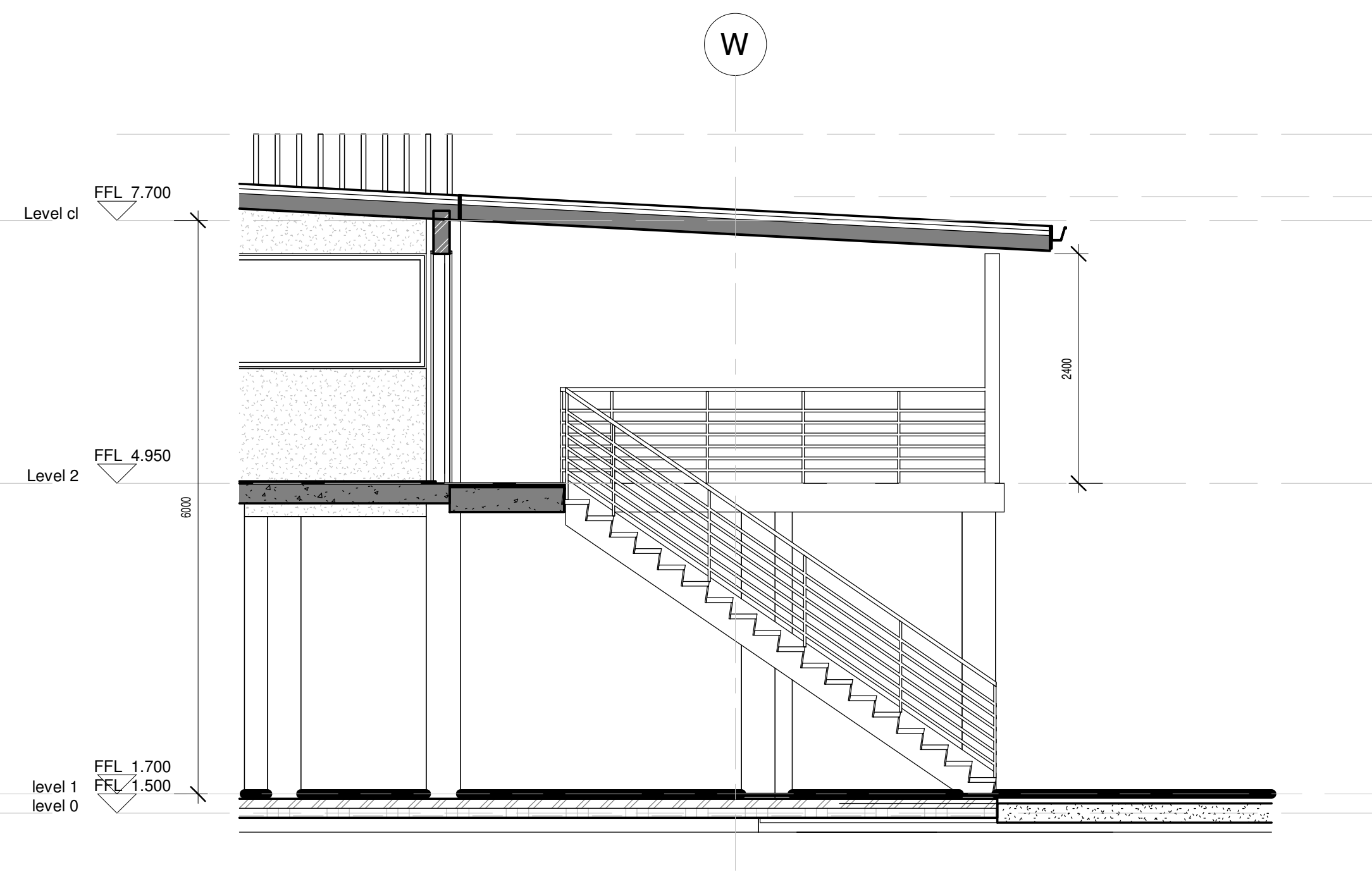
alteration and additions to PFSYC  
Perth Flying Squadron Yacht Club - the Esplanade Dalkeith  
PRELIMINARY WORKING DRAWINGS @ 25/08/25

DETAIL PLAN - FIRST  
Scale 1 : 50  
Project number 240501  
A1.06

25/08/2025 7:07:24 PM



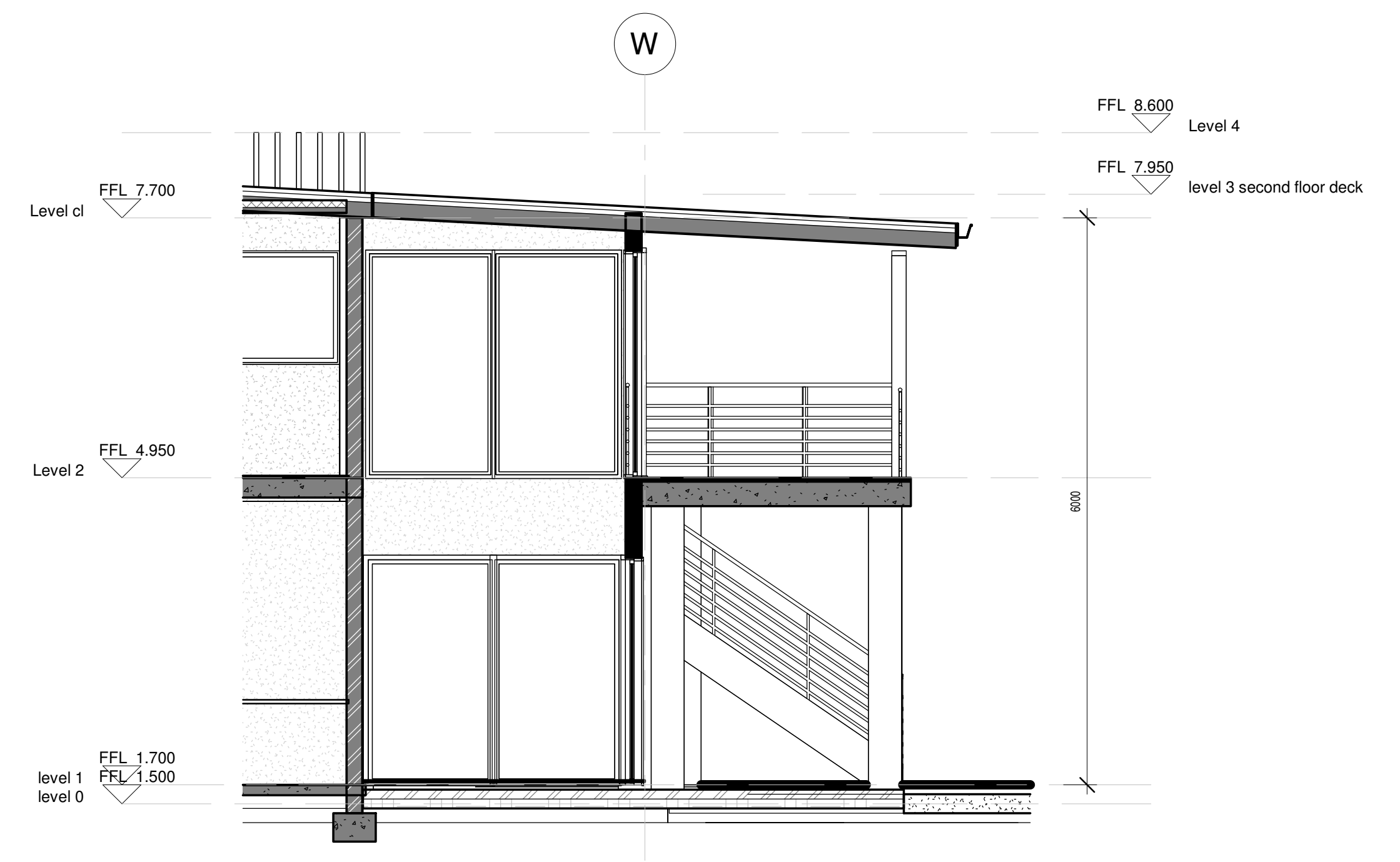
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2  
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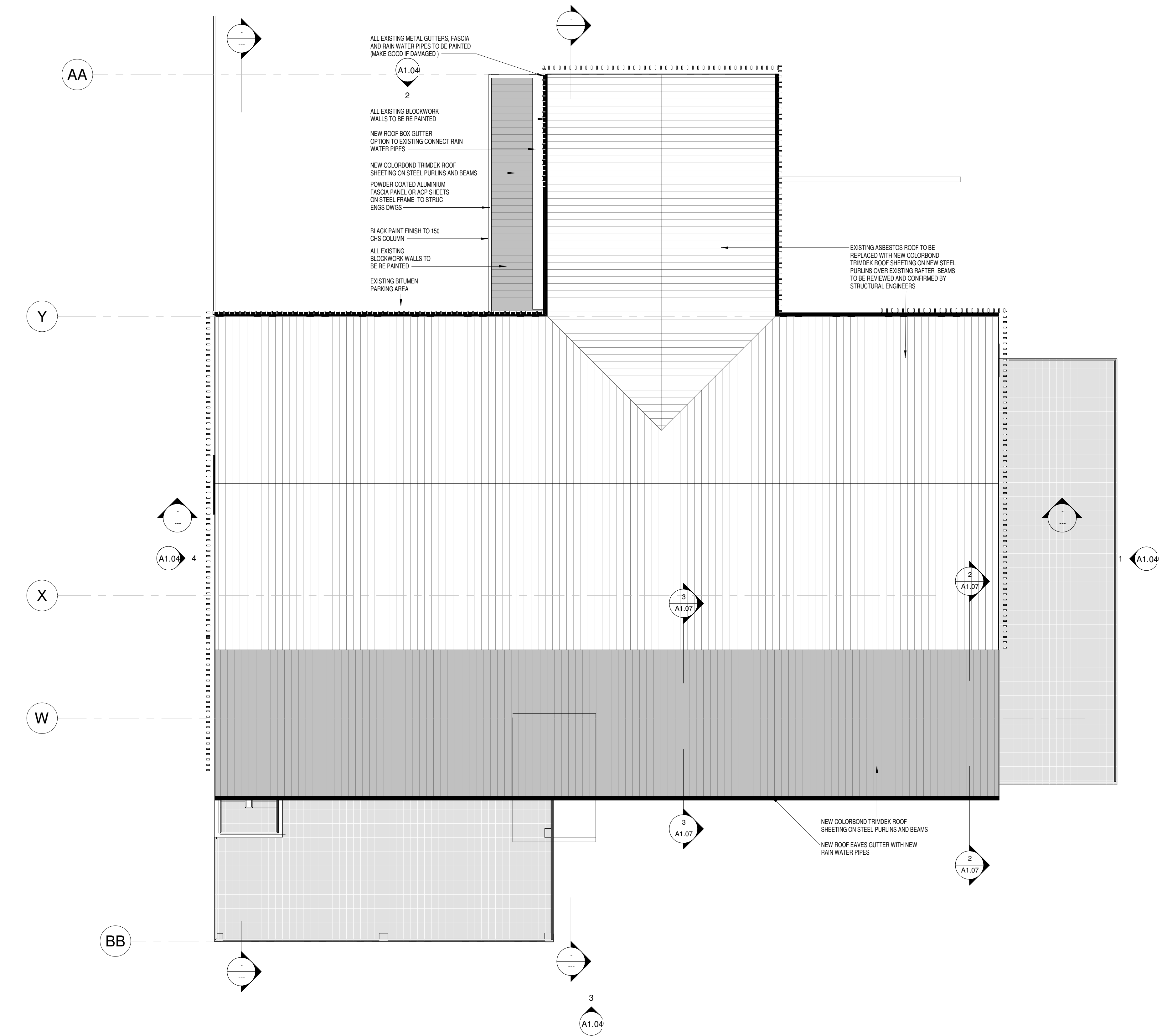
SECTION BB

1 : 50



3  
A1.07

## CONSTRUCTION DETAILS YET TO BE DONE



1  
A1.08

**ROOF PLAN**  
1 : 100



# Form 1 – Application for Approval of Development

*Swan and Canning Rivers Management Act 2006 – Part 5 – section 72(1)*

## 1. Applicant details

The applicant is the person with whom the department, on behalf of the Chief Executive Officer, will correspond, unless an authorised agent has been appointed to act on behalf of the applicant, in which case correspondence will be sent direct to the agent.

Name			
Position (if applicable)			
Organisation (if applicable)			
Contact person			
Postal address			
Town/Suburb	State	Postcode	
Telephone	Work	Mobile	
Email			

I give authority for an agent (as identified at item No. 3) to act on my behalf during the assessment of the application ☐ YES ☐ NO

If 'YES', please provide Agent's details at item No. 3

Applicant signature

Date

## 2. Landowner details

All owner(s) of the land **must sign this application**. Where land is owned by the Crown or has a management order granted to a local government or other agency, this application must be signed by the relevant landowner or management body as required under section 72(5)(a) of the Act. If there are more than two landowners, please provide the additional information and signature(s) on a separate page.

### Details of first landowner

Name			
Position (if applicable)			
Organisation (if applicable)			
Contact person			
Postal address			
Town/Suburb	State	Postcode	

**I consent to this application being made.**

First landowner signature

Date

### Details of second landowner (if applicable)

Name			
Position (if applicable)			
Organisation (if applicable)			
Contact person			
Postal address			
Town/Suburb	State	Postcode	

**I consent to this application being made.**

Second landowner  
signature

Date

### 3. Authorised agent details (if applicable)

The applicant must sign the form and tick the authorisation under item No. 1 to provide authority for an appointed authorised agent to act on their behalf.

#### Details of authorised agent

Name			
Position (if applicable)			
Company/agency (if applicable)			
ACN/ABN (if applicable)			
Postal address			
Town/Suburb		State	Postcode
Telephone	Work	Mobile	
Email			
Authorised Agent signature		Date	

### 4. Location of proposed development

Certificate of title information	Volume	Folio
	Diagram/plan/deposit plan no.	
Lot No.(s)		
Location		
Reserve No.(s) (if applicable)		
Street No.(s) and name		
Town/Suburb		
Nearest road intersection		

### 5. Details of proposed development

Please provide a written description of the proposed development (refer to the Development Application Guidelines for further details on what information to include in this section).

Estimated cost of development	
Current use of land	
Proposed development	



## 16.4 Adoption Leasing and Licencing Policy

<b>Report Number</b>	<b>CPS.40.10.25</b>
<b>Applicant</b>	City of Nedlands
<b>Disclosure of Interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Authority/Discretion</b>	Legislative
<b>Contributing Officer</b>	Anita Stirrat – A/Coordinator Strategic Land & Property
<b>Responsible Officer</b>	Anita Stirrat – A/Coordinator Strategic Land & Property
<b>Director</b>	Keri Shannon - Chief Executive Officer
<b>Attachments</b>	Attachment 1 – Draft Leasing and Licencing Policy

### Purpose

The purpose of this report is for Council to consider the proposed Leasing and Licensing Policy, which would be applicable to the leasing and licencing of City facilities where they are used for commercial/profit purposes.

The new policy promotes the implementation of consistent and equitable terms and conditions, establishes minimum standards and seeks to ensure leasing and licencing arrangements contribute to a sustainable City.

### Officer Recommendation and Council Decision

**That Council ADOPTS the Leasing and Licencing Policy as per Attachment 1.**

**Moved: Commissioner Caddy**

**Seconded: Nil**

**LAPSED DUE TO NO SECONDER**

### Background

The City has an existing policy relating to the leases and licenses for community facilities and not for profit purposes – the *Lease, Licence, Exclusive Licence and Hire of Community Facilities Policy*.

That policy does not deal with the City's approach to leasing and licensing where the lease or license is for a commercial/for profit use. The proposed Leasing and Licensing policy seeks to address that gap.

### Discussion

The City manages a diverse portfolio of properties comprising of buildings and structures, as well as reserve land over an area of approximately 20km<sup>2</sup>, either as



freehold or managed property which is reserved or dedicated under the Land Administration Act 1997.

Properties used for recreation and community purposes are considered community facilities and are managed by the City for the benefit and in the best interest of the residents and ratepayers in accordance with the terms and conditions of the current *Lease, Licence, Exclusive Licence and Hire of Community Facilities Policy*, adopted in February 2023.

Where organisations are run on a commercial/for profit basis, it will not normally be appropriate or in the best interest of ratepayers for these leases or licenses to be granted at a below market rate.

It is also important (both for ratepayers and lessees/licensees) that where leases or licenses are entered into on a commercial basis, that there is consistency in relation to the terms of those leases/licenses – including for example, provisions relating to rent, rent increases, maintenance, management and insurance.

The proposed Leasing and Licensing Policy will form the basis for the assessment, negotiation and granting of all commercial/for profit agreements/licenses and will ensure that a consistent and transparent approach is applied across the City area.

The City’s Property and Leasing team is in the process of producing an internal policy that will provide standard terms and conditions to be applied to all new leases and licenses across the City’s commercial portfolio. This will guide the negotiation of leases and licenses proposals with prospective leaseholders and licensees.

Under the terms of the Policy, all final decisions and approvals for the granting of leases (including renewals), sub leases, and licenses will remain with Council.

Consultation

Nil

Strategic Implications

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

Vision	Sustainable and responsible for a bright future
Pillar Outcome	Prosperity 9. A vibrant local economy.
Pillar Outcome	Performance 11. Effective leadership and governance.





## **Budget/Financial Implications**

If Council proceeds with the adoption of the Leasing and Licencing Policy, there will be no immediate cost to the City.

Ensuring commercial/for profit lease and license holders pay a commercial rent will bring in additional revenue for the City and deliver value to ratepayers.

## **Legislative and Policy Implications**

All disposals must comply with the provisions of section 3.58 of the Local Government Act 1995.

## **Decision Implications**

Should Council resolve to endorse the recommendation, the Leasing and Licencing Policy will be implemented and utilised immediately.

If Council resolves to not endorse the recommendation, there will remain a gap in policy provision relating to leasing and licensing of City facilities for commercial/for profit uses.

## **Conclusion**

The Leasing and Licencing Policy seeks to provide clear guidelines, balance appropriate management of the City's facilities and effective administration of these assets in an equitable and consistent manner.

## **Further Information**

Nil

## Leasing and Licencing Policy

**Responsible Directorate** Corporate Services

---

### 1. Context & Objectives

The City of Nedlands (City) is committed to providing a clear and consistent approach to the City's Leasing and Licensing arrangements of City Facilities.

The objective of the City is to:

1. Maximise commercial returns to the City, whilst balancing and recognising social, cultural and community benefits generated by a tenant or community group.
2. Ensure consistency and equity in Leasing and Licensing arrangements.
3. Ensure land and buildings are maintained safely and to an appropriate standard (subject to an acceptable allocation of responsibility) preserved and managed responsibly

### 2. Definitions

**Commercial Activity** is an activity generating income by the tenant (or its subtenant/licensee) from ongoing activities, or a specific event, that has financial profit as its primary aim or where such activity is conducted by a non-exempt body or organisation under the Local Government Act 1995. This is not intended to include clubs undertaking normal fundraising activities for club members (including bar operations).

**Crown Land** refers to public land owned by the State of Western Australia and managed by the City pursuant to a Management Order.

**Facility** land and/or buildings owned or managed by the City.

**Lease** means a contract outlining the terms under which one party agrees to rent property owned by another party. It guarantees the Lessees exclusive use of an asset and guarantees the Lessor regular payments from the Lessee for a specified term.

**Licence** means a contract outlining the terms under which one party is granted permission to use property owned by another party for a fee. It guarantees the Licensee non-exclusive use of an asset and guarantees the Licenser a fee from the Licensee for a specified term.

### 3. Scope

This policy applies to the Leasing and Licensing (both new and renewals) of all land and building assets owned or controlled by the City (including but not limited to uses for residential, industrial, sporting, recreational and other commercial purposes) - other than - those arrangements for community uses that fall within the City's Lease, Licence, Exclusive Licence and Hire of Community Facilities Policy.



#### **4. Policy Requirements**

To provide consistent and equitable terms and conditions of tenure, the utilisation of City Facilities will be based on the following principles:

- Maximising usage and commercial return
- Promoting diversity of use.
- Environmental sustainability through considered future upgrade works/alterations.
- Financial sustainability through considered fiscal management.
- Equity, transparency and consistency using standardised leasing and licensing terms.
- Prioritising the City's community.
- Strategic future of underlying land assets.

Meeting the principles set out above does not confer a right to a Lease or License. Council reserves the right to decide whether a facility is offered based on a lease, licence, or exclusive licence; and if so, to whom it is offered.

#### ***Commercial Activity***

In general, organisations undertaking Commercial Activity will only be permitted to Lease or Licence City Facilities which are located on property held for capital appreciation or income generation. As such, income received from the lease or licence should be maximised and subsidised rental should not be considered.

#### ***Renewals and Subleases***

Requests for renewals and subleasing will apply the same criteria as new Leases or Licenses.

No subleases will be granted for Commercial Activity on existing Leases that have been granted for community purposes (i.e. to all Leases or Licenses to which the City's Lease, Licence, Exclusive Licence and Hire of Community Facilities Policy will apply).

#### ***Terms***

All Leases and Licenses will be subject to standard conditions of tenure, which shall be developed, maintained and periodically updated by the City's administration. These shall include (but not be limited to) provisions for suitable maintenance, insurance, indemnity and indexation of rent.

#### ***Capital Improvements***

All proposed capital improvements to a City Facility will require consent from the Council, unless a delegation applies. This is separate to any owner consent provided as part of a Development application form to allow a development application to proceed.





### **Signage**

All temporary or permanent signs advertised, displayed or erected on property owned or managed by the City of Nedlands is subject to City approval being obtained and/or a Permit also issued, where required.

### **Crown Land**

Crown land reserves may be vested to a local government by way of a management order and are generally subject to conditions. Notwithstanding a local government may have the care, control and management of the land, consent is required from the Minister for Lands prior to the disposal of a property by way of lease or licence.

## **5. Roles and Responsibilities**

All Leases and Licenses must be approved by Council. To consider an approval the Council must be satisfied that the use is consistent with the nature of the land and building asset and the applicant can ensure the safe and appropriate use of the facility.

The City's Property and Leasing team will:

- Develop and maintain standard conditions of tenure to be applied to all Leases and Licenses
- ensure an evaluation methodology will be applied in respect of new Lease and Licence proposals and renewals, to ensure completeness and compliance and are assessed against compliance and qualitative criteria.

## **6. Related documentation**

Lease, Licence, Exclusive Licence and Hire of Community Facilities Policy.

## **7. Related local law and legislation**

*Land Administration Act 1997 (WA)*

*Local Government Act 1995 (WA)*

*Local Government (Functions and General) Regulations 1996 (WA)*

*Property Law Act 1969 (WA)*

## **8. Related delegation**

NIL

## **9. Document Control and Review History**

Owner: Corporate and Strategy

Approval body: Council

Review frequency:

Triennial



Document Responsibilities			
Version	Approved date	Reference	Summary of changes
V0.1 Draft version for Council review	Click or tap to enter a date.	e.g. Council decision reference (Report CPS33.16) or EMT & date.	

Next Review Date: Click or tap to enter a date.



**17. DIVISIONAL REPORTS – CHIEF EXECUTIVE OFFICER**

Nil





## 18. DIVISIONAL REPORTS – TECHNICAL SERVICES

### 18.1 Proposed Changes to Parking Controls in Burwood St, Nedlands

<b>Report Number</b>	<b>TS16.10.25</b>
<b>Applicant</b>	City of Nedlands
<b>Disclosure of Interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Authority/Discretion</b>	Executive
<b>Contributing Officer</b>	Steven Piotrowski – Coordinator Transport & Development
<b>Responsible Officer</b>	Nemat Ghulami – Manager, Assets
<b>Director</b>	Santosh Amasi - Director Technical Services
<b>Attachments</b>	Nil

#### Purpose

The purpose of this report is to obtain approval from the Commissioners to amend the parking controls along a portion of the west side Burwood Street in Nedlands.

#### Officer Recommendation and Council Decision

That Council **APPROVE** the addition of 1-hour parking controls (7am-5pm, no parking all other times) on the west side of Burwood Street between #5 and the closest verge tree to Aberdare Rd (about 22m south of Aberdare Rd).

Moved: Commissioner Sandri

Seconded: Commissioner Hart

**CARRIED: UNANIMOUSLY 3-0**

**For: Commissioner Caddy, Commissioner Sandri, Commissioner Hart**

**Against: Nil**

#### Background

In late 2024, the Kith Eatery began trading at 51 Aberdare Road. The café has proven to be very popular and demand for nearby on-street parking is high.

A Council decision to allow parking on the west side of Croydon Street in February 2025 has resulted in ongoing complaints from local Croydon St residents about high parking utilisation (including illegal verge parking, parking in front of driveways and damage to reticulation).

Advice from the Coordinator of Ranger Services is that parking on Croydon Street is frequently being used by patrons of the Kith Eatery, with local residents of Croydon Street and the occasional hospital visitor. Council Rangers patrol Croydon St regularly



and issue infringements but local residents continue to complain about amenity impacts of high parking utilisation in their street.

## Discussion

Figure 1 below shows the current parking controls in the vicinity of 51 Aberdare Road (Kith Eatery):

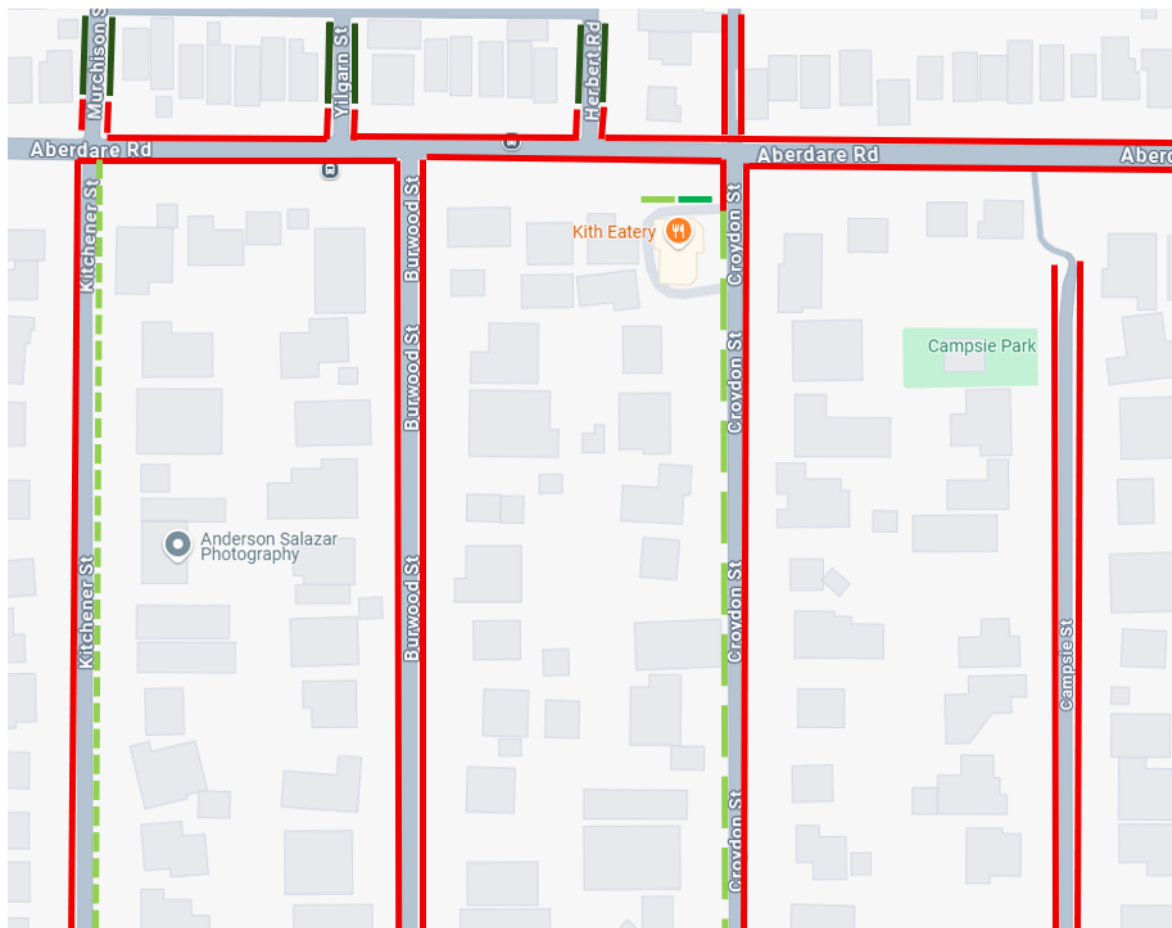
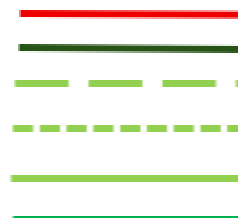


Figure 1 – Parking Controls in the Vicinity of the Kith Eatery (as of 10 June 2025)

### Legend

- No Parking anytime
- 2-hour parking (Mon-Fri 8am-5pm)
- 1-hour parking (7am-5pm), no parking all other times
- 1-hour parking (8am-6pm), Mon-Sun
- 1-hour parking anytime
- 15-min parking anytime



In addition to the 13 off-street bays at 51 Aberdare Road (for all three tenancies, two of which are vacant), there are four 1-hour bays and three 15-min bays owned by the council located between the Kith Eatery and Aberdare Road as shown below in red (Figure 2).



Figure 2

On Croydon Street, the on-street parking on the west side is often highly utilised, although it depends on the time of day. Many residents have erected ad-hoc barriers on their verges and driveways to prevent illegal verge parking.

Aberdare Road is the boundary between the City of Nedlands and the City of Subiaco. 2-hour parking is available in Herbert Road, Yilgarn Street and Murchison Street. While some patrons of the Kith Eatery probably park in Herbert Street (it too is very busy), it seems doubtful that many Kith Eatery patrons would be willing to walk as far away as Yilgarn and Murchison (or Kitchener Street south of Aberdare Road in the City of Nedlands). Additionally, Aberdare Road is quite busy and presents a barrier to pedestrian movement as an added disincentive.

Burwood Street is only located one block west of the Kith Eatery and currently has parking banned on both sides of the street. Given the parking problems being experienced in nearby Croydon St, it is recommended that Council should introduce 1-hour parking (7am-5pm, no parking all other times) - on the west side of Burwood Street (because the footpath is located there) to relieve some pressure on the demand for parking on Croydon Street. This also results in a more equitable distribution of parking in the area as parking is also permitted on one side of Kitchener Street located one block to the west.

The new proposed 1-hour parking zone on Burwood Street should have the same restrictions as the existing parking on Croydon Street (1-hour parking (7am-5pm), no parking all other times) and should extend from #5 Burwood Street north to the northernmost verge tree (located about 22m south of Aberdare Rd). This change would add about 8 parking bays in the catchment area of the Kith Eatery and would result in a more equitable distribution of parking supply in the area.





Figure 3 shows the proposed parking controls in the vicinity of the Kith Eatery if this proposal is endorsed by the Commissioners.

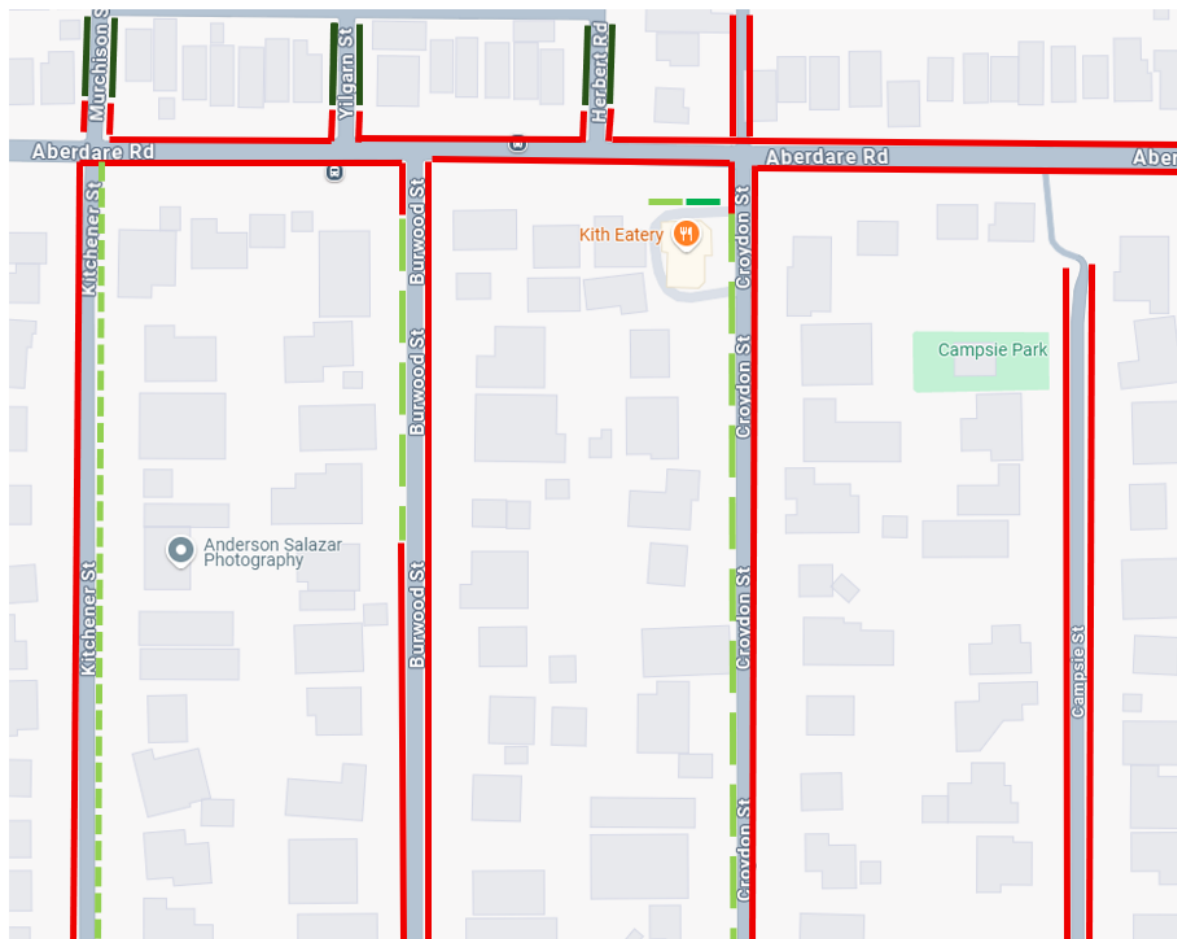
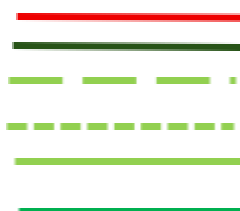


Figure 3 – Proposed Parking Controls in the Vicinity of the Kith Eatery

Legend

- No Parking anytime
- 2-hour parking (Mon-Fri 8am-5pm)
- 1-hour parking (7am-5pm), no parking all other times
- 1-hour parking (8am-6pm), Mon-Sun
- 1-hour parking anytime
- 15-min parking anytime



This item was previously considered by the Commissioners at the 6 August 2025 Council meeting. An alternative recommendation was adopted as follows:

**“That Council NOTES the report and will further consider this item as part of a future Parking Management Plan for the City of Nedlands.”**

Reason:



“No public consultation has been undertaken in relation to these proposed parking controls. In the absence of a supporting framework or community engagement, Council is of the view that this item should not proceed at this time. Instead, Council will await the development of a comprehensive Parking Management Plan to guide a coordinated and strategic approach to parking management across the City.”

Moved: Commissioner Sandri    Seconded: Commissioner Hart  
CARRIED: UNANIMOUSLY  
For: Commissioner Caddy, Commissioner Sandri, Commissioner Hart  
Against: Nil

Given that Public Consultation has now been undertaken and the Parking Management Plan at least is 6-9 months away from completion, the Commissioners are requested to reconsider this proposal.

Consultation

Community consultation occurred between 28 August 2025 and 3 September 2025. The bulk of the responses were received within the first few days.

Over 100 visitors took part in the survey – however, most were anonymous. We can’t rule out the possibility that individual residents (or businesses) who are passionate about this issue did not make more than one submission.

Figure 4 shows the respondent’s connection to the area.

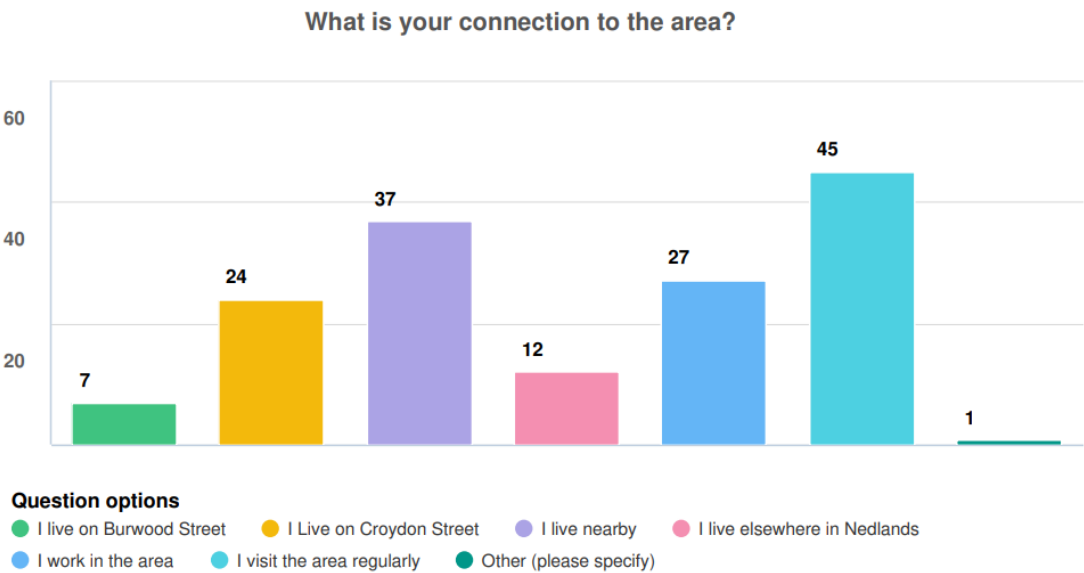


Figure 4 – Respondent Origin

A small number of respondents were residents of Burwood or Croydon Streets. Most were visitors to the area who lived elsewhere.



Figure 5 shows the trip purpose of respondents.

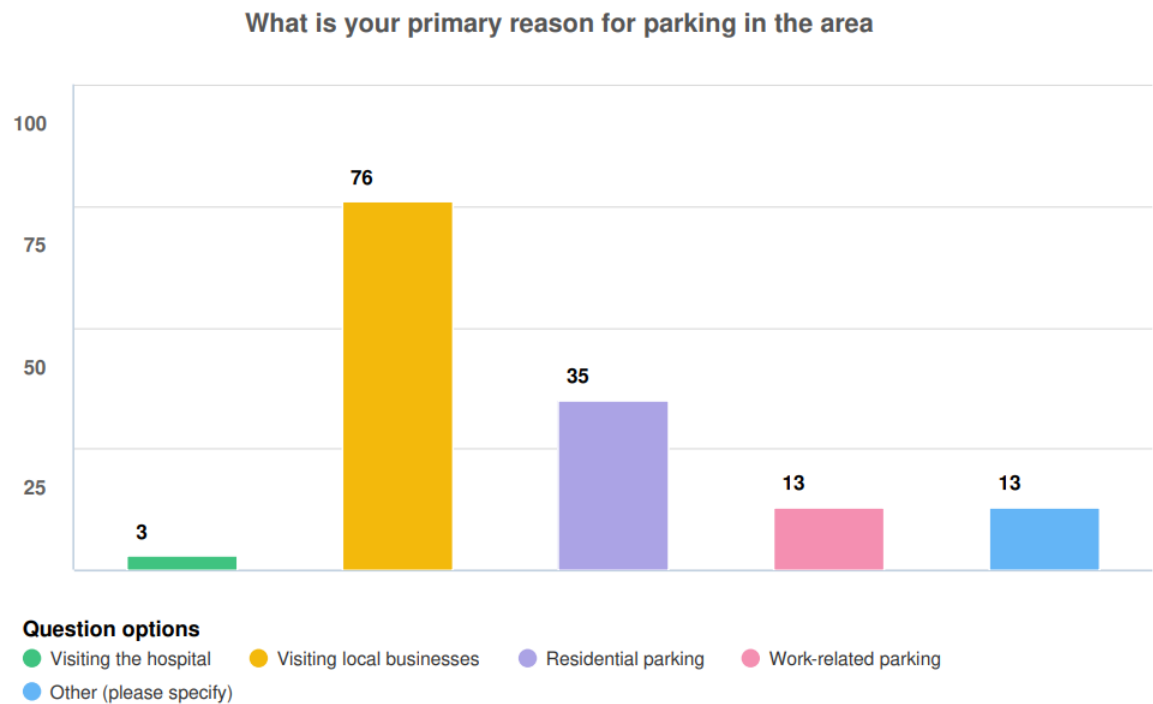


Figure 5 – Trip Purpose

About 58% of respondents to the survey were visiting local businesses. Only 26% of respondents were local residents and about 2% were hospital visitors.

Figure 6 shows support for the proposal to introduce parking on Burwood St.



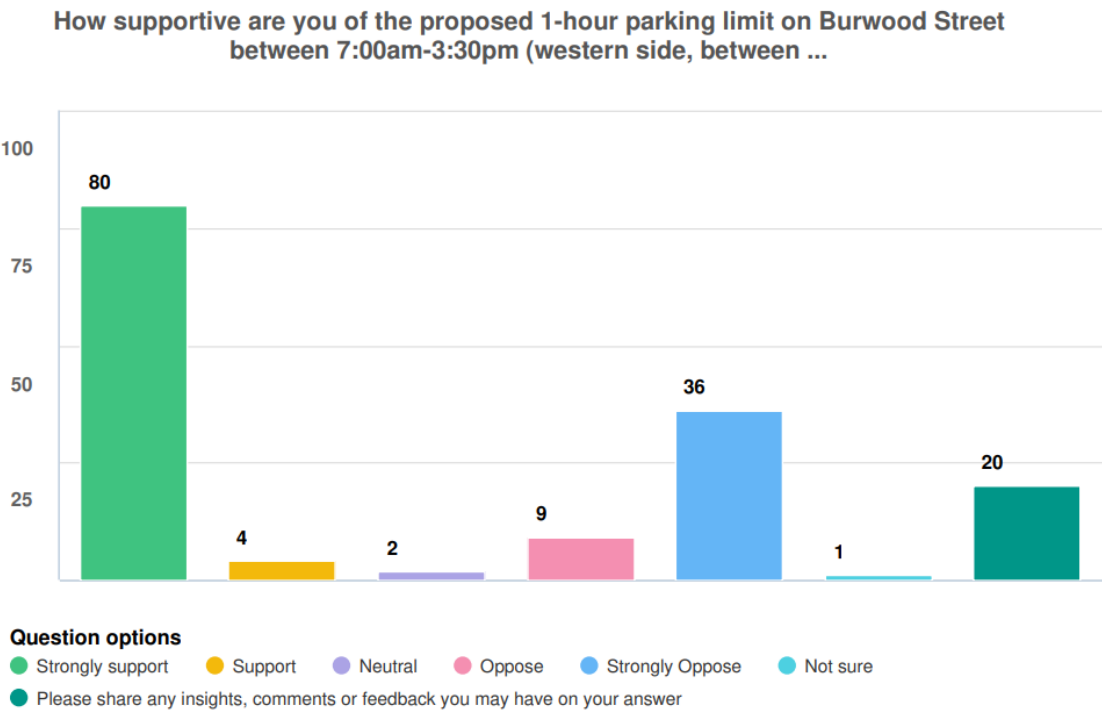


Figure 6 – Support for Burwood St Parking  
64% of respondents either supported or strongly supported the proposal to introduce parking in Burwood St.

An additional question was also asked about reducing the parking hours in Croydon St as shown in figure 7.

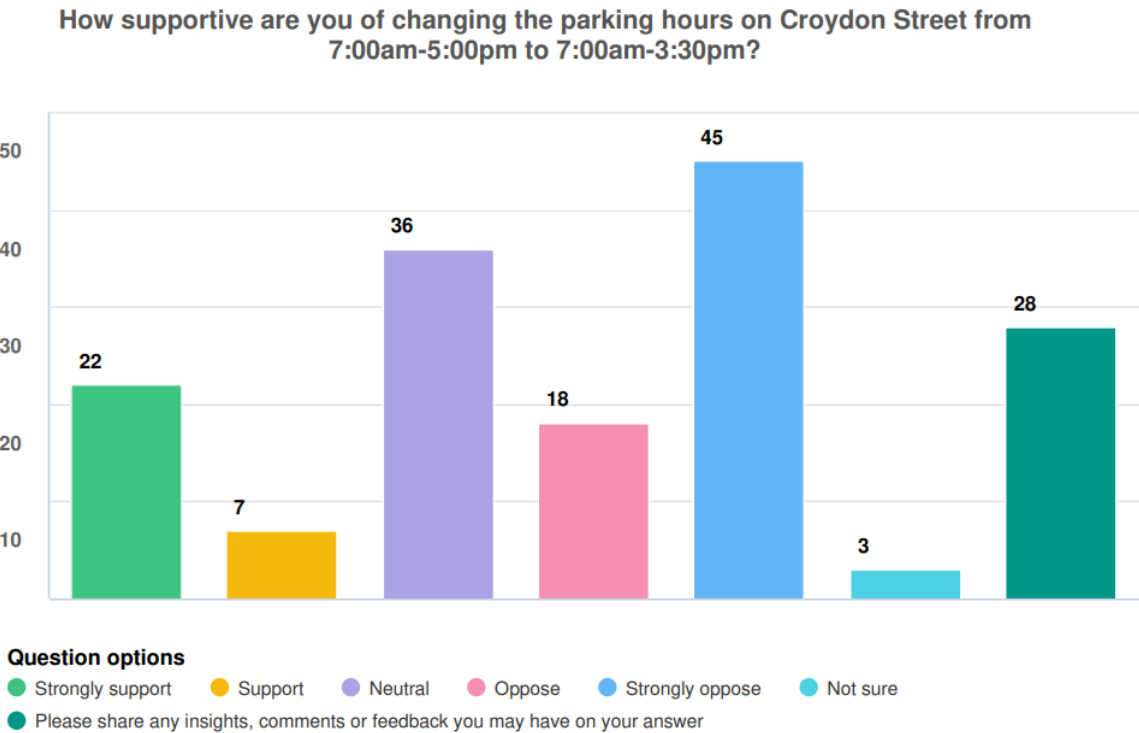




Figure 7 – Support for Changing Croydon St Parking

Only 22% of respondents supported changing the parking hours on Croydon St while 48% were opposed to the change. The remainder were neutral.

We also received a large number of comments regarding the proposed changes. Some residents submitted multiple responses. A selection of relevant comments received are summarised in the table below.

Respondent Comment	Officer Comment
Most streets have parking so it seems that Croydon and Burwood streets should as well.	NA
Distributing parking to other streets will help reduce congestion on Croydon St.	NA
As a resident, it feels really frustrating that the solutions to the parking problems that have been created by Kith are being addressed by *allowing* parking, which is making it harder to navigate safely through our neighbourhood, rather than addressing the fact that the business has more seating than it was permitted for. It seems unfair that neighbourhood amenity has to give, rather than a single business follow the rules.	The Kith Eatery has followed the required planning process. However, there is a shortage known of off-street bays at this location.
I think it seems very reasonable to open up 1hr parking on the streets surrounding Kith and the other businesses. Many of these residential properties have large blocks and long driveways with off-street parking. Just across Aberdare Rd, there is short-term parking on both sides of the street. I think a part of living in a central and vibrant area is accepting that there will be short term parking allowed in your street. Opening up Burwood St to short-term parking will ease the pressure on Croydon St and share the parking load across the area more evenly.	NA
I encourage more parking strongly. Need to support local businesses.	NA
We are a cosmopolitan city, parking if safe should be allowed on all streets.	NA
Please don't let excessive parking restrictions kill the emerging life of the suburb. Time to change from deadlands to Nedlands.	NA
All streets, if safe, should have street parking.	NA
Local business benefits many people in the area beyond neighbours. As such, I fully support any change that makes local businesses more accessible.	NA
Why are some streets no parking in this area, as long as it's restricted to a time limit, all streets should have parking if it can be accommodated. It's 2025 not 1990.	NA
The parking on Croydon St needs to be removed immediately. This decision has turned a quiet residential street into a dangerous car park.	Croydon St is as safe as any other inner-city street where parking is allowed.
Our neighbourhood should be celebrating people bringing some positive life and energy to the area. My concerns lie with residents against change and stuck in whinge mode. It's not conducive to a vibrant community.	NA



Respondent Comment	Officer Comment
Increased parking would be very welcome!	NA
More street parking, maybe with 1hr free and then paid after the first hour.	NA
The recent change to parking has caused daily issues on Croydon St. Near misses with pedestrians with cars dodging parked cars. Often cars are parked on both sides of the street and over the yellow lines.	Nedlands Rangers regularly patrol Croydon St and issue infringements when required.
Local business is what makes a community. People with a driver's license should use their best judgment to park safely. We should not make it difficult for people to support such wonderful businesses.	NA
The changes will help greatly in getting the parking issue resolved.	NA
It is standard across every suburb particularly inner-city to have reasonable parking measures for those other than residents. It would only seem appropriate for this to be consistent in these streets.	NA
Kith eatery has had enormous impact upon our street (Croydon St). I would not like the residents of Burwood St to be subject to the same discourteous behaviours.	NA
The current parking arrangements are inadequate and are a deterrent for people to visit the area.	NA
Would love more parking!	NA
More parking should be made available to support the local businesses.	NA
I would like to see parking removed from Croydon St. There has never been any public consultation on the parking changes that were implemented by the former council. The current level of traffic and parking on Croydon St has completely destroyed residential amenity. The City of Nedlands is ill-equipped to deal with the number of parking violations. You could make a full-time ranger job issuing parking tickets in Croydon St - the situation is that bad.	NA
I think small business needs to be encouraged by local laws, they're making the investment and taking the risks. Nearby parking is essential.	NA
Being easily able to support local business in the community should be a priority of the local authorities.	NA
Roads are for cars and designed to be parked on. Why is it that some people who own houses try and block the use of a public street? It's public land and should be used for the purposes of transport and parking.	NA
(Resident of Burwood St). We have seen the impact to Croydon St residents and it's been very bad for them.	NA
The street becomes unsafe for our kids as they won't be able to go out on bikes anymore safely; visibility becomes a problem. We experience it when driving and riding on the streets around the IGA in Shenton park. It's a disaster really. It makes it hard to reverse out when the street is full of parked cars.	Croydon St is as safe as any other inner-city street where parking is allowed.





Respondent Comment	Officer Comment
(Resident of Croydon St). The introduction of parking on Croydon St at the behest of Kith Cafe has completely ruined the street. 7 days per week, the traffic exceeds what the street is capable of managing. This has created a dangerous environment, created lots of noise & disruption (we can no longer use the study at the front of our house) and de-valued property significantly. Now the Mayor and Councillors who forced this through have been exposed as incompetent this decision should be completely reversed.	Croydon St operates safely within its design capacity. Croydon St is as safe as any other inner-city street where parking is allowed.
(Resident of Croydon St). Not able to get out of my carport, due to cars parked in front of my driveway.	Nedlands Rangers regularly patrol Croydon St and issue infringements when required.
The cafe is far too big for a residential street.	NA
Croydon should have no-parking re-instated until an assessment is done. I don't believe any analysis was done before parking was implemented.	NA
(Resident of Croydon St). Since the new parking rules came into effect, there has been total traffic chaos in our street. Specifically, cars driving up and down our street, reversing in our driveways to look for a parking spot, causing direct hazards for pedestrians and local families. Congestion from heavier two-way traffic now amplified by a narrower street. Difficulty for many owners (including myself) to reverse out of their driveway because there is now often a car parked opposite the driveway. I have narrowly missed a car on several occasions. Intense congestion and confusion at the corner where the café is, with visitors coming in their cars from all directions including the parking area, making it extremely hazardous to get onto Aberdare Rd. Normally quiet Sunday mornings are now disturbed by noisy café visitors from 7 am looking for a place to park and shouting to each other on the top of their (mostly young) voices. Apart from all the inconvenience, the very real potential for a serious traffic accident is probably the most concerning.	Croydon St operates safely within its design capacity.  Croydon St is as safe as any other inner-city street where parking is allowed.
Surely small business needs short term parking to survive and thrive. It brings community and vibrancy to the area and provides amenities which is great. I can't see why there should be an issue - it makes sense!	NA
Parking on residential streets is practical around Australia. If safe, why not have parking on these streets?	NA
There has been no traffic management plan done for parking in Croydon St., nor has The Kith cafe got the required approvals to operate. As a result, there are extreme safety concerns due to many near misses between cars / cars and pedestrians.	The Kith Eatery has followed the required planning process. A traffic management plan is not required. Croydon St is as safe as any other inner-city street where parking is allowed.



Respondent Comment	Officer Comment
The use of residential streets to accommodate a restaurant that is far too large for the area is simply not safe.	Croydon St is as safe as any other inner-city street where parking is allowed.
Parking on Croydon Street and Burwood Street should be prohibited. We did not have any issues with parking prior to the opening of Kith Eatery. The operators of Kith took up possession of their premises with full knowledge of the parking restrictions on Croydon Street. This is not a problem that should now be passed on to the residents of Croydon and Burwood Streets. Kith Eatery cannot accommodate the customers they currently have judging from the queues of customers that wait for tables. Why are we relaxing the parking restrictions so that even more people will come? The site is too crowded as it is. The street is now noisy and congested, and residential amenity has been destroyed.	NA
My preference is for NO parking on Burwood street. We know the introduction of parking will adversely impact the amenity of Burwood St.	NA
The City should not make it more difficult for people to visit local businesses. The parking duration limit should be increased to 2 hours.	NA
The parking issue has been created by Kith. This isn't so much a community asset because people are coming from all over the metro area (thanks to news and social media coverage) which is what is causing the problem. The previous deli on the site was well patronised by local people & staff and hence was able to get by with the available on-site parking. Croydon St already carries additional traffic because Campsie and Kingston Streets don't have access to Abadare Rd, along obviously with traffic caused by the hospitals. The addition of parking, particularly concentrated at the northern end of the street has caused many problems with traffic management; farcical standoff situations with cars blocking both sides of the road, road rage, and difficulty navigating the length of the street when travelling north. Collectively the street parking has created a very negative impact on the residents of Croydon St for no net benefit to its residents or the immediate community. Just one business operator is benefitting. It's interesting to see the same problem now impacting residents near a new cafe on Shenton Rd Swanbourne.	NA
There should be more parking accessible to those visiting the area to be able to enjoy the cafe without the challenge of parking.	NA

## Strategic Implications

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



<b>Vision</b>	<b>Sustainable and responsible for a bright future</b>
<b>Pillar Outcome</b>	<b>People</b> 2. A healthy, active and safe community.
<b>Pillar Outcome</b>	<b>Place</b> 6. Sustainable population growth with responsible urban planning.
<b>Pillar Outcome</b>	<b>Prosperity</b> 9. A vibrant local economy.
<b>Pillar Outcome</b>	<b>Performance</b> 11. Effective leadership and governance.

## Budget/Financial Implications

The costs associated with the proposed changes to parking controls can be accommodated within the existing 2025/26 budget.

## Legislative and Policy Implications

City of Nedlands Parking and Parking Facilities Local Law 2024 - <https://www.nedlands.wa.gov.au/documents/39/local-laws-parking-and-parking-facilities>

## Decision Implications

Should Council endorse this recommendation, the new parking controls would come into effect. Anyone parking in contravention to these controls could be subject to an infringement.

## Conclusion

Parking controls require careful management by the City in order to match supply with demand. It is normal for parking controls to be regularly reviewed and updated from time to time based on feedback from residents, Council Rangers, and other Council staff.

Some action may be beneficial in the short term to mitigate the high parking utilisation in Croydon Street in response to numerous complaints received by Technical Services from local residents of Croydon Street prior to the adoption of a city-wide parking strategy.

There are three options:



**Option 1:** The Commissioners could endorse the proposed changes to parking in Burwood Street in order to provide a more equitable distribution of parking supply in the area and provide some short-term relief to parking problems in Croydon Street.

**Option 2:** Wait until the development of a Parking Management plan (anticipated in mid-2026) for the entire City of Nedlands before deciding on a course of action.

**Option 3:** Do Nothing.

### Further Information

Nil





**19. DIVISIONAL REPORTS – GOVERNANCE**

Nil



**20. DIVISIONAL REPORTS – COMMUNITY DEVELOPMENT**

Nil



**21. COUNCIL MEMBERS NOTICE OF MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil



**22. URGENT BUSINESS APPROVED BY THE PRESIDING MEMBER OR BY DECISION**

Nil





## 23. CONFIDENTIAL ITEMS

### REASON FOR CONFIDENTIALITY

This Report is **CONFIDENTIAL** in accordance with Section 5.23(2)(a) to (h), of the Local Government Act 1995 (LG Act) which provides that the Council may close to members of the public a meeting, or part of a meeting, if the meeting (or part meeting) deals with any of the following:

***Item 23.1:***

***(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting;***

*and*

***Item 23.2:***

***(b) the personal affairs of any person;***

The Commissioners are reminded that, should Council resolve to close to members of the public that part of its meeting at which this Report and related documents is to be considered, then they are to ensure that the information remains **CONFIDENTIAL** and should not disclose the content of this Report or any related document to any other person. To do so may be an improper use of the information under section 5.93 of the LG Act.

### **Officer Recommendation and Council Decision**

That, in accordance with ***Section 5.23(2) of the Local Government Act 1995***, which permits the meeting to be closed to the public for business relating to the following: ***(c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and, (b) the personal affairs of any person;*** Council **DECLARES** the meeting closed to the public at 5.44pm.

**Moved: Commissioner Sandri**

**Seconded: Commissioner Hart**

**CARRIED: UNANIMOUSLY 3-0**

**For: Commissioner Caddy, Commissioner Sandri, Commissioner Hart**

**Against: Nil**



## 23.1 Appointment of Lead Town Planning Consultant (and Sub-Consultants) – Local Planning Strategy Review

<b>Report Number</b>	<b>PD39.10.25</b>
<b>Applicant</b>	Nil
<b>Disclosure of Interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Authority/Discretion</b>	Quasi-Judicial
<b>Contributing Officer</b>	Sergio Famiano
<b>Responsible Author</b>	Sergio Famiano - Manager Urban Planning & Development
<b>Director</b>	Bruce Thompson – Director Planning and Development
<b>Attachments</b>	Attachment 1 – CONFIDENTIAL

*Commissioner Sandri proposed an Alternative Recommendation*

### **Alternative Recommendation and Council Decision**

**That Council ACCEPTS the Alternative Recommendation.**

Reason:

Provide clarity for the amended motion.

**Moved: Commissioner Sandri**

**Seconded: Commissioner Hart**

**CARRIED: UNANIMOUSLY 3-0**

**For: Commissioner Caddy, Commissioner Sandri, Commissioner Hart**

**Against: Nil**



## 23.2 Authorisation to Enter into a Deed of Maintenance and Indemnity for Overhanging Awning – 71 (Lot 371) Princess Road, Nedlands

<b>Report Number</b>	<b>PD40.10.25</b>
<b>Applicant</b>	P D Lampropoulos and K Kikiros
<b>Disclosure of Interest</b>	Nil
<b>Voting Requirements</b>	Simple Majority
<b>Authority/Discretion</b>	Quasi -Judicial
<b>Contributing Officer</b>	Chantel Weerasekera
<b>Responsible Author</b>	Sergio Famiano - Manager Urban Planning & Development
<b>Director</b>	Bruce Thompson – Director Planning and Development
<b>Attachments</b>	Attachment 1 – CONFIDENTIAL Attachment 2 – CONFIDENTIAL Attachment 3 – CONFIDENTIAL

### Officer Recommendation and Council Decision

That Council **ACCEPTS** the Officers Recommendation.

**Moved:** Commissioner Sandri

**Seconded:** Commissioner Hart

**CARRIED: UNANIMOUSLY 3-0**

**For:** Commissioner Caddy, Commissioner Sandri, Commissioner Hart

**Against:** Nil



## **Officer Recommendation and Council Decision**

**That Council RE-OPENS the meeting to members of the public at 5.54pm.**

**Moved: Commissioner Sandri**

**Seconded: Commissioner Hart**

**CARRIED: UNANIMOUSLY 3-0**

**For: Commissioner Caddy, Commissioner Sandri, Commissioner Hart**

**Against: Nil**





## **24. DECLARATION OF CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at 5.55pm.