



City of Nedlands

PUBLIC MINUTES

Council Meeting Minutes

Tuesday 10 December 2024

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

Public Question Time

Public question time at a 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 or Employee.

Questions should be submitted as early as possible via the online form available on the City's website: [Public Questions 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.

Deputations

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

Disclaimer

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

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Present attendees

Councillors	Mayor F Argyle (Presiding Member)	
	Councillor B Hodsdon (online)	Hollywood Ward
	Councillor B Brackenridge	Melvista Ward
	Councillor R Coghlan (online)	Melvista Ward
	Councillor H Amiry	Coastal Ward
	Councillor K A Smyth	Coastal Ward
	Councillor F Bennett	Dalkeith Ward
	Councillor N Youngman	Dalkeith Ward

Staff	Ms K Shannon	Chief Executive Officer
	Ms A Alderson	Director Corporate Services
	Mr T Free	Director Planning and Development
	Mr A MacNish	Acting Director Technical Services
	Ms M Harika	Chief Finance and Risk Officer
	Ms E Osborne	Executive Assistant
	Ms Z Brauer	Mayoral Support Officer

1. Declaration of Opening

The Presiding Member will declare the meeting open at 7.00 pm and acknowledge the Whadjuk Nyoongar people, Traditional Custodians of the land on which we meet, and pay respect to Elders past, present and emerging. The Presiding Member will draw attention to the disclaimer on page 2 and advise the meeting is being livestreamed.

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

Leave of Absence Cr M Pollard
(Previously Approved)

Apologies Cr M Pollard

3. Public Question Time

Questions received from members of the public will be read at this point.

Questions from Peter Taranto: Asked by Denise Murray:

1. Has Administration agreed with the hospice developers that the land set aside under the Norn Bidi resolution (OCM October 2022) may be used by the developers for construction access under the Construction Environment Management Plan (or 'CEMP') ,such that the Norn Bidi resolution will be unable to be implemented in accordance with its terms? If so, please provide a copy of the plan of the Class A reserve showing the location of construction access on the land set aside for the Norn Bidi?



The City has not entered into any arrangement without the approval of the Council which will impact the integrity of the Allen Park Class A reserve which is the subject of the Norn Bidi trail.

2. What actions are Administration taking to progress and complete the Norn Bidi resolution (OCM October 2022) and the Allen Park Car Parks Working Group resolution (OCM June 2024, OCM September 2024) in accordance with their terms? If not, why not?

7th of October 2024 The City contacted the Bridge Club via email and requested suitable times to meet to discuss the proposal for the Norn Bidi Path.

24th of October 2024 the City met with WABC.

31st of October 2024 the City met with WABC.

4th of November 2024 – a revised lease area plan was proposed to the WA Bridge Club.

8th of November 2024 -the management committee resolved that this matter should be presented to the wider membership for the consideration.

14th of November 2024, the CEO emailed the president of the Bridge club seeking a meeting with the wider membership.

22nd of November 2024 - the Management Committee has decided to defer further consideration of the portion of the Norn Bidi path until February 2025 meeting at the earliest.

The Allen Park Car Park Working Group resolution was taken to a concept forum where it was discussed that there was no need to re-form a working group.

3. Has the City/Administration executed a 'Multi-User Master Plan' (or 'MUMP') with any of, the West Australian Bridge Club (WABC), the Associates Rugby Club, the Child and Adolescent Health Service (CAHS), the Perth Children's Hospital Foundation Limited, in relation to the use and/or function and/or other purpose in relation to central Allen Park public car parking areas off Odern Crescent? If yes, please provide details? Further, pursuant to what City of Nedlands authority or delegation was any such Multi-User Management Plan entered into?

The City developed a draft traffic and movement plan which considered the various users of the park. This draft plan was used to guide the final PCHF CMP. The traffic and movement plan was not formally tabled to the Council and does not have any status.

4. Has Administration entered in to any agreements regarding the Class A reserves surrounding Lot 504 (public access) in Allen Park- whereby any part of those Class A reserves will be developed as a permanent access / egress route for any of: (i) the hospice reserve (Lot 503); (ii) an access/egress route for users of Allen Park separate to Lot 504 (public access); (iii) a delineated walkway between Odern Crescent and Lot 503 (hospice reserve). No



4. Deputations

David Mynott speaking FOR item 16.1

Max Hipkins (Nedlands Tree Canopy Advocates) speaking FOR 16.3

Peter Sunman speaking AGAINST item 16.6

Robert Binks speaking AGAINST item 16.6

Damian Pelliccia speaking FOR item 20.2

Cameron McDiven speaking FOR item 20.2

Tania Sydney-Smith speaking AGAINST item 20.3

Susannah Gallagher speaking FOR item 20.3

Tim Dawkins speaking FOR late item 21.1

5. Requests for Leave of Absence

Moved By Cr Smyth, Seconded By Cr Youngman

Deputy Mayor Smyth requests leave 28th March 2025 – 17th April 2025.

This motion was PUT and CARRIED unanimously.

6. Petitions

Moved by Mayor Argyle, Seconded by Cr Youngman.

Petition received from Mr Sunman regarding item 16.6.

This motion was PUT and CARRIED unanimously.

7. Disclosures of Financial Interest

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

A declaration under this section requires that the nature of the interest must be disclosed. Consequently, a member who has made a declaration must not preside, participate in, or



be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

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

8. Disclosures of Interests Affecting Impartiality

The Presiding Member to remind Council Members and Staff of the requirements of Council's Code of Conduct in accordance with Section 5.103 of the Local Government Act. Council Members and staff are required, in addition to declaring any financial interests to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making procedure.

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

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

Employee Tony Free declared impartiality for item 16.5.

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

Cr Hodsdon for late item 21.1
Cr Amiry for late item 21.1
Cr Youngman for late item 21.1
Cr Bennett for late item 21.1

10. Confirmation of Minutes

10.1 Ordinary Council Meeting 26 November 2024

The Minutes of the Council Meeting held 26 November 2024 are to be confirmed.

Moved by Cr Smyth, Seconded, Cr Coghlan.

This motion was PUT and CARRIED (6/2)

For. Crs. Smyth, Youngman, Brackenridge, Coghlan, Hodsdon & Argyle.
Against: Crs. Amiry & Bennett.



The Minutes of the Council Meeting held 22 October 2024 are to be confirmed

Moved by Cr Hodsdon, Seconded, Cr Coghlan

This motion was PUT and CARRIED (7/1)

For. Crs. Smyth, Youngman, Brackenridge, Coghlan, Hodsdon, Amiry & Argyle.
Against: Cr Bennett.

11. Announcements of the Presiding Member without discussion

Written announcements by Council Members to be tabled at this point. Council Members may wish to make verbal announcements at their discretion.

12. Members Announcements without discussion

Written announcements by Council Members to be tabled at this point. Council Members may wish to make verbal announcements at their discretion.

13. Matters for Which the Meeting May Be Closed

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

14. En Bloc

That the officer recommendations for Items 16.2, 16.3, 16.4, 16.5, 16.7, 17.1, 17.2, 18.1, 18.2, 19.1, 19.3, 19.4, be adopted en bloc and all remaining items will be dealt with separately.

Moved by Cr Youngman, seconded by Cr Amiry

This motion was PUT and CARRIED unanimously.

15. Minutes of Council Committees and Administrative Liaison Working Groups

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

This is an information item only to receive the minutes of the various meetings held by the Council appointed Committees (N.B. This should not be confused with Council resolving to accept the recommendations of a particular Committee. Committee recommendations that



require Council's approval should be presented to Council for resolution via the relevant departmental reports).

The Minutes of the following Committee Meetings (in date order) be received:



16. Divisional Reports - Planning & Development

16.1 PD76.12.24 20C Vincent Street

Meeting & Date	Council Meeting – 10 December 2024
Applicant	A Iriks
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff involved in the preparation of this report and the proponents or their consultants.
Report Author	Chantel Weerasekera – A/Coordinator Planning Approvals
Director	Tony Free – Director Planning and Development
Attachments	1. Zoning Map 2. Development Plans dated 27 September 2024 3. CONFIDENTIAL ATTACHMENT – Submissions

Purpose

The purpose of this report is for Council to consider a development application for a grouped dwelling at 20C Vincent Street, Nedlands. The proposal is being presented to Council for consideration due to the proposal receiving objections within the consultation period. Council is specifically required to exercise its judgement in considering the merits of the application against the design principles for:

- Private open space
- Trees and Landscaping.
- Open space.
- Lot boundary setbacks (east and west).
- Boundary walls (east, west and south).

It is recommended that Council adopt the Officer Recommendation for deferral.

Recommendation

That Council in accordance with Clause 68 of Schedule 2 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, DEFER determination of the development application in accordance with the plans date stamped 27 September 2024 for Residential - Grouped Dwelling at 20C Vincent Street, Nedlands, to address the following matters:

- 1. Amend the development plans to increase the size and amenity of the primary garden area to achieve the deemed-to-comply provisions or the design principles of Clause 1.1 Private Open Space of the Residential Design Codes Volume 1.**



2. Amend the development plans to ensure an adequate tree planting area is provided within the site in accordance with Clause 1.2 Trees and Landscaping of the Residential Design Codes Volume 1.
3. Consider increasing the open space on site to achieve the deemed-to-comply provisions or of Clause 5.1 Open Space of the Residential Design Codes Volume 1.

Moved by Cr Youngman, seconded by Cr Smyth.

Motion put and CARRIED (6/2)

For: Crs. Amiry, Smyth, Bennett, Youngman, Breckenridge & Argyle.

Against: Crs. Hodsdon & Coghlan

Voting Requirement

Simple Majority.

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

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

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

Background

Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Residential
R-Code	R60
Land area	152m ²
Land Use	Residential (Grouped Dwelling)
Use Class	‘P’ – Permitted Use

The subject site is located at 20C Vincent Street, Nedlands, approximately 50m south of the Memorial Rose Garden (**Figure 1**). The site is one of three survey-strata lots and has a frontage to the sites communal street. The site has a north to south orientation and is currently vacant. The site is regular in shape, with a 10m frontage and an exclusive use area of 152m².



Figure 1: Aerial image of 20C Vincent Street, Nedlands

History

On the 8 March 2022, the City granted approval for three, two-storey grouped dwellings at 20 Vincent Street, Nedlands. This approval is valid for four years from the approval date, being 8 March 2026, in accordance with Clause 78H of the Deemed Provisions. This application was assessed and approved under the Residential Design Codes Volume 1 2021.

Nicheliving was appointed as the builder for the three grouped dwellings. The recent financial issues surrounding Nicheliving has resulted in the building contract between Nicheliving and the landowner of 20C Vincent Street to fall through. Due to licensing issues, the landowner has been required to seek separate development approval for a different design. The new design was lodged on the 30 July 2024 via the subject development application.

The design proposed via the subject application is similar to the existing approval in terms of site coverage and overall bulk. However, it is noted that the planning framework has substantially changed since the original approval, noticeably with the introduction of Part C of the Residential Design Codes Volume 1 2024.

Application Details



The application seeks development approval for a two-storey grouped dwelling at 20C Vincent Street, Nedlands. The site is a part of a three-lot survey strata subdivision and is zoned 'Residential' R60.

Following the initial assessment and consultation period, the applicant provided amended plans, the latest revision dated 27 September 2024 (**Attachment 2**). The amended plans seek to address concerns raised by the City and public submissions

The changes proposed by the 27 September 2024 plans are as follows:

- Reduce the extent of hardscaped surfaces to increase soft-landscaping;
- Increase the open space;
- Increased the upper floor western setback;
- Increased the upper floor southern setback; and
- Reduce the height of the southern boundary wall.

The following concerns from the City are still outstanding and have not been addressed through revised plans:

- Increasing the primary garden area; and
- Adequate deep soil area for the provision of a small tree.

Discussion

Assessment of Statutory Provisions

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

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

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

The proposed development is seeking a design principle assessment pathway for parts of this proposal relating to primary garden area, trees and landscaping, open space, lot



boundary setbacks and boundary walls. As required by the R-Codes, Council, in assessing the proposal against the design principles, should not apply the corresponding deemed-to-comply provisions.

The development satisfies the design principles relating to open space, lot boundary setbacks and boundary walls. However, the proposed primary garden area and landscaping does not satisfy the design principles of the R-Codes Vol. 1. This is discussed in the assessment for each design element below.

Clause 1.1 Private Open Space

The development proposes a primary garden area measuring 16m² with 40% of the area permanently roofed by the upper floor. The design principles consider whether private open space is of sufficient size for the intended number of occupants, whether the space has solar access and natural ventilation, and whether it allows for sufficient uncovered area to provide for soft landscaping, deep soil area and planting of trees. The proposed primary garden area does not satisfy the design principles for the following reasons:

- The area provided is a significant departure from the 25m² deemed-to-comply. The proposal does not contain a secondary private open space to compensate this area. The area proposed reduces the usability of the space, particularly for a three-bedroom dwelling.
- The primary garden area is noted as grassed lawn which does not contribute to the provision of quality soft landscaping and planting of new trees. Were trees to be planted in this space it would further reduce the useable space for residents.
- The primary garden area is enclosed, limiting northern winter sun access and natural ventilation. Furthermore, a portion of the primary garden area will be roofed, further reducing the areas access to natural light.

Clause 1.2 Trees and Landscaping

One small tree is proposed in the front setback area with a deep soil area of 3m² and minimum dimension of 0.7m. The design principles consider the provision of trees to enhance the built form, provide shade and amenity for the communal street, and contribute to the visual appeal, comfort and amenity of the development. The proposed tree planting area does not satisfy the design principles for the following reasons:

- The development plans indicate a 9m² (3m x 3m) deep soil area adjacent to the communal street. This space does not achieve the deemed-to-comply as it also includes paving, a bin storage area and is partially covered by the upper floor above. The overall site planning is not considered responsive to sustainable landscape design and the proposed tree planting space is not adequate for the growth of a healthy, small tree, nor to contribute to improved long term tree canopy.
- Given that the proposed tree in the front setback area is unlikely to grow to a significant size, the tree planting provision is not considered to enhance the streetscape of the communal street nor the overall visual appeal of the development. The proposed tree at maturity will provide limited visual amenity to adjoining neighbours or the residents of the site.
- No adequate tree planting areas are proposed within the private open space within the site, which limits the comfort and amenity for occupants. The one proposed tree will



not be visible from any habitable room of the dwelling, thereby underutilising opportunities for visual amenity for residents.

Clause 3.4 Lot Boundary Setbacks

The design principles for lot boundary setbacks considers the impact on the desired local built form and character, provides a transition between sites with different land uses and intensity of development, provides adequate solar access and ventilation and minimising overlooking.

Western elevation:

The upper floor western wall to Bedroom 2 proposes a minimum 1m setback. The upper floor western setback achieves the design principles as:

- The subject wall to Bedroom 2 is 3.6m in length, thereby mitigating the impact of building bulk to adjoining properties.
- The entire western wall is well articulated, including a 3m-by-3m separation which is consistent with the desired built form character. All upper floor windows along the western wall are obscured to a height of 1.6m, effectively making these highlight windows addressing all potential overlooking on adjoining properties.
- The setback does not result in any overlooking or undue overshadowing of adjoining properties. The 1m setback maintains adequate distance to allow for natural ventilation.

Eastern elevation:

The eastern elevation proposes a two-storey boundary wall with a cumulative maximum of more than two-thirds the length of the lot boundary. Portions of the upper floor eastern elevation to the Master Suite and Hallway propose a 1.1m setback. The upper floor eastern setback and two-storey boundary wall achieve the design principles as:

- Two-storey boundary walls to an internal boundary is consistent with typical grouped dwelling development within a R60 density coded area. The intention of the two-storey boundary wall is so that future development to the eastern abutting site can build directly abutting the boundary wall. This outcome maximises useable space on site, whilst ensuring minimal building bulk to adjoining properties. Two-storey boundary to boundary development reinforces the existing and desired built form within the surrounding area. This built form outcome is consistent with the existing approval DA21-70865, and existing grouped dwelling developments along Jenkins Road
- The eastern boundary wall is not proposed for the entire length of the boundary, rather breaking it up by setting back portions of the wall 1.1m to reduce bulk and to provide some access to natural light, and landscaping and deep soil areas along the eastern boundary.
- Furthermore, the eastern adjoining landowner was consulted and did not make a submission on the proposal.

Clause 5.1 Open Space

The development proposes 39.6% open space. The design principles for open space considers the impact of building bulk, provision of adequate sun and ventilation and ability to use external spaces for outdoor pursuits and recreation. The proposed open space generally meets the design principles as it will have limited impact on adjoining neighbours. The development allows for some open space and landscaping along each lot boundary,



providing some sunlight into the dwelling whilst reducing the extent of bulk on the site. Notwithstanding, open space could be improved subject to the development achieving the design principles of Clauses 1.1 and 1.2.

Local Planning Policy 5.14: Precincts (NSHAC Residential Precinct)

Local Planning Policy 5.14 (LPP 5.14) modifies the R-Codes boundary wall deemed-to-comply provisions to a maximum of two, one-storey boundary walls, where a minimum 20% of deep soil area is provided. The development proposes three boundary walls to the east, west and south. The development proposes 15% deep soil area.

LPP 5.14 sets out the desired future character of the NSHAC Residential precinct, which is to ensure new development fits comfortably within the existing leafy streetscapes and to minimise the impact of boundary walls on the street. The two-storey boundary wall to the east is discussed in Clause 3.2 above. The western and southern boundary walls are considered to satisfy the character statement and design principles for the following reasons:

- As the subject site is located behind 20A and 20B Vincent Street, all boundary walls will not be visible from the street, maintaining the character of the existing streetscape.
- The ground floor boundary walls are consistent with a typical R60 built form and will not impact on the existing leafy character of the NSHAC precinct.
- No boundary walls are proposed for the entire length of the lot boundary, rather providing breaks within the built form to mitigate the impact of bulk onto adjoining neighbours and provide opportunity for natural light to enter the building.
- To the south, the proposed boundary wall is 2.2m in height and 2.0m in length. The small scale of the wall alleviates the impact on neighbours.
- The proposed boundary walls do not impact overlooking, and the proposal meets all deemed to comply provisions of 3.10 – Visual Privacy
- The proposed boundary walls maintain adequate solar access and natural ventilation to the subject site and adjoining properties. The proposal meets the deemed to comply provision for Clause 3.9 Solar Access, resulting in 33% overshadowing of 17 Jenkins Avenue. It is acknowledged that the outdoor living area to 17 Jenkins Avenue will be impacted by overshadowing to an extent. However, this not a result of the boundary walls proposed, but is a result of the nature of the lot sizes and their orientation. Were all boundary walls to be removed from the southern boundary, the outdoor living area should still be overshadowed by a deemed-to-comply two-storey development. As demonstrated in **Figure 2** below, overshadowing of the outdoor living area to 17 Jenkins Avenue results from the second storey of the proposal, which has a deemed to comply height and setback. Acknowledging that the R60 code permits for three storey development, overshadowing of 17 Jenkins Avenue is simply a consequence of the lot density and orientation, and not the boundary walls.

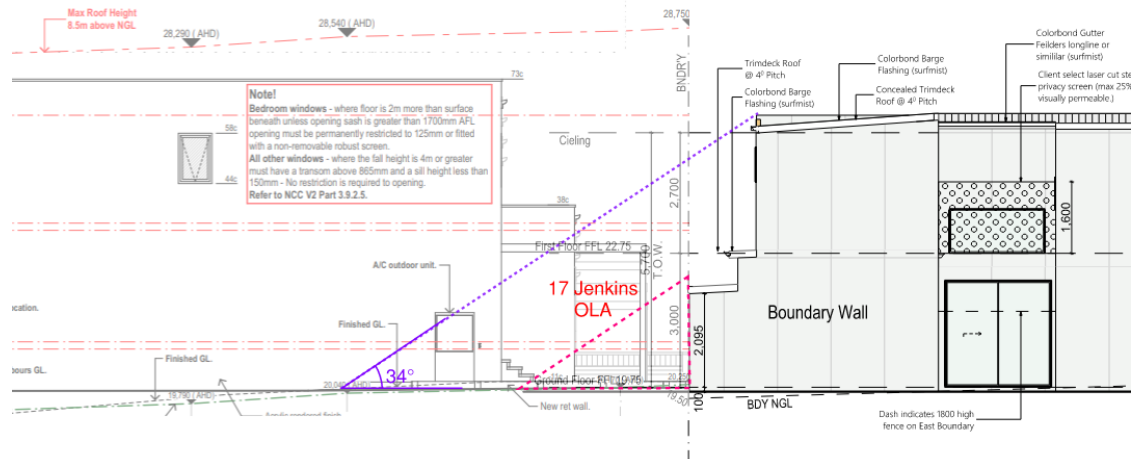


Figure 2: Overshadowing Diagram. Pink dashed line shows hypothetical overshadowing from boundary wall. Purple dash line shows actual overshadowing from second storey to the outdoor living area (OLA) of 17 Jenkins Avenue.

Local Planning Policy 1.3: Sustainable Design

Local Planning Policy 1.3: Sustainable Design applies additional sustainability requirements for new grouped dwellings. Should the development be approved, four conditions may be recommended for the development, to comply with certain sustainability requirements prior to occupation. These include:

- Light coloured roofs with a maximum solar absorption rating of 0.58 or less.
- Minimum 3kw photovoltaic solar panel system.
- All water fittings such as taps, toilets and showers (excluding kitchen sinks and laundries) are to be within 1 star of the maximum Water Efficiency Labelling Standard rating for the appropriate fitting.
- Landscaping plan to demonstrate water efficient design by a suitably accredited professional.

Consultation

The application is seeking assessment under the design principles of the R-Codes for primary garden area, landscaping, open space, lot boundary setbacks and boundary walls.

The development application was advertised in accordance with the City’s Local Planning Policy 7.3: Consultation of Planning Proposals to twelve adjoining properties, for a period of 14 days from 29 August 2024 to 12 September 2024. At the close of the advertising period three objections were received.

The comments or concerns raised during the submission period and the response to each concern are summarised in **Table 1** below:



Table 1: Public Consultation	
Issue Raised	Officer Comment
The garage boundary wall will significantly overshadow our property.	When assessing the garage boundary wall independently, it satisfies the deemed-to-comply provisions of the R-Codes Vol.1. A boundary wall for the purpose of a garage is consistent with the current and future built form within this area. The garage boundary wall is located on the western side of the development, minimal overshadowing will occur.
The limited open space and setback of buildings does not maintain a balance between built structures and open areas	The application is not considered to provide adequate private open space on site. This is a reason deferral of the application is recommended. The overall open space and lot boundary setbacks are considered generally consistent with the design principles as discussed in the report.
Concerns with overshadowing and bulk from the rear boundary wall. The applicant should submit an overshadow and daylight assessment.	The overall overshadowing meets the deemed-to-comply provisions. Overshadowing is a result of the two-storey element and not the boundary walls. Refer to Boundary Wall discussion in this report.
The A/C unit will create undue noise and vibration.	The A/C unit is positioned on the ground floor and is setback 0.7m to the rear lot boundary. Should the application be approved, a standard advice note would be included advising all noise levels to comply with the Environmental Protection (Noise) Regulations 1997 at all times.
The upper floor southern setback should be 1.5m for compliance.	The amended plans dated 27 September 2024 have increased the upper floor rear setback to 1.5m to meet the deemed-to-comply.

Strategic Implications

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

Vision **Sustainable and responsible for a bright future**

Pillar **Place**



Outcome 6. Sustainable population growth with responsible urban planning.

Budget/Financial Implications

Nil.

Legislative and Policy Implications

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

Decision Implications

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

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

Conclusion

The application for a grouped dwelling at 20C Vincent Street has been presented for Council consideration due to objections being received. The proposal does not meet the design principles of the R-Codes relating to the primary garden area and trees and landscaping and, as such, is likely to have an adverse impact on the local amenity of the area.

Accordingly, it is recommended that the application be deferred for the reasons contained in the recommendation.

Further Information

Nil.

16.2 PD77.12.24 Scheme Amendment 14

Meeting & Date	Council Meeting – 10 December 2024
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Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	The author and authoriser of this report declare they have no financial or impartiality interest with this matter.
Report Author	Tony Free – Director Planning and Development
Director	Tony Free – Director Planning and Development
Attachments	Scheme Amendment 14 Report and Final Text Schedule of Submissions

Purpose

This report is being presented for Council to support, with modifications, Scheme Amendment 14 (**Attachment 1** and **2**) for submission to the Western Australian Planning Commission (WAPC) for final approval.

Recommendation

That Council:

- SUPPORTS** with modifications Scheme Amendment 14 to the City of Nedlands Local Planning Scheme No. 3, as shown in the Scheme Amendment 14 Text (**Attachment 1**) and Scheme Map (**Attachment 2**) in accordance with Regulation 50 of the Planning and Development (Local Planning Schemes) Regulations 2015.
- AFFIRMS** that the local government is of the opinion that the amendment is a Standard Amendment as it is an amendment that would have minimal impact on land in the scheme area that is not subject of the amendment and does not result in any significant environmental, social, economic or governance impacts on land in the scheme area in accordance with Regulation 35(2) of the Planning and Development (Local Planning Schemes) Regulations 2015.
- AUTHORISES** the CEO to sign relevant documents and submit two copies of the Scheme Amendment 14 report and any other relevant documents to the Western Australian Planning Commission in accordance with Regulation 37(2) of the Planning and Development (Local Planning Schemes) Regulations 2015).

This motion was **PUT** and **CARRIED En Bloc**.



Voting Requirement

Simple Majority.

Background

Council, at its 26 March 2024 Ordinary Council Meeting, initiated Amendment No. 14 to the City's Local Planning Scheme No. 3 (LPS 3).

Following the introduction of LPS 3 and the associated up-coding of lots north and south of Stirling Highway, the City has experienced an increase and intensification of development. This infill development has resulted in an increase in vehicle crossovers which impact streetscape and amenity. There is no mechanism with which to mitigate proliferation of vehicle crossovers under the current planning framework.

City Officers have previously attempted to address the design of vehicle access points and require ceding of land for laneways with Scheme Amendment No. 6 – Laneways and Vehicular Access. The Amendment was recommended for refusal post advertising and was subsequently refused by the Minister for Planning. Scheme Amendment No. 6 proposed clauses that duplicated existing provisions of the planning framework. Amendment No. 6 did not provide a mechanism for requiring consolidated access for new subdivisions. It also sought to require landowners to cede land for the purpose of a laneway, without setting out the laneway network. This Amendment was deemed superfluous to the existing planning framework and consequently, ineffective.

Scheme Amendment No. 14 (the Amendment) applies to the Residential zoned lots coded R60 and above located on corner blocks along Jenkins Avenue, Edward Street, and Gordon Street, Nedlands, as illustrated in Figure 1 below.

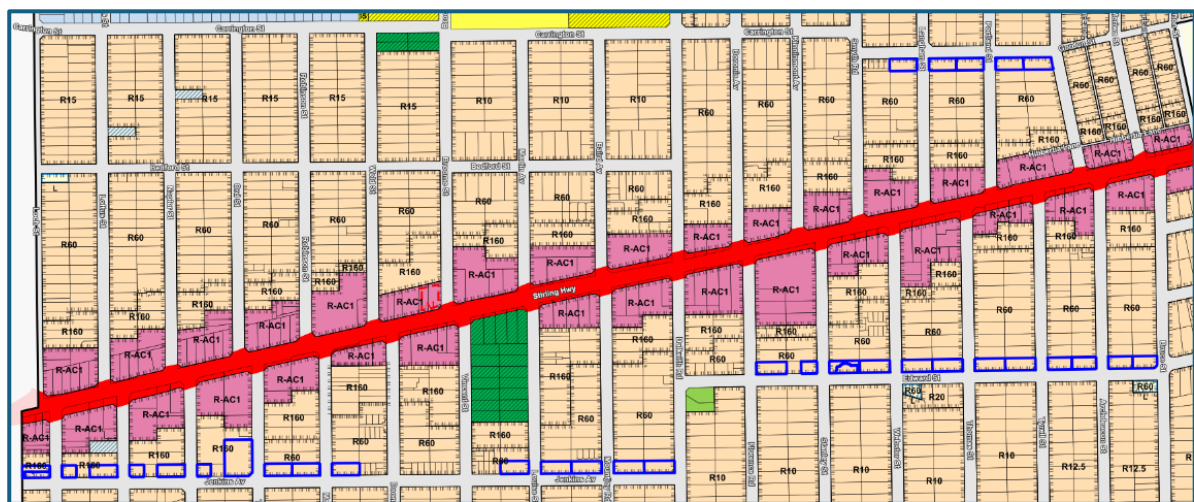


Figure 1: Lots affected by Amendment No. 14

An example of the effects of the proliferation of single user vehicle access points can be seen with recent subdivision and development of corner blocks along Jenkins Avenue



involving 17 and 18 Doonan Road, 21 and 22 Vincent Street, 66 Dalkeith Road and 9 Florence Road, Nedlands, as illustrated below in Figures 2 and 3.

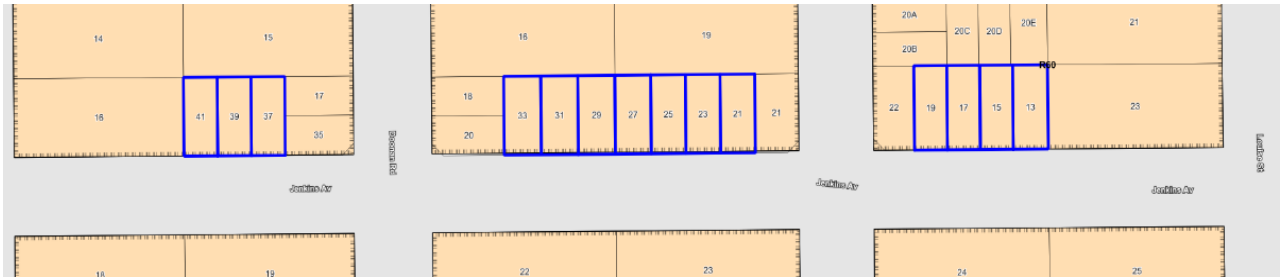


Figure 2: New developments along Jenkins Avenue with multiple single user vehicle access points

Development at 17 Doonan Road has resulted in a five-lot subdivision and five single houses, four of which have single user vehicle access to Jenkins Avenue.

Prior to subdivision and the subsequent development of 21 Vincent Street, the lot contained a single dwelling with one vehicle access to Jenkins Avenue. Subdivision has resulted in five lots, each with approval for single houses, with four of the vehicle crossovers on Jenkins Avenue and one on Vincent Street. These developments, along with those at 18 Doonan Road and 22 Vincent Street, have resulted in an increase from five crossovers to Jenkins Avenue, within a 230m stretch, to 14 crossovers.



Figure 3: New development along Edward Street with multiple single user vehicle access points

As shown in Figure 3, development of 66 Dalkeith Road and 9 Florence Road has resulted in the two corner lots each with a single house being subdivided into seven lots with five single user vehicle crossovers to Edward Street.

Discussion

Through the Amendment, vehicle access will not be permitted to Jenkins Avenue, Edward Street and Gordon Street for Residential lots coded R60 and above located on a corner. All

new development and subdivision on these corner lots shall be designed to enable a single shared vehicle access via common property or relevant encumbrances on title. Vehicle access shall be via another adjoining street that is not Jenkins Avenue, Edward Street or Gordon Street.

An example of the typology of development this Amendment seeks to produce can be seen at 92 Smyth Road. This was originally a single corner lot with one vehicle access point to Gordon Street. It has been subdivided into five lots. These five new dwellings have a single shared vehicle access to the rear. This configuration has reduced the potential number of vehicle access points by four, as well as providing for landscaping at the front of the lots. This outcome also contributes to increased public safety and improved streetscape amenity.

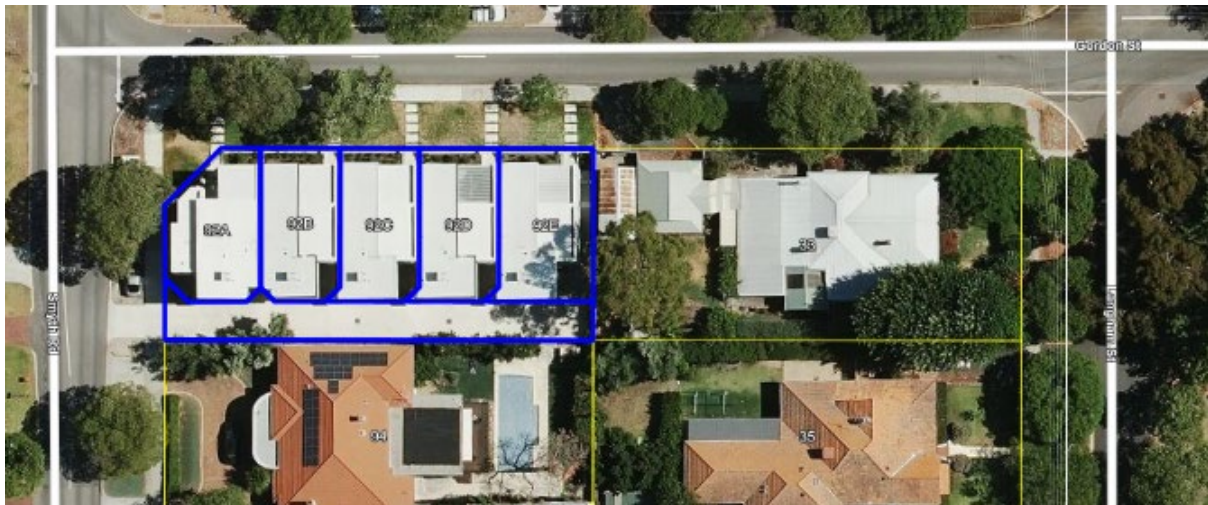


Figure 4: New development at 92 Smyth Road

The Amendment does not apply to other streets in the vicinity with an R60 or higher coding, such as Bruce Street, Carrington Street or Beford Street, Nedlands. This is due to the corner lots on these streets being narrower than the streets included in the Amendment, as well as the orientation of the lot making them unsuitable for the vehicle access restrictions proposed.

The proposed vehicle access limitation is a vital mechanism in maintaining areas for landscaping, while minimising the proliferation of single user vehicle access points. The overall results are reduced public safety risks and improved visual amenity impacts. These vehicle access provisions do not apply to alterations and additions or changes of use for existing development.

An amendment to the planning scheme is necessary for the Western Australian Planning Commission (WAPC) to enforce the City’s recommendations during the subdivision process. The WAPC otherwise has no regard for local planning policies when determining subdivisions.

Consultation



Community consultation was undertaken from 9 September to 18 October 2024. A community information session was held on 16 September 2024 which was attended by four people. During the consultation period five submissions were received, two in support and three opposed. The main comments are summarised below and in full as a Schedule of Submissions in **Appendix 3**.

Comment	Officer Response
We argue that each development should be reviewed on a case-by-case basis and that this should take into consideration the current greenspace, easements and accessibility.	Variations to the provisions can be considered and a merit-based assessment of any proposed development is a cornerstone of the development application process.
Consideration of on-site constraints such as easements.	Existing on-site constraints are a reality of any R-coded site and while this is not considered a fatal flaw in the context of coding, on-site constraints are a consideration to any future development proposal.
The development example provided by the consultants was for a south of the highway quarter acre block. The Gordon Street blocks are significantly smaller, and on this basis they should be excluded from the amendment.	Whilst the lots along Gordon Street are smaller the requirement for a single access does not reduce the development potential. There are examples of lots along Gordon Street which have been subdivided into 5 lots with a single access to the secondary street.
The proposed amendment would see the removal of a number of mature trees to achieve a single rear access.	Hypothetical development scenarios are considered premature in the absence of a development application. The City would encourage preservation and where on City managed and controlled lands require preservation of mature trees.

Main Roads

Main Roads was provided an opportunity to comment on the proposed Amendment and advised they had no objections.

Strategic Implications

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

- Vision Sustainable and responsible for a bright future

- Pillar Place

- Outcome 6. Sustainable population growth with responsible urban planning.

Budget/Financial Implications



Nil.

Legislative and Policy Implications

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

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

Decision Implications

If Council resolves to support the Amendment it will be referred to the WAPC, which will make a recommendation to the Minister for Planning.

If Council resolves to support the Amendment with modifications, the amendment may have to be readvertised if the modifications are significant. Otherwise, the amendment will be referred to the WAPC which will make a recommendation to the Minister for Planning.

If Council resolves not to support the Amendment, it will not be progressed and there will be no planning mechanism to mitigate the proliferation of vehicle crossovers along Jenkins Avenue, Edward Street and Gordon Street.

Conclusion

It is recommended that Council support, with modifications, Scheme Amendment 14 for referral to the Western Australian Planning Commission.

Further Information

Nil.



16.3 PD78.12.24 Adoption of Local Planning Policy 1.1 Residential Development

Meeting & Date	Council Meeting – 10 December 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.
Report Author	Tony Free – Director Planning & Development
Director	Tony Free – Director Planning & Development
Attachments	<ol style="list-style-type: none">1. Draft Local Planning Policy 1.1: Residential Development2. Change Notes3. Schedule of Submissions

Purpose

The purpose of this report is for Council to consider adoption of the draft Local Planning Policy 1.1: Residential Development (the Policy), found at **Attachment 1**, following public consultation.

The Policy has been prepared with the aim of increasing internal amenity for R30-R40 Single Dwellings and promoting tree retention and planting as part of residential developments.

Recommendation

That Council ADOPTS the draft Local Planning Policy 1.1: Residential Development (Attachment 1) in accordance with Clause 4 of the Deemed Provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, which will replace the existing Residential Development Policy.

This motion was PUT and CARRIED En Bloc.

Voting Requirement

Simple Majority.

Background



Local Planning Policy 1.1: Residential Development was reviewed and advertised in December 2022. However, various changes to the state planning framework over the course of 2023 and early 2024 delayed the policy being presented back to Council and has given Officers the opportunity to further enhance the Policy.

At the 28 May 2024 Ordinary Council Meeting, it was resolved that the consideration of draft Policy for advertising be deferred to the 25 June Ordinary Council Meeting.

At the 25 June 2024 Ordinary Council Meeting, it was resolved that the Policy be deferred again.

At the 27 August 2024 Ordinary Council Meeting, Council adopted the Policy for the purpose of advertising. Advertising has concluded and the Policy is now presented to Council for final adoption.

The policy review includes amendments to a number of existing policy provisions, as well as introducing new measures.

A summary of the amendments are as follows:

- Formatting and division of the policy into three major sections to make clear the application of each policy measure and to be consistent with the R-Codes Volume 1 and Local Planning Policy 5.14: Precincts.
- The addition of clause 6.2 with Deemed-to-Comply criteria and Design Principles for R30 to R40 Single Dwellings adopted from Part C of the R-Codes Vol. 1.
- Additional Local Housing Objectives to ensure consistency in officer interpretation.
- Clarification regarding impervious surfaces, soft landscape and deep soil area.
- The addition of Tree Retention as a consideration in Local Housing Objectives and Clause 7.2 which allows the local government to consider variations where trees are retained.
- Definitions that are unused or covered by the R-Codes Volume 1 have been removed and additional definitions have been included.
- Additional figures relating to Clause 6.2 have been added, as well as clarifying policy measures not applicable in the St Johns Wood Estate.

The amended Policy is a general residential policy and will apply to all development to which the R-Codes Volume 1 applies except where there are specific precinct policies, master planned estates, character areas, etc that take precedence.

In reviewing the Policy, two resolutions from Council have been addressed. The resolutions are as follows:

On 23 November 2021, - "protection from overshadowing, of solar panels, windows to main living areas of adjoining dwellings and potential future solar panels."

On 22 February 2022, - "Deemed-To-Comply Height Requirements as written in Table 3, Category B of Volume 1 of the R-Codes 2021, for Single and Grouped Dwellings."



At the October 2022 Ordinary Council Meeting when the amended Policy was first advertised, a resolution was put up to revert all building heights to the R-Code heights, but this was lost.

The existing building heights in the current Policy are well established in the low-density suburbs of Swanbourne and Dalkeith. They are tailored to the Nedlands context with the heights allowing for dwellings to be built easier on land that slopes down to the river or the ocean. Reducing building heights in these areas would lead to inconsistent streetscapes. However, the Policy as advertised has reverted to the lower building heights within the R-Codes in higher density areas as discussed below.

Solar Access provisions require WAPC approval for modification. Local Housing Objectives will accompany the existing building height criteria, addressing the consideration of protecting outdoor living areas and solar collectors from overshadowing. These can only be used when there is a design principles assessment.

Discussion

The proposed changes to the adopted Policy are discussed in detail below, along with discussion relating to Council’s deferral reasons.

Building Height

The amended Policy proposes maintaining the same wall and roof height as the existing Policy for lots coded R20 and below, while reverting to the R-Codes for all other densities. A comparison between the building height criteria of the existing Policy and the R-Codes Volume 1 are as follows:

Table 1: Policy versus R-Codes Vol 1 heights

Element	R-Codes Volume 1 Height	Existing Policy Height
Wall height (roof above)	7m	8.5m
Wall height (gable, skillion and concealed roof)	8m	8.5m
Roof height	10m	10m

Should Council adopt the height settings of the R-Codes Volume 1 for all residential development, it would reduce the Deemed-to-Comply wall heights across the City down from their historic heights.

It is recommended that the height settings of the existing policy remain only for R20 and lower coded lots for the following reasons:

- The City of Nedlands height controls were originally enshrined in Council’s former Town Planning Scheme No. 2 since 2001. Dwellings have been developed to this greater Deemed-to-Comply allowance for over twenty years, with the design response well enshrined throughout the City. These additional heights can be considered characteristic of most Nedlands suburbs.



- Reducing the current Deemed-to-Comply heights to meet the R-Codes would disadvantage newer houses and additions to existing houses compared to any immediate neighbours and may result in more State Administrative Tribunal reviews.

Given the longstanding nature of the height controls in place in Nedlands, their general acceptance by the community, and the improved internal amenity outcomes, removal of the local planning policy height provisions for all lots is not recommended. However, it is recognised that larger houses are more likely to be problematic when on smaller, higher density lots. The draft Policy therefore proposes that the existing heights be kept for all lots coded R20 and below, with lots coded greater than R20 reverting to the R-Codes. This would allow additional height in established, low-density suburbs where it is less likely to cause overshadowing issues. Further, these same lots are affected by the tree retention policy, and additional height could be seen as an extra benefit for tree retention.

Should Council opt to revert to the R-Codes heights for all densities, the following additional resolution is provided:

Modifies the amendments to the draft Local Planning Policy 1.1: Residential Development (Attachment 1) by deleting clause 6.1.2(a) and renumbering the remaining clauses appropriately.

Solar Access for Adjoining Sites

A new Local Housing Objective is proposed to encourage protection of existing solar collectors and outdoor living area on adjoining lots. This objective is to be used when a design principles assessment is required (ie: when the development does not meet the deemed-to-comply criteria for overshadowing).

Guidance has been adopted from the State of Victoria Planning Practice Note 88 to assist in the assessment of whether the location of solar panels is reasonable and appropriate for purposes of a Design Principles assessment. For instance, consideration can be given to whether the panels are located high on the roof, whether the adjoining building is set back appropriately, etc. During drafting of the policy, it was found that some of the considerations given can be applied to protecting existing outdoor living areas too. The Local Housing Objectives have been adapted to include these protections. Importantly, these considerations can only be used where a house does not meet the Deemed-to-Comply criteria for overshadowing. Attempting to make this mandatory would require WAPC approval, which is unlikely to be forthcoming.

Interpretation of R-Codes Definitions

The R-Codes Volume 1 contains a definition for 'soft landscape'. There are related terms such as 'deep soil area', and 'impervious surfaces' which rely on the definition of 'soft landscape'. The 'soft landscape' definition states that turf is included in the definition, however this can create confusion as turf is a broad term and can include traditional lawns but also artificial turf and turf cell which can occasionally be impermeable and strays from the purpose of soft landscaping and deep soil area which is for vegetation and natural areas.



Officers have drafted Clause 8.1 to provide clarification by stating that artificial turf and turf-cell are considered to be included in impervious areas/surface and materials so therefore do not contribute to soft landscape.

The clarification will help ensure that landscaping areas are capable of being vegetated. Changes of this nature are supported by submissions which had a consensus of promoting an increase in tree planting and vegetation.

Additional Deemed-to-Comply Criteria and Design Principles for Single Houses on Land Coded R30-R40

The release of the Medium Density Code in early 2023 proposed to significantly change the assessment of medium density dwellings. The considerations of the Medium Density Code required that development be more site responsive, include better open space and tree coverage and improve the sustainability and internal amenity of dwellings.

The deferral of the Medium Density Code in August 2023 to review elements of the policy and remove applicability of the policy from single houses below R50 meant that the benefits of the code were unlikely to be as far reaching within the City of Nedlands. The criteria were considered to increase the cost of delivering housing and would have been a burden towards development in WA's low- and medium-income areas. Officers considered that the proposed policy did offer many benefits to medium density housing development.

It is proposed that elements of the Medium Density Code should be introduced into the draft Policy for single houses R30 to R40 where the City can adopt them free of WAPC approval.

Tree Retention and Planting

Tree Retention and planting of vegetation is a major theme of the Policy. Although the Policy is a residential policy, the retention and inclusion of trees and vegetation can be enhanced by such a Policy. Modifications to existing clauses and the addition of new clauses have allowed greening to be enhanced through the Policy. The following clauses are included:

- Clause 6.2.1: Requirement for Primary Garden Area with at least 1/3rd soft landscaping in R30-R40 Single Dwelling Developments
- Clause 6.3.2: Local Housing Objective for assessing proposals in rear setback areas now need to consider whether the proposal necessitates the removal of vegetation and whether the rear setback will remain predominantly soft landscaped.
- Clause 6.3.5: Local Housing Objective for assessing a reduction in visitor parking requires that a regulated tree is retained or the development exceed the minimum tree planting requirement in order for a reduction to be considered.
- Clause 6.3.6: Local Housing Objective for assessing vehicle access from streets other than the laneway where a laneway is provided, will require that access is considered from the secondary or primary street where doing so would avoid removal of mature trees on private property.
- Clause 7.2.1: Tree Retention Clause provides a general allowance for considering variations to deemed-to-comply provisions where a regulated tree is retained on site and provided the development meets design principles, local housing objectives and the objectives of the Policy.



- Clause 8.1: Impervious Surfaces provides clarification that the City considers swimming pools, artificial turf, turf-cell, pavement, gravelled, pebble areas and the like to be impervious surfaces, therefore not contributing to soft landscaping.

The Submissions received on the policy focused on retention and increase of tree canopy.

Consultation

Community consultation was undertaken for a period of 21 days from 20 September to 11 October.

At the close of advertising ten submissions were received. Nine submissions supported the Policy and one opposed the policy. Of the submissions that supported the policy, all included comments suggesting policy measures with the aim of enhancing tree canopy and restricting the ability to vary setback requirements such as banning averaging of setbacks and preventing consideration of buildings in the rear setback areas.

Of particular note is the suggestion from submitters that basements be not permitted within primary and rear setback areas. Submitters suggested this on the basis that basements in these areas would remove deep soil areas, however, deep soil areas are protected via other means. The following means allow the City to protect and enhance tree canopy:

- The Tree Retention Local Planning Policy is in effect. It prevents removal or damage to Regulated Trees on lots coded R20 and below.
- Clause 6.1.1 b) of the draft LPP amends the R-Codes so that where street setbacks on lots coded R20 or above are averaged, the required compensating area shall be at least 50% deep soil.
- Clause 6.1.1 b) also increases open space on grouped dwelling developments by excluding common property access legs from the open space calculation.
- New Clause 7.2.1 allowing the Local Government to consider variations to Deemed-to-Comply provisions where a regulated tree is retained on site.

The issues raised by submitters and the officer responses to each are provided in further detail below:

Issue	Response
Submitters would like to see basements prohibited in the front and rear setback of lots to ensure there is more space for planting trees.	The Policy does not explicitly prohibit basements in front and rear setbacks but it is important to note that deep soil area requirements, landscaping requirements and minimum tree planting requirements do ensure that there is adequate space for vegetation.
One submission called for the Policy to require the wiring for an EV in every new dwelling.	The City’s Sustainable Design Local Planning Policy is a more suitable document for EV charger requirements. The City already requires sustainability measures including EV charges in multiple dwellings but it may be wasteful to include this in more individualised dwellings where if an owner decides to purchase an EV, the



	cost of installing a charger could be seen more as part of the car purchasing process.
Submitters called for primary street setbacks to be increased in areas coded R20 and above to 6m.	The policy does not seek to create new front setback distances. Instead, the draft LPP has brought the front setbacks for R10-R15 properties across from the scheme to the LPP for ease of reference.
Remove ability to average setbacks	The Clause relating to street setbacks is an increased requirement over that in the R-Codes because it requires that 50% of compensating area be deep soil area. This ensures that even though setbacks for part of a dwelling may be reduced, there is still adequate space for planting trees and landscaping. This provides the desired outcome of more vegetation while still allowing property owners flexibility in the design of their dwellings.
Submitters called for the removal of a Local Housing Objective that considers when it is appropriate to locate buildings within the rear setback of a lot.	Clause 6.3.2 is a Local Housing Objective providing guidance only where a Design Principles Assessment is sought. It ensures that where an Application proposes a building in the rear setback that issues including retention of vegetation and landscaping space are considered. The Clauses does not remove requirements relating to deep soil areas, landscaping and tree planting.
One submitted objected to the Policy, stating that the Policy is too restrictive and more onerous than the R-Codes.	The criteria in the Policy is designed to enhance the liveability of the City of Nedlands with more landscaping, deep soil area and better amenity for R30-R40 Single Houses. Although there are additional requirements, these will ultimately result in better homes in the City.

The supporting submissions focused on tree retention provided various suggestions for how to increase tree canopy and retain tree canopy. The Policy has proposed means of achieving these same outcomes but in different ways that are less arduous. For suggestions around EV Charging and the like, these may be valuable suggestions but rather should be considered when reviewing the City’s Sustainable Design Local Planning Policy.

The Policy has not been modified as a result of the submissions.

The full submissions and the officer’s response to each is in Attachment 3.

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	Planet
Outcome	5. Climate resilience.
Pillar	Place
Outcome	6. Sustainable population growth with responsible urban planning.

Budget/Financial Implications

Nil.

Legislative and Policy Implications

Clause 4 of the Deemed Provisions of the [Planning and Development \(Local Planning Schemes\) Regulations 2015](#) allows the City to prepare a Local Planning Policy in respect to any matter related to the planning and development of the Scheme area. The Policy has been advertised and is presented to Council for final determination.

Council must consider any submissions received and resolve to:

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

Decision Implications

If Council resolves to proceed with the Policy, it will be adopted and take effect once a notice has been placed on the City's website.

If Council resolves to endorse the modifications, the Policy will be amended to include the modifications.

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

Conclusion

The draft Local Planning Policy 1.1: Residential Development has been prepared to enhance and protect the existing Nedlands streetscape, improve the quality of dwellings and increase the quantity of vegetation on residential land. The Policy retains established building heights for properties coded R20 and below, providing better internal amenity whilst



new Local Housing Objectives provide greater ability to assess overshadowing in design principle assessments.

It is recommended that Council proceed with (adopt) draft Local Planning Policy 1.1 – Residential Development.

Further Information

The following matters were raised at the Council Agenda Forum via a deputation and are addressed as follows:

Basements

Officers have reconsidered submissions concerning basements in the front and rear setbacks of lots causing a reduction in deep soil area. It is possible to limit the size of basements through inserting a new clause that will create an additional requirement under the Site works elements of the R-Codes (refer to Attachment 1).

The new clause 6.1.7 requires that basements only be permitted under the footprint of the building, ensuring that setback areas are able to accommodate greater deep soil area. The provision provides an exemption to vehicle access and other types of excavation to ensure that the provision provides control over basements without unintended consequences.

Street Setback Averaging on Lots Coded R20 and Above

Submissions have highlighted the averaging of primary setbacks and the primary setback distances of lots coded R20 and above as an issue. It should be noted that the policy does not seek to change these longstanding requirements which are consistent with the R-Codes and well represented in the suburbs of Mt Claremont, Swanbourne and Floreat. To change the setback distances in these areas would be a significant change for residents. It should be recognised that only minor amendments to this requirement have been made in the Policy. This is so that where the only reason the clause is modified in the Policy is so that where setbacks are averaged, the compensating space shall contain at least 50% deep soil area, see clause 6.1.1 (b). This is an improvement over the requirements in the R-Codes which do not require any deep soil in the compensating area.

Averaging setbacks is important for allowing flexibility in placement of buildings. It does not allow for increased development area because of the compensation required. It also does not allow for setback creep as averaging does not change the official setback distance. To do so would require a new setback distance to be assigned through a Local Planning Policy or Scheme Amendment. Averaging is important for considering tree retention. The flexibility afforded by setback averaging allows for existing trees located behind the primary setback line to have greater chance of being retained, especially where they are not regulated or where they would otherwise pose a significant limit on development, therefore meeting removal criteria in Clause 7.1.3 v. of Local Planning Policy 3.3: Tree Retention.

Lot Boundary Setbacks

Clause 6.3.2 and 7.2.1 will require officers to consider the retention of trees where buildings are proposed in the rear setback. This provides flexibility on building placement similar to



that in the front setback of lots coded R20 and above. This allows for innovative design where existing trees can be retained, and pockets of deep soil can be accommodated for. These clauses are Local Housing Objectives and can only apply to Design Principles Assessments. Modifications to the relevant Deemed to Comply provisions of the R-Codes for lot boundary setbacks cannot be made without approval from the WAPC.



16.4 PD79.12.24 Schedule of Strategic Planning Projects

Meeting & Date	Council Meeting – 10 December 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.
Report Author	Tony Free – Director Planning & Development
Director	Tony Free – Director Planning & Development
Attachments	Nil

Purpose

This report is presented to Council to outline the current and future strategic planning projects.

Recommendation

That Council RECEIVES the Schedule of Strategic Planning Projects dated December 2024.

This motion was PUT and CARRIED En Bloc.

Voting Requirement

Simple Majority.

Background

Council resolved at the 27 August 2024 Ordinary Council Meeting that the strategic projects be listed at every ordinary Council meeting.



Discussion

The current schedule of strategic planning projects is found in the table below. The schedule has been updated to reflect ongoing progress of projects.

Schedule of Strategic Planning Projects – November 2024			
Project	Summary	Status / Council resolution of August 2024	Update
LPP 4.1 Parking	Collection of cash-in-lieu requires a parking plan/strategy setting out where the money is to be spent. Policy would update non-residential car parking standards to contemporary ratios	Council resolution of August 2024 for policy to be presented to Council September 2024.	Adopted for advertising at the November 2024 OCM. Advertising to be undertaken early 2025.
New LPP – Percent for Public Art	Policy to promote public art within development or through developer contributions.	Council resolution of August 2024 for policy to be presented to Council September 2024.	Adopted for advertising at the November 2024 OCM. Advertising to be undertaken early 2025.
Scheme Amendment 14: Vehicle Access	Restricts vehicle access to a single crossover for corner lots in the R60 areas within the NSHAC Residential precinct.	Advertised for community comment from 6 September to 18 October 2024. Council resolution of August 2024 for policy to be presented to Council October 2024.	Presented to Council December 2024 to progress.
New LPP - Natural Ground Level Policy	To clarify natural ground level	Council resolution of August 2024 for policy to be presented to Council September 2024.	Presented to Council at the November 2024 OCM. Policy not progressed
New LPP – Verges and Street Trees	Setting out protection of verges and street trees.	Council resolution of August 2024 for policy to be presented to Council October 2024.	Expected to be presented to Council in early - mid 2025 for approval to advertise.



Mount Claremont Master Plan*	Sets out the vision for the future land use, transportation and green networks for the Brockway Road area and surrounds once the Waste Water Treatment Plant is capped.	Council resolution of August 2024 for master plan to be presented to Council October 2024.	Adopted for advertising at the November 2024 OCM. Advertising to be undertaken early 2025.
Heritage Areas		Completed. Council resolution of September 2024.	n/a
Local Planning Strategy and Scheme Review*	The Strategy and Scheme are to be reviewed every 5 years as per State legislation. Substantial background reports will be required to research housing needs and estimating housing projections.	Council resolution of August 2024 for strategy to commence in February 2025.	Important to commence in 2024/25 if desire is to avoid a new scheme. Potential for report to be presented to Council in April 2025, subject to a Manager of Planning & Development being appointed.
UWA-QEII Improvement Plan*	Working with the DPLH and City of Perth to create an Improvement Scheme for the area.	Not yet commenced	n/a
New LPP – Construction Management Plans	New policy setting out requirements and processes for construction of new development.	Policy being prepared.	Expected to be presented to Council in early – mid 2025 for approval to advertise.
LPP 3.2: Waste Management	Existing policy sets out waste criteria but is already covered by existing legislation. Policy will not be supported by the WAPC and is	In progress.	Expected to be presented to Council in 2025 to revoke.



	redundant. Policy will be revoked with technical specifications for development provided as a publicly available administrative document.		
Public Open Space Strategy*	Expand the strategy to include the whole of the City as per the Council resolution.	Commencement dependant on budget.	The cost to undertake this work is estimated to be \$65,000. This is to be allocated in the 25-26 budget and subject to a procurement process.
New LPP: Commercial	New policy setting out built form and other criteria for non-residential development.	Not yet commenced.	Expected to be presented to Council in first half 2025
Scheme Amendment 16: Fast Food	Scheme Amendment making Fast Food an 'X' use within the City.	Will require a Council resolution, which should be considered in conjunction with the commercial policy.	Expected to be presented to Council in first half 2025
Local Heritage Survey and Heritage List*	The LHS and the Heritage List are required to be periodically reviewed.	Not yet commenced	Expected to be presented to Council in first half of 2025.
New LPP: Broadway Public Realm	Establish guidelines for the public realm.	Not yet commenced	n/a
New LPP: Percent for Canopy	Policy to promote tree canopy through developer contributions.	Not yet commenced	n/a
LPP 1.1: Residential Development*	Amended policy reflecting recently gazetted R-Codes changes. Sets out built	Advertised for community comment from 20 September – to 11 October 2024.	Presented to Council December



	form criteria for areas not covered by LPP 5.14: Precincts.		2024 for adoption
Scheme Amendment: Short-term rental accommodation	Update scheme text to introduce new and revised land use classes and general definitions to facilitate State Government reforms for short-term rental accommodation.	Yet to commence.	Potentially Scheme Amendment will be preseted to Council in March 2025 for consent to advertise. There is a Western Australian Planning Commission requirement that the Scheme Amendment is finalised by January 2026.
LPP 3.4: Tree Retention R25-R80	Policy which seeks to retain regulated trees on R25-R80 lots within the City.	Draft LPP prepared	Adopted for advertising at the November 2024 OCM. Advertising to be undertaken early 2025.

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 Place



- Outcome**
- 6. Sustainable population growth with responsible urban planning.
 - 7. Attractive and welcoming places.
 - 8. A city that is easy to get around safely and sustainably.

Pillar **Performance**

- Outcome**
- 12. A happy, well-informed and engaged community.

Budget/Financial Implications

Some items, particularly the scheme review, will require consultancy work. These items have been included in the draft 24/25 FY budget contingent on Council approval. Should the budget change, the schedule of upcoming projects will need to be modified.

Legislative and Policy Implications

The [Planning and Development Act 2005](#) requires that the scheme and strategy be reviewed every 5 years, and that local planning policies be regularly reviewed.

Decision Implications

The resolution simply noted the proposed schedule of works but does not bind Council or City Officers to maintain the proposed order of work should other priorities arise.

Conclusion

That Council notes the current and future schedule of strategic planning projects.

Further Information

Nil.



16.5 PD80.12.24 Orton Road Precinct Structure Plan

Meeting & Date	Council Meeting - 10 December 2024
Applicant	Element Advisory on behalf of the landowner, Alinea Inc (site of the Quadriplegic Centre)
Information Provided	All relevant information required has been provided.
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare that they have an association with one of the two planning consultants listed as the applicants. That planning consultant has now left the planning firm (Element Advisory). This association is due to the fact that the planning consultant is a former planning employee at the City of Nedlands and has previously worked alongside staff involved in this application. As a consequence, there may be a perception that the impartiality on the matter may be affected. The authors, reviewers and authorisers of this report declare that they have considered the matter on its merits and provided advice accordingly.
Report Author	Chantel Weerasekera – A/Coordinator Planning Approvals
Director/CEO	Tony Free – Director Planning and Development
Attachments	<ol style="list-style-type: none"> 1. Zoning Map 2. Lot 47 (No. 2) Orton Road Precinct Structure Plan dated received 21 June 2024 3. Bushfire Implications Memorandum prepared by MBS Environmental 4. R-Codes Amendments 5. Schedule of Submissions 6. External Agency Submissions 7. Schedule of Modifications

Purpose

The purpose of this report is for Council to make a recommendation to the Western Australian Planning Commission (WAPC) on the proposed Orton Road Precinct Structure Plan. The Precinct Structure Plan has been prepared and submitted by Element Advisory on behalf of the landowner, Alinea Inc.

It is recommended that the Council recommend to the WAPC that the proposed Precinct Structure Plan be approved, subject to modifications.

Recommendation

That Council in accordance with Clause 20 of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015:



1. **RECOMMEND** to the Western Australian Planning Commission that the proposed Lot 47 Orton Road Precinct Structure Plan be approved in the instance where:
 - a. The modifications, as set out in Attachment 7, are made to the Orton Road Precinct Structure Plan;
2. **FORWARD** the full Structure Plan proposal, Schedule of Submissions and the recommended modifications to the Western Australian Planning Commission for its determination.
3. **NOTIFY** the Applicant, affected landowners and submitters of Council's recommendation.

This motion was **PUT** and **CARRIED En Bloc**.

Voting Requirement

Simple Majority.

Background

Land Details

Metropolitan Region Scheme Zone	Urban
Existing Local Planning Scheme Zone	Urban Development
R-Code	N/A
Land area	1.9ha

On 21 June 2024 the City received an application for a Precinct Structure Plan (PSP) pertaining to Lot 47 (No. 2) Orton Road, Shenton Park (**Figure 1**). The Orton Road PSP has been prepared by Element Advisory on behalf of the landowner, Alinea Inc. The lot is 1.9ha in area. The bulk of the lot is zoned 'Urban Development' by the City of Nedlands Local Planning Scheme No.3 (LPS 3). A small portion of the lot to the south is within the Shenton Park Improvement Scheme area and is also zoned 'Urban Development' by Improvement Scheme No. 1. There is a proposed Amendment 2 to Improvement Scheme No.1 currently being progressed through the Department of Planning Lands and Heritage (DPLH). This amendment will realign the boundary so that the entirety of Lot 47 is within the City of Nedlands LPS 3 scheme area.



Figure 1: Aerial image of Orton Road PSP area.

Site Context

The site currently contains the the Quadriplegic Centre, which was built in the 1960's and is now nearing the end of the building's life span. To the south and south-west of the PSP area, is the Shenton Park Hospital Redevelopment area known as Montario Quarter. This area contains a mix of townhouse and apartment developments and public open space. To the east of the site is the City of Subiaco Local Government area. The lots located to the west are also owned by Alinea Inc.

Application Details

Precinct Structure Plans are guiding documents on how an area could be developed in the future. They outlines land use, density, and development (including built form), access arrangements, infrastructure, environmental assets and community facilities at a precinct scale to facilitate future subdivision and development.

The Orton Road PSP proposes five buildings between three to eight stories in height. The buildings will comprise of 200 residential dwellings, to provide for supported seniors living. Along with the residential component, the PSP also proposes additional land uses including a club house, cafe, recreational facilities and an office intended to be used by the seniors and their visitors and staff. Vehicle and pedestrian access to the site will be from Orton Road and the site proposes 258 car parking spaces.

Discussion

Planning and Development (Local Planning Schemes) Regulations 2015



The Schedule 2 Part 4 Deemed Provisions of the Planning and Development (*Local Planning Schemes*) Regulations 2015 (the Regulations) outlines the process for preparing and amending structure plans. It specifies that PSP's are subject to the approval of the WAPC and are to operate as documents of 'due regard' (i.e. without the statutory weight of the scheme and consequently capable of flexibility in application). The City has followed the relevant processes outlined within the Regulations in the processing of the structure plan.

State Planning Policy 7.2 Precinct Design Guidelines (SPP 7.2)

State Planning Policy 7.2 Precinct Design Guidelines (SPP 7.2) builds upon the '10 Design Principles' in State Planning Policy 7.0 Design of the Built Environment, by introducing the concept of design review into the precinct planning through six performance-based design elements. Assessment of the PSP against the intent, objectives, consideration and guidance of the SPP 7.2 Design Elements is provided below.

Design Element 1: Urban Ecology

Bushfire

A majority of the site is within a Bushfire prone area (**Figure 2**), and State Planning Policy 3.7 Planning in Bushfire-Prone Areas is applicable (SPP 3.7). The Orton Road PSP was referred to the Department of Fire and Emergency Services (DFES) who has noted that SPP 3.7 requires a Bushfire Management Plan (BMP) to accompany strategic planning proposals, including PSP's, in areas above BAL-LOW. The PSP did not include a BMP as part of its lodgement. The applicant provided a bushfire implications memorandum and contour map prepared by MBS Environmental (**Attachment 3**) dated 5 July 2023. Given the PSP seeks to intensify the area through the provision of additional housing, including accommodation for vulnerable persons, it is requested that a BMP be provided as required per DFES advice prior to the endorsement of the PSP (**Attachment 7**).



Figure 2: Bushfire prone area highlighted in pink.

Environmental Conservation

The applicant has provided an Arboricultural Tree Survey prepared by Paperbark Technologies which identifies that there are 115 existing trees on site (refer to Appendix B of **Attachment 2**). The survey indicates that the majority of trees are in good to fair health and fair structural condition at the time of the survey. The applicant has outlined that tree retention on site is a priority and will be based on levels of retention values, impacts of servicing requirements, bushfire risk management and development requirements. **Figure 3** below outlines the trees with greater retention value in relation to the proposed built form. The City values tree canopy retention and it is the City's recommendation that trees worthy of retention be retained wherever possible. Tree retention is particularly encouraged along the eastern boundary to provide a buffer for any perceived building bulk to the City of Subiaco residential dwellings to the eastern side of Selby Street. Given the significant amount of trees and vegetation within the site, it is requested that an amended Arboricultural Tree Survey be provided that clearly indicates what trees are to be retained, prior to the endorsement of the PSP (**Attachment 7**).



Figure 3: Indicative Tree Retention Diagram

The adjacent northern site at Lot 4 Underwood Avenue contains high quality Carnaby Black Cockatoo habitats and the subject site is within 500m of two roosting sites. The subject site itself has not been identified as containing any roosting sites, however contains a substantial amount of tree species which provide a foraging habitat for Carnaby Black Cockatoos. Given the significant amount of trees and vegetation within the site possibly containing important ecological fauna, it is requested that an Environmental Assessment and Management Strategy and be provided prior to the endorsement of the PSP (**Attachment 7**). The PSP was also referred to the Department of Biodiversity Conservation and Attractions which did not raise any specific concerns with the proposal but relies on the City to consider environmental considerations.

Landscaping

The applicant has provided an indicative Landscape Masterplan (refer to Appendix 5, **Attachment 2**). The indicative Landscape Masterplan outlines deep soil areas, proposed trees, potentially retained trees and trees with a moderate to high retention value. In general, the indicative Landscaping Masterplan provides for appropriate areas for landscaping, including consolidated deep soil zones to support tree planting. The plan indicates one tree



per four car parking bays, which is consistent with the City's Local Planning Policy 3.1: Landscaping Plans.

The plan does not specify species selection. Therefore, at this stage the City is unable to make an assessment on the suitability of the landscaping in relation to supporting the functionality of the existing ecological linkages and providing a secondary foraging habitat for Black Cockatoos and other fauna. Notwithstanding, these landscaping specifications will be considered as part of the future development application stage to ensure their suitability considering providing habitat, encouraging a sense of place, reducing climate change and reducing bushfire risk.

Design Element 2: Urban Structure

Pedestrian Movement

The Orton Road PSP orientates the proposed buildings towards the centre of the site to foster a sense of community, with a central hub linked by pedestrian paths and landscaping. The PSP proposes two pedestrian access points which connects the precinct with Orton Road and the Montario Quarter development to the south. The pedestrian paths and the vehicle access points are distinctively separated to provide safety and encourage walkability throughout the precinct. The pedestrian paths are intended to focus on a sense of community internal to the precinct area and create a walkable and pedestrian friendly environment (**Figure 3**). These links will provide sufficient access to nearby transit stops including high frequency bus stops to the south of the site along Selby Street and the Shenton Park train station.



Figure 3: Pedestrian Network

Design Element 3: Public Realm

Public Open Space

Development Control Policy 2.3 Public Open Space in Residential Areas (DCP 2.3) sets out the requirements for the provision of public open space contributions within residential areas. In accordance with DCP 2.3 the typical open space requirement is for 10% of the gross subdivisible area of the lot be given up free of cost and vested to the Crown as a reserve for Recreation. However, as the site is zoned 'Urban Development', and is not required to be rezoned or subdivided (as discussed below), there is no trigger for a formal ceding of public open space (POS).

The site is proposed to facilitate supported seniors housing in an independent living complex. The site is not open to the public and will only open to residents and their visitors. In this regard the provision of public amenity through POS is not necessary. Notwithstanding, the PSP proposes approximately 4,000m² of landscaped open space and deep soil areas (**Figure 4**). This equates to approximately 21% of the site area. As discussed above in Design Element 1: Urban Ecology, the applicant has provided an indicative Landscape Masterplan for the open space which is generally supported. Detailed landscaping design will be assessed as part of the development application process.

In addition to open space, the PSP proposes dedicated communal spaces for the use of residents and visitors such as clubrooms, recreational facilities and cafes. These spaces are intended to be used in conjunction with the open space provided, specifically to the centre of the site. The applicant has advised that communal open space will be integrated with existing and proposed vegetation to enhance the natural amenity and form a sense of place.



Figure 4: Proposed Deep Soil Areas

Design Element 4: Movement

Traffic Management

The applicant has prepared a Transport Impact Statement (TIS) in accordance with WAPC Transport Impact Assessment Guidelines (refer to Appendix 1 of **Attachment 2**). The TIS forecasts that traffic will increase by 328 vehicular trips per day and 29 vehicular trips per hour, given the increase in land use intensification from the existing Quadriplegic Centre. The TIS appropriately demonstrates the forecast traffic generation from the proposal is capable of being catered for within the existing road network and will not have undue negative impacts on the surrounding area. The City supports the findings of the TIS.

Parking



The PSP proposes 258 parking bays on site. The proposed land use for the precinct is Residential (supported seniors housing), and the TIS has utilised the Residential Design Codes Volume 2 (R-Codes Vol. 2) parking ratio of 0.75 bays per dwelling for residents and 1 per 4 dwelling (up to 12) and 1 per 8 dwellings (13 and above) for visitor parking (Figure 5).

The PSP also includes additional land uses consisting of community facilities, café, office and residential club house. These areas amount to approximately 1,674m² floor area. The TIS has considered these as ‘ancillary’ land uses for the purpose of calculating parking. The applicant has advised that these land uses will be primarily for residents, noting the only external users will be visitors of residents and facility staff. The applicant has stated that the ancillary uses are not proposed for public commercial use. On this basis, it is agreed that it would be unreasonable to apply the City’s Local Planning Policy 4.1 Parking in addition to the residential and visitor bays as required under the R-Codes Vol 2. As per the TIS, the additional parking requirements for the ancillary uses considers the additional staff required (20 bays).

It is noted that parking requirements for the proposal will be assessed at development application stage in accordance with the City of Nedlands Local Planning Policy 4.1 Parking and the R-Codes Volume 2. Should the ancillary land uses change, or be opened to the public, the City will require an amended TIS be provided.

Land Use	Requirements	Yield	Total Parking
Lifestyle (Retirement) Village - Residents	0.75 per every apartment	200 apartments	150
Lifestyle (Retirement) Village - Visitors	1 per 4 dwellings up to 12 dwellings; 1 per 8 dwellings for the 13 th dwelling and above	200 apartments	27
Lifestyle (Retirement) Village – Ancillary Land Uses Staff members	1 per every staff member	20 staff members assumed	20
Total Car Parking Requirement			197
Total Volume of Parking Provided by Proponent			258

Figure 5: Car parking assessment

The Orton Road PSP was referred to Main Roads WA (MRWA) given the proximity to Railway Road (Other Regional Road). MRWA had requested further information regarding the use of ‘ancillary uses’ to be included within the TIS (Attachment 7) based on parking and trip generation. As discussed above, this amendment is not considered necessary at this stage given the justification provided for the ancillary uses. Parking requirements for the proposal will be assessed at development application stage in accordance with the City of Nedlands Local Planning Policy 4.1 Parking and R-Codes Vol. 2. Should the nature of the ancillary land uses change, or the development be open to the public, an amended TIS will be requested at this stage.

Design Element 5: Land Use



Zoning and Density

The site is zoned 'Urban Development' by LPS 3 and Shenton Park Improvement Scheme No. 1. The objective of the Urban Development zone is to identify areas that require comprehensive planning in order to provide for the coordination of subdivision, land use and development. LPS 3 Clause 18(7) pertains to the Urban Development reads:

- (7) If the zoning table (Table 3) does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land
- a) a structure plan;
 - b) an activity centre plan;
 - c) a local development plan.

In this regard the lot is not required to be rezoned, as the existing LPS 3 provisions provide for due regard to a Structure Plan for the site. As there will be no subdivision nor rezoning, the whole site will be provided as Mixed Use under the PSP. As the PSP provides the built form controls, the applicable density code will be R-AC0.

The City of Nedlands is set a target of 4,320 additional dwellings by 2050 in accordance with Perth and Peel @3.5 Million (2018), which will increase the total number of dwellings in the City to 12,390. Whilst the City's adopted Local Planning Strategy does not identify this site specifically as available for development/redevelopment for the purposes of increasing dwelling numbers, the site directly abuts two identified sites, being Lot 4 Underwood Avenue to the north and the Shenton Park Hospital Redevelopment site to the south. In this regard the proposal for targeted density for Residential land uses in this location is broadly consistent with the intent of the Strategy and is supported.

The draft Liveable Neighbourhoods 2015 provides guidance on the determination of density codes surrounding activity centres and high-frequency public transport routes. The site is approximately 650m from Shenton Park Train Station. This location is identified in draft Liveable Neighbourhoods as a recommended density code of R50 to R80.

Given the more recent infill targets set by Perth and Peel @3.5 Million and the City's Strategy, the density guidance outlined in draft Liveable Neighbourhoods may no longer be adequate to achieve infill targets. The City's Strategy preferences targeted density over ad-hoc subdivisions, and thereby the site is an appropriate location to accommodate increased density given its close proximity to the Shenton Park Hospital Redevelopment site and Shenton Park Train Station. The Strategy does not set a prescriptive dwelling target for specific lots, therefore, consideration of density is primarily guided by the recently released State Planning Policy 7.2: Precinct Design.

Land Use

The permissible land uses for the site will be determined via the PSP. The PSP proposes a primarily Residential land use consisting of multiple dwellings designated specifically for supported seniors housing. The applicant has indicated that the intended ancillary land uses for the site consist of Restaurant/Café, Office, Civic Use and Recreation - private. These ancillary land uses are to be utilised by the residents and visitors to the residents of the seniors housing.

The PSP proposes a predominantly Residential supported senior's housing land use, with the potential for expansion and adaptability to provide aged and disability care. This is consistent with the existing land use of the site as a Quadriplegic Centre. The applicant has provided justification regarding the need for the proposed land use in relation to current needs and expectations of the community. Additionally, the land use is considered appropriate to offset the loss of aged persons dwellings as part of the Nedlands Village PSP within the greater City of Nedlands. The ancillary land uses proposed on site will aid in serving the needs of the residents and include community and civic facilities. The proposed land uses will contribute positively to the precincts character and support the precincts and wider Shenton Park Hospital Redevelopment's vision.

Design Element 6: Built Form

Building Height

The PSP proposes five building 'blocks' within two precincts. Blocks identified as A, B, C are in Precinct Area 1, and Blocks D and E are in Precinct Area 2 (**Figure 6**). The blocks are positioned in a circular orientation around an open space to ensure sunlight reaches communal spaces, prevents formation of wind tunnels and facilitates passive surveillance. The location of the blocks and height restrictions are not considered to have negative impacts on the public realm or adjacent development.



Figure 6: Precinct Area Plan

In relation to allowable building height, this is determined via the Precinct Areas. The proposed maximum height limit for the site is five stories in Area 1 and eight stories in Area 2 (**Figure 7**). The height and density placement within the PSP is consistent with Perth and



Peel @ 3.5 Million framework. The site is identified as an Urban Corridor given its proximity to a station precinct. Urban corridors are intended to provide higher density and higher-rise residential dwellings along transport routes. The proposed built form within the PSP reflects this objective and proposes greater height and density in Area 2 adjacent to major transport routes. Additionally, Area 1 ranges in height from three to five storeys to provide an appropriate transition in scale to the adjacent lower density interface to the south of Orton Road and facilitate interaction with the public realm.

The built form transitions between Area 1, Area 2 and adjacent development is supported for the following reasons:

- The distance between the maximum proposed building height in Area 2 (Blocks D and E) and the adjoining low-coded (R15) residential dwellings on the eastern side of Selby Street exceeds 40m. Significant vegetation, including that to be retained on site, vegetation on the verge adjacent to the eastern boundary and vegetation within the median strip on Selby Street, will help mitigate any perceived building bulk impacts to these dwellings.
- Selby Street features four lanes with a median strip separating the flow of traffic. The western side of Selby Street (heading northbound) is a Distributor A road and the eastern side is a Distributor B road (heading southbound) as per the MRWA Road Hierarchy. These road types carry traffic between industrial, commercial and residential areas feature a 70 kmph speed limit.

It is noted that height is not directly related to bulk and scale. Associated factors such as setbacks, car parking areas, existing vegetation buffers and traffic networks are considered to alleviate any perceived negative impacts of bulk and scale.

It is considered that the current building placement, scale and massing is appropriate for the intended precinct and streetscape character. Additionally, the built form will be further considered during the development application stage where specific building design, aesthetics and materiality are considered.



Figure 7: Recommended Height provisions

Modification to R-Codes

The Orton Road PSP is intended to be read in conjunction with the R-Codes Vol. 2. Section 4.2.3 of the PSP provides additional development provisions which replace, vary or are in addition to the R-Codes Vol. 2. A schedule of those provisions to be replaced and/or varied is provided in **Attachment 4**. For clarity purposes, it is recommended that this schedule as modified be included within the PSP document. The proposed R-Codes variations predominantly pertain to Building Height (as outlined above), Tree Canopy and Deep Soil, Public Interface and Access, Car Parking and Storage. The proposed amendments lend themselves towards design for supported seniors living, as opposed to typical apartment design. For example, amended provision include that the communal space includes active play equipment, and that excess parking may be used by residents for parking caravans and associated recreational vehicles. The variations to the R-Codes are generally supported subject to some modifications as outlined in **Attachment 7**.

Consultation

Public Consultation (Community)

In accordance with the Regulations clause (18), the local government must advertise a proposed structure plan. As there is no option to not advertise a PSP. City planning officers formed the view that the PSP was not required to be presented to Council for consent to



advertise. Further, a structure plan must be advertised within 28 days of acceptance. An alternative view is that officers without clear delegation should be providing to Council a report when;

1. Additional information is requested (ahead of the application being accepted).
2. The application is complete and ready for advertising.

The Orton Road PSP was advertised for 42 days, from 19 July 2024 to 29 August 2024, in the following manner:

- Written notification to owners and occupiers within a 200m radius.
- Two signs placed on site for the duration of the advertising period.
- A community information session held on Thursday 1 August 4pm – 6pm.
- Social media post on the City’s Facebook.
- Notice and publication on the City’s website.
- Notice on the information board at the City’s Administration Building.
- Notice in the Post Newspaper.

At the close of the advertising period, the City received 4 submissions. A full schedule of submissions and applicant responses are provided at **Attachment 5**. A summary of the key themes from submissions is provided in **Table 1**.

Table 1: Public Consultation		
Issue Raised	No. of Submissions	Officer Comment
Concerns with parking and increase in traffic	2	Refer to discussion on Traffic Management and Parking within this report.
Concerns with proposed height and scale	2	Refer to discussion on Land Use and Built Form within this report.
Incompatibility of high density living and aged care / disability accommodation	2	The applicant has advised that the subject site will be used for supported seniors housing with ancillary uses. The applicant has provided additional justification outlining the mobility of seniors in comparison to dedicated aged care or disability care.
Concerns of lack of green space and impact on tree canopy and wildlife	1	Refer to discussion of Urban Ecology and Public Open Space within this report.

Public Agencies/Departments

The application was referred to the following Departments and Agencies for comment.

- ATCO
- City of Subiaco



- Department of Biodiversity Conservation and Attractions
- Department of Education
- Department of Fire and Emergency Services
- Department of Health
- Department of Planning Lands and Heritage
- Department of Water and Environmental Regulation
- Main Roads WA
- NBN
- Public Transport Authority
- Telstra
- Water Corporation
- Western Power

Attachment 6 provides comments from those agencies that made submissions during the consultation period, along with the applicant and a City Officer response.

Design Review Panel

In accordance with the City’s Local Planning Policy 7.2: Design Review Panel Clause 4.4 (a), the PSP was not presented to the Design Review Panel (DRP). Given that the PSP only proposes general massing with minimal design detail, and has limited impact on external sites, the City determined that the PSP would not benefit from being presented to the DRP at this stage. It is anticipated that once a development application(s) are lodged for the site, the application will be referred to the DRP at that stage.

Strategic Implications

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

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

Budget/Financial Implications

Nil.

Legislative and Policy Implications

The Precinct Structure Plan is to be processed in line with the requirements of the [Planning and Development \(Local Planning Scheme\) Regulations 2015](#).



Decision Implications

The processes and determination powers with respect to Structure Plans are governed by the Deemed Provisions of Schedule No.2 of the Planning and Development (Local Planning Schemes) Regulations 2015. Under these regulations, the Western Australian Planning Commission is the sole authority responsible for making determinations on Structure Plans.

Pursuant to Regulation 20 (1), Part 4, Schedule 2 of the Regulations, the responsible authority must prepare a report to the Western Australian Planning Commission on that Structure Plan, inclusive of a recommendation as to whether or not it should be approved, within 60 days of the date of closure of the public advertising period, or alternatively by a date agreed to by the Western Australian Planning Commission.

Conclusion

The proposed Orton Road PSP is broadly consistent with the six-design elements of SPP 7.2 subject to modifications. The subject site is suitable for increased residential density, specifically to a targeted demographic of seniors housing. The proposed open space is of a suitable size to enhance amenity for residents of the development and greater ecological linkages. The proposed pedestrian and vehicular movements around the site are safe and appropriate for the development, and the existing road network is capable of accommodating the increased traffic generation.

It is recommended that Council adopts the officer recommendation to WAPC to approve the PSP subject to modifications.

Further Information

Nil.



16.6 PD81.12.24 Adoption for referral to WAPC – Scheme Amendment 15 – Lot 101 (No.118) & Lot 102 (No. 108) Monash Avenue & Lot 103 (No.15) Karella Street Nedlands

Meeting & Date	Council Meeting – 10 December 2024
Applicant	CLE Town Planning and Design
Information Provided	All relevant information required has been provided.
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.
Report Author	Chantel Weerasekera – A/Coordinator Planning Approvals
Director	Tony Free – Director Planning and Development
Attachments	<ol style="list-style-type: none">1. Scheme Amendment 15 Text and Maps endorsed for advertising by WAPC2. Schedule of WAPC Modifications3. Schedule of Submissions4. External Agency Submissions

Purpose

The purpose of this report is for Council to consider submissions received on proposed Scheme Amendment 15 to Local Planning Scheme No 3 and make a recommendation on the Amendment to the Western Australian Planning Commission (WAPC). Scheme Amendment 15 proposes to rezone portions of Lots 101 and 102 Monash Avenue, Nedlands from 'Residential' to 'Mixed Use' with a density of R-AC0 and make related changes to the Additional Use provisions to facilitate the implementation of the Nedlands Village Precinct Structure Plan.

Recommendation

That Council:

1. **SUPPORTS Scheme Amendment No.15 to the City of Nedlands Local Planning Scheme No.3, as shown in the Scheme Amendment 15 Text and Zoning Map (Attachment 3) in accordance with regulation 41 of the Planning and Development (Local Planning Schemes) Regulations 2015, except where modified as below:**
 - a. **Amending Table 4 – Specified Additional Uses for zoned land in Scheme area by removing the row labelled 'A3'. Council Meeting Agenda Tuesday 10 December 2024**
 - b. **Amending the Scheme Map to remove the area depicted as 'A3'**



- c. The Additional Uses for Lot 103 are given controls to ensure they are realised as small local amenities.
2. The local government considers Amendment No.15 to City of Nedlands Local Planning Scheme No.3 should have been considered a Complex Amendment instead of a 'Standard Amendment' under Part 5 – Amending local planning scheme:
 - a. The redevelopment of the site facilitated through Amendment 15 with high density residential and multi-storey mixed use is clearly of a significant scale relative to neighbouring single residential housing (Coded R40) and therefore fits the type (c) complex amendment definition.
 - b. Future development will have a significant impact (e.g. traffic, construction management to name two) relative to neighbouring single residential housing (Coded R40).
3. **AUTHORISES** the CEO to sign relevant documents and submit two copies of the Scheme Amendment 15 report and any other relevant documents to the Western Australian Planning Commission in accordance with Regulation 37(2) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Alternate proposed

Moved Cr Hodsdon, seconded by Mayor Argyle

That Council:

SUPPORTS Scheme Amendment No.15 to the City of Nedlands Local Planning Scheme No.3 in accordance with regulation 41 of the Planning and Development (Local Planning Schemes) Regulations 2015, as follows:

1. Rezoning Pt. Lot 101 Monash Avenue, Nedlands and Pt. Lot 102 Monash Avenue, Nedlands from the 'Residential' zone to the 'Mixed Use' zone.
2. Amending the Scheme Map to apply the R-AC3 R-Code to Pt. Lot 101 and Pt. Lot 102 Monash Avenue, Nedlands as shown on the Scheme Amendment Map.
3. Amending the Scheme Map to apply the R-AC4 to Pt. Lot 101 and Pt. Lot 102 Monash Avenue, Nedlands and to Lot 103 Karella Street, Nedlands as shown on the Scheme Amendment Map.
4. Adding the following clause to the Scheme text;

Clause 26 (4)

In relation to Pt. Lot 101 and Pt. Lot 102 Monash Avenue, and Lot 103 Karella



Street, Nedlands, coded R-AC4, clause A2.2.1 in the building height element of the Primary Controls in the R-Codes is replaced by:

1. The default Acceptable Outcome for building height limit (storeys) as set out in Table 2.1 Primary Controls Table does not apply.
2. The default Acceptable Outcome for building height limit (storeys) shall be 2 storeys for lots with frontage to Karella Street and Williams Road, Nedlands and 3 storeys for lots without frontage to Karella Street and Williams Road, Nedlands.
3. Amending Table 4 – Specified additional uses for zoned land in Scheme area by replacing the row labelled ‘A3’ with the following:

No.	Description of land	Additional use	Conditions
A3	Pt. Lot 102 (116) Monash Avenue, Nedlands	1. Car park 2. Office 3. Medical centre 4. Place of worship 5. Residential aged care facility 6. Shop	1. Residential aged care facility is a 'P' use. 2. Car park, Office, Medical centre, Shop and Place of worship are 'I' uses.

4. Amending Table 4 – Specified additional uses for zoned land in Scheme area by adding a new row labelled ‘A10’ as follows:

No.	Description of land	Additional use	Conditions
A10	Pt. Lot 101 (118) and Pt. Lot 102 (108) Monash Avenue, Nedlands	7. Office 8. Recreation-private 9. Restaurant/café 10. Shop	1. Office, Recreation-private, Restaurant/café and Shop are ‘D’ uses.

5. Amending the Scheme Map to reduce the area of A3 as depicted on the Scheme Amendment Map.
6. Amending the Scheme Map to designate A10 over Pt. Lot 101 (118) and Pt. Lot 102 (108) Monash Avenue, Nedlands as depicted on the Scheme Amendment Map.
7. Modify Amendment 15 by adding the following to LPS Clause 33:



Nedlands Village Precinct Structure plan: the following height controls apply:

- 1. Maximum of 2 storeys where development has a residential interface.**
 - a) Amending Table 4 – Specified Additional Uses for zoned land in Scheme area by removing the row labelled ‘A3’.**
 - b) Amending the Scheme Map to remove the area depicted as ‘A3’**
 - c) The Additional Uses for Lot 103 are given controls to ensure they are realised as small local amenities.**

- 2. The local government considers Amendment No.15 to City of Nedlands Local Planning Scheme No.3 should have been considered a Complex Amendment instead of a 'Standard Amendment' under Part 5 – Amending local planning scheme:**
 - a) The redevelopment of the site facilitated through Amendment 15 with high density residential and multi-storey mixed use is clearly of a significant scale relative to neighbouring single residential housing (Coded R40) and therefore fits the type (c) complex amendment definition.**
 - b) Future development will have a significant impact (e.g. traffic, construction management to name two) relative to neighbouring single residential housing (Coded R40).**

- 3. AUTHORISES the CEO to sign relevant documents and submit two copies of the Scheme Amendment 15 report and any other relevant documents to the Western Australian Planning Commission in accordance with Regulation 37(2) of the Planning and Development (Local Planning Schemes) Regulations 2015.**

This motion was PUT and CARRIED (7/1)

For. Crs. Amiry, Smyth, Youngman, Coghlan, Bennett, Hodsdon & Argyle.
Against: Crs. Brackenridge.

Reasons for Departure:

There must be an appropriate interface with the neighbouring residential.

The most appropriate height for the residential interface is 2 storeys so that like development faces like development across the same street, following the urban design principle that a change of use or density should be at the rear of properties, not facing. Clause 33 from The Model provisions for Local Planning Schemes provides for additional site and development requirements for areas covered by a structure plan, activity centre plan or local development plan.

Given the importance of the residential interface to local residents and the City of Nedlands it is appropriate to include a 2-storey requirement for the redevelopment of the site to maintain the streetscape and character of the area.



The Amendment has been modified to reflect the Mixed Use portion of the site (Monash Avenue) to be coded R-AC3, which via Table 2.1 Primary Controls of the Residential Design Codes Volume 2 of 2024 would create an Acceptable Outcome of 6 storeys.

For the balance of the site the request was for wording which provided a coding of R-AC4 with a 3 storey height limit, with a 2 storey limit frontage onto Karella Street and Williams Road.

This motion was PUT and CARRIED (7/1)

For. Crs. Amiry, Smyth, Youngman, Coghlan, Bennett, Hodsdon & Argyle.
Against: Crs. Brackenridge.

Voting Requirement

Simple Majority.

Background

Land Details

On 23 November 2023 the City received the application for a Scheme Amendment 15 to the City's Local Planning Scheme No 3 (LPS 3) to rezone part of Lots 101 and 102 Monash Avenue, Nedlands from 'Residential' to 'Mixed Use' and make related changes to the Additional Use provisions to facilitate the implementation of the Nedlands Village Precinct Structure Plan (PSP). The Amendment area comprises three lots being 108-116 (Lot 102) Monash Avenue, 118-120 (Lot 101) Monash Avenue, and 15-25 (Lot 103) Karella Street (**Figure 1**).



Figure 1: Aerial image of Scheme Amendment area.

The Scheme Amendment was considered at the Ordinary Council meeting of 27 February 2024 where Council resolved to initiate the amendment. The Scheme Amendment was subsequently forwarded to the Environmental Protection Authority and WAPC for consent to advertise. On 18 June 2024 the WAPC requested modifications to the draft Scheme amendment prior to advertising.

WAPC Amendments

The modifications to the Scheme Amendment 15 requested by the WAPC are provided in **Attachment 2**. The modifications are predominately administrative changes and have no effect on the intent of the Scheme Amendment as lodged. The Scheme Amendment documentation was duly amended and the WAPC provided formal consent to advertise the modified Scheme Amendment on 27 June 2024.

Amendment details

Draft Scheme Amendment 15 as modified and advertised, proposes the following:

1. Rezoning Pt. Lot 101 Monash Avenue, Nedlands and Pt. Lot 102 Monash Avenue, Nedlands from the 'Residential' zone to the 'Mixed Use' zone.
2. Amending the Scheme Map to apply the R-AC0 R-Code to Lots 101 and 102 Monash Avenue, Nedlands and Lot 103 Karella Street, Nedlands as shown on the Scheme Amendment Map.
3. Amending Table 4 – Specified Additional Uses for zoned land in Scheme area by replacing the row labelled 'A3' with the following:



No.	Description of Land	Additional Use	Conditions
A3	Pt Lot 102 (116) Monash Avenue, Nedlands	<ul style="list-style-type: none"> • Car park • Office • Medical centre • Place of worship • Residential aged care facility • Shop 	(1) Residential aged care facility is a 'P' use. (2) Car park, Office, Medical centre, Shop and Place of worship are 'I' uses.

4. Amending Table 4 – Specified Additional Uses for zoned land in Scheme area by adding a new row labelled 'A10' as follows:

No.	Description of Land	Additional Use	Conditions
A10	Pt. Lot 101 (118) and Pt. Lot 102 (108) Monash Avenue, Nedlands Pt. Lot 103 (15) Karella Street, Nedlands	<ul style="list-style-type: none"> • Office • Recreation-private • Restaurant/café • Shop 	(1) Office, Recreation-private, Restaurant/café and Shop are 'D' uses.

5. Amending the Scheme Map to reduce the area of A3 as depicted on the Scheme Amendment Map.

6. Amending the Scheme Map to designate A10 over Pt. Lot 101 (118) and Pt. Lot 102 (108) Monash Avenue, Nedlands and Lot 103 (15) Karella Street, Nedlands as depicted on the Scheme Amendment Map.

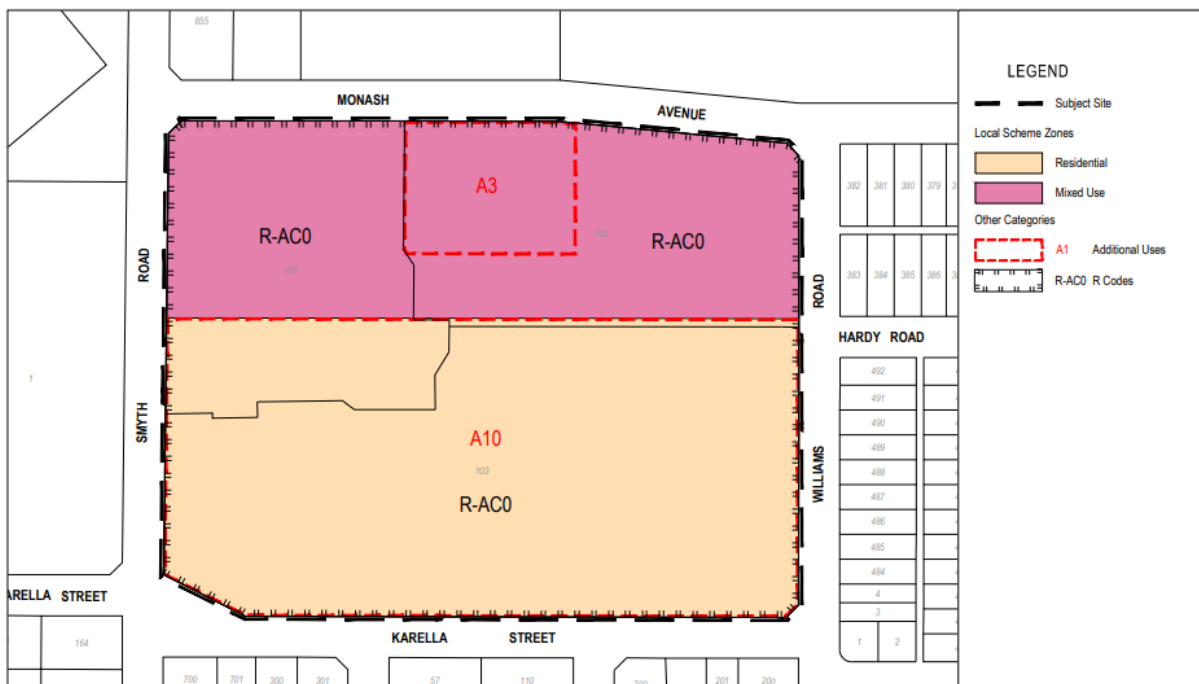




Figure 2: Proposed Scheme Amendment Map

The Amendment is standard under the provisions of the Planning and Development (Local Planning Schemes) Regulations 2015 because it is:

- An amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission, being the City of Nedlands Local Planning Strategy;
- An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment; and
- An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area.

Consultation

Public Consultation (Community)

Draft Scheme Amendment 15 was advertised as a standard amendment in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) and the City's Local Planning Policy 7.3 Consultation of Planning Proposals, for 42 days from 18 July to 29 August 2024, in the following manner:

- Letters sent to all landowners and occupiers within a 100m radius of the site;
- Emails sent to all persons who made a submission on the Nedlands Village PSP;
- Four signs on site were installed at the around the site's street frontages for the duration of the advertising period;
- An advertisement was published on the City's Your Voice website with all documents relevant to the application made available for viewing during the advertising period;
- An advertisement was placed in The Post newspaper; and
- A community information session was held by City Officers on 1 August 2024 which was attended by five community members.

5. At the end of the public consultation period 35 submissions were received: seven objecting, five providing comment only, and 23 in support. A schedule of submissions is included at **Attachment 4**.

6.

7. A petition against the proposed scheme Amendment was also received by Council at its meeting of 27 August 2024. This contained 86 signatories.

8.

Public Agencies/Departments

The Scheme Amendment was referred to the following Departments and Agencies for comment.

- ATCO



- City of Perth
- City of Subiaco
- Department of Biodiversity Conservation and Attractions
- Department of Education
- Department of Fire and Emergency Services
- Department of Health
- Department of Planning Lands and Heritage
- Department of Water and Environmental Regulation
- Main Roads WA
- Metropolitan Cemeteries Board
- Public Transport Authority
- Water Corporation
- Western Power

Attachment 5 provides comments from those agencies that made submissions during the consultation period, along with a City Officer response.

Discussion

Nedlands Village Precinct Structure Plan

On 10 January 2024 the City received an application for a Precinct Structure Plan pertaining to Lots 101 and Lot 102 Monash Avenue and Lot 103 Karella Street, Nedlands known as the Nedlands Village Precinct Structure Plan (PSP). Precinct Structure Plans are guiding documents on how an area could be developed in the future. It outlines land use, density, and development (including built form), access arrangements, infrastructure, environmental assets and community facilities at a precinct scale to facilitate future subdivision and development.

The Nedlands Village PSP was considered by Council at its meeting of 28 May 2024 (PD31.05.24), where Council resolved as follows:

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

4. Note that the land subject of the proposed Nedlands Village Precinct Structure Plan is subject of Amendment No.15 to the City of Nedlands Local Planning Scheme No.3 to rezone the land from “Residential” to “Mixed Use” and approval of this Structure Plan by the Western Australian Planning Commission should not occur unless and until the Hon. Minister for Planning approves Amendment No.15 to the City of Nedlands Local Planning Scheme No.3 and the land is rezoned.
5. Recommend to the Western Australian Planning Commission that the proposed Nedlands Village Precinct Structure Plan be approved in the instance where:
 - b. The Hon. Minister has approved Amendment No.15 to the City of Nedlands Local Planning Scheme No.15 and the land has been rezoned;



- c. The modifications, as set out in Attachment 7, are made to the Nedlands Village Precinct Structure Plan;
 - d. The Western Australian Planning Commission, on the advice of Main Roads WA, is satisfied that the Structure Plan area will not be subject to any adverse impact on the road network; and
 - e. The Western Australian Planning Commission, on the advice of Department of Fire Emergency Services is satisfied that the Structure Plan area will not be subject to any adverse impact from Bushfire risk.
6. Forward the full Structure Plan proposal, Schedule of Submissions and the recommended modifications to the Western Australian Planning Commission for its determination.
 7. Notify the Applicant, affected landowners and submitters of Council's recommendation.

The Nedlands Village PSP was subsequently forwarded to the WAPC with the City's recommendations. The WAPC have 120 days to determine the PSP in accordance with Clause 22(5) of the Regulations.

The reason why the PSP progressed prior to the Scheme Amendment was because the Applicant obtained the necessary consent from the WAPC for this to be lodged, advertised and assessed before the land is rezoned via Scheme Amendment No.15, on the proviso that the Structure Plan is not finalised by the Western Australian Planning Commission (not Council) until the rezoning is in-place.

Density

Under the current LPS 3, all subject lots are zoned Residential, with no applicable density code. Scheme Amendment 15 proposes to apply the R-AC0 coding to all lots. The R-AC0 code is applied to land which requires further detailed planning and refers to an approved Local Development Plan or Structure Plan for the specific development controls within this area. In this instance the R-AC0 code would refer to the final approved Nedlands Village PSP for development controls. These development controls include, but are not limited to, specific R-Code densities, heights, setbacks, plot ratio and design guidelines. The WAPC have determined that detailed planning via a Precinct Structure Plan is required for the site for the purposes of orderly and proper planning. Further, the proposed PSP is consistent with the City's adopted Local Planning Strategy, which identifies the subject site as available for development/redevelopment for the purposes of increasing dwelling numbers. In this regard the proposed R-AC0 coding is supported.

Zoning

Scheme Amendment 15 proposes to rezone Part Lot 101 Monash Avenue, Nedlands and Part Lot 102 Monash Avenue, Nedlands from the 'Residential' zone to the 'Mixed Use' zone. This change in zoning will allow for a range of non-residential uses to be contemplated for future development on Lots 101 and 102 in accordance with LPS 3 Clause 17. This is consistent with the draft Nedlands Village PSP and is supported.



Additional Use Rights

Under the current LPS 3 all lots are afforded Additional Use rights in accordance with clause 19 Table 4 'A3'. Scheme Amendment 15 proposes to alter the extent of these existing additional use rights to apply only to Part Lot 102 (116) Monash Avenue, Nedlands, which is the Regis Nedlands building built in 2018 proposed to be retained. This modification is to ensure that the retained building continues to be afforded its existing additional use rights.

Whilst this modification is supported in principle, it is noted that all the additional uses afforded to this site via 'A3' are already permitted or contemplated land uses within the 'Mixed Use' zone. The effect of the modification would only change the land use permissibility (i.e.: Residential aged care facility would be considered a 'P' use instead of an 'A' use). Given that the site is already developed, it is not considered necessary to alter the land use permissibility. Should the landowner propose additions or alterations or to entirely redevelop, all additional land uses afforded to the site would be capable of approval irrespective of 'A3'. The existing 'A3' additional use in LPS 3 also includes provisions relating to height 'where there is no approved structure plan, local development plan, and/or activity centre plan'. Given that there is relative certainty that a Precinct Structure Plan will be approved for this site imminently, it is recommended that LPS 3 clause 19 Table 4 'A3' be removed in its entirety.

Scheme Amendment 15 also proposes to insert new additional use rights via 'A10' which is to apply to the southern portion of the site zoned Residential. Proposed 'A10' would insert the 'office', 'recreation-private', 'restaurant/café' and 'shop' uses as discretionary land uses. It is acknowledged that some low intensity non-residential land uses may be appropriate within the Residential zone to provide a greater level of amenity to the locality. All proposed non-residential uses are discretionary and thereby will require Development Approval to be obtained from the City prior to commencement. This allows for detailed assessment of the specific land uses and operations to occur via the development application pathway. The proposed amendment to LPS 3 clause 19 Table 4 via addition a new row 'A10' is supported.

Alternative Approach

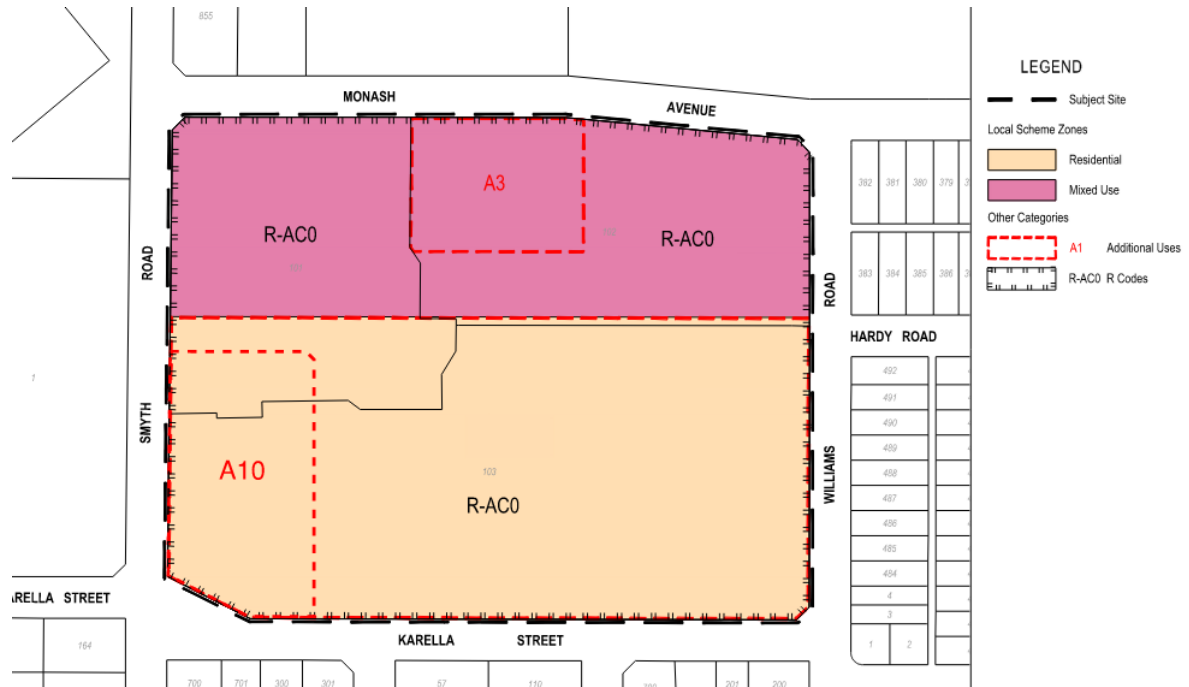
If Council wish to amend A10 to only apply to the lot with Smyth Road frontage Council may wish to resolve as below.

That Council:

1. SUPPORTS Scheme Amendment No.15 to the City of Nedlands Local Planning Scheme No.3, as shown in the Scheme Amendment 15 Text and Zoning Map (Attachment 3) in accordance with regulation 41 of the Planning and Development (Local Planning Schemes) Regulations 2015, except where modified as below:
 - a. Amending Table 4 – Specified Additional Uses for zoned land in Scheme area by removing the row labelled 'A3'.
 - b. Amending the Scheme Map to remove the area depicted as 'A3'.



- c. Amending the Scheme Map to designate A10 over Pt. Lot 101 (118) Monash Avenue, Nedlands and Lot 103 (15) Karella Street, Nedlands as depicted on the amended Scheme Amendment Map below.



- 2. AFFIRMS that the local government considers Amendment No.15 to City of Nedlands Local Planning Scheme No.3 as a 'Standard Amendment' as it does not result in any significant environmental, social, economic or governance impacts on land in the Scheme area but is not considered a 'Basic Amendment' because the changes are considered to have more than a minimal effect on the locality and the Scheme.
- 3. AUTHORISES the CEO to sign relevant documents and submit two copies of the Scheme Amendment 15 report and any other relevant documents to the Western Australian Planning Commission in accordance with Regulation 37(2) of the Planning and Development (Local Planning Schemes) Regulations 2015.

Impacts on Traffic and Infrastructure

Comprehensive assessment of traffic management, parking, pedestrian movement and provision of public open space was undertaken as part of the Nedlands Village PSP which was previously considered by Council (refer to PD31.05.24). The proposed R-AC0 density code simply creates a cross-reference to the Nedlands Village PSP, thereby these factors are not required to be reconsidered at the Scheme Amendment stage.

Strategic Implications

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



Vision **Sustainable and responsible for a bright future**

Pillar **Place**

Outcome 6. Sustainable population growth with responsible urban planning.

Budget/Financial Implications

Nil.

Legislative and Policy Implications

The local government may amend a local planning scheme under the Planning and Development (Local Planning Schemes) Regulations 2015. Under Regulation 50 in respect to a standard amendment, Council must resolve within 60 days of the end of the submission period:

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

Decision Implications

Council's recommendation on Scheme Amendment 15 will be referred to the WAPC, which will make a recommendation to the Minister for Planning. The Minister for Planning makes the final determination either to endorse, require modifications and resubmission, or to refuse the Scheme Amendment. Should the Scheme Amendment be endorsed by the Minister for Planning it will come into effect once published in the Government Gazette.

Conclusion

Scheme Amendment 15 proposes to rezone portions of Lots 101 and 102 Monash Avenue, Nedlands from 'Residential' to 'Mixed Use', and apply a density coding of R-AC0 to the entire of the subject site. The purpose of the Scheme Amendment is to allow for the implementation of the Nedlands Village Precinct Structure Plan, which is currently sitting with the WAPC to be determined. The progression of the Scheme Amendment is consistent with orderly and proper planning, and it is recommended that Council advise the WAPC that it supports proposed Scheme Amendment 15, subject to modifications.

Further Information

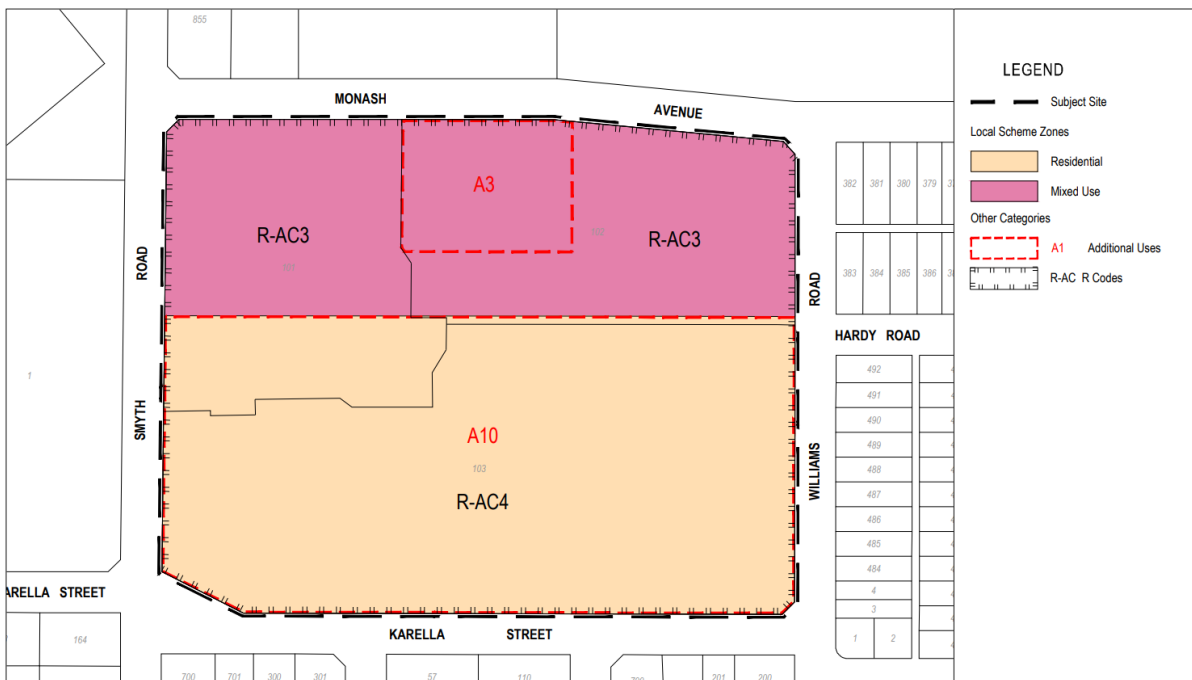
Question from Cr Smyth: Cr Smyth requests preparation of an alternate recommendation be presented at the 10 December Council meeting.



Following a deputation at the Council Agenda Forum of 3 December, officers have been requested to provide the wording for Amendment 15 to reflect the Mixed Use portion of the site (Monash Avenue) to be coded R-AC3, which via Table 2.1 Primary Controls of the Residential Design Codes Volume 2 of 2024 would create an Acceptable Outcome of 6 storeys. For the balance of the site the request was for wording which provided a coding of R-AC4 with a 3 storey height limit, with a 2 storey limit frontage onto Karella Street and Williams Road.

The following provides this, noting the following;

1. Clause 2 introduces R-AC3
2. Clause 3 introduces R-AC4
3. Clause 4 introduces the height limits
4. Scheme Map as follows;



That Council SUPPORTS Scheme Amendment No.15 to the City of Nedlands Local Planning Scheme No.3 in accordance with regulation 41 of the Planning and Development (Local Planning Schemes) Regulations 2015, as follows;

- 1. Rezoning Pt. Lot 101 Monash Avenue, Nedlands and Pt. Lot 102 Monash Avenue, Nedlands from the 'Residential' zone to the 'Mixed Use' zone.**
- 2. Amending the Scheme Map to apply the R-AC3 R-Code to Pt. Lot 101 and Pt. Lot 102 Monash Avenue, Nedlands as shown on the Scheme Amendment Map.**



3. Amending the Scheme Map to apply the R-AC4 to Pt. Lot 101 and Pt. Lot 102 Monash Avenue, Nedlands and to Lot 103 Karella Street, Nedlands as shown on the Scheme Amendment Map.

4. Adding the following clause to the Scheme text;

Clause 26 (4)

In relation to Pt. Lot 101 and Pt. Lot 102 Monash Avenue, and Lot 103 Karella Street, Nedlands, coded R-AC4, clause A2.2.1 in the building height element of the Primary Controls in the R-Codes is replaced by:

- a. The default Acceptable Outcome for building height limit (storeys) as set out in Table 2.1 Primary Controls Table does not apply.
- b. The default Acceptable Outcome for building height limit (storeys) shall be 2 storeys for lots with frontage to Karella Street and Williams Road, Nedlands and 3 storeys for lots without frontage to Karella Street and Williams Road, Nedlands.

5. Amending Table 4 – Specified additional uses for zoned land in Scheme area by replacing the row labelled ‘A3’ with the following:

No.	Description of land	Additional use	Conditions
A3	Pt. Lot 102 (116) Monash Avenue, Nedlands	<ul style="list-style-type: none"> • Car park • Office • Medical centre • Place of worship • Residential aged care facility • Shop 	<p>(1) Residential aged care facility is a 'P' use.</p> <p>(2) Car park, Office, Medical centre, Shop and Place of worship are 'I' uses.</p>

6. Amending Table 4 – Specified additional uses for zoned land in Scheme area by adding a new row labelled ‘A10’ as follows:

No.	Description of land	Additional use	Conditions
A10	<p>Pt. Lot 101 (118) and Pt. Lot 102 (108) Monash Avenue, Nedlands</p> <p>Lot 103 (15) Karella Street, Nedlands</p>	<ul style="list-style-type: none"> • Office • Recreation-private • Restaurant/café • Shop 	<p>(1) Office, Recreation-private, Restaurant/café and Shop are 'D' uses.</p>

7. Amending the Scheme Map to reduce the area of A3 as depicted on the Scheme Amendment Map.



8. Amending the Scheme Map to designate A10 over Pt. Lot 101 (118) and Pt. Lot 102 (108) Monash Avenue, Nedlands and Lot 103 (15) Karella Street, Nedlands as depicted on the Scheme Amendment Map.



16.7 PD82.12.24 Nedlands Village Precinct Structure Plan Draft Design Guidelines – Recommendation to the Western Australian Planning Commission

Meeting & Date	Council Meeting – 10 December 2024
Applicant	CLE Town Planning and Design
Information Provided	All relevant information required has been provided.
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.
Report Author	Chantel Weerasekera – A/Coordinator Planning Approvals
Director/CEO	Tony Free – Director Planning and Development
Attachments	<ol style="list-style-type: none">1. Aerial Map2. Nedlands Village Draft Design Guidelines3. Schedule of Recommended Modifications4. Design Review Panel Minutes and Applicant Response5. Schedule of Submissions6. Design Testing Studies

Purpose

The purpose of this report is for Council to make a recommendation to the Western Australian Planning Commission (WAPC) on the Nedlands Village draft Design Guidelines. The draft Design Guidelines provide detailed built form controls for the future single house development within the Nedlands Village Precinct Structure Plan area. The draft Design Guidelines have been prepared and submitted by CLE Town Planning and Design on behalf of the landowner, Hesperia.

Recommendation

That Council NOTES that the Statutory Planning Committee of the Western Australian Planning Commission considered the Nedlands Village Precinct Structure Plan; including the Design Guidelines at its meeting of 27 November 2024.

This motion was PUT and CARRIED En Bloc.

Voting Requirement

Simple Majority.



Background

Land Details

Metropolitan Region Scheme Zone	Urban
Existing Local Planning Scheme Zone	Residential
R-Code	N/A
Land area	Total: 7.41ha Lot 101: 1.73ha Lot 102: 1.86ha Lot 103: 3.82ha

On 10 January 2024 the City received an application for a Precinct Structure Plan pertaining to Lots 101 and Lot 102 Monash Avenue and Lot 103 Karella Street, Nedlands (**Attachment 1**), known as the Nedlands Village Precinct Structure Plan (PSP). The Nedlands Village PSP has been prepared by CLE on behalf of Hesperia.

The Nedlands Village PSP was considered by Council at its meeting of 28 May 2024 (PD31.05.24), where Council resolved as follows:

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

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



3. Forward the full Structure Plan proposal, Schedule of Submissions and the recommended modifications to the Western Australian Planning Commission for its determination.
4. Notify the Applicant, affected landowners and submitters of Council's recommendation.

The Nedlands Village PSP was subsequently forwarded to the WAPC with the City's recommendations. The WAPC have 120 days to determine the PSP in accordance with Clause 22(5) of the Regulations.

One of the key modifications recommended as part of Attachment 7 of PD31.05.24, was the inclusion of a new Appendix 1 to the PSP, for Design Guidelines. It was recommended that Design Guidelines be submitted to the City for review and assessment, including referral to the City's Design Review Panel and public consultation, prior to the finalisation of the Nedlands Village PSP.

The draft Design Guidelines were provided to the City on 5 July 2024 (**Attachment 2**). This also included a series of test designs by different architects, which formed part of the development of the guidelines (**Attachment 6**). The designs are part of the design testing only and are not intended to be sold off the plan. These are provided only to demonstrate indicatively how the Design Guidelines may inform the future built form.

As agreed by the Department of Planning Lands and Heritage on 16 July 2024, the City's advertising and comment on the draft Design Guidelines is being conducted as an informal process outside of the Deemed Provisions and not considered to be formal re-advertising of the Precinct Structure Plan.

This report was prepared by City Planning Officers for inclusion in the October and then November Council agenda. The report was not included in the Council agenda for either month.

Discussion

State Planning Policy 7.2 Precinct Design Guidelines (SPP 7.2)

State Planning Policy 7.2 builds upon the '10 Design Principles' in SPP 7.0, by introducing the concept of design review into the precinct planning through six performance-based design elements. Assessment of the PSP against the intent, objectives, consideration and guidance of the SPP 7.2 Design Elements was provided as part of the PD31.05.24 report. Design Element 6 of SPP 7.2 pertains to Built Form and considers built form and scale and the relationships between buildings, and between buildings and the public realm. The PD31.05.24 report noted that as Design Guidelines had not been provided, this element was unable to adequately assessed at that time.

Draft Design Guidelines



The draft Design Guidelines for the Nedlands Village PSP area provide detailed built form controls for the future single house development within the area. The aim is to ensure that the future single house development will respond to the site’s location, context and topography, while enhancing the area’s amenity and character. The Nedlands Village PSP proposes 78 green title lots, ranging in size from 180m² – 304m² which will accommodate the future single house development.

The Design Guidelines are to be read in conjunction with the Residential Design Codes (R-Codes) and Nedlands Village PSP. The Design Guidelines include variations to the R-Codes and additional controls relating to built form, materials and finishes. It is highlighted that the draft Design Guidelines pertain only to the single house component of the Nedlands Village PSP. Apartment, commercial and mixed-use development are subject to separate development controls.

The single house development is proposed to be coded R80, thereby the Residential Design Codes Volume 1 Part C is applicable. The R-Codes Volume 1 Part C were gazetted on 10 April 2024, thereby are a very contemporary and up-to-date planning document. Any modifications to the R-Codes should be carefully considered in the context of the immediate locality and character. The draft Design Guidelines propose to modify sections of Part C. The key modifications are as detailed in **Table 1** below.

Table 1: Key Modifications to R-Codes		
Element	R-Codes deemed-to-comply	Draft Design Guidelines
1.1 Private Open Space	Lot sizes are generally 200m ² - 250m ² . Minimum primary garden area 35m ² - 40m ²	20m ² minimum primary garden area
3.2 Building Height	4 storeys maximum. No minimum.	Minimum 2 storeys at primary frontage (and tertiary for Block type B) Building height proposed to be modified to 3 storeys for Block types B, D, F, E and G via PSP as per City’s recommendation.
3.3 Street Setbacks	Primary Street: 2m Secondary Street: 1m ROW: 0.5m	<u>Primary Street</u> Ground: 3m – 3.5m (depending on block type) First: 2m Second: 3m – 3.5m (depending on block type) <u>Secondary Street</u> 2m at ground floor, 1m above <u>Tertiary Street</u> Ground: 1.5m – 2m (depending on block type) First: 1m – 2m (depending on block type) Second: 1.5 – 3.5m (depending on block type)



3.9 Solar Access for Adjoining sites	50% permitted overshadowing to adjoining property.	Nil. C3.9.1 - C3.9.3 inclusive of Part C of the R-Codes do not apply
3.10 Visual Privacy	C3.10.1 Major opening from bedroom and study: 3m setback Major opening from habitable room other than bedroom and study: 4.5m setback Outdoor active habitable space: 6m setback	C3.10.1 and C3.10.5 of Part C of the R-Codes do not apply

Element 1.1 Private Open Space

This modification is not supported in its current form. The proposed modification reducing the primary garden area from 35-40m² to 20m² is significant and requires further justification. Should the WAPC be of mind to approve this modification, additional provisions should be included to ensure that adequate usable outdoor space is provided for future residents. As per the DRP recommendations, this may include linking this to a requirement to the inclusion of a generous upper floor balcony with a defined minimum size.

Element 3.2 Building Height

This modification is supported. The modification only pertains to a minimum building height at the street interface. The overall maximum building heights are to be as per the final endorsed PSP. At its meeting of 28 May 2024 Council endorsed the building heights as identified in **Figure 1**. There is no change to the recommended height as part of the draft Design Guidelines.

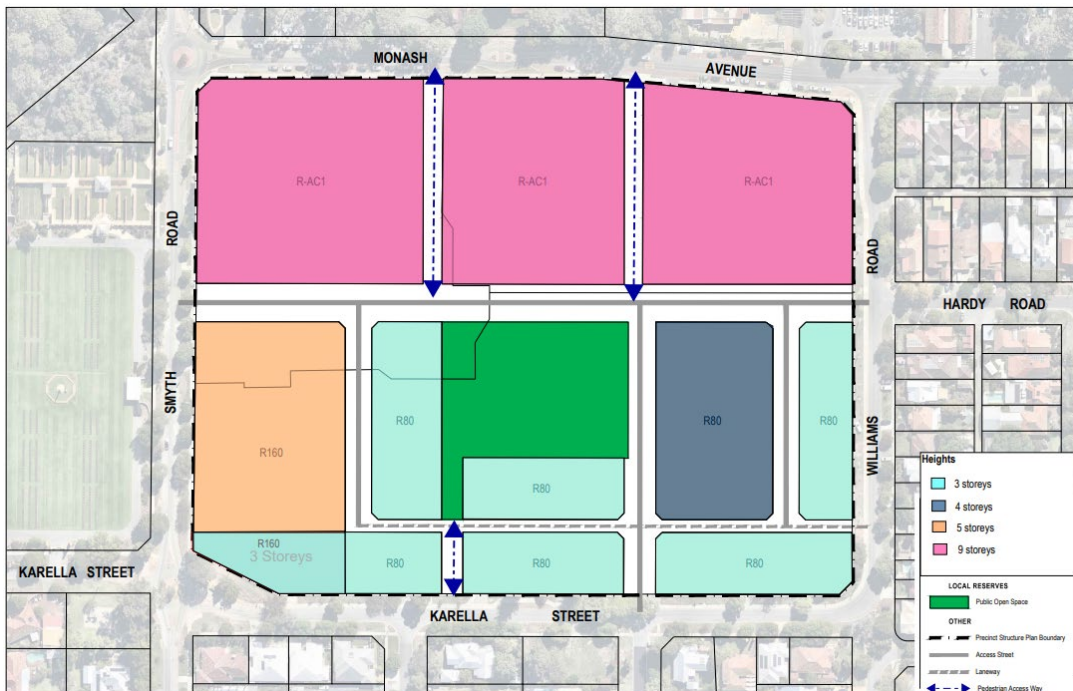


Figure 1: Height map as endorsed by Council 28 May 2024



Element 3.3 Street Setbacks

This modification is supported. The street setbacks are generally greater than the R-Codes minimums which responds to the establish Nedlands character of leafy green streets with deep street setbacks.

Element 3.9 Solar access for Adjoining Sites

This modification is not supported in its current form. In relation to the narrow east-west oriented lots, it is acknowledged that meeting the typical R-Codes overshadowing percentages is often unachievable. In this regard some form of overshadowing modification may be considered. However, by simply removing deemed to comply percentages, it is unclear how the protection of solar access to private open spaces and solar collector will be enforced. Should an overshadowing percentage be removed as deemed-to-comply control, there must be an alternative control in place. This could be by ensuring a minimum of 3.5kw photovoltaic system are unaffected by overshadowing and/or that a minimum of 20m² of primary garden area is unaffected by overshadowing at mid-winter.

Element 3.10 Visual Privacy

This modification is not supported in its current form. The removal of visual privacy controls when all lots are vacant and being developed together may result in successful outcomes. However, the City has concerns once the area is predominantly built up, and landowners seek to redevelop, or construct additions and alterations. Without any visual privacy controls, ensuring the protection of privacy to adjoining properties becomes difficult. The recently gazetted R-Codes Volume 1 Part C have specifically revised the way in which visual privacy is measured to allow for more flexibility in higher density areas. It is recommended that these controls be retained within the PSP area.

Other modifications

As detailed in **Attachment 3**, a number of other modifications to the Design Guidelines are recommended, predominantly in response to specific design feedback of the Design Review Panel. These are summarised as follows:

- The draft Design Guidelines include block diagrams for each sub-block detailing an indicative location of the primary garden area and garage/carport. Whilst these diagrams are supported in principle, they lack some clarity. Further detail is requested as per the schedule of modifications.
- Request for additional provisions for strengthening of passive surveillance to primary streets, secondary streets and laneways.
- Request for further provisions for screening and location of utilities.
- Request for further provisions for primary street fencing. It is understood that all primary street fencing and associated retaining will be undertaken by the developer. The existing clause in the Design Guidelines pertains to secondary and tertiary fencing only. Primary street fencing should also be included as part of the Design Guidelines to ensure that fencing is to the satisfaction of the City.
- Additional definition of estate architect.



Consultation

Public Consultation

The draft Design Guidelines were advertised for 28 days, from 31 July 2024 to 28 August 2024, in the following manner:

- Written notification to owners and occupiers within a 200m radius.
- Emails sent to all submitters of the Nedlands Village PSP.
- A community information session held on Thursday 22 August 4pm – 6pm.
- Notice and publication on the City’s website.
- Notice on the information board at the City’s Administration Building.
- Notice in the Post Newspaper.

At the close of the advertising period, the City received 8 submissions. A full schedule of submissions and applicant responses are provided at Attachment 3. A summary of the key themes from submissions is provided in **Table 1**.

Table 2: Public Consultation Summary	
Issue Raised	Officer Comment
3m setback on William and Karella Streets is inconsistent with the surrounding areas	It is acknowledged that the setback of Karella and Williams Street will be less than the street setbacks of the established surrounding area. This is due to the difference in density coding. However, it is acknowledged that the street setbacks proposed via the Design Guidelines are greater than those within the R-Codes, to create for an appropriate transition between the established areas and the PSP area.
Opposed to heights	See commentary on Element 3.2 Building Height above.
Concerns with overlooking	It is acknowledged that the City does not support the modification to Element 3.10 Visual Privacy (see above). However, even if the R-Codes deemed-to-comply provisions were reinstated within the design guidelines, the single houses would not overlook any existing property outside of the PSP area give the width of the surrounding road reserves.
Concerns with traffic and parking / Consider underground parking	Overall traffic impacts have been considered as part of the PSP proposal (refer to PD31.05.24). There is no proposed modification to car parking numbers as parking the Design Guidelines. The number of bays required per dwelling is as per the R-Codes. There is no prohibition on underground parking as part of the Design Guidelines, and this may be considered.
Objection to R-AC0 Coding	Note there is not change to R-Coding as part of the Design Guidelines. The R-AC0 density code proposed via Scheme Amendment 15 is a cross reference to the final approved Nedlands Village PSP.



Design Review Panel

The PSP was presented to the City’s Design Review Panel (DRP) on 5 August 2024. Full DRP Minutes are provided at **Attachment 4** along with responses from the applicant. A summary of the DRP advice is provided in **Table 3** below.

Table 3: DRP Design Quality Evaluation	
	Supported
	Further Information
	Not supported
	Yet to be assessed
SPP 7.0 Principles	DRP Review 5 August 2024
1. Context and Character	
2. Landscape Quality	
3. Built Form and Scale	
4. Functionality and Built Quality	
5. Sustainability	
6. Amenity	
7. Legibility	
8. Safety	
9. Community	
10. Aesthetics	

Broadly, the DRP comments provided support for the draft Design Guidelines and the reiterative design testing process which has been undertaken to formulate the Design Guidelines. The DRP have made a number of recommendations and suggested improvements summarised below:

“There are some additional provisions / controls that the applicant is encouraged to consider incorporating in order to maximise passive surveillance, generate interactive front boundary interfaces, provide adequately sized high quality private outdoor space, and screen utilities appropriately. The applicant is also encouraged to further consider and illustrate streetscape within the precinct.”

It is recommended that the full DRP minutes be forwarded to the WAPC along with the City’s recommendations for consideration.

Strategic Implications

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

Vision **Sustainable and responsible for a bright future**

Pillar Outcome **Place**
6. Sustainable population growth with responsible urban planning.



Budget/Financial Implications

Nil.

Legislative and Policy Implications

The Precinct Structure Plan is to be processed in line with the requirements of the [Planning and Development \(Local Planning Scheme\) Regulations 2015](#).

Decision Implications

The processes and determination powers with respect to Structure Plans are governed by the Deemed Provisions of Schedule No. 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. Under these regulations, the Western Australian Planning Commission is the sole authority responsible for making determinations on Structure Plans.

The City's advertising and comment on the draft Design Guidelines was conducted as an informal process outside of the Deemed Provisions as agreed upon by the Department of Planning Lands and Heritage. It is anticipated that the final Design Guidelines will be incorporated as an Appendix to the final Structure Plan, if approved.

The finalisation of the Structure Plan is on the proviso that the Ministers approves Scheme Amendment 15 to rezone the land. The reason why the Structure Plan proposal has advanced ahead of the Scheme Amendment is because the Applicant obtained the necessary consent from the Western Australian Planning Commission for this to be lodged, advertised and assessed before the land is formally rezoned.

Conclusion

The Nedlands Village PSP draft Design Guidelines are broadly supported in relation to SPP 7.2 Design Element 6 Built form and the 10 Design Principles of SPP 7.0, subject to modifications and/or additional information.

Further Information

Nil.



17 Divisional Report – Technical Services

17.1 TS37.12.24 Final Adoption of Electric Vehicle Charging Fees

Meeting & Date	10 December 2024
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Author	Matthew MacPherson – Director Technical Services
Director/CEO	Matthew MacPherson – Director Technical Services
Attachments	1. Schedule of Proposed Electric Vehicle Charging Station Fees 2024-25

Purpose

This report is to adopt and begin the application of a fee for the use of the newly installed Electric Vehicle (EV) charging stations throughout the City of Nedlands for 2024-25.



Recommendation

That Council:

1. **BY SIMPLE MAJORITY, NOTE** that no comments regarding the imposition of fees pertaining to Electric Vehicle Charging were received during the local public notice period as prescribed in accordance with Section 6.19 of the Local Government Act 1995;
2. **BY ABSOLUTE MAJORITY, IMPOSE** the Schedule of Proposed Electric Vehicle Charging Station Fees 2024-25 fees as outlined in attachment 1, in accordance with 6.16 (3)(a).

This motion was **PUT** and **CARRIED En Bloc**.

Voting Requirement

Simple and Absolute Majority respectively for recommendation limbs 1. and 2.

Background

At its ordinary Council Meeting held 24 September 2024, Council resolved the following:

CARRIED UNANIMOUSLY EN BLOC 9/-

(For: Crs. Mayor Argyle, Smyth, Amiry, Hodsdon, Pollard, Brackenridge, Coghlan, Bennett, Youngman)

Council Decision:

(Administration Recommendation)

That Council request the CEO:

1. **in accordance with Section 6.19 of the Local Government Act 1995, give local public notice of the intention to impose new fees related to the use of electric vehicle charging stations to take effect from 4 November 2024 as per the schedule of rates outlined in Attachment 1 for a period of 14 days.**
2. **present a report to Council following the public notice period of any feedback received and to consider the amendment of the Schedule of Fees and Charges for 2024 – 2025 to include fees related to the new electric vehicle charging stations pursuant to Section 6.16 of the Local Government Act 1995.**

Subsequently, a further report was presented at the same meeting about further amendments to the 2024-25 fees and charges, of existing fees. Local Public Notice was undertaken accordingly for all items.

Discussion

A minimum 14 day period has since elapsed and upon completion of which, no submission has been made regarding the EV charging fees.



As such the fee can be imposed accordingly.

Consultation

Consultation through local public notice is provided as per the notice below:

City of Nedlands
nedlands.wa.gov.au

**PUBLIC NOTICE
AMENDMENT TO 2024/25
SCHEDULE OF FEES AND
CHARGES**

Pursuant to s6.16.19 of the Local Government Act 1995, the City of Nedlands wishes to advise that amendments were made to the 2024/2025 Fees and Charges at an Ordinary Council Meeting held on 24 September 2024.

The amendments relate to;

- a. Community Services (applicable for the 2024/25 year)
- b. Community Development (applicable for the 2024/25 year)
- c. Technical Services (applicable for the 2024/25 year)

The charges, and full schedule of 2024/2025 Fees and Charges can be viewed on the City's website.

**KERI SHANNON
CHIEF EXECUTIVE OFFICER**

Strategic Implications

This item is strategically aligned to the City of Nedlands Council Plan 2022-23 vision and desired outcomes as follows:

Vision	Sustainable and responsible for a bright future
Pillar	Performance
Outcome	11. Effective leadership and governance.

Budget/Financial Implications

Adoption of this item will allow the imposition of new fees both providing a competitive service to residents and visitors to the City of Nedlands but also a potential revenue stream to offset the cost of the service.



Legislative and Policy Implications

[Local Government Act 1995 - Section 6.16](#)

[Local Government Act 1995 - Section 6.19](#)

Decision Implications

Adoption of the resolution as intended will allow the use of the installed charging stations. Non-adoption will delay this further pending a future decision.

Conclusion

The report is presented as is, and commended to Council.

Further Information

Nil



17.2 TS38.12.24 RFT 2024-25.07 Rehabilitation of Victoria Avenue and Waratah Avenue

Meeting & Date	Council Meeting – 10 th December 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	Peter Seed, Project Manager
Director	Matthew MacPherson, Director Technical Services
Attachments	1. Confidential – RFT 2024-25.07 - Rehabilitation of Victoria Avenue and Waratah Avenue evaluation report 2. Confidential - RFT 2024-25.07 - Rehabilitation of Victoria Avenue and Waratah Avenue Financial implications

Purpose

The purpose of the report is for Council to accept the evaluation and recommendation of the Contractor WCP Civil Pty Ltd for RFT 2024-25.07 - Rehabilitation of Victoria Avenue and Waratah Avenue.

Recommendation

That Council:

- 1. Accepts the submission for the Rehabilitation of Victoria Avenue and Waratah Avenue by WCP Civil Pty Ltd as the preferred tenderer.**
- 2. Authorises the CEO to negotiate and enter into a contract in accordance with the City’s Request for Tender number RFT 2024-25.07 and comprising of that request, the City’s Conditions of Contract, preferred tender submission, inclusive of the Schedule of Rates, and all post tender clarifications and negotiations, to be executed.**
- 3. Requests the CEO to arrange for all other tender respondents to be advised of the tender outcome.**

This motion was PUT and CARRIED En Bloc.

Voting Requirement

Simple Majority.



Background

The Victoria Avenue and Waratah Avenue rehabilitation project forms part of the approved 2024/25 Capital Works Program. As the City does not have internal resources appropriate for these types of services it has been decided to seek the services of a skilled and experienced contractor.

The Request for Tender was advertised on Tenderlink and was open for submissions from Friday 18 October to 5th November 2024.

The City received a total of 2 compliant submissions.

Discussion

After the Tender period ended, an evaluation panel was formed comprising of three (3) City Projects and Programs team members. The evaluation panel assessed the submitted tenders against the following criteria:

- Relevant experience (40%),
- Key personnel skills and experience (20%),
- Demonstrated Understanding (40%).

The tender evaluation panel nominated the preferred supplier (“the supplier”) for this project based on their submitted methodology, program, and schedule of rates.

The supplier demonstrated sufficient capability to handle the project and understanding of the requirements by providing a detailed construction methodology process, outlining how they will complete the work.

The supplier has the relevant experience to complete the proposed works on Victoria Avenue and Waratah Avenue. They have provided key personnel resumes who all have suitable level of experience, and the panel is confident that the supplier can complete the works.

The panel is satisfied that the proposed methodology will achieve the required results. The Supplier has considered the need to maintain access stakeholders along Victoria Avenue and Waratah Avenue during construction. The work is expected to start mid-to-late January 2025 and be completed by the end of May 2025.

The submitted price for the two roads was initially over budget. Upon review of the submission the City officers have assessed what the Contract has allowed for and has reduced the risk to ensure budget alignment.

Additional funding will be requested from Main Roads Western Australia (MRWA) as part of the Metropolitan Regional Road Group (MRRG) funding allocation. The required funding variation is estimated to be in line with adjustment allowances permitted under the funding guidelines. Both the Contract and MRRG additional funding will be discussed in the financial implications section.



Following a due diligence process, the information provided is of a level that officers are confident that the project will be completed on schedule, safely and with minimal disruption to road users, local community, and businesses. In addition, officers are confident the offer submitted by WCP Civil Pty Ltd, represents value for money to the City.

The City needs to address a backlog of road rehabilitation works, which alone is worth around approximately \$18M. The Administration suggests moving forward with the project despite the challenging market. Delaying these works will lead to more project delays, impacting long term, and the ongoing maintenance costs, which will become more expensive to rectify.

The condition of the road warrants:

- Immediate intervention is necessary due to the road's condition to prevent safety risks.
- Prompt action can prevent pavement failure and the need for long-term road closures.
- Delaying repairs will lead to higher reactive maintenance costs.

Consultation

General consultation with impacted stakeholders has occurred as part of the project planning process but no specific consultation has occurred as part of the tender evaluation process.

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**
(delete the options below which are not applicable)

Pillar **People**
Outcome 2. A healthy, active and safe community.

Pillar **Place**
Outcome 8. A city that is easy to get around safely and sustainably.

Pillar **Performance**
Outcome 11. Effective leadership and governance.

Budget/Financial Implications

The preferred tender’s submission is within the allocated budget for this project.

The costing is provided in the confidential attachment – Confidential - RFT 2024-25.07 - Rehabilitation of Victoria Avenue and Waratah Avenue Financial implications.

This remaining shortfall, will be sourced through the following, in priority order:

- MRWA via the MRRG variation process,
- Further scope reductions,
- Savings from other projects.



MRRG variation process if approved, at a minimum, will deliver approximately \$21,000 of additional funding for Waratah Ave. The MRRG variation has been submitted to Main Roads and the outcome is expected early 2025.

The project is set to commence in January 2025. Victoria Avenue and Waratah Avenue have been allocated \$676,697.00 in Metropolitan Regional Road Group (MRRG) Funding. If this project is delayed, the City risks losing this grant allocation. The works are required to be completed by 30th June 2024, within the 2024-25 financial year.

Legislative and Policy Implications

[Procurement of Goods and Services Council Policy](#)
[Local Government \(Functions and General\) Regulations 1996](#)

Decision Implications

Approving the Victoria Avenue and Waratah Avenue tender is crucial for various reasons:

- **Benefit to Community:** Road users, pedestrians, and homeowners/businesses in the area will benefit from improved roads, pathways, driveways, and drainage systems, ensuring safety and high performance.
- **Preventing Future Issues:** Swift intervention is needed to prevent road pavement failure and ensure road user safety. Delaying repairs could lead to long-term road closures and increased reactive maintenance costs.
- **Avoiding Backlog:** Approval now prevents a backlog of projects, ensuring timely completion and reducing the burden on long-term maintenance. Delaying may lead to prolonged completion times and impact the overall road user experience.
- **Securing Funding:** Timely completion is crucial for future grant funding and prevents negative reputational risks with funding bodies. Not completing the works in this financial year could jeopardize future funding opportunities.
- **Safety and Maintenance:** Postponing repairs risks road degradation, failure, and higher unplanned maintenance costs, posing safety hazards to the community. Endorsing the report ensures the asset's integrity and community safety.

Conclusion

WCP Civil Pty Ltd have demonstrated that they have the understanding to complete the required works on Victoria Avenue and Waratah Avenue. They have performed similar projects for both the City, other local governments, and large-scale road construction projects.

As such the evaluation Panel advises, that WCP Civil Pty Ltd be awarded the package of works for the delivery of the combination of day and nightworks.



Further Information

Nil



18 Divisional Report – Corporate Services

18.1 CPS55.12.24 Monthly Financial Report – 31 October 2024

Meeting & Date	Council Meeting – 12 December 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	M Harika – Chief Finance and Risk Officer
Director	A Alderson - Director Corporate Services
Attachments	<ol style="list-style-type: none">1. Statement of Financial Activity – 31 October 20242. Statement of Net Current Assets – 31 October 20243. Statement of Comprehensive Income – 31 October 20244. Statement of Financial Position – 31 October 20245. Reserve Movements – 31 October 20246. Borrowings – 31 October 20247. Capital Works Program – 31 October 2024

Purpose

Administration is required to provide Council with a monthly financial report in accordance with regulation 34(1) of the *Local Government (Financial Management) Regulations 1996*. The monthly financial variance from the budget of each business unit is reviewed with the respective manager and the Executive to identify the need for any remedial action. Material variances are highlighted to Council in the attached Monthly Financial Report.

Recommendation

That Council receives the Monthly Financial Report for 31 October 2024.

This motion was PUT and CARRIED En Bloc.

Voting Requirement

Simple Majority.

Background

Nil.



Discussion

The monthly financial management report meets the requirements of regulation 34(1), 34(3), and 34(5) of the *Local Government (Financial Management) Regulations 1996*.

The attached report shows the month end position as at the end of October 2024. Please note that due to the Disclaimer of Opinion issued for the 2022-23 Annual Financial Statements, the opening position is subject to change as restatements of the prior financial year and the closing processes of the 30 June 2024 year-end are completed. The municipal surplus as of 31 October 2024 is \$30,468,240 which is a \$3,476,943 favourable variance, compared to a budgeted surplus for the same period of \$26,827,809.

The operating revenue at the end of October 2024 was \$34,991,698 which represents a \$3,474,657 favourable variance compared to the year-to-date budget of \$31,517,041 primarily in fees and charges.

The operating expense at the end of October 2024 was \$13,606,176 which represents a \$531,170 favourable variance compared to the year-to-date budget of \$14,137,346, primarily in employee costs.

The attached Statement of Financial Activity compares Actuals with Amended Budget by Nature or Type as per regulation 34 (3) of the *Local Government Financial Management Regulations 1996*. Material variances, as defined by a previous decision of Council, from the budget of revenue and expenditure are detailed below.

Operating Activities

Operating grants, subsidies, and contributions

Favourable variance of \$84,172 due to timing of receipt grants and further budget review.

Fees and charges

Favourable variance of \$3,284,319 due to upfront billing and monthly budget phasing/timing.

Interest earnings

Favourable variance of \$52,623 primarily due to budget timing and actual lower interest rates than budgeted.

Other revenue

Unfavourable variance of \$46,141 primarily due to budget timing.

Profit on disposal of assets

Unfavourable variance of \$73,607 primarily due to phasing of disposal and budget timing.

Employee costs

Favourable variance of \$107,932 primarily due to budget timing and lower staff resources compared to budget.



Materials and contracts

Favourable variance of \$275,154 primarily due to budget timing.

Utility charges

Unfavourable variance of \$41,444 primarily due to budget timing.

Depreciation and amortisation

No variance analysis required as variance to budget is less than 10%.

Insurance expenses

Favourable variance of \$76,974 due to budget timing.

Interest expenses

Favourable variance of \$14,756 due to budget timing.

Other expenditure

Favourable variance of \$97,798 due to budget timing

Investing Activities

Non-operating grants, subsidies, and contributions

Unfavourable variance of \$325,012 primarily due to timing of grant receipts and budget timing.

Proceeds from disposal of assets

Favourable variance of \$145,865 primarily due to timing of asset disposals and budget timing.

Purchase of property, plant, and equipment

Unfavourable variance of \$225,097 primary due to budget phasing of capital projects. To be reviewed at mid-year review.

Purchase and construction of infrastructure

Favourable variance of \$1,033,849 primary due to budget phasing of capital projects. To be reviewed at mid-year review.

Purchase of right of use assets

Unfavourable variance is \$25,542 due to budget timing of leased assets.

Payments for intangible assets

Unfavourable variance is \$49,936 due to budget timing.

Financing Activities

Repayment of borrowings

Favourable variance is \$156,373 due to the \$4,257,158 WATC loan received on 23 October 2024 obtained later than budgeted.

Recoup from self-supporting loans

No variance analysis required as variance to budget is less than \$20,000 and 10%.



Payment for principal portion of lease liability

Favourable variance of \$44,587 due to budget timing.

Transfer to and from reserves

No variance analysis required as variance to budget is less than \$20,000 and 10% and will be updated as part of the mid-year budget review.

Rates

Outstanding rates debtors are \$13,053,666 as of 31 October 2024 compared to \$12,408,898 as of 31 October 2023. Breakdown is as follows:

Receivable	31 October 2024 (\$)	31 October 2023 (\$)	Variance (\$)
Rates & UGP	11,348,147	10,780,537	567,610
Rubbish & Pool	572,787	483,735	89,052
Pensioner Rebates	327,467	345,562	(18,095)
ESL	805,265	799,064	6,201
Total	13,053,666	12,408,898	644,768

Employee Data

Description	Number
Headcount (Active Employees including FT, PT, & Casual)	142
Occupied FTE (FT & PT)	123
Occupied FTE (Casual)	3
No. of contract employees (Temporary/Agency)	6

The figures reported are at the end of the calendar month of October 2024.

Consultation

N/A

Strategic Implications

This item relates to the following elements from the City’s Council Plan.

Vision **Sustainable and responsible for a bright future**

Pillar **Performance**
Outcome 11. Effective leadership and governance



Budget/Financial Implications

At the Special Council Meeting on 11 August 2022, item CPS36.08.22, Council adopted the following thresholds for the reporting of material financial variances in the monthly statement of financial activity reports:

- a. Operating items – Greater than 10% and a value greater than \$20,000
- b. Capital items – Greater than 10% and a value greater than \$50,000

pursuant to regulation 34(5) of the *Local Government (Financial Management) Regulations 1996*, and *Australian Accountings Standard AASB 1031 Materiality*.

Legislative and Policy Implications

[Local Government Act 1995, Local Government \(Financial Management\) Regulations 1996](#), and *Australian Accounting Standards*.

Decision Implications

Nil.

Conclusion

The municipal surplus as of 31 October 2024 is \$30,468,241 which is favourable, compared to a budgeted surplus for the same period of \$26,827,809.

The operating revenue at the end of October 2024 was \$34,991,698 which represents a \$3,474,657 favourable variance compared to the year-to-date budget of \$31,517,041 primarily in fees and charges.

The operating expense at the end of October 2024 was \$13,606,176 which represents a \$531,170 favourable variance compared to the year-to-date budget of \$14,137,346 primarily in employee costs.

Further Information

Nil.

18.2 CPS56.12.24 List of Accounts Paid – November 2024

Meeting & Date	Council Meeting – 10 December 2024
Applicant	City of Nedlands



Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	M Harika – Chief Finance and Risk Officer
Director	A Alderson – Director Corporate Services
Attachments	1. Creditor Payment Listing – November 2024 2. Credit Card and Purchasing Card Payments – November 2024

Purpose

The purpose of this report is to present list of accounts paid for the month of November 2024.

Recommendation

That Council RECIEVES the List of Accounts Paid for the month of November 2024.

This motion was PUT and CARRIED En Bloc.

Voting Requirement

Simple Majority.

Background

Regulation 13 of the Local Government (Financial Management) Regulations 1996 requires a list of accounts paid to be prepared each month, showing each account paid since the last list was prepared. This list is to include the following information:

1. the payee's name;
2. the amount of the payment;
3. the date of the payment; and
4. sufficient information to identify the transaction.

Discussion

The accounts payable procedures ensure that risk is managed, and no fraudulent payments are made by the city, and these procedures are strictly adhered to by the officers. These include the final vetting of approved invoices by the Coordinator Revenue and the Manager Financial Services (or designated alternative officers).

Consultation



Nil.

Strategic Implications

This item relates to the following elements from the City's Council Plan 2023-33.

Vision **Sustainable and responsible for a bright future**

Pillar **Performance**
Outcome 11. Effective leadership and governance.

Budget/Financial Implications

The payments are made in accordance with the approved budget.

Legislative and Policy Implications

In accordance with regulation 13 of the [Local Government \(Financial Management\) Regulations 1996](#) administration is required to present the List of Accounts Paid for the month of November 2024 to Council.

Decision Implications

Nil.

Conclusion

The List of Accounts Paid for the months of November 2024 complies with the relevant legislation and can be received by Council (see attachments).

Further Information

Nil.

19 Reports from CEO



19.1 CEO49.12.24 Meeting Schedule for 2025

Meeting & Date	Council Meeting – 10 December 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Report Author	Keri Shannon – Chief Executive Officer
Director/CEO	Keri Shannon – Chief Executive Officer
Attachments	Nil.

Purpose

The purpose of this report is for Council to ADOPT the meeting dates for 2025 for public advertising purposes.

ADMINISTRATION RECOMMENDATION

That Council:

1. **ADOPT the Agenda Forum Meeting dates schedule for 2025 as listed below.**

- Tuesday 11 February 2025**
- Tuesday 11 March 2025**
- Tuesday 8 April 2025**
- Tuesday 13 May 2025**
- Tuesday 10 June 2025**
- Tuesday 8 July 2025**
- Tuesday 12 August 2025**
- Tuesday 9 September 2025**



Tuesday 11 November 2025
Tuesday 9 December 2025

2. **ADOPT the Council Meeting dates schedule for 2025 as listed below.**

Tuesday 25 February 2025
Tuesday 25 March 2025
Tuesday 22 April 2025
Tuesday 27 May 2025
Tuesday 24 June 2025
Tuesday 22 July 2025
Tuesday 26 August 2025
Tuesday 23 September 2025
Tuesday 25 November 2025
Tuesday 16 December 2025

3. **ADOPT the Audit Committee Meeting dates schedule for 2025 as listed below.**

Monday 17 February 2025
Monday 17 March 2025
Monday 14 April 2025
Monday 19 May 2025
Monday 16 June 2025
Monday 14 July 2025
Monday 18 August 2025
Monday 15 September 2025

4. **ADOPT the Public Art Committee Meeting Committee dates schedule for 2025 as listed below.**

Monday 10 March 2025
Monday 9 June 2025
Monday 8 September 2025



5. ADOPT the Governance Committee Meeting dates schedule for 2025 as listed below

Monday	10 February 2025
Monday	28 April 2025
Monday	28 July 2025

This motion was PUT and CARRIED En Bloc.

Voting Requirement

Simple Majority.

Background

Every year Council adopts the meeting dates schedule for the year ahead for advertising.

Discussion

Council Meeting Agenda Forums are generally held on the second Tuesday of each month and Council Meetings are generally held on the fourth Tuesday of each month.

Council Meeting Agenda Forums

The purpose of the Agenda Forum is for Council Members to ask questions and seek information in respect to items that are to be considered at the forthcoming Ordinary Council Meeting.

No debate is allowed, nor decisions made at Agenda Forums. Agenda Forums are open to the public.

Any items that are not listed on the Council Meeting Agenda Forum, must be treated as urgent business as provided for in section 3.10 of the Standing Orders Local Law 2016. This will alleviate the significant variance that currently exists between what is considered at the Council Meeting.

Council meetings

Ordinary Council Meetings will commence at 7:00pm. Council will not meet in October every second year to coincide with the Ordinary Election cycle to allow a thorough induction process for new Councillors.



Audit and Risk Committee meetings

As requested during the Audit and Risk Committee meeting of 21 November 2024 these meeting have been moved back to Mondays. They are proposed for the third Monday of each month. The exception to this is April and July when they have been scheduled for the second Monday of the month as the third Monday coincides with the fourth Tuesday meaning that the Audit and Risk Committee and Council Meetings would have been on consecutive days.

Governance Committee meetings

At the Ordinary Council Meeting of 22 October 2024, Council resolved to establish a Governance Committee. This Governance Committee is to meet every three months and as this is a new Committee for Councillors to attend consideration has been given to the months in which the Committee will meet to attempt to reduce the number of months where Councillors will need to attend three or more meetings.

As requested at the Agenda Forum the first meeting has been moved from January.

Consultation

Not applicable.

Strategic Implications

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

Pillar **Performance**

11. Effective leadership and governance

11.1.2 Provide standardised council meeting procedures, in accordance with the Local Government Reform process

Budget/Financial Implications

The proposed meeting schedule for 2025 will be advertised in accordance with the requirements for local public notice.



Legislative and Policy Implications

Under regulation 12 of the [Local Government \(Administration\) Regulations 1996](#) the CEO must publish before the beginning of the year in which the meetings are to be held meeting details for ordinary council meetings and committee meetings that are required under the Local Government Act to be open to the members of the public.

Decision Implications

Nil.

Conclusion

It is recommended that the proposed Schedule of Meetings for 2025 be adopted to provide transparency to the community and allow participation and ensure the City is compliant with the Local Government Act 1995.

Further Information

Nil.

19.2 CEO50.12.24 Register of Outstanding Council Resolution

Meeting & Date	Council Meeting – 10 December 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	No officer involved in the preparation of this report has a declarable interest.



Report Author	Sara Bloomfield – Governance Officer (Council Support)
Director/CEO	Keri Shannon – Chief Executive Officer
Attachments	1. Register of Outstanding Council Resolutions

Purpose

For Council to consider the Register of Outstanding Council Resolutions (OCR) and the actions taken by Administration in progressing these items.

ADMINISTRATION RECOMMENDATION

Moved by Councillor Smyth, seconded by Councillor Coghlan.

1. That Council **RECEIVES** the Register of Outstanding Council Resolutions dated November 2024.

Amendment

2. Requests the CEO to take measures to better inform the Community of the progress on the many outstanding Council Resolutions relating to the Allen Park Master Plan review and impact of the WA Children’s Hospice construction on other Park users and residents.

This amendment was **PUT** and **CARRIED** unanimously

Amendment

Moved by Councillor Amiry, seconded by Councillor Youngman.

1. That Council **RECEIVES** the Register of Outstanding Council Resolutions dated November 2024.
2. Requests the CEO to take measures to better inform the Community of the progress on the many outstanding Council Resolutions relating to the Allen Park Master Plan review and impact of the WA Children’s Hospice construction on other Park users and residents through the establishment of a committee of interested parties.
3. Inclusion of this matter in detail at the Audit & Risk committee on a monthly basis .

This amendment was **PUT** and **CARRIED (5/3)**

For. Crs. Bennett, Youngman, Smyth, Amiry & Hodsdon
Against: Cr Coghlan, Brackenridge & Argyle.



COUNCIL DECISION

1. That Council **RECEIVES** the Register of Outstanding Council Resolutions dated November 2024.
2. Requests the CEO to take measures to better inform the Community of the progress on the many outstanding Council Resolutions relating to the Allen Park Master Plan review and impact of the WA Children's Hospice construction on other Park users and residents through the establishment of a committee of interested parties.
3. Inclusion of this matter in detail at the Audit & Risk committee on a monthly basis .

For. Crs. Bennett, Youngman, Smyth, Amiry, Brackenridge, Argyle & Hodsdon
Against: Cr Coghlan

Voting Requirement

Simple Majority.

Background

Council has requested that all Outstanding Council Resolutions be tabled on a monthly basis at the OCM.

Discussion

Attached to the Council report is the register of OCRs for Council's noting and consideration.

The report has been updated by officers when required.

Information will be periodically provided to Councillors on previous resolutions of Council that:

- (i) have been completed since the last update and
- (ii) have not yet been fully implemented. Reasons for any delays or unforeseen challenges are included.

Councillors are able to seek an update on any particular project or resolution outside of the reporting period, by contacting the CEO directly for information or by referring to the information on the Councillor portal.



Consultation

Nil.

Strategic Implications

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

Vision	Sustainable and responsible for a bright future
Pillar	Performance
Outcome	11. Effective leadership and governance.

Budget/Financial Implications

Nil.

Legislative and Policy Implications

Local Government Act 1995.

Decision Implications

Councillors have oversight of the implementation of previous Council decisions, through access to the Register and the Councillor portal. Information on decisions may be provided through the CEO Weekly update, and direct request to the CEO. The City may include the register on the website to provide transparency to the community, although the community is able to access the document through the Council agenda.

Conclusion

That the Council receives the Register of Outstanding Council Resolutions for noting.

Further Information

Nil.

19.3 CEO51.12.24 Review of Governance Framework Policy

Meeting & Date	Council Meeting – 10 December 2024
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local	Nil



Government Act 1995	
Report Author	Alyce Martin – Coordinator of Governance Legal and Risk
Director/CEO	Keri Shannon – Chief Executive Officer
Attachments	1. Draft Amended Governance Framework Policy

Purpose

The purpose of this report is for Council to review the Governance Framework Policy which requires amendment due to the establishment of the Governance Committee by Council resolution on 22 October 2024.

A further amendment is required due to the *Local Government Amendment Bill 2024 (WA) (Amendment Bill)* being passed by the Legislative Council.

ADMINISTRATION RECOMMENDATION

That Council:

1. **APPROVE** the adoption the Governance Framework Policy as per attachment 1 to apply from 1 January 2025
2. **AMENDS** the name of the “Audit & Risk Committee” to be the “Audit, Risk and Improvement Committee”.
3. **INSTRUCTS** the CEO to advertise for two independent committee members for the Audit, Risk and Improvement Committee.

This motion was PUT and CARRIED En Bloc.

Voting Requirement

Absolute Majority.

Background

Council adopted a Governance Framework Policy (**Framework**) in December 2021 that has been operational since February 2022. The Framework has been reviewed on:

- 13 December 2022
- 31 January 2023
- 26 March 2024

On 22 October 2024 Council resolved to establish a Governance Committee and as a consequence the Framework requires updating.



Additionally the Amendment Bill was passed through both houses of Parliament as of 27 November 2024 and this will require changes to the Audit Committee. Although these requirements are not yet law, to ensure that Council will be on the front foot when these changes do pass into law it is recommended that Council consider taking action now to recruit independent members to join the Audit, Risk and Improvement Committee.

This item recommends that Council adopt a revised Governance Framework Policy and authorise the advertising for two independent committee members for the Audit, Risk and Improvement Committee.

Discussion

To further the work being done by Elected Members to increase the measures within the City to standardise and implement good governance principles an amendment to the Framework has been considered as necessary.

The amendment to the Framework suggested as per this report and the attachment are limited to the change of the name of the Audit & Risk Committee, inclusion of the Governance Committee at the end of the "Council Committees" table in item 7 and correcting typographical errors in the "External Committees & Panels" table.

Further a request to Council to instruct the CEO to advertise for the positions for the independent committee members is made so that advertising for these positions can commence as soon as possible.

With respect to the Audit, Risk and Improvement Committee a further more detailed report will be submitted to Council when candidates for the independent Committee member positions have been identified as the appointment of any independent members is a matter for Council. In addition this next report will seek to update the terms of reference, confirm the terms of which the independent members are appointed and ensure compliance with the new legislative provisions yet to be proclaimed.

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



Pillar	Performance
	11. Effective leadership and governance 11.1.2 Provide standardised council meeting procedures, in accordance with the Local Government Reform process

Budget/Financial Implications

There are no budget or financial implications in adopting this updated framework.

Legislative and Policy Implications

1. Local Government Act 1995 (WA) - [Local Government Act 1995 - \[07-am0-00\].pdf](#)
2. *Local Government Amendment Bill 2024* (WA) <https://www.parliament.wa.gov.au/parliament/bills.nsf/BillProgressPopup?openForm&ParentUNID=E89C0023410BDDCF48258B790032ADCF>
3. City of Nedlands Code of Conduct Council Members, Committee Members and Candidates - [city-of-nedlands-code-of-conduct-council-members-committee-members-and-candidates](#)
4. City of Nedlands Standing Orders Local Law - [local-laws-standing-orders](#)

Decision Implications

If Council adopts the revised Policy, the updated Policy will apply from January 2025.

If Council does not adopt the revised Policy, the previous Policy will continue to apply.

Conclusion

It is recommended that the revised Governance Framework Policy be adopted to provide a transparent, efficient, participatory, and statutorily compliant meeting framework

Further Information

Nil.



19.4 CEO52.12.24 Elected Member Information Bulletin

This motion was PUT and CARRIED En Bloc.



20 Council Members Notice of Motions of Which Previous Notice Has Been Given

20.1 NOM44.12.24 WALGA Central Metropolitan Zone

Date of Submission	29 November 2024
Meeting date	10 December 2024
Item title	NOM44.12.24 WALGA Central Metropolitan Zone – 40kph Speed Limit Advocacy Proposal
Name of elected member	Cr. Kerry Smyth

Notice of motion
<p>With regard to the City of Vincent’s presentation at the WALGA CMZ meeting on 22 November 2024 concerning 40kph speed limits in residential areas, Council requests the CEO to:</p> <ol style="list-style-type: none">1. Raise this matter with the next meeting of the Western Suburbs Alliance, and2. Assist in the draft of a brief advocacy position for Council and members to consider at the April 2025 meeting of the WALGA CMZ.

Moved by Councillor Smyth, seconded by Councillor Coghlan

Motion put and CARRIED/LOST (5/3)



For: Crs. Bennett, Smyth, Coghlan, Argyle & Brackenridge
Against: Crs. Youngman, Amiry, Hodsdon

Reason / Justification

1. City of Vincent has suggested that the WALGA Central Metropolitan Zone considers advocating for a more uniform approach to speed reduction.
2. Traffic congestion overflow into residential streets has presented increase safety concerns.
3. The mix of vehicle types such as electric scooters and bicycles alongside motor vehicles has presented a greater number of erratic vehicle movements that warrant a review of speed limits.

Excerpt from WALGA CMZ Agenda 22 November 2024

Item 4.1 Speed Limit initiative

In 2018 the City of Vincent proposed a 40km/h speed zone trial within Vincent's southern suburban residential areas to study the impact of slower speed limits. The objective was that the trial would make neighbourhood streets safer and provide a better street environment for all road users and residents living close by.

The trial was a success and in 2023 Main Roads WA (MRWA) approved permanent 40km/h speed limits in parts of North Perth, in addition to an existing trial area in Vincent's southern-most suburbs. This covered 40 per cent of City of Vincent's local access roads.

Community consultations by City of Vincent demonstrated significant support for the reduction of the speed limits, with almost 60 per cent of respondents showing they were in favour of the change.

MRWA has now granted approval for the speed to be permanently reduced on all local access roads within the City of Vincent. The 40km/h speed limits will apply to local access roads only.

City of Vincent Chief Executive Officer, David McLennan will provide a presentation and further information on this initiative's success.

Administration Comments

Prior to receiving this NoM, the Acting Director of Technical Services has been in discussions with members of the Perth Inner City Group (PICG) to become familiar with the 40km/h street proposal and the significant work done to date in this area. Technical Services is proposing to present options for the City's involvement in the 40km/h local streets proposal at the earliest available Concept Forum in 2025.



20.2 NOM45.12.24 Restoration Planting at Lot 38 Blenheim Lane, Mt Claremont

Date of Notice of Motion	29 th November 2024
Date of Submission	29 th November 2024
Meeting date	10 th December 2024
Item title	Restoration Planting at Lot 38 Blenheim Lane Mt Claremont R48631 (the sump)
Name of elected member	Cr Kerry Smyth

Notice of motion

With regard to Lot 38 Blenheim Lane Mt Claremont R48631 (the sump) Council instructs the CEO to:

1. Apply the project objectives in the Point Resolution Planting Project “*Reimagining POINT RESOLUTION as Mandyooranup | Place of the Banksia*” to the implementation of the 2024-25 Budget Resolution Clause 15. Clause 15 being That Council instructs the CEO to allocate \$20,000 of proposed tree planting budget to the eradication of Caster Oil Bush and mass planting of significant eucalyptus trees in R4863, this being the sump located at Lot 38 Blenheim Lane Mt Claremont (3,567m²) R48631 has been the subject of previous budget submissions, land access licences and easement arrangements, and a Petition to Council.
2. Approach JTC to improve access gateways and pathways in the vicinity of The Marlows Park (Lot 13207 R 45965) and rear of 2-8 Blenheim Lane houses (JTC land) and The Sump (Lot 38 R48631). This being a precursor in the



implementation of Land Tenure Access Arrangements for Greenway Corridors in Mt Claremont Resolution Clause 1 and in line with legal access agreements already in place with CCGS.

Moved by Councillor Smyth, seconded by Councillor Amiry.

This motion was PUT and CARRIED unanimously.

Reasons:

4. The City should follow its own lead as set out in the Project Objectives in particular “Set a precedent to inspire similar biodiverse restoration projects in other locations and as a showcase for other local governments to follow;”
5. Plant selection, landscape framework and pathway concessions need to be in concept form prior to next planting season.
6. Community has expressed need for improved access particularly during school holidays when gates may be locked for extended periods.
7. JDAP Attachment for CCGS Playing fields RAR shows the potential for City to broker other similar Legal Deed of Agreement for Access to Playing Fields.

Justification:

There have been ongoing calls by the community for Council to:

- facilitate the arrangements for access across the old Brockway landfill site;
- show leadership in the regeneration of the natural environment; and
- champion greenway connection and wildlife corridors.

Community feedback since Petition for Access OCM 22 November 2022 Item 6.1

Thank you very much for bringing this to our attention. So long as the access remains as is, I don't have any issues with it at all – it really has been a 'game changer' for the area and we are all very grateful for your assistance. The one access we would love, if at all possible, would be the ability to access the JTC tennis courts through the gate, if only to extend the access hours (currently 730-9 and 3-4) on the weekend. This would enable us to easily walk to floorball and cricket games held on the school grounds and we believe that such access would actually deter unsavoury behaviour given there will be more people around. We have attempted to contact them several times previously on this issue and noted how much the kids (particularly the smaller kids) would appreciate this gesture and how it would significantly add to the friendliness of the neighbour (particularly given we tolerate the neighbourhood traffic around school pick up and drop off times) but to date, we have either had a negative response to no response at all. If there was any weight that the council could place on JTC in this regard, it would be most appreciated. I am sure that X, Y and the other surrounding residents would strongly support this view. We look forward to reviewing the action plan in due course.

Access points that require negotiation:



Administration Comments

1. The planting of this sump is scheduled for the May 2025 planting season. The Project Objectives listed in the “*Reimagining POINT RESOLUTION as Mandyooranup | Place of the Banksia*” will be applied where appropriate for the context on the Blenheim Lane Sump as the two areas (the sump and Point Resolution) have different uses and their own area specific context.
2. The Administration will endeavour to communicate with neighbouring land owners, including John XXII, in relation to commencing communications for the future negotiations of land tenure access arrangements for the proposed Greenway Corridor. These discussions can typically be very time consuming and the rate at which this body of work progresses will need to be weighed against other competing priorities.



20.3 NOM46.12.24 Motion to Revoke Council Decision

Councillor Coghlan, Councillor Smyth and Mayor Argyle supported in writing by the Councillors as listed below has advised of their intention to move a motion to revoke Council's decision of 26 November 2024 relating to Item PD68.11.24, as follows:

Supported by:

1. Councillor Smyth (mover)
2. Councillor Coghlan
3. Mayor Argyle

Moved by Councillor Smyth, seconded by Councillor Coghlan.

“That Council:

1. **Revokes the Council decision of 26 November 2024, item PD68.11.24 and amend as follows (amended underlined):**

That Council:

In accordance with Clause 68(2)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, APPROVES the development application in accordance with the plans date stamped 11 October 2024 for a partial change of use to a “Small Bar” at 136 Stirling Highway, Nedlands, subject to the following conditions:

1. **This approval is limited for a period of 6 months, commencing on the date of the liquor license approval, with a new development approval required beyond this 6 month period.**
2. **This approval is for the use of the portion of the development outlined in blue on the approved plans, being the entirety of the third storey, as a “Small Bar”, as defined in the City of Nedlands Local Planning Scheme No.3. Any alternative use of the premises may require development approval.**
3. **This approval is for a maximum of 50 patrons.**
4. **All sound attenuation measures and stipulations contained within the Acoustic Report prepared by Stantec, date stamped 8 August 2024, shall be implemented and undertaken in perpetuity to the satisfaction of the City of Nedlands.**



5. Waste collection related to the Small Bar is restricted to 7am and 7pm Monday to Saturday and 9am to 5pm on Sunday and Public Holidays.
6. The small bar shall be limited in operation in the following ways:
 - a. Every day, between the hours of 11am and 4pm, patrons may only attend the Small Bar by prior appointment. Appointments must be booked and confirmed by the venue management no less than 24 hours prior to the appointment time.
 - b. Sunday to Tuesday, the Small Bar may open to the public without a prior appointment between the hours of 4pm and 9pm.
 - c. Wednesday to Saturday, the Small Bar may open to the public without a prior appointment between the hours of 4pm and 11pm. (previously 12am)
7. Prior to the issue of an occupancy permit, a Noise Management Plan for the operation of the Small Bar shall be prepared and submitted to the City of Nedlands for approval. The Noise Management Plan shall be complied with at all times, to the satisfaction of the City of Nedlands.
8. Prior to the issue of an occupancy permit, the Management Plan document shall be updated to reflect the operational restrictions in Condition 5. The updated Management Plan forms part of this approval and shall be complied with at all times to the satisfaction of the City of Nedlands.

Main Roads

9. No compensation will be sought by the landowner / applicant in respect to the loss, removal or relocation of any improvements arising out of this approval that are within the portion of land reserved for road purposes under the Metropolitan Region Scheme, if and when the identified portion of the land is acquired for any works consistent with the purpose of that reservation (including, without limitation, the upgrading of Stirling Highway or intersection improvements).
10. All signs must be placed on private property and must not overhang or encroach the Primary Regional Road Reservation.
11. The maximum luminance level of the signs shall be in accordance with the requirements below at all times:
 - a. During daytime, the maximum luminance levels shall be 300 cd/m².
 - b. During the night, the maximum luminance levels shall be 150 cd/m².



12. The sign must not flash, pulsate or chase.

13. The device must not contain fluorescent, reflective or retro-reflective colours or materials.

Amendment

Moved Cr Bennett, seconded by Cr Youngman

Removed item 1 from the substantive motion

1. This approval is limited for a period of 6 months, commencing on the date of the liquor license approval, with a new development approval required beyond this 6 month period.

This motion was PUT and CARRIED (5/3)

For. Crs. Bennett, Youngman, Hodson Amiry & Argyle,

Against: Crs. Coghlan, Brackenridge & Smyth

“That Council:

1. Revokes the Council decision of 26 November 2024, item PD68.11.24 and amend as follows (amended underlined):

That Council:

In accordance with Clause 68(2)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, APPROVES the development application in accordance with the plans date stamped 11 October 2024 for a partial change of use to a “Small Bar” at 136 Stirling Highway, Nedlands, subject to the following conditions:

2. This approval is for the use of the portion of the development outlined in blue on the approved plans, being the entirety of the third storey, as a “Small Bar”, as defined in the City of Nedlands Local Planning Scheme No.3. Any alternative use of the premises may require development approval.
3. This approval is for a maximum of 50 patrons.
4. All sound attenuation measures and stipulations contained within the Acoustic Report prepared by Stantec, date stamped 8 August 2024, shall be implemented and undertaken in perpetuity to the satisfaction of the City of Nedlands.



5. Waste collection related to the Small Bar is restricted to 7am and 7pm Monday to Saturday and 9am to 5pm on Sunday and Public Holidays.
6. The small bar shall be limited in operation in the following ways:
 - a. Every day, between the hours of 11am and 4pm, patrons may only attend the Small Bar by prior appointment. Appointments must be booked and confirmed by the venue management no less than 24 hours prior to the appointment time.
 - b. Sunday to Tuesday, the Small Bar may open to the public without a prior appointment between the hours of 4pm and 9pm.
 - c. Wednesday to Saturday, the Small Bar may open to the public without a prior appointment between the hours of 4pm and 11pm. (previously 12am)
7. Prior to the issue of an occupancy permit, a Noise Management Plan for the operation of the Small Bar shall be prepared and submitted to the City of Nedlands for approval. The Noise Management Plan shall be complied with at all times, to the satisfaction of the City of Nedlands.
8. Prior to the issue of an occupancy permit, the Management Plan document shall be updated to reflect the operational restrictions in Condition 5. The updated Management Plan forms part of this approval and shall be complied with at all times to the satisfaction of the City of Nedlands.

Main Roads

9. No compensation will be sought by the landowner / applicant in respect to the loss, removal or relocation of any improvements arising out of this approval that are within the portion of land reserved for road purposes under the Metropolitan Region Scheme, if and when the identified portion of the land is acquired for any works consistent with the purpose of that reservation (including, without limitation, the upgrading of Stirling Highway or intersection improvements).
10. All signs must be placed on private property and must not overhang or encroach the Primary Regional Road Reservation.
11. The maximum luminance level of the signs shall be in accordance with the requirements below at all times:
 - a. During daytime, the maximum luminance levels shall be 300 cd/m².
 - b. During the night, the maximum luminance levels shall be 150 cd/m².



12. The sign must not flash, pulsate or chase.
13. The device must not contain fluorescent, reflective or retro-reflective colours or materials.

This motion was PUT and LOST (5/3)

For: Crs. Bennett, Smyth, Coghlan,

Against: Crs. Youngman, Brackenridge, Amiry, Hodsdon, Argyle.

Councillor's Reasons for Revocation

- There is a need for a review of the operation of the small bar after 6 months. This is a Change of Use in a residential area. Safety concerns remain due to an increase in traffic movements and the potential of having people milling around late at night.
- School age children reside in at least four houses in the immediate vicinity of the small bar. The proposed hours of operation of the Sky Bar, for patrons without prior appointment, is not conducive to late evening amenity of the nearby neighbours. The Small Bar should close at 11pm. Closing any later is too disruptive.
- People will make noise as they leave potentially talking loudly late at night while moving to their cars or other means of transport.
- The transport report is factually incorrect stating that there are buses available on the highway every 15 minutes. Close examination of the bus timetables demonstrates that travelling towards the Perth City requires a change at Shenton Park train station and towards Fremantle all evening buses terminate at Claremont.
- There have been many objections.
- What food options are available to patrons? Without the food being provided by the bar there is a greater chance of anti-social behaviour by patrons.

Officer Comment

A rescission motion is dealt with under the *Local Government (Administration) Regulations 1996*.

Regulation 10 states:

10. Revoking or changing decisions (Act s. 5.25(1)(e))
 - (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or



- (b) in any other case, by at least 1 /3 of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

20.4 NOM47.12.24 Additional “No Parking” signs on Croydon Street, Nedlands

Date of Notice of Motion	29 th November 2024
Date of Submission	29 th November 2024
Meeting date	10 th December 2024
Item title	Additional “No Parking” signs on Croydon Street, Nedlands
Name of elected member	Cr Noel Youngman

Notice of motion
Council instructs the CEO to:
Install additional “No Parking” signs on Croydon Street, Nedlands.

Moved by Councillor Youngman, seconded by Councillor Hodsdon



Amendment

Moved by Cr Amiry Seconded by Cr Smyth.

15 minutes, 1-hour and 2-hour parking signs be provided instead of No Parking signs in consultation with residents.

The amendment was PUT and LOST (1/7)

For. Crs. Coghlan.

Against: Crs. Youngman, Bennett, Hodsdon, Amiry, Smyth, Argyle & Brackenridge.

This motion was PUT and LOST (4/4) Mayor Argyle Casting Vote Against

For. Crs. Youngman, Hodsdon, Bennett & Amiry.

Against: Crs. Brackenridge, Smyth, Argyle & Coghlan.

Justification:

- Kith Eatery has enlivened the Aberdare Road shops.
- The residents of Croydon St feel that they are unduly impacted by the sudden popularity of their area, with vehicles illegally parked on their street, across driveways and on verges, where I am told reticulation has been damaged.
- City Rangers attend Croydon St every day and issue Parking Infringement Notices. In doing so they are regularly placed in a situation of potential conflict, with both the residents, cafe customers and staff feeling that they are not appreciated.
- The residents believe most cafe customers are ignorant of the parking restrictions because of the wide spacing of the current signs.
- If more sign posts, even temporary ones, are installed then most of the problems should be reduced.
- The City Rangers will be able to provide input into where new signs should be placed based on the location of most infringements they have written up.
- The Council wants businesses to succeed and add benefit to the area. Kith Eatery has done this, with many of their clientele walking from the nearby hospitals.
- The residents want their tranquility restored. They are a generous group that I met with many allowing oncology nurses the use of their verge for parking whilst at work.



- Given the amount of money collected from infringements the expense would be almost be cost neutral to install another 2 or 3 No Parking signs to better inform motorists.

Officer Comment

Croydon Street from Aberdare Road to Verdun Street is approximately 310 metres in length and currently has 11 No Parking signs located along its length (6 on the western side and 5 on the eastern side), The provision of signage is consistent with AS 1742.11: Parking Controls, is adequate and makes it clear that parking is not permitted in the street.

The provision of line marking on the street indicating no parking would add to the provision of the signage and is considered to be an appropriate measure to introduce.

Officer Recommendation;

No Action is required in relation to the provision of signage.



21 Urgent Business Approved By the Presiding Member or By Decision

21.1 PD83.12.24 Consideration of Responsible Authority Report for a Commercial Development at 90 Stirling Hwy, Nedlands

Meeting & Date	Council Meeting – 10 December 2024
Applicant	Urbis
Employee Disclosure under section 5.70 Local Government Act 1995	The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff involved in the preparation of this report and the proponents or their consultants.
Report Author	Tony Free – Director Planning and Development
Director	Tony Free – Director Planning and Development
Attachments	4. Responsible Authority Report and Attachments

Purpose

The purpose of this report is for Council to consider the Development Assessment Panel (DAP) application for a single storey commercial building comprising seven tenancies with an undercroft carpark at 90 Stirling Highway, Nedlands.

Council is requested to make its recommendation to the Metro Inner Development Assessment Panel as the Responsible Authority. Council’s recommendation will be incorporated into the Responsible Authority Report and lodged with the DAP Secretariat by 11 December 2024.

It is recommended that Council adopt the Officer Recommendation to defer the application to allow for the applicant to provide further information related to parking and traffic and allow time for the receipt and consideration of transport planning related comments from Main Roads WA.

Recommendation

Moved by Councillor Smyth, seconded by Councillor Brackenridge.



ADOPTS as the Responsible Authority the Officer Recommendation contained in the Responsible Authority Report for the development of a commercial building at 90 (Lots 3, 4 and 5) Stirling Highway, Nedlands as follows:

It is recommended that the Metro Inner DAP resolves to:

- 1. Defer the determination of DAP Application DAP/24/02769 for a period of up to 100 days to address the following matters:**
 - i. In accordance with Clause 67(2)(t) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, insufficient information has been provided to comprehensively assess whether the traffic generated by the proposal is likely to have a negative effect on traffic flow and safety within the local road network.**
 - ii. It is unclear if the proposal satisfies the objective of Local Planning Policy 4.1: Parking as insufficient information has been provided to justify and assess the adequacy of the amount of vehicle parking bays on site.**
 - iii. Allow time to receive and consider transport planning related comments and recommendations pertaining to the development from Main Roads Western Australia.**

Amendment

Moved Cr Bennett, seconded Cr Youngman

Include in the landscaping plan that 50% of the trees are to be endemic.

The amendment was PUT and CARRIED unanimously.

ADOPTS as the Responsible Authority the Officer Recommendation contained in the Responsible Authority Report for the development of a commercial building at 90 (Lots 3, 4 and 5) Stirling Highway, Nedlands as follows:

It is recommended that the Metro Inner DAP resolves to:

- 1. Defer the determination of DAP Application DAP/24/02769 for a period of up to 100 days to address the following matters:**
 - iv. In accordance with Clause 67(2)(t) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, insufficient information has been provided to comprehensively assess whether the traffic generated by the proposal is likely to have a negative effect on traffic flow and safety within the local road network.**



- v. It is unclear if the proposal satisfies the objective of Local Planning Policy 4.1: Parking as insufficient information has been provided to justify and assess the adequacy of the amount of vehicle parking bays on site.
 - vi. Allow time to receive and consider transport planning related comments and recommendations pertaining to the development from Main Roads Western Australia.
2. Include in the landscaping plan that 50% of the trees are to be endemic.

This motion was PUT and CARRIED unanimously

Voting Requirement

Simple Majority.

Background

Land Details

Metropolitan Region Scheme Zone	Urban
Local Planning Scheme Zone	Mixed Use
R-Code	R-AC1
Land area	Lot 3: 1,264.6m2 Lot 4: 1,656.7m2 Lot 5: 1,737.6m2 Total: 4,658.9m2
Land Use	Shop, Liquor Store – Small, Consulting Rooms, Office, Restaurant/Café, Convenience Store, Medical Centre
Use Class	Shop – P Liquor Store – Small – P Consulting Rooms – P Office – P Restaurant/Café – P Convenience Store – P Medical Centre - D

The application proposes the development of a single storey commercial building with an undercroft carpark. The building features a two storey ‘tower’ adjacent to Stirling Highway that hosts the lift shafts and provides opportunities for signage. The development site is comprised of three lots with a total frontage of 60m to Stirling Highway. The eastern most



lot (Lot 5) is located on the corner of Florence Road and Stirling Highway, providing the development site with an 86m frontage to Florence Road.



Figure 1: Aerial image

Discussion

Assessment of Statutory Provisions

The proposal has been assessed against all relevant legislative requirements including Local Planning Scheme No.3 (LPS3), Residential Design Codes Volume 2 (R-Codes Volume 2) and Local Planning Strategies and Policies. The matters below have been identified as key considerations for the determination of this application.

- Achieving the objectives of the City’s Local Planning Strategy
- Achieving the objectives of the City’s Nedlands Stirling Highway Activity Corridor (NSHAC) Strategy
- Satisfaction of the statutory provisions of the City’s Local Planning Scheme No. 3 (LPS 3)
- Traffic generated by the development
- Parking provided by the development

Plans were received on 25 September 2024 and assessed against the planning framework. Following assessment advice from the City and the City’s DRP, amended plans were provided on 18 November 2024 which included the following changes:

- Alteration to the lift tower and trolley bay location
- Reconfiguration of the pocket park with additional bench seating
- Relocation of the tenancy 7 entrance
- Additional windows added to the back of house office



The amended plans satisfy the objectives of the City’s Local Planning Strategies and LPS 3. Though the development does not provide a residential component and is not a minimum of the four storeys in height (as preferred by the NSHAC Strategy), a commercial offering that includes a major supermarket and a variety of other retail and commercial opportunities is complementary to, and will ultimately help facilitate the development of, additional dwellings near the site. Further, the height of the development is not imposing on the streetscape or adjoining dwellings and is below the ‘default’ heights within the Residential Design Codes.

Notwithstanding the above, the City’s Technical Services have several concerns related to the impact of the development on the local road network and the justification for the amount of car parking bays provided on site. In addition to the issues raised by the City, at the time of writing Main Roads Western Australia have not provided formal or conclusive transport related comments and recommendations for the proposal. As such, it is recommended that the development application determination be deferred to allow time for the provision and assessment of additional information related to traffic and parking as well as the receipt and consideration of formal Main Roads WA comment.

Refer to the Responsible Authority Report (RAR) in **Attachment 1** for a full discussion.

Design Review Panel

The development was reviewed by the City’s Design Review Panel (DRP) on two occasions. A summary of the Panel’s evaluation of the proposal at each stage of the review process is provided below.

Table 2: DRP Design Quality Evaluation			
	Supported		
	Further Information Required		
	Not supported		
SPP 7.0 Principles	1 July 2024	21 October 2024	Chair Review 22 November 2024
1. Context and Character	Not supported	Further Information Required	Supported
2. Landscape Quality	Not supported	Further Information Required	Supported
3. Built Form and Scale	Not supported	Further Information Required	Supported
4. Functionality and Built Quality	Supported	Supported	Supported
5. Sustainability	Further Information Required	Supported	Supported
6. Amenity	Further Information Required	Supported	Supported
7. Legibility	Not supported	Further Information Required	Supported
8. Safety	Not supported	Further Information Required	Supported
9. Community	Further Information Required	Further Information Required	Supported
10. Aesthetics	Further Information Required	Further Information Required	Supported

The DRP Chair provided the following comment on conclusion of the final review:

“Overall, the applicant has responded very constructively and positively to the DRP advice. I **support** the current proposal but with the qualification that the proposal seems to be low



rise supermarket shopping with small scale commercial tenancies. From a DRP perspective the proposal is supportable for this reason, yet the pre-eminence of the applicable planning scheme may outweigh this support.”

On balance, the proposal responds appropriately to the desired land use and built form character envisioned for the locality.

Consultation

Public Consultation

In accordance with the City’s Local Planning Policy 7.3 Consultation of Planning Proposals (LPP 7.3), the plans received 25 September 2024 were advertised for a period of 28 days, from 27 September 2024 to 25 October 2024, in the following manner:

- Letters sent to all City of Nedlands and City of Perth landowners and occupiers within a 200m radius of the site;
- A sign on site was installed at the site’s street frontage for the duration of the advertising period;
- An advertisement was published on the City’s website with all documents relevant to the application made available for viewing during the advertising period;
- An advertisement was placed in The Post newspaper published on 4 October 2024; and
- A community information session was held by City Officers on 9 October 2024, no community members attended this session.

At the close of the advertising period, the City received 19 submissions, 13 in support, three objecting and three making general comment. A full schedule of submissions and applicant responses are provided in Attachment 1. A summary of the objections is provided below.

Public Consultation Summary	
Matter Raised	Officer Comment
The proposal does not satisfy the objectives of the Mixed Use zone or NSHAC Strategy as it does not provide a residential component.	The absence of dwellings included in the proposal is supported as the retail and commercial opportunities provided are complementary to and will ultimately help facilitate the development of additional dwellings in close proximity to the site.
The height of the building is insufficient in response to the desired medium and high rise character of the locality.	Regarding the low-rise height of the development is, on balance, an appropriate response to the existing and emerging character of the area.
Parking is insufficient.	It is unclear if the parking bays provided are adequate for the commercial development proposed. Further information regarding parking bay provision is requested.
The two-storey tower element is excessive in height.	The RAC-1 density coding and NSHAC Strategy contemplate a preferred height of at least four storeys for the site. The two-storey tower element of the development is consistent with the existing built form in the area.



The signage location proposed is too prominent and does not respect the mixed use nature of the street.	The scale and nature of the proposed signage is consistent with commercial tenancies and supermarket developments.
The parking lot should be serviced by a travelator in addition to lifts.	The development remains accessible through the provision of two lifts from the undercroft car park to the upper forecourt and shop tenancy. A travelator is not a required feature of the development.
The development should include further planting and/or space for the community.	The site is proposed to be 9.6% deep soil area, virtually consistent with the expected landscaping provision for developments in the R-AC1 density code. The pocket park in the north-east corner of the site has been reconfigured to be more open and provide bench seating to encourage use.
The traffic issues related to entry and exit from Stirling Highway, Florence Road and Dalkeith Road will create congestion and reduce safety.	The TIA provided with the development application may be missing fundamental information to accurately assess the provision of car parking bays and traffic generation from the development. Further information has been requested.
6.1m is too narrow for the future laneway between Florence and Dalkeith Road.	While 6.1m is not consistent with the 10m envisioned by LPP 4.2 Dalkeith to Stanley Street Laneway, 6.1m is sufficient width to provide a single carriageway with two lanes.
The development is supported.	Noted.

These matters have been addressed within the RAR. All submissions on this proposal have been given due regard in this assessment in accordance with Clause 67(y) of the *Planning and Development (Local Planning Schemes Regulations) 2015*.

Strategic Implications

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

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

Budget/Financial Implications

Nil.

Legislative and Policy Implications



Council is requested to make a recommendation to the DAP in accordance with Regulation 12 of the [Planning and Development \(Development Assessment Panels\) Regulations 2011](#). Council may recommend to approve, refuse or defer the application.

Decision Implications

Council's recommendation will be incorporated into the Responsible Authority Report (RAR) and lodged with the DAP Secretariat on or before 11 December 2024. The recommendation noted above is the officer recommendation that is also included in the RAR.

In the event that Council does not adopt the officer recommendation, Council's recommendation will be located at the front of the RAR as the Responsible Authority Recommendation and the officer recommendation will be contained in the rear of the report.

In the event that Council does not make a recommendation, the RAR will be forwarded to DAP on 11 December 2024 with the Officer Recommendation only.

Conclusion

Council is requested to consider the proposed development as the Responsible Authority. It is requested that Council makes a recommendation to the DAP to either approve, refuse or defer the application.

The application for a single storey supermarket development with additional commercial tenancies is of a scale and use consistent with the expected pattern of urban growth in the locality. Notwithstanding the supportability of the proposal from a land use planning and built form perspective, insufficient information has been provided to comprehensively assess the parking and traffic generation of the development. Furthermore, Main Roads Western Australia has not provided formal comments and recommendations on the proposal.

For the above reasons, it is recommended Council adopt the Officer Recommendation contained in the RAR to defer the application to allow time for the provision and assessment of additional information related to traffic and parking as well as the receipt and consideration of formal Main Roads WA comment.

Further Information

Nil.



22 Confidential Items

Confidential items to be discussed at this point.

23 Declaration of Closure

There being no further business, the Presiding Member will declare the meeting closed 9:31pm.