



City of Nedlands

Minutes

Council Meeting

28 July 2020

Attention

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.

Table of Contents

Declaration of Opening	5
Present and Apologies and Leave of Absence (Previously Approved)	5
1. Public Question Time	6
1.1 Mr Julian Atkinson, 15 Leopold Street, Nedlands	6
1.2 Mrs Jane Leaversuch, 78 Doonan Road, Nedlands.....	7
1.3 Mrs Kylie Passage, 80 Doonan Road, Nedlands	8
1.4 Mr Mario Faugno, 74 Doonan Road, Nedlands.....	10
1.5 Mr Michael Cahill, 65 Melvista Avenue, Nedlands	14
1.6 Ms Rebecca Faugno, 74 Doonan Road, Nedlands.....	18
1.7 Mr John McGuire, 2 Granby Crescent, Nedlands	19
1.8 Mr Andrew Jackson, Unit 3 / 114 Stirling Highway, Nedlands.....	20
1.9 Mr Andrew Edwards, 14 Doonan Road, Nedlands.....	20
1.10 Ms Susan Stevens, 65 Melvista Avenue, Nedlands.....	21
1.11 Mr George Gelavis, 69 Riley Road, Nedlands	22
1.12 Mrs Conor Crane, 11 Lovegrove Close, Nedlands.....	23
2. Addresses by Members of the Public.....	23
3. Requests for Leave of Absence	24
4. Petitions	25
4.1 Mr Andrew Lian, Alda Consultants, Suite 5, 61 Hampden Road, Nedlands – Scheme Amendment No. 7	25
5. Disclosures of Financial and/or Proximity Interest	25
5.1 Councillor Bennett – Item 16.1 – Urgent Business Councillor Mangano Scheme Amendment No. 7	26
6. Disclosures of Interests Affecting Impartiality.....	26
6.1 Councillor Senathirajah – Confidential Item 17.1 – CEO Performance Review.....	26
6.2 Councillor Mangano – TS13.20 - Underground Power – Hollywood East, Nedlands North and Nedlands West	26
6.3 Councillor Hodsdon – TS13.20 – Underground Power – Hollywood East, Nedlands North and Nedlands West	27
7. Declarations by Members That They Have Not Given Due Consideration to Papers.....	28
8. Confirmation of Minutes	28
8.1 Ordinary Council Meeting 23 June 2020	28
8.2 Special Council Meeting 30 June 2020	29
9. Announcements of the Presiding Member without discussion	29
10. Members announcements without discussion.....	31
10.1 Councillor Smyth.....	31
11. Matters for Which the Meeting May Be Closed	32
12. Divisional Reports	32
12.1 Minutes of Council Committees	32
13.1 Amendments to Local Planning Policy Residential Aged Care Facilities	33
13.2 Scheme Amendment No. 10 – Amendment to Additional Use 9.....	43

13.3	Scheme Amendment No. 11 – Residential Aged Care Facilities – Additional Requirements	48
12.2	Planning & Development Report No’s PD31.20 to PD36.20	56
PD31.20	No. 20 Robinson St, Nedlands - Additions to a Single House.....	56
PD32.20	No. 150 Stirling Highway, Nedlands - Change of Use – Recreation Private.....	61
PD33.20	No. 35 The Avenue – Five Two Storey Grouped Dwellings	66
PD34.20	No. 92 Smyth Road, Nedlands - 5 Two Storey Grouped Dwellings.....	75
PD35.20	Local Planning Scheme 3 – Local Planning Policy: Removal of Occupancy Restrictions	80
PD36.20	Built Form Modelling, Broadway, Waratah Village and Nedlands Town Centre	81
12.3	Technical Services Report No’s TS13.20 to TS14.20	83
TS13.20	Underground Power – Hollywood East, Nedlands North and Nedlands West.....	83
TS14.20	Safe Active Streets Stage 2 – Variation Costs	85
12.4	Community Development No’s CM05.20	87
CM05.20	Community Sport and Recreation Facilities Fund Application – Dalkeith Tennis Club and Allen Park Tennis Club.....	87
12.5	Corporate & Strategy Report No’s CPS12.20 to CPS13.20	89
CPS12.20	List of Accounts Paid – May 2020	89
CPS13.20	Deed of Surrender – Town of Claremont Leases	90
13.	Reports by the Chief Executive Officer	91
13.1	Amendments to Local Planning Policy Residential Aged Care Facilities	91
13.2	Scheme Amendment No. 10 – Amendment to Additional Use 9.....	91
13.3	Scheme Amendment No. 11 – Residential Aged Care Facilities – Additional Requirements	91
13.4	Deed of Easement and Deed of Agreement former Brockway Landfill Site	92
13.6	Winsor Cinema – State Heritage Listing	96
16.1	Councillor Mangano – Scheme Amendment 7	101
16.2	Councillor Coghlan – Public Submission on Proposed Peace Memorial Rose Garden Local Planning Policy	103
13.5	Local Planning Scheme 3 – Local Planning Policy: Dalkeith Road to Stanley Street Laneway and Built Form Requirements.....	106
13.6	Winsor Cinema – State Heritage Listing	133
13.7	Nedlands Town Centre – Florence Road Precinct – Update and Direction.....	134
13.8	Local Planning Scheme 3 – Local Planning Policy Waste Management Guidelines	142
Planning and Development (Local Planning Schemes) Regulations 2015		146
13.9	Carry Forward of Woodchipper Replacement	148

13.10	Associates Rugby Union Football Club – Application to Vary Liquor Licence	152
13.11	Liquor License Extension Request – Old Collegians Football Club	156
13.12	Monthly Financial Report – June 2020	161
13.13	Monthly Investment Report – June 2020	168
13.14	List of Delegated Authorities – June 2020	171
14.	Elected Members Notices of Motions of Which Previous Notice Has Been Given	179
14.1	Councillor Smyth – Design Review Panel Reinstatement	179
14.2	Councillor Horley – New Options for Community Events	187
14.3	Councillor Wetherall – Rescission Motion – Summer Concerts	190
14.4	Mayor de Lacy – Mandatory Residential Development in Mixed Use Zone	193
14.5	Councillor Mangano – Overgrown Ficus Verge Trees	195
14.6	Councillor Coghlan – Recission Motion – Residential Aged Care Facilities Local Planning Policy	198
15.	Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 25 August 2020	209
16.	Urgent Business Approved by the Presiding Member or By Decision	210
16.1	Councillor Mangano – Scheme Amendment 7	210
16.2	Councillor Coghlan – Public Submission on Proposed Peace Memorial Rose Garden Local Planning Policy	210
17.	Confidential Items	211
17.1	CEO Performance Review	211
	Declaration of Closure	212

City of Nedlands

Minutes of a meeting of the Council held online via Teams and livestreamed for the public and onsite, in the Ellis Room at Bendat Basketball Centre, 201 Underwood Ave, Floreat on Tuesday 28 July 2020 at 6 pm, and following adjournment, online via Teams and livestreamed for the public and onsite at Council Chamber, 71 Stirling Hwy, Nedlands at 6pm on Thursday 30 July 2020.

Declaration of Opening

The Presiding Member will declare the meeting open at 6.05 pm and drew attention to the disclaimer below.

Present and Apologies and Leave of Absence (Previously Approved)

Councillors	Her Worship the Mayor, C M de Lacy (Presiding Member)	
	Councillor F J O Bennett (from 6.08 pm)	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Vacant	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor P N Poliwka	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor G A R Hay	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward

Staff	Mr M A Goodlet	Chief Executive Officer
	Mrs L M Driscoll	Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Mr J Duff	Director Technical Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

Public There were 120 members of the public present.

Press The Post Newspaper representative.

Leave of Absence (Previously Approved) Nil.

Apologies Nil.

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.

Any plans or documents in agendas and minutes may be subject to copyright. The express permission of the copyright owner must be obtained before copying any copyright material.

Councillor Bennett joined the meeting at 6.08 pm.

1. Public Question Time

A member of the public wishing to ask a question should register that interest by notification in writing to the CEO in advance, setting out the text or substance of the question.

The order in which the CEO receives registrations of interest shall determine the order of questions unless the Mayor determines otherwise. Questions must relate to a matter affecting the City of Nedlands.

1.1 Mr Julian Atkinson, 15 Leopold Street, Nedlands

Question 1

How can the council have sold some of the land in question to the developer without going to public auction?

Answer 1

A local government is able to dispose of land by one of three methods; public auction, public tender or by inviting submissions.

Question 2

The best outcome is to develop the new facility with the existing facility. Why can this not happen?

Answer 2

It is possible for this to happen. However, the City isn't party to the commercial arrangements between the adjacent landowners and doesn't control joint development of the facility.

1.2 Mrs Jane Leaversuch, 78 Doonan Road, Nedlands

Question 1

How does the City believe that it follows the policy?

3.0 Objectives state:

'3.1 To recognise the importance of community and stakeholder engagement in the assessment of and determination of planning proposals.

3.2 To provide a consistent approach to the methodology in which the City undertakes engagement in relation to the form and duration of public consultation periods for planning proposals.

3.3 To recognise that discretion should be applied on a case-by-case basis given the varying degree of significance, scale and nature of planning proposals in the undertaking of public consultation with the community.'

Answer 1

The City's Local Planning Policy goes above and beyond statutory requirements of the State Government as prescribed in the Planning and Development (Local Planning Schemes) Regulations 2015. As such the operation of the LPP seeks to further engage with the local community using additional methods that are not requirements under planning legislation to involve the community in its assessment of planning proposals.

The City's approach remains through the engagement LPP which clearly states the methodologies applied to consultation in various categories of applications and proposals.

The City is able to apply discretion as allowed in the LPP, in each instance when engaging with the local community.

Question 2

If the Council believes that it has followed this policy, why do so many residents feel that they haven't been consulted by the City of Nedlands in the four years that Peter Mickelson, Town Planner, says the City has been working with the developer, Oryx Communities?

Answer 2

No development proposal has been lodged with the City of Nedlands until June 2020. The administration cannot consult with the community based on unresolved preliminary plans or concepts that are either confidential, copyright or unresolved. The City has not 'worked' with the developer for the past four years. Current discussions relating to the current proposal only commenced late 2019.

Question 3

Why has the Council not followed up with any residents when no responses have been received on any of the planning policy changes in relation to Doonan and Betty Street during the 'consultation process'?

Answer 3

Administration have advertised the Draft Local Planning Policy in accordance with the Planning and Development Regulations 2015 as well as the City's Local Planning Policy for Consultation of Planning Proposals, this has included advertisements in the local newspaper, social media posts and online advertising on the City's website. The Local Planning Policy for Residential Aged Care applies to the entire City. The current meeting agenda deals with some of the issues raised in the consultation.

Question 4

What does the Council currently believe are the public concerns and aspirations for the Aged Care Facility on Betty and Doonan Road?

Answer 4

Councillors are generally aware of the public concerns and aspirations for the Aged Care Facility. The Responsible Officer Report will bring the details of those concerns to Council to determine a formal position. Council will also be considering three reports at this meeting which deal with matters relating to the concerns of the public.

1.3 Mrs Kylie Passage, 80 Doonan Road, Nedlands

Question 1

With reference to the proposed Aged Care Facility at Betty St/Doonan Rd, at the Council Meeting on 23 June 2020, Director of Planning, Peter Mickleson, made comments to the effect that "Oryx undertook more community consultation than I've ever seen any developer do for a proposal". (comments not minuted)

- a) Was Mr Mickleson referring to the "community survey" conducted about a different proposal in 2016?

Answer 1a

Mr Mickleson was referring to the overall consultation that the applicant has undertaken for the site since 2016, not mentioning any specific version or detail about specific designs or development outcomes.

- b) Was Mr Mickleson aware that the community survey only had 79 respondents, and that almost half (46%) lived outside of Nedlands? (source, Oryx Community Engagement Report by Creating Communities, May 2016)

Answer 1b

Mr Mickleson is aware that approximately 5000 letters were sent to postcode 6009 mailboxes advising of a community open day run by a consultant on behalf of Oryx as part of its community engagement activities.

- c) Does Mr Mickleson consider this representative of extensive community consultation?

Answer 1c

Mr Mickleson believes that the level of consultation undertaken outside of the statutory requirements is beyond what most applicants undertake within the City of Nedlands.

- d) Does the City of Nedlands consider this representative of extensive community consultation?

Answer 1d

The City of Nedlands is not in control of, nor does it adjudicate, applicant led community engagement. The City is only in control of the community engagement it undertakes as guided by City Policy.

- e) Did the City of Nedlands undertake any independent assessment of community support for an aged care facility at this location?

Answer 1e

The City of Nedlands is assessing a current JDAP application and is following the relevant DAP regulations. The City also undertakes community consultation in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 as well as advertising above that required by the Regulations in accordance with the Local Planning Policy, Consultation of Planning Proposals.

Question 2

With reference to the “Key Dates and History of this Application” document for the Betty St/Doonan Rd Residential Aged Care Facility document on the City of Nedlands website:

- a) A “comprehensive proposal” was presented to the Elected Members on 5 April 2015. Was the proposal from Oryx? If so, can the City please provide details and a copy of this proposal to the public.

Answer 2a

The proposal was from individuals who are now part of Oryx. The presentation was made at a workshop of Councillors and no documents were provided or minutes taken which is normal for workshops.

- b) “Oryx presented its vision” to Elected members on 9 June 2015. Given that the four blocks of land (73/75 Doonan Rd, 16/18 Betty St) included in the proposal for a two-storey aged care facility presented to the community in 2016 were all residentially zoned land at that time, and the Draft Local Planning Scheme No 3 (LPS3) signalling potential change to Special Use 8 aged care use was not endorsed for advertising until the Special Council Meeting on 13 December 2016, how did Oryx Communities know that the lots were designated for future aged care use?

Answer 2b

Oryx proposed to initiate a Scheme Amendment over the land.

- c) Did, Oryx, prior to the City of Nedlands including the four residential blocks of land in the Special Use 8 aged care use in its Draft Local Planning Scheme No 3, make any request or requests to the or Council to make these zoning changes to those sites?

Answer 2c

No.

- d) When the City of Nedlands endorsed Draft Local Planning Scheme No 3 in December 2016 and proposed changes to the Special Use 8 zoning for the Melvista Lodge site, as well as 16/18 Betty St and 73/75 Doonan Rd, was it the City's and or Council's intention for and/or expectation of an integrated site?

Answer 2d

No, although that option would have been possible.

1.4 Mr Mario Faugno, 74 Doonan Road, Nedlands

The following questions relate to the current proposed development of the High Care Aged Facility at Doonan Road/Betty Street, Nedlands (the Proposed Development):

Question 1

Reference is made to the matter raised at the Council Meeting held on 23 June 2020 (Items 10.1 and 10.2) on the Proposed Development and comments made by the Director of Planning & Development in the Meeting on the consultation undertaken by the Developer on the Proposed Development. The Director commented to the Council that the consultation undertaken by the Developer was "the best he has ever seen".

Answer 1

It is understood that the developer held an open, concept level engagement with the public and that the Director was impressed by this, given there was no statutory requirement to do this.

Question 2

It is noted that at the time the Director of Planning made this comment, only the 5 immediate adjacent residents to the Site had been informed by the Developer of the Proposed Development and also by unaddressed letter in their mailbox. At that time also over 200 surrounding residents were completely unaware of the Proposed Development, and no consultation had been undertaken at all by the Developers on the Proposed Development. The community is well aware that some limited consultation was undertaken by the Developer on a completely different proposal back in April 2016 (one open day only) and some 4 years earlier, but nothing on the current Development Proposal.

Given these clear facts and complete lack of any consultation and notice regarding the Proposed Development, can the Director of Planning & Development please indicate the basis on which he believes this was the “the best [consultation] he has ever seen” undertaken by a developer?

Answer 2

The comments were made in relation to the engagement done for the early concept, rather than the current consultation period.

Question 3

Reference is made to comments made by the Director of Planning & Development to a member of the public on 18 June 2020 at City’s offices who attended the City’s office to book consultation sessions for several concerned community members on the Proposed Development. At that attendance the Director of Planning & Development, Mr Mickleson, stated to that member of the public that “if you think you can change anything [on the Proposed Development] you are a dreamer”. Can the CEO please advise:

- a. Is a comment such as this, and from the head of the City’s Planning Department, appropriate conduct and comment in regards to a development application still under public consultation and comment and not yet assessed and reviewed by the City, or indeed appropriate conduct at any other time?;

Answer 3a

The CEO has conferred with the Planning Director to confirm this conversation. It was a comment stated in an albeit flippant manner, but primarily aimed at explaining the lack of control Councils have over the State Government planning system. The CEO requests that both the public and staff always speak to each other in a civil manner. The CEO has also heard the Director speak on more than one occasion, to express his concerns that the planning system in WA is structured so that local government has frustratingly little power in the most crucial components of planning; of his acknowledgement of the real difficulty facing residents who are adversely impacted by LPS3 having set up their homes for life; and of the difficulty for local government which is required by law to implement the system as it stands.

Question 3b. Does the CEO believe that the Director of Planning & Development, or indeed any other member of his planning staff at the City, when queried on development matters should provide objective, balanced and non-biased responses on development matters before the City?;

Answer 3b

Yes.

Question 3c

Does the CEO believe this conduct is not in keeping with and unbecoming of the office of the Director of Planning & Development for the City?

Answer 3c

Refer to answer in 2a.

Question 3d

Can the CEO please advise what steps will be taken in this regard to ensure the public maintains full confidence on the objective and non-biased decision-making process of the City on planning and development matters.

Answer 3d

The CEO is aware that the City's planning department, while dealing with the impacts of LPS3 and an unprecedented surge in development applications, has been accused at varying times, of being both biased towards the developer and of bias towards the residents. The City will continue to employ professional and qualified planners to deal with planning matters impartially and in accordance with the requirements of legislation.

Question 4

Can the Director of Planning & Development please advise if he has any personal, commercial or professional relationship, either past or present, with the developers of the Proposed Development, Oryx Communities, Dueke Investments P/L, any of Oryx or Dueke's related companies, or any of Oryx or Dueke's directors, shareholders, officers or employees?

Answer 4

The CEO is not aware of any conflict of interest of the Planning Director with Oryx Communities or Dueke Investments Pty Ltd.

Question 5

Can the CEO and Director of Planning & Development please advise if each of them are aware or has reason to believe that any of City of Nedlands staff in the Planning Department or otherwise have any personal, commercial or professional relationship, either past or present, with the developers of the Proposed Development, Oryx Communities, Dueke Investments P/L, any of Oryx or Dueke's related companies, or any of Oryx or Dueke's directors, shareholders or officers or employees?

Answer 5

The CEO has no conflict of interest, and is not aware of any planning staff working on the aged care local planning policy and the development application for Oryx Communities, conflict of interest in regard to Oryx Communities or Dueke Investments Pty Ltd.

Question 6

What reports, recommendations and guidelines (either government or private) did the City taken into account in its preparation of the Local Planning Policy: Residential Aged Care Facilities for Nedlands? If any, please provide details of these.

Answer 6

- WAPCs draft aged care position statement
- Examples of other LG's LPPs on commercial development within residential areas. This is the mechanism most LG's use to control built form of residential aged care in residential areas – most LG's do not have specific controls for residential aged care developments.

Question 7

In preparing the LPP Local Planning Policy: Residential Aged Care Facilities for Nedlands did the City considered and have regard to the Interim Report of the Royal Commission into Aged Care and Safety

(<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fagedcare.royalcommission.gov.au%2Fpublications%2Finterim-report&data=02%7C01%7Ccouncil%40nedlands.wa.gov.au%7C8648d97e939f4760296308d82ecd1a4d%7Cd583947c8c4246bd927527ca45e5e84c%7C1%7C0%7C637310805745552932&sdata=CLiW8q%2B0YkYX7ZwrHa%2Fy%2Fi6yrTEqD3qJDQaRP1i4bZc%3D&reserved=0>), 31 October 2019? and WA Government Draft Position Statement: Residential Aged Care, October 2019

(<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.dplh.wa.gov.au%2Fgetmedia%2F1a6f57d1-8057-46aa-bbe6-39a2d602b3f6%2FPOS-Draft-Residential-Aged-Care&data=02%7C01%7Ccouncil%40nedlands.wa.gov.au%7C8648d97e939f4760296308d82ecd1a4d%7Cd583947c8c4246bd927527ca45e5e84c%7C1%7C0%7C637310805745552932&sdata=w0hALzQqIHVNpNIZA%2FEvVSHN9b%2BZDbdziWAYxb8tTXU%3D&reserved=0>).

If so, can it please provide details and the review document.

Answer 7

The document referenced is not part of the WA Planning Framework. Such a document would be suitable for reference if and when the City decided to undertake an Aged Care Strategy.

The Residential Aged Care LPP is a local government planning policy and as such is developed in accordance with the Planning and Development Act 2005 and the Planning and Development (Local Planning Schemes) Regulations 2015. The policy is predominantly focussed on land use and built form controls, rather than the services that are provided by the facility nor making value judgments on the suitability of a facility relating to specific aged care needs of an individual. The City is obliged to assess all development against the 10 design principles of State Planning Policy 7.0 Design WA and Clause 67 of the Planning Regulations regarding "matters to be considered". As such a comprehensive assessment is undertaken of all development applications proposed within the City of Nedlands.

Question 8

Has the City or Council engaged in any discussions or taken any action or steps in regards to the possible disposal of any other Council held land adjacent to or in the area surrounding to or in vicinity of the site the subject of Proposed Development, whether on Doonan Road, Betty Street, Melvista Avenue, Hackett Road, Kathryn Crescent or Adelma Road, including the current Child Care site located on the corner of Melvista Avenue and Hackett Road? If so, can the City and Council each please provide open and frank disclosure of this and details of these discussions and any actions or steps so taken.

Answer 8

Provision for income from disposal of freehold land is included in the City's 20/21 budget. Disposal of freehold land at the corner of Melvista Avenue and Hackett Road (the childcare) will be investigated and then considered by Council this financial year.

1.5 Mr Michael Cahill, 65 Melvista Avenue, Nedlands

Question 1

Local Planning Policy - Removal of Occupancy Restrictions is unclear in its application to multiple dwellings. The LPP appears to target single residential properties with ancillary dwellings. Section 8.0 of the LPP permits variations to the policy. Attachment 2 Information Sheet contemplates application of the policy to multiple dwellings and references Residential Design Codes Vol 2 (R40 and above). The LPP does not specifically exclude application of the policy to Residential Aged Care Facilities and in particular the proposed Oryx facility at 16-18 Betty St/ 73-75 Doonan Rd.

Is it the Planning Department's intention that a variation under Section 8.0 of the LPP could or would apply to Residential Aged Care facilities?

Answer 1

This policy specifically relates to the change of use from Over 55's dwellings to Residential properties, and the removal of occupancy restrictions on Certificates of Title. This LPP has no impact upon Residential Aged Care Facilities and is not relevant to them.

Question 2

It appears somewhat convenient that the LPP Removal of Occupancy Restrictions is following "hot on the heels" of the LPP Residential Aged Care Facilities.

Answer 2

This appears to be a statement not a question.

Question 3

With reference to Local Planning Policy Residential Aged Care Facilities (LPP) Local Planning Scheme No. 3 (LPS3) and Residential Design Codes Volume 2 (R-Codes Vol 2) are consistent in their objectives:

- “protect and enhance local character and amenity” (LPS3)
- “respect the community vision for the development of the district” (LPS3)
- the height of development responds to the desired future scale and character of the street and local area including existing buildings that are unlikely to change (R-Codes Vol 2)

Any deviations from R-Code Vol 2 must be consistent with the Element Objectives (Sections 2.2 to 2.7). This includes building heights and setbacks which must be consistent with surrounding properties. The LPP may amend or replace any of the Acceptable Outcomes of R-Codes Vol 2 but it must adhere to the Element Objectives (Section 1.2.3).

Answer 3

As applied to 16-18 Betty Street/ 73-75 Doonan Road the LPP Residential Aged Care Facilities deviates from R-Codes Vol 2 and violates Section 1.2.3 of R-Codes Vol 2. Why has the planning department produced an LPP in violation of R-Codes Vol 2 when the LPS3 and R-Codes Vol 2 requires adherence to the existing 10 m height limits and 9m setbacks?

Question 4

LPS3 identifies nine Residential Aged Care sites (A3 to A5 and A7 to A9). All aged care facilities are existing except for A5 and A9. Barring any near-term redevelopment of existing sites, the planning department has therefore produced an LPP that is applicable to only two sites A5 and A9.

Site A5 is a large complex with provision for a hospital, medical centre, residential aged care, commercial, veterinary, and light industrial facilities. By comparison Site A9 is designated as aged care only.

Answer 4

The R-Codes are not applicable to commercial development. Some built form provisions were 'borrowed' from the R-Codes for the purpose of the LPP, in order that the height requirements etc in the LPP would be easier to understand. The R-Codes themselves cannot be applied to a Residential Aged Care Facility and this answers the additional queries regarding Element Objectives/Acceptable Outcomes.

Question 5

On what basis does the planning department think it is appropriate to have an LPP that only covers two sites and why is it appropriate to apply it to two vastly different sites with vastly different contexts?

Answer 5

Residential Aged Care Facilities are permitted as Additional Uses on the sites highlighted by Mr Cahill. However, the Zoning Table states that Residential Aged Care Facilities are an 'A' use in Residential Zones. This means Council can apply its discretion to approving this style of development anywhere in the Residential zone, but that the proposal must first be formally advertised.

Question 6

Did the planning department write the LPP specifically for the proposed Oryx development at 16-18 Betty St/ 73-75 Doonan Road?

Answer 6

The LPP was written to cover the potential for a Residential Aged Care Facility occurring anywhere within the Residential zone in the City and built form provisions were imposed in accordance with the size of an applicant's site.

Question 7

Draft Position Statement: Residential aged care October 2019, section 5.1 requires the Council to assess:

- existing and future projected demographic profiles for aged persons applying WAPC's WA Tomorrow data
- existing and future projected aged persons' housing and residential aged care needs across the municipality
- medium to long-term aged persons' housing and residential aged care (beds) provision targets aligned to projected future demand

Will the Council please publish the detail of these assessments for residents' information?

Answer 7

- A Position Statement is a document which outlines the WAPC's interim requirements to support the consideration and provision of Residential Aged Care within the local government planning framework in WA. The Position Statement is still in draft form and was released in October 2019; which was prior to the identification of the Additional Use Zone (A9).
- The City does not have an Aged Care Strategy or a Housing Strategy. The City's Local Planning Strategy touches on 'aging in place'.
- DPLH gave no reason to their changes to LPS3 from what was previously identified by the City to be a Special Use Zone (SUZ). It is accounted by the previous Strategic Planning Coordinator that DPLH wanted to reserve the use of the SU zones for things that really didn't fit into the standard scheme zones / land use categories, rather than use them to just try and control development a little tighter.
- For the purposes of a proposal for Residential Aged Care facility at the Betty Street / Doonan Road site, Special Use vs Residential wouldn't change applicable development standards (i.e. none for both for non-res development). There was a provision included in the original (Council endorsed) version of LPS3 for an LDP to be requested prior to any redevelopment at this site but was removed by DPLH in their modifications prior to advertising Draft LPS3. The City requested a revised LDP provision to be included for the site when we recommended final modifications of LPS3 to Council in July 2018, However Council did not support LPS3.
- The former Coordinator Strategic Planning also suggested that at one of the Council workshops officers were asked to include the Betty Street Application lots in the same zoning as the aged care site at Melvista Lodge

adjacent. However, in the Residential Zone Residential Aged Care is 'A' use therefore the use itself could be approved anywhere within the residential zone, the only difference is that this is a 'P' use due to the additional use.

- Below was part of the report that went to Council in July 2018 with LPS 3:

6.15.1.3 SU 6, SU 7 & SU 8 – Lisle Lodge, Melvista Lodge and Regent Park Estate

Issues raised in submissions suggests that the Special Use zone for Lisle Lodge be expanded to adjoining properties along Adderley Street to 'square the site' and allow for expanded redevelopment.

The Local Planning Strategy advocates that the Nedlands community will have easy access to quality health and community facilities that are well integrated within their surrounding context. The Strategy also aims to facilitate greater diversity of accommodation types to accommodate changes in population trends.

The realignment of the SU zone for Lisle Lodge is not supported as it would give rise to the zone being expanded to properties currently developed with single houses by individual landowners who are not associated in any way with Lisle Lodge.

A potential redevelopment on this or any of these sites is however an issue as there are currently no provisions that would guide development on these sites as the WAPC required the removal of the proposed Local Development Plan trigger that Council had in the adopted draft LPS3.

Where the existing R-code is known to satisfy current and future operation of these sites it is appropriate to refer to that R-Code and allow development under the codes to proceed in that fashion. Where the future potential of the site is unknown it would be premature to insert controls for these sites without considering the built form outcomes for the entirety of the site. The most appropriate mechanism by which to do this would be through an LDP. The reinsertion of the LDP trigger in a revised format will be needed for this scenario.

Question 8

I refer to the DA for 16-18 Betty St/ 73-75 Doonan Rd.

There have been two Oryx community engagement sessions - one in 2016 for a 2-level development and one recently for a 4-level development at about the time the DA was lodged. Oryx has controlled the process to date by not adequately engaging with the community and hiding its intentions.

How many formal or informal meetings or discussions has the planning department, or any other member of the administration had with Oryx regarding the proposed development during the period 2016-2020?

Answer 8

Not sure for certain but the Director and other staff have had a number of discussions just as we would with any customer who are intending to lodge an application.

Question 9

We have enquired several times during the period 2014-2020 whether anything was happening with the site and each time we were told by council staff that they weren't aware of anything.

Were council staff instructed by the planning department or any other member of the administration not to divulge any information relating to the site to the general public during the period 2014-2020?

Answer 9
No.

1.6 Ms Rebecca Faugno, 74 Doonan Road, Nedlands

Question 1

With reference to recent comments made by the Mayor regarding the current situation of the LPP in the context of the Betty St/Doonan Rd proposed DA being a 'real mess' and one that needs to be 'fixed', we understand that the City Administration proposes to 'fix' the issue by amending the current LPP and amending LPS3 to include additional conditions around height and built form that are more appropriate for the site location.

Given I understand that the implementation of an LPP amendment requires quite some time to process and be effective, including a period of public consultation and comment, and further an LPS amendment must be submitted to WAPC for consideration and approval and typically takes 6-9 months to implement, can the City please provide answers to the following questions:

- a. Please confirm whether, if such changes are adopted, they will be in place and effective prior to consideration of the Betty St/Doonan Rd DA either at the scheduled JDAP meeting for that DA, only weeks away, or by any other determining body; and
- b. If not – can the City please confirm whether those changes will in fact form the basis for JDAP assessment of the DA?
- c. If not - please explain how such solution proposed by the City, will 'fix' the problems and concerns clearly identified as needing to be corrected by the Mayor and all public community concerned in relation to the Betty St/Doonan Road DA.

Answer 1a - c.

Three reports are presented at tonight's Council meeting to deal with changes to the LPP and bring two scheme amendment forward. These changes will be considered if Council supports the recommendations and they become seriously entertained documents, at which point they are considered in any development assessment.

1.7 Mr John McGuire, 2 Granby Crescent, Nedlands

Question 1

Can the Council please advise the relevant experience and capability of the Planning Department in relation to preparation of a comprehensive planning policy for population healthcare services, and specifically aged care services? Can the council please make particular reference to requisite experience and expertise of the Planning Department with contemporary and emergent models of care for aged care, noting the role delineation between the stages of aged care from independent living, low care, high care, respite care and palliative care.

Answer 1

The City of Nedlands employs University Qualified Urban and Regional Planners many who are accredited by the Planning Institute of Australia.

Local Planning policies are developed with reference to external consultant expertise where and when required. The City's Local Planning Policy relates to built form, as such urban and regional planners, possibly architects and landscape architects could be engaged.

The state planning framework has not developed specific legislative framework dealing with Residential Aged Care, however there is a draft position statement to assist in guidance to local government in forming local planning responses in accordance with statutory requirements under the Planning and Development Act.

Question 2

Can the Council please advise the relevant expertise and experience of the Planning Department in fully determining the environmental implications of a high care aged healthcare facility to the surrounding environment? Please make specific reference to experience and capability of the Department to determine and assess the impact of both Type A and Type B effluents (reference AS 1668.2 part 3.3.1) on the surrounding environment.

Answer 2

All commercial applications (such as Aged Care Buildings) that are submitted to the City are assessed for compliance with the natural ventilation requirements of the National Construction Code, which AS 1668.2-2012 is a pathway for compliance, by private building surveyors registered in WA by the State Government and when submitted to the City applications are provided with a certificate of design compliance by a private building surveyor and taken as compliant by the City and issued accordingly under the requirements of the Building Act.2.0.

All applications submitted to the City are assessed in accordance with the applicable legislative frameworks. Environmental Health Officers provide technical support the city's Planning Department. Environmental Health Officers provide comment regarding the compliance or otherwise of a submission based on the applicable legislation along with any recommended

Conditions. Environmental Health Officers do not certify systems referenced in AS 1668.2.

1.8 Mr Andrew Jackson, Unit 3 / 114 Stirling Highway, Nedlands

Question 1

Why, since Local Planning Scheme No. 3 commenced over 15 months ago, has Council not acted prudently and swiftly to redress the absence of a building height limit for the Mixed-Use R-AC1 Zone along Stirling Highway?

Answer 1

The City has contracted the firm Hassell to work on built form modelling and testing for the Nedlands Town Centre and develop localised built form controls which will take the form of a Precinct Plan LPP. To support this, a Scheme Amendment is scheduled to be tabled before Council at its November Council meeting for consent to advertise with details not yet resolved.

Question 2

Given the development proposals for what are known as the Chellingworth and Captain Stirling sites, and other proposals likely to arise, will Council move forthwith to amend the Scheme to introduce appropriate height control to ensure orderly and proper planning and the protection of amenity?

Answer 2

As per answer 1.

Question 3

Will Council commit to doing everything in its power to overcome this critical shortcoming as a top priority – or will Council continue to ignore this most important matter to the peril of Nedlands?

Answer 3

Council has prioritised resourcing in planning in order to get through a backlog of strategic planning issues.

1.9 Mr Andrew Edwards, 14 Doonan Road, Nedlands

Question 1

It is abundantly clear that the City's planning staff are under-resourced and struggling with the pressure coming from both development applications being lodged and the formulation of necessary planning instruments in response such as LPPs and Scheme Amendments. Rather than keep pointing to these challenges as reasons for being unable to promptly disseminate feedback on advertised LPPs and Scheme Amendments, why doesn't the City commit more resources to planning staff or/and consultants and spend less money and time on opposing community sourced planning initiatives and pursuing legal opinions in support of its own agendas?

Answer 1

Planning resourcing has increased and continues to do so in the 2020/21 budget.

1.10 Ms Susan Stevens, 65 Melvista Avenue, Nedlands

Question 1

I would like to ask the Council, why the conflict of interest within the planning department has been allowed to continue, where a full time senior planner continues to conduct his own "Western Australian owned and operated Urban Planning and Collective Housing Development Company", which has been established since 2011, while s/he is in the employ of the City?

Answer 1

This matter has been considered and there is no conflict of interest.

Question 2

When will the Planning Department stop paying lip service to their commitment ".....to providing opportunities for our community to be involved in our decision-making processes. We look forward to hearing your views, concerns, and aspirations to assist in sustainable outcomes on projects and policies that are being developed. This will lead to stronger community cohesion, city amenity and quality of life for the City of Nedlands community." (Your Voice Nedlands Website)?

Answer 2

The City's engagement planning policy details the extent and nature of community consultation.

Question 3

When will the Council direct the CEO to regain control of the City's Planning Department, so that it can rebuild the trust, it has lost over the past 6 months through its lack of meaningful engagement with ratepayers?

Answer 3

The Council and the Planning Department are both bound to act in accordance with the Planning and Development Act 2005 and its subsidiary legislation. Council is considering community engagement in the coming months and will be looking for input from the community on this important matter at this time.

Question 4

When will the community engagement process be changed so that the Planning Department is no longer just 'ticking boxes'?

Answer 4

The Planning Department's community engagement process is not simply ticking boxes. Again, Council is considering community engagement in the coming months and will be looking for input from the community on this important matter at this time. The CEO has a view that 3D visualisation

software may improve accessibility for the public on planning matters and this is a key results area for focus in the next 12 months.

Councillor Wetherall left the room at 6.45 pm.

Question 5

Since the DA for Aged Care became known 5 weeks ago, ratepayers and residents have invested a lot of time and energy into coming up to speed, by educating themselves about the different state and government responsibilities, policies and regulations regarding aged care building and development. The scrutiny now being endured by the Planning Department will continue until something changes. When will change occur that means rate payers don't have to keep second guessing the intentions of the administration, that is paid by them, and is supposed to preserve the city amenity and quality of life for the City of Nedlands community?

Answer 5

The Council and the Planning Department are both bound to act and make recommendations on planning applications in accordance with the Planning and Development Act 2005 and its subsidiary legislation as it stands, including LPS3. Where LPS3 is at odds with the wishes of the community, is not within the Council's or the planning department's capacity to deviate from LPS3, except to the extent that it is able to make scheme amendments and implement local planning policy which improves design outcomes. To this end the Administration has prepared 10 scheme amendments to date and over 12 planning policies with a schedule for more of both.

Question 6

Having just read the LPP for the removal of 'Over 55's' across properties in Nedlands. It is disturbing reading. Why is there no mention/exemption regarding the Aged Care Village and proposed Oryx Development site? This rush to get LPP's through leads to errors as we are seeing in respect to the LPP developed and being used to assess the Aged Care Facility being proposed for Betty St and Doonan Rd DA. I recommend we put a 'pause' on this LPP immediately.

Answer 6

Council will be considering the Aged Care LPP at tonight's meeting.

1.11 Mr George Gelavis, 69 Riley Road, Nedlands

Question 1

I would like to understand what the council intends to do with the current parcel of land occupied by Kids galore at 64-66 Melvista Ave, Nedlands WA 6009. Are Council intending to sell this land to developers if so, what is being proposed for the site.

Answer 1

Provision for income from disposal of freehold land is included in the City's 20/21 budget. Disposal of freehold land at the corner of Melvista Avenue and Hackett Road (the childcare) will be investigated and then considered by Council this financial year. No decision has been made regarding the type of purchaser who might acquire the land, and no consideration has been made to change the current zoning of the land.

Councillor Wetherall returned to the room at 6.48 pm.

1.12 Mrs Conor Crane, 11 Lovegrove Close, Nedlands

Question 1

Will the city of Nedlands be building a climbing net to replace the popular climbing tree that was cut down on the 30th of June?

The climbing tree located at Directors Garden's on Grainger Drive Mt Claremont provided local children with a priceless resource for nature play.

The climbing tree helped to improve children's gross motor skills whilst teaching them how to assess risks safely and to experience engaging nature play away from screens and electronic devices. I've never seen a tree that was a fun or safe to climb as this one was. One person's life has been improved, but the lives of countless local children and generations of future children have been detrimentally impacted.

Answer 1

Yes, the City will be replacing this tree with a delonix poinciana tree in approximately 6-8 weeks.

2. Addresses by Members of the Public

Addresses by members of the public who have completed Public Address Session Forms to be made at this point.

Mr Alex Hemsley, 168 Stirling Highway, Nedlands PD31.20
(spoke in support of the officer recommendation)

Ms Danielle Mrdja, 231 Bulwer Street, Perth PD31.20
(spoke in against of the officer recommendation)

Mr Paul Epstein, 20 Robinson Street, Nedlands PD31.20
(spoke in support of the officer recommendation)

Miss Pheobe Woodhead & Olivia Stell, 339 Marmion Street, Cottesloe (spoke in support of the officer recommendation)	PD32.20
Mr Petar Mrjda, Urbanista Planning, 231 Bulwer Street, Perth (spoke in support of the officer recommendation)	PD33.20
Mr Guy Churchill, 67 Hardy Road, Nedlands (spoke in support of the recommendation)	TS13.20
Mr Roger Hunt, 5 Teslin Road, Mt Claremont (spoke in opposition to the recommendation)	13.6
Mr John McGuire, 2 Granby Crescent, Nedlands (spoke in support of the motion)	14.6
Mr Matthew McNeilly, 71 Doonan Road, Nedlands (spoke in support of the motion)	14.6
Mr Ian Love, 70 Kingsway, Nedlands (spoke in support of the motion)	16.1
Dr Peter Robins, 10 Edward Street, Nedlands (spoke in support of the motion)	16.1
Mr Andrew Lian, Suite 5, 61 Hampden Road, Perth (spoke in opposition to the motion)	16.1
Mr Alex McGlue, Lavan, 1 William Street, Perth (spoke in opposition to the motion)	13.1, 13.2, 13.3 & 14.6

3. Requests for Leave of Absence

Nil.

4. Petitions

4.1 Mr Andrew Lian, Alda Consultants, Suite 5, 61 Hampden Road, Nedlands – Scheme Amendment No. 7

Councillor Senathirajah presented a petition on behalf of Mr Andrew Lian and 119 others in requesting the City of Nedlands Council resolve to NOT to support Amendment No.7 to Local Planning Scheme No.3, on the grounds that:

- The proposed down coding of properties along Broadway from R-AC3 to R-AC4, and properties along Kingsway and Hillway from R60 to R40, is unwarranted and will significantly reduce their development potential.
- The proposed down codings are inconsistent with strategic planning objectives as outlined in the City of Nedlands Local Planning Strategy and the State Government's Perth and Peel ©3.5m11110n Central SubRegional Planning Framework.
- The existing R-AC3 and R60 densities are entirely appropriate, given the close proximity to the University of Western Australia and range of retail/commercial offerings along Broadway.
- The proposed amendment constitutes a significant and unwarranted departure from the statutory planning framework and strategic vision for the area, as only recently approved by the Minister for Planning and gazetted in April 2019.
- Such a retrograde change to the planning framework will disincentivise development activity and inhibit economic recovery activities in response to the COVID-19 pandemic

Moved – Councillor Senathirajah
Seconded – Councillor Smyth

That Council receives the petition.

**CARRIED 9/3
(Against: Crs. Bennett Mangano & Coghlan)**

5. Disclosures of Financial and/or Proximity Interest

The Presiding Member reminded Councillors 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.

5.1 Councillor Bennett – Item 16.1 – Urgent Business Councillor Mangano Scheme Amendment No. 7

Councillor Bennett disclosed a financial interest in Item 16.1 – Urgent Business Councillor Mangano Scheme Amendment 7, his interest being that he lives in the scheme area at 133 Broadway, Nedlands. Councillor Bennett declared that he has been granted approval by the Minister to remain in the meeting and vote subject to the following conditions:

1. The approval is only valid for the 28 July 2020 Ordinary Council Meeting when agenda item 16.1 is considered;
2. The abovementioned Councillor must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;
3. The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillor;
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;

6. Disclosures of Interests Affecting Impartiality

The Presiding Member reminded Councillors and Staff of the requirements of Council's Code of Conduct in accordance with Section 5.103 of the *Local Government Act*.

6.1 Councillor Senathirajah – Confidential Item 17.1 – CEO Performance Review

Councillor Senathirajah disclosed an impartiality interest in Confidential Item 17.1 – CEO Performance Review. Councillor Senathirajah disclosed that when he was the Manager of finance at Nedlands he worked with the CEO when he was the Manager of Finance and the CEO was the Technical Services Director at he time, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Senathirajah declared that he would consider this matter on its merits and vote accordingly.

6.2 Councillor Mangano – TS13.20 - Underground Power – Hollywood East, Nedlands North and Nedlands West

Councillor Mangano disclosed an impartiality interest in Item TS13.20-Underground Power – Hollywood East, Nedlands North and Nedlands West. Councillor Mangano disclosed that he contracts to Western Power, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Mangano declared that he would consider this matter on its merits and vote accordingly.

6.3 Councillor Hodsdon – TS13.20 – Underground Power – Hollywood East, Nedlands North and Nedlands West

Councillor Hodsdon disclosed an interest in common in Item TS13.20 – Underground Power – Hollywood East, Nedlands North and Nedlands West. Councillor Hodsdon disclosed that he owns a property in the area being discussed, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Hodsdon declared that he would consider this matter on its merits and vote accordingly.

6.4 Councillor Wetherall – 13.7 – Nedlands Town Centre – Florence Road Precinct – Update and Direction

Councillor Wetherall disclosed an impartiality interest in Item 13.7 - Nedlands Town Centre – Florence Road Precinct – Update and Direction. Councillor Wetherall disclosed that this Policy may relate to matters before the Metro Inner North JDAP Meetings of which he is a member, as appointed by Council, and as a consequence, there may be a perception that his impartiality on the matters may be affected. Councillor Wetherall declared that he would consider these matters on their merits and vote accordingly.

6.5 Councillor Wetherall – 13.7 – Nedlands Town Centre – Florence Road Precinct – Update and Direction

Councillor Wetherall disclosed an impartiality interest in Item 13.7 - Nedlands Town Centre – Florence Road Precinct – Update and Direction. Councillor Wetherall disclosed that this Policy may relate to matters before the Metro Inner North JDAP Meetings of which he is a member, as appointed by Council, and as a consequence, there may be a perception that his impartiality on the matters may be affected. Councillor Wetherall declared that he would consider these matters on their merits and vote accordingly.

6.6 Councillor Smyth – 13.7 – Nedlands Town Centre – Florence Road Precinct – Update and Direction

Councillor Smyth disclosed an impartiality interest in Item 13.7 - Nedlands Town Centre – Florence Road Precinct – Update and Direction. Councillor Smyth disclosed that this Policy may relate to matters before the Metro Inner North JDAP Meetings of which she is a member, as appointed by Council, and as a consequence, there may be a perception that her impartiality on the matters may be affected. Councillor Smyth declared that she would consider these matters on their merits and vote accordingly.

6.7 Councillor Bennett – 13.7 – Nedlands Town Centre – Florence Road Precinct – Update and Direction

Councillor Bennett disclosed an impartiality interest in Item 13.7 - Nedlands Town Centre – Florence Road Precinct – Update and Direction. Councillor Bennett disclosed that this Policy may relate to matters before the Metro Inner North JDAP Meetings of which he is a member, as appointed by Council, and as a consequence, there may be a perception that his impartiality on the matters may be affected. Councillor Bennett declared that he would consider these matters on their merits and vote accordingly.

6.8 Mayor de Lacy – 13.7 – Nedlands Town Centre – Florence Road Precinct – Update and Direction

Mayor de Lacy disclosed an impartiality interest in Item 13.7 - Nedlands Town Centre – Florence Road Precinct – Update and Direction. Mayor de Lacy disclosed that this Policy may relate to matters before the Metro Inner North JDAP Meetings of which she is a member, as appointed by Council, and as a consequence, there may be a perception that her impartiality on the matters may be affected. Mayor de Lacy declared that she would consider these matters on their merits and vote accordingly.

Councillor McManus left the room at 7.55 pm and returned at 7.57 pm.

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

Nil.

8. Confirmation of Minutes

8.1 Ordinary Council Meeting 23 June 2020

Moved – Councillor Hay
Seconded – Councillor Coghlan

The Minutes of the Ordinary Council Meeting held 23 June 2020 be confirmed.

CARRIED UNANIMOUSLY 12/-

8.2 Special Council Meeting 30 June 2020

Moved – Councillor Wetherall
Seconded – Councillor Hay

The Minutes of the Special Council Meeting held 30 June 2020 be confirmed.

CARRIED UNANIMOUSLY 12/-

9. Announcements of the Presiding Member without discussion

The following has been advised to me by the CEO this evening regarding the Special Electors Meeting:

Under the current state of emergency caused by the COVID-19 crisis I regret to inform you that the planned special electors meeting will not be occurring as scheduled. It has come to my attention that a Ministerial Order gazetted on 8 May 2020 prohibits the holding of special electors' meetings during the COVID-19 emergency declaration period.

Section 5.28 of the Local Government Act 1995 deals with the calling of special electors meetings and the requirement to hold them at a time no more than 35 days after which the electors have called the meeting (sub-section 4).

The Ministerial Order overrides sub-section 4 as follows (refer to attached for full details):

5. Section 5.28 modified (electors' special meetings)

- (1) Section 5.28 is modified as set out in this clause in relation to a special meeting of the electors of a district that under section 5.28(4) is required or permitted to be held during the COVID emergency period.
- (2) The requirements in section 5.28(4) do not apply to the special meeting and are replaced with the requirements in subclauses (3) and (4).
- (3) The special meeting is not to be held during the COVID emergency period.
- (4) The special meeting is to be held on a day selected by the mayor or president but not more than 35 days after cessation day.

The City will confirm this order with the Department of Local Government, but without an instruction to the contrary, the special electors meeting will be cancelled and rescheduled on a date not more than 35 days after cessation day of the COVID emergency period.

Contact will be made with the members of the public who called the meeting, but it would be appreciated if this information could be read by the presiding member as part of the announcements without notice.

What a difference a month makes!

I don't think I could have foreseen that at tonight's meeting we would be gathered at the Bendat Basketball Centre, or that our fellow Australians in Victoria would be in lockdown again as they respond to a second wave of COVID. Despite the issues that we as a community are facing with LPS3, we are very lucky to not be experiencing the tragic consequences of a second COVID wave. Having family and friends in Melbourne I truly feel for what they are enduring.

This month our Council has been putting in the hard yards to address issues associated with LPS3 including the proposed Chellingworth development, refused by the JDAP, and the Woolworths development, deferred for 90 days by the JDAP to address traffic and heritage issues. We continue to churn out the LPP's and to then mop up the problems as they, and our new planning scheme, continue to be tested by a flurry of complex Development Applications the likes of which our City has never seen. I have had many meetings this month with the community and stakeholders impacted by these DA's. I appreciate there is a heightened level of anxiety in our community about the new planning scheme, and if I could, I would find the silver bullet to solve all the problems. The reality is there is no silver bullet. So, I simply ask all involved in the planning crisis to remain respectful of one another.

I have a couple of thank yous to make this month. Firstly, to the Cottesloe Golf Club for hosting me recently and sharing with me all the great social and sporting activities that occur at their wonderful club. I also thank CERI (the Centre for Entrepreneurial Research and Innovation) located on Stirling Highway who invited me to the graduation of students from their Concept to Creation Program. Some fantastic business ideas were pitched to the audience including an environmentally friendly way to deal with space junk!

Lastly, I would like to take the opportunity to speak about something I am very passionate about. That is underground power. Since 2016 I have basically become obsessed with getting underground power for Hollywood at a fair price. Working with the City and Council we delivered in partnership with Western Power a very successful project in West Hollywood for which landowners did pay a fair price and have had not one but now two refunds given the success of the project. Our latest estimates from Western Power are showing a 29% contribution from them to the total cost. Huge improvement given in 2014 Hollywood and parts of Coastal Ward residents were asked to pay the full cost with Western Power contributing no funds despite net benefits to them. This is a good news story for us, and we will be pushing hard in the next few months to get a final agreement on underground power at a fair price for the rest of Nedlands.

10. Members announcements without discussion

10.1 Councillor Smyth

List of events and meeting attended by Councillor Kerry Smyth during June & July 2020.

Metro Inner North JDAP meeting #21 – 17 July 2020 at 9:00am at the Department of Planning, Lands and Heritage, 140 William Street, Perth to determine the following applications:

Lot 500 (105), Strata Lot 1, 2, 3 & 4 (97), Stirling Highway, Nedlands
Mixed use development comprising of basement car parking, restaurants, offices, motor vehicle sales and 301 multiple dwellings. Attended in person.

The RAR recommendation for REFUSAL was moved and CARRIED 3/2.
The motion incorporated an amendment by the Presiding member which included several additional reasons for refusal CARRIED 3/2.

Metro Inner North JDAP meeting #17 – 9 July 2020 at 9:00am at the Department of Planning, Lands and Heritage, 140 William Street, Perth to determine the following applications:

Lots 143 & 144 (17-19) Louise Street, Dalkeith - Multiple Dwellings (44)
Attended online.

The RAR recommendation for approval was moved with conditions 5 and 11 modified CARRIED 3/2

Amendments:

- To include Council additional conditions as per addendum LOST 3/2
- To include Council 2 for 1 replacement of trees in PMRG CARRIED 5/-

Metro Inner North JDAP meeting #15 – 29 June 2020 at 9:00am at the Department of Planning, Lands and Heritage, 140 William Street, Perth to determine the following applications:

Lot 1 (80) Stirling Highway, Nedlands
Lots 21-23 (2, 4 & 6) Florence Road, Nedlands and
Lots 33 & 33 (9&7) Stanley Street, Nedlands Shopping Centre
Attended online.

The RAR recommendation for refusal was not moved.
An Alternate motion for deferral was CARRIED unanimously 5/-

11. Matters for Which the Meeting May Be Closed

In accordance with Standing Orders and for the convenience of the public, the Committee is to identify any matter which is to be discussed behind closed doors at this meeting and that matter is to be deferred for consideration as the last item of this meeting.

Confidential Item 17.1 CEO Performance Review

12. Divisional Reports

Note: Regulation 11(da) of the *Local Government (Administration) Regulations 1996* requires written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70, but not a decision to only note the matter or to return the recommendation for further consideration.

12.1 Minutes of Council Committees

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).

Moved – Councillor Horley
 Seconded – Councillor Wetherall

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

CEO Performance Review Committee	17 June 2020
Unconfirmed, Circulated to Councillors on 19 June 2020	
CEO Performance Review Committee	22 June 2020
Unconfirmed, Circulated to Councillors on 26 June 2020	
CEO Performance Review Committee	3 July 2020
Unconfirmed, Circulated to Councillors on 16 July 2020	
Council Committee	14 July 2020
Unconfirmed, Circulated to Councillors on 22 July 2020	

CARRIED UNANIMOUSLY 12/-

Moved – Councillor Wetherall
 Seconded – Councillor Coghlan

That items 13.1, 13.2 & 13.3 be brought forward.

CARRIED UNANIMOUSLY 12/-

13.1 Amendments to Local Planning Policy Residential Aged Care Facilities

Council Date	28 July 2020
Director	Ross Jutras-Minett – Acting Director Planning & Development
Reference	Nil
Previous Item	28 April 2020 OCM - PD11.20 – Local Planning Policy – Residential Aged Care Facilities
Attachments	1. Draft Residential Aged Care Facilities LPP with amendments – tracked changes

Regulation 11(da) - Council determined that it wished to revoke the existing Aged Care Local Planning Policy prior to adopting a revised policy at a subsequent meeting.

Moved – Mayor de Lacy
 Seconded – Councillor Coghlan

Council Resolution

That Council:

- 1. resolves that the administration recommendations for amendments to the existing Residential Aged Care Facilities Local Planning Policy (RACFLPP) included in the Council Papers under this item 13.1 be endorsed and approved for future applications on all occasions where consideration of the City’s RACFLPP is required or appropriate, and particularly when a decision is required to any residential aged care development in the City;**
- 2. instructs the CEO to prepare a new RACFLPP which is to be tabled at a Special Council Meeting on the 4th August 2020 which is to contain the principles and provisions proposed in the amendments to the existing RACFLPP, which the Council has resolved to endorse;**
- 3. revokes the RACFLPP in accordance with deemed cl6(b) of the Planning and Development (Local Planning Schemes) Regulations 2015 (Schedule 2) by notice of revocation prepared by the City and published in a newspaper circulating in the Scheme Area;**
- 4. resolves that from the time of advertising of the new RACFLPP, the provisions of the new RACFLPP are to be applied in accordance with the principles of a seriously entertained planning proposal; and**
- 5. resolves that legal advice regarding the differences between rescission motion and the powers to revoke a Local Planning Policy be made available to the public via published Council minutes for July 2020 Council meeting.**

CARRIED UNANIMOUSLY 12/-

Recommendation to Council

Council:

Prepares, and advertises for a period of 21 days in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Division 2, Clause 5(1) the amendments to the Local Planning Policy – Residential Aged Care Facilities included in Attachment 1.

1.0 Executive Summary

The purpose of this report is for Council to prepare (adopt for advertising) amendments to the Local Planning Policy – Residential Aged Care (LPP). It is proposed that the LPP be modified to include several amendments, consistent with proposed Scheme Amendments No 10 and 11.

The purpose of this policy is to provide guidance and development provisions for operators seeking to establish Residential Aged Care Facilities within the City of Nedlands.

If Council chooses to consider the amendment to the LPP the amended version will be advertised to the community as per the requirements of the City's Local Planning Policy - Consultation of Planning Proposals and the Deemed Provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

2.0 Background

At the Council Meeting 17 December 2019 Council resolved to prepare and advertise the Local Planning Policy - Residential Aged Care Facilities for a period of 21 days, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4.

It was noted in a Memo to Council on the 15 April 2020 that during the advertising period errors had been identified in the advertised LPP by Administration. These errors included that where a site was greater than 2000m², the policy was advertised with provisions that referenced R80, however, incorrectly specified the primary controls as being 3 storeys and plot ratio of 0.8, in lieu of 4 storeys with a plot ratio of 1.0.

At the Council Meeting 28 April 2020 Council resolved to adopt the Local Planning Policy – Residential Aged Care Facilities and include the provisions that had not been advertised, being the 4 storey height limit and plot ratio of 1.0 in the adopted version.

The LPP was first tested against a complex development application with the submission of a Residential Aged Care Facility proposal at 16-18 Betty Street

and 73-75 Doonan Road Nedlands. During the application process, several key built form elements that the LPP did not address were identified. Further to this, Administration has recently received legal advice which identified that certain provisions of the adopted Local Planning Policy – Residential Aged Care are not appropriate to be applied in the context of commercial development. Due to this, Administration are proposing amendments to the LPP that apply built form provisions consistent with the proposed Scheme Amendments No 10 and 11. The amendments are now presented to Council seeking to rectify this.

3.0 Design Requirements

The proposed policy amendments relate to the following clauses:

- 4.2 - Design Requirements
- 4.5 - Visual Privacy
- 4.6 - Landscaping
- 4.7 - Boundary Fencing
- 6.0 - Additional Development Requirements
- 11.0 – Definitions

No changes are proposed to the Policy Objectives or the other Policy measures under in clauses relating to 3.0 or 4.0 respectively.

Clause 4.2 – Design Requirements

All existing Design Requirements contained within clause 4.2 are to be proposed to be deleted and replaced with the following provisions:

- 4.2.1 In accordance with clause 32.4(5) of LPS 3, where applied for in the Mixed-Use zone, Residential Aged Care Facilities shall comply with relevant development standards of the R-AC density coding applicable to the subject site.
- 4.2.2 In relation to applications for Residential Aged Care Facilities on land coded R10, R12.5, R15, R20, R30 and R35, the preparation of Local Development Plan (LDP) may be required in accordance with Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 “Deemed Provisions.” The purpose of the LDP is to provide specific guidance for Residential Aged Care Facilities to ensure the achievement of orderly and proper planning outcomes. The LDP shall be consistent with the requirements below.
- 4.2.3 Where there is no approved Structure Plan, Local Development Plan, Precinct Plan and/or Activity Centre Plan, non-residential applications are to comply with the R-Codes where relevant except where varied below:
 - 1) In relation to land coded R10 to R35:

- i. A maximum building height of two storeys with a maximum external wall height of 8.5m and maximum overall height of 10m as measured from Natural Ground Level. A storey is defined in accordance with R-Codes; and
- ii. The following setbacks shall apply:
 - 6m minimum street setback.
 - 6m side and rear boundary setback.
- iii. Maximum plot ratio of 1.0;
- iv. A minimum 50 percent of site area provided as open space.

4.2.4 In relation to land zoned Residential, with no residential density code, Residential Aged Care Facilities are to comply with the following:

- 1) A Local Development Plan (LDP) is to be prepared in accordance with Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 "Deemed Provisions."* The purpose of the Local Development Plan is to provide specific guidance for future development on the land affected by A9 and ensure the achievement of orderly and proper planning outcomes.
- 2) Where there is no approved Local Development Plan, structure plan, and/or activity centre plan, the following development standards apply:
 - a) An R-Code of R12.5 applies in respect of residential land use and development.
 - b) The following provisions apply in respect of non-residential land use and development:
 - (i) A minimum 6m street setback;
 - (ii) A minimum 6m and side and rear boundary setback;
 - (iii) A maximum building height of two storeys with an external wall height of 8.5m and maximum overall height of 10m applies, as measured from natural ground level. A storey is defined in accordance with Residential Design Codes.
 - (iv) A maximum plot ratio of 1.0

Clause 4.5 – Visual Privacy

All existing Visual Privacy requirements contained within clause 4.5 are to proposed to be deleted and replaced with the following provisions

4.5.1 Where located adjacent to residential properties, Residential Aged Care Facilities are to be designed so that windows to habitable rooms as defined by the National Construction Code - Building Code of Australia and outdoor active habitable space (balconies, decks, verandas and the like) which have a finished floor level more than 0.5 metres above natural ground level and overlook any part of any other residential property behind its street setback line, are to be:

- a) Setback in accordance with the cone of vision, from the lot boundary, of the residential density code ; or
- b) Where the site is not subject to a residential density code, shall be set back in direct line of sight within the cone of vision from the lot boundary at a minimum distance of 6m for habitable room windows and 7.5m for unenclosed outdoor active habitable space ; or
- c) Where the visual privacy setback cannot be achieved, permanent screening or obscured glazing to a minimum height of 1.6m above finish floor level should be provided to restrict views within the cone of vision from any habitable room window or unenclosed outdoor active habitable space.

Clause 4.6 – Landscaping

Modification to the wording contained within clause 4.6.5 (Landscaping) and the insertion of an additional clause 4.6.6:

4.6.5 Where an open-air car parking facility or area is provided at ground level a landscaping plan shall be provided demonstrating appropriate planting of 1 mature tree per every 6 car parking bays; and

4.6.6 Mature trees and landscaping are encouraged on site to provide buffering between the facility and any adjacent residential properties.

Clause 4.7 – Boundary Fencing

Deletion of all existing provisions contained under clause 4.7 (Boundary Fencing) and to renumber the remaining provisions accordingly.

Clause 6.0 – Additional Development Application Requirements

Modification to clause 6.2 which includes changes to the existing wording or a new provision added:

- Hours of operation of the Residential Aged Care Facility;
- Hours of visitation and number of visitors permitted at any time;
- Staff numbers;
- Any supplementary or incidental uses, and supporting evidence that those uses are appurtenant to the predominant use of “Residential Aged Care”

All existing provisions are to remain.

10 – Legislation

Correct references to Local Planning Policies relating to Parking, Consultation of Planning Proposals and Signs have been included.

11.0 – Definitions

Additional definitions included and contained within clause 11.1 as follows:

- Incidental Use (inclusive of footnote 1)
- Plot Ratio

Removal of existing definitions as contained within clause 11.1 as follows:

- Multiple Dwellings
- Resident
- Visitor
- Staff

Additional clause 11.2 added –

A word or expression that is not defined in this policy –

- Has the same meaning it has in Local Planning Scheme No. 3; or
- If it not defined in the Local Planning Scheme No. 3 it has the same meaning it has in the R-Codes.

Justification:

The proposed modifications to Clause 4.2 Design Requirements are intended to achieve the following outcomes:

- As a non-residential-use and where development standards are not otherwise provided for in an approved Structure Plan, Local Development Plan, Local Planning Policy and or activity centre plan, Residential Aged Care Facility developments in the Mixed Use Zone are to be consistent with clause 32.4(5) of LPS3, being subject to the relevant standards of the R-Codes.
- On land coded between R10 and R35, Residential Aged Care Facility development may be subject to the preparation of a Local Development Plan to account for the different operational, access, parking and servicing needs of this commercial use and the sensitive interfacing considerations in surrounding traditional residential areas.
 - Where a Local Development Plan is not provided or adopted, Residential Aged Care development is to comply with the relevant R-Code provisions with the exception of Building Height, Setbacks, Plot Ratio and Open Space. The justification for these provisions includes:
 - The proposed maximum building height is consistent with the City's Local Planning Policy Residential Development: Single and Grouped Dwellings, being the typical form and style of

development in the City's traditional residential neighbourhoods.

- A minimum 6m street setback is proposed. The setback applies to all street frontages and although less than the traditional 9m front setback which applies to the surrounding land pursuant to clause 26(1)(a)(i) of LPS3, it strikes a balance between the primary and secondary street setbacks permitted under the LPS3 and R-Codes Vol. 1, noting the affected land has three road abutments. At 6m, the street setback will likely provide for sufficient landscaping opportunity and streetscape activation generally consistent with the existing character of the area and future expectations for the R12.5 coding.
- Together with proposed setbacks and plot ratio (not currently provided for under R-Codes Vol. 1), it is unlikely that a height above 2 storeys (10m) could be achieved. The proposed maximum height is generally consistent with the City's Local Planning Policy: Residential Development: single and grouped dwellings and the R-Codes Vol.1 as applicable in the surrounding neighbourhood (coded R10-R12.5) and on the adjoining land to the north (coded 12.5).
- The proposed setbacks are less than the minimum 9m primary street achievable under LPS3 for land coded R10 to R15, but are with primary street setbacks under the R-Codes for land coded R15, R20 and R25, and marginally more generous than land coded R30 to R40 where a 4m setback applies.
- The proposed setbacks are sufficiently dimensioned to achieve a vegetated 'garden' interface to the street, allowing for deep soil planting areas that support canopy tree planting. The physical separation to the side and rear will also allow for vegetated side and rear gardens that are consistent with a residential setting and may assist with the buffering and sleeving of a Residential Aged Care Facility's operational, accessing and servicing needs.
- A maximum plot ratio of 1.0 is proposed. Notwithstanding the affected land area, this plot ratio is considered appropriate to the maximum height, setback standards and a commercial use. The plot ratio applicable to a commercial use under LPS3 is the ratio of the entire floor area of a building to the area of land within lot boundaries i.e. the calculation includes communal or common areas used by aged care residents, service and machinery, air-conditioning and equipment rooms, space below natural ground level, parking below ground, storage areas and lobbies, balconies and courtyards or roof top terraces.

- The proposed open space requirement represents the effective average anticipated for residential development on land coded R10 to R35. It is considered appropriate to achieving a future building envelope within a residential context.
- Land coded R40 will otherwise comply with the relevant provisions of the R-Codes Vol.2.

With respect to the remaining modifications, the proposed changes are intended to address the following issues:

- Clause 4.5 Visual Privacy: These changes have been included to minimise potential adverse impacts on the privacy of adjoining dwellings and private open spaces.
- Clause 4.6 Landscaping: Additional landscaping requirements have been included to ensure an appropriate landscaping buffer interface is achieved for existing and adjoining Residential zoned land.
- Clause 4.7 Boundary fencing: Clauses 4.7.1 to 4.7.3 have been removed as boundary fencing is governed by separate legislation under the *Dividing Fences Act 1961* and the City's Fill & Fencing Local Planning Policy has been revoked.
- Clause 6 Additional Development Application Requirements: Additional operational items have been included to ensure these are reflected within any prospective application.
- Clause 10 Legislation: Correct references to relevant local planning policies have been included
- Clause 11 Definitions: Additional definitions have been included which reflect incidental uses and plot ratio, which were not previously defined. In addition, Clause 11.2 clarifies where terms are undefined in the Policy, the LPS3 definitions prevail over any definition which may be contained within the R-Codes. Definitions relating to Multiple Dwelling, Resident, Visitor and Staff have been removed.

4.0 Consultation

If Council resolves to prepare the amendments to the LPP it will be advertised for 21 days in accordance with Schedule 2, Part 2, Division 2, Clause 5(1) of the Planning and Development (Local Planning Schemes) Regulations 2015. This will include a notice being published in the newspaper and details being included on the City's website, YourVoice page and social media pages, in accordance with the City's Consultation of Planning Proposals LPP.

Following the advertising period, the policy will be presented back to Council for it to consider any submissions received and to:

- a) Proceed without the amendments to the policy; or
- b) Proceed with the amendments to the policy.

5.0 Strategic Implications

How well does it fit with our strategic direction?

The objectives for the Residential zone within the City's Local Planning Scheme requires non-residential uses and their built form to be compatible with the residential landscape where they are proposed in a residential area. The objectives for the Mixed Use zone includes the requirement that development should be of an appropriate scale to the desired character of the area. The proposed amendments to the LPP provide built form controls that will guide Residential Aged Care Facilities to sit comfortably within the City's strategic direction for these zones.

Who benefits?

The community benefits from the amendments to this LPP, as it imposes built form controls for Residential Aged Care Facilities where they are proposed within the Residential and Mixed Use zones.

Does it involve a tolerable risk?

This LPP is not considered to pose a strategic risk to the City.

Do we have the information we need?

Yes.

6.0 Budget/Financial Implications

Can we afford it?

The costs associated with this Local Planning Policy are only in relation to advertising.

How does the option impact upon rates?

As above.

7.0 Conclusion

The LPP – Residential Aged Care Facilities provides the City with an operative local planning framework in place under LPS3 to adequately address the built form and management requirements associated with the Residential Aged Care Facilities use. The amendments proposed to the LPP provide an improved framework through which the City may seek to control the built form outcomes of future developments proposals for Residential Aged Care Facilities.

It is recommended that Council endorses administration's recommendation as set out in the resolution.



LOCAL PLANNING POLICY – RESIDENTIAL AGED CARE FACILITIES

1.0 PURPOSE

The purpose of this policy is to provide guidance and development requirements relevant to applications for Residential Aged Care Facilities within the City of Nedlands

2.0 APPLICATION OF POLICY

2.1 This policy applies to all applications for Residential Aged Care Facilities in Residential and Mixed-Use zones. A Residential Aged Care Facility is defined in Local Planning Scheme No 3 (LPS3) as:

“a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility.”

2.2 Where this Policy is inconsistent with a Local Development Plan, Local Planning Policy or Precinct Plan that applies to a specific site or area, the provisions of that specific Local Development Plan, Local Planning Policy or Precinct Plan shall prevail.

3.0 OBJECTIVES

3.1 To ensure the appearance and design of Residential Aged Care Facilities are of a high quality and do not have an undue impact on the residential or mixed use amenity of the area by way of building bulk and scale, noise, traffic, or parking.

3.2 To establish a clear framework for the assessment and determination of applications for Residential aged care facilities.

4.0 POLICY MEASURES

4.1 A Residential Aged Care Facility is listed as an ‘A’ use within the Residential and Mixed-Use zones in LPS 3. An ‘A’ use is defined in LPS 3 as:

‘a use which is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions’.

An ‘A’ use will be advertised in accordance with the City’s *Local Planning Policy – Consultation of Planning Proposals* and may be considered where the following requirements of this policy are met.



4.2 Design Requirements

~~4.2.24.2.1~~ A Residential aged care facility shall comply with the front setback and open space requirements of the City's LPS3 clause 26 (1) and (2). Although a commercial land use, a Residential aged care facility on Residential and Mixed-Use zoned land must satisfy the relevant provisions of the applicable R-Code to the satisfaction of the City.

~~4.2.3~~ For lots of less than 2000m², and where no R-Code applies and the proposal is in the form of a single house or grouped dwelling, applications shall meet the requirements in *Table 1: General site requirements* applicable to single houses and grouped dwellings with an R80 density code as per *State Planning Policy 7.3 Residential Design Codes Volume 1*, summarised below:

Single house/grouped dwellings on subject lots less than 2000m ²	
Site R-Coding	R80
Building height (storeys)	2
Boundary wall height (storeys)	1
Minimum primary street setback	1m
Minimum secondary street setbacks	1m
Minimum side setbacks	As per Table 2A and 2B of SPP 7.3.
Minimum rear setback	As per Table 2A and 2B of SPP 7.3.
Average side setback where building length exceeds 16m	As per Table 2A and 2B of SPP 7.3.
Notes	
1 Boundary wall only permitted on one boundary and shall not exceed 2/3 length of that lot boundary.	

~~4.2.4~~ For lots of less than 2000m² and where no R-Code applies and development is in the form of a multiple dwelling, applications shall meet the default Acceptable Requirements in *Table 2.1 Primary controls table* applicable to Multiple Dwellings with an R60 density code as per *State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments*, summarised below.

Multiple dwelling style development on site less than 2000m ²	
Site R-Coding	R60
Building height (storeys)	3
Boundary wall height (storeys)	1
Minimum primary street setback	2m
Minimum secondary street setbacks	2m
Minimum side setbacks	3m
Minimum rear setback	3m
Average side setback where building length exceeds 16m	3.5m
Plot ratio	0.8
Notes	
1 Boundary wall only permitted on one boundary and shall not exceed 2/3 length of that lot boundary.	



~~4.2.5 For lots equal to or larger than 2000m² and/or adjacent to a Mixed Use area or public open space, a higher density code may be considered at the discretion of the City where applications meet the default Acceptable Requirements outlined in *Table 2.1 Primary controls table* applicable to Multiple Dwellings with an R80 density code as per *State Planning Policy 7.3 Residential Design Codes - Volume 2 Apartments*, summarised below:~~

Multiple dwelling style development on site greater than 2000m²	
Site R-Coding	R80
Building height (storeys)	4
Boundary wall height (storeys)	1
Minimum primary street setback	2m
Minimum secondary street setbacks	2m
Minimum side setbacks	3m
Minimum rear setback	3m
Average side setback where building length exceeds 16m	3.5m
Plot ratio	1.0
Notes	
1 Boundary wall only permitted on one boundary, for one storey in height from NGL and shall not exceed 2/3 length of that lot boundary.	

4.2.1 In accordance with clause 32.4(5) of LPS 3, where applied for in the Mixed-Use zone, Residential Aged Care Facilities shall comply with relevant development standards of the R-AC density coding applicable to the subject site.

4.2.2 In relation to applications for Residential Aged Care Facilities on land coded R10, R12.5, R15, R20, R30 and R35, the preparation of Local Development Plan (LDP) may be required in accordance with Part 6 of *the Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 "Deemed Provisions." The purpose of the LDP is to provide specific guidance for Residential Aged Care Facilities to ensure the achievement of orderly and proper planning outcomes. The LDP shall be consistent with the requirements below.

4.2.3 Where there is no approved Structure Plan, Local Development Plan, Precinct Plan and/or Activity Centre Plan, non-residential applications are to comply with the R-Codes where relevant except where varied below:

1) In relation to land coded R10 to R35:

- a) A maximum building height of two storeys with a maximum external wall height of 8.5m and maximum overall height of 10m as measured from Natural Ground Level. A storey is defined in accordance with R-Codes; and
- b) The following setbacks shall apply:
 - (i) 6m minimum street setback.
 - (ii) 6m side and rear boundary setback.
- c) Maximum plot ratio of 1.0.
- d) A minimum 50 percent of site area provided as open space.



4.2.4 In relation to land zoned Residential, with no residential density code, Residential Aged Care Facilities are to comply with the following:

- 1) A Local Development Plan (LDP) is to be prepared in accordance with Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 “Deemed Provisions.” The purpose of the Local Development Plan is to provide specific guidance for future development on the land affected by A9 and ensure the achievement of orderly and proper planning outcomes.
- 2) Where there is no approved Local Development Plan, structure plan, and/or activity centre plan, the following development standards apply:
 - a) An R-Code of R12.5 applies in respect of residential land use and development.
 - b) The following provisions apply in respect of non-residential land use and development:
 - (i) A minimum 6m street setback applies;
 - (ii) A minimum 6m and side and rear boundary setback applies.
 - (iii) A maximum building height of two storeys with an external wall height of 8.5m and maximum overall height of 10m applies, as measured from NGL. A storey is defined in accordance with Residential Design Codes.
 - (iv) A maximum plot ratio of 1.0 applies.

4.3 Streetscape Character

4.3.1 The design and siting of residential aged care facilities shall have regard to the existing neighbourhood character and amenity and be designed to reflect a residential building from the street(s), particularly regarding the following elements:

4.4 Building and roof form

4.4.1 Building height and setback, with height situated on the site to minimise amenity impacts to neighbouring properties and the streetscape;

4.4.2 Design detail, including façade articulation, verandas, window and door style and placement; and

4.4.3 Building materials, colours and finishes and their effect upon the developments interface with the public domain.

4.5 Visual Privacy

~~4.5.1 Where located adjacent to residential properties, residential aged care facilities are to be designed so that major openings to residential or care rooms, operational~~



~~rooms or amenities (including common areas, dining rooms and recreation areas) frequented by staff and residents of the development that have a finished floor level raised 0.5 metres or more above natural ground level which overlook any part of an adjoining residential property behind its street setback line are to:~~

- ~~— Be setback, in direct line of sight, a minimum of 6.0 metres from the boundary of the adjoining residential property (as measured from a 45-degree cone of vision from the external face of the opening); or~~
- ~~a) Be provided with permanent vertical screening or glazing to a minimum height of 1.6 metres above the finished floor level.~~

~~4.5.2 All unenclosed outdoor spaces (balconies, decks, verandas and the like) where the finished floor level is raised 0.5 metres or more above natural ground level which overlook any part of an adjoining residential property behind its street setback line, are to:~~

- ~~— Be setback, in direct line of sight, a minimum of 7.5 metres from the boundary of the adjoining residential property (as measured from a 45-degree cone of vision from the external perimeter of the unenclosed outdoor space); or~~
- ~~— Are provided with permanent screening. Screening devices such as obscure glazing, timber screens, external blinds, window hoods and shutters are to be at least 1.6m in height, at least 75% obscure, permanently fixed, made of durable material and restrict view.~~

4.5.1 Where located adjacent to residential properties, Residential Aged Care Facilities are to be designed so that windows to habitable rooms as defined by the National Construction Code - Building Code of Australia and outdoor active habitable space (balconies, decks, verandas and the like) which have a finished floor level more than 0.5 metres above natural ground level and overlook any part of any other residential property behind its street setback line, are to:

- (a) Be setback in accordance with the cone of vision, from the lot boundary, of the residential density code; or
- (b) Where the site is not subject to a residential density code, shall be set back in direct line of sight within the cone of vision from the lot boundary at a minimum distance of 6m for habitable room windows and 7.5m for unenclosed outdoor active habitable space ; or
- (c) Where the visual privacy setback cannot be achieved, permanent screening or obscured glazing to a minimum height of 1.6m above finish floor level should be provided to restrict views within the cone of vision from any habitable room window or unenclosed outdoor active habitable space.

4.6 Landscaping

4.6.1 A high quality of landscaping shall be provided to soften the appearance of the development, screen car parking areas and provide an attractive aspect that is compatible with the streetscape and amenity of surrounding residential properties.



- 4.6.2 A minimum of twenty-five per cent (25%) of the site area is to be landscaped, and a minimum of fifty per cent (50%) of the front setback area is to be soft landscaping.
- 4.6.3 The development is to be designed to maximise the retention of existing mature trees on the site as well as existing Council verge trees.
- 4.6.4 Where a vehicle access way or car parking area is located adjacent to any residential property and is unable to be located elsewhere, it shall be setback behind a planted perimeter strip of at least 1.0 metre in width between the car park/vehicular access way and any adjoining residential property.

~~3.1.3 Where a car parking facility or area is provided at ground level, (open air) a landscaping plan shall be provided demonstrating appropriate planting of 1 mature tree per every 6 car parking bays with that car parking area to provide adequate shading and landscaping is encouraged to provide buffering between the facility and any adjacent residential properties.~~

~~4.6.5 Where an open-air car parking facility or area is provided at ground level a landscaping plan shall be provided demonstrating appropriate planting of 1 mature tree per every 6 car parking bays; and.~~

~~4.6.6 Mature trees and landscaping are encouraged on site to provide buffering between the facility and any adjacent residential properties.~~

4.7 Boundary Fencing

~~4.7.1 New or upgraded boundary fencing should be a minimum of 1.8 metres height and be in a colour and material that are compatible to any neighbouring residential properties.~~

~~4.7.2 Boundary fencing proposed to be over 1.8 metres in height, or in a material not specified as acceptable in the City's Local Planning Policy – Fill and Fencing, shall require development approval.~~

~~4.7.3 All fencing is required to be in accordance with the Dividing Fences Act 1961.~~

4.7 Location of Building Services and Bin Storage Area

4.7.1 Delivery, loading and building service areas are to be located so that they are not visible from the street or adjoining residential properties.

4.7.2 Bin storage areas are to be appropriately screened and located so that they do not negatively impact the amenity of surrounding residential properties by way of visual nuisance, odours or other impacts.



4.7.3 A waste management plan, detailing the management and removal of waste from the site, is required to be submitted as part of a development application in accordance with the City's Local Planning Policy Waste Management and Guidelines.

4.8 Traffic Impact

4.8.1 A Transport Impact Statement (TIS) or Transport Impact Assessment (TIA) prepared by a suitably qualified independent traffic consultant is required to be submitted as part of a development application, which assesses the likely traffic impact associated with the proposed residential aged care facility development in accordance with WAPC Guidelines.

4.9 Pedestrian Access

4.9.1 Pedestrian entrances into buildings shall be clearly identified to provide a well-designed and welcoming public domain interface for all users.

4.9.2 Levels shall allow dignified and equitable accessibility and unobstructed activity to flow between the development and the public domain at ground floor.

4.9.3 Pedestrian pathways on the site shall be clearly identifiable, linked with public pedestrian pathways and clearly separated from vehicle access roads, to provide a functional and safe passage to the development.

4.10 Location of Vehicular Access and Car Parking

4.10.1 Vehicle parking shall be contained on-site to avoid street and verge parking associated with the use.

4.10.2 Vehicle parking areas and structures shall be integrated into the design of the building, screened from view of the neighbouring residential properties. Visitor parking in the front setback of the lot may be considered by the City, where landscaping is provided.

4.10.3 Visitor car parking areas located within the front setback area shall be setback from the front property boundary behind a soft landscaping strip a minimum of 1.0 metre in width.

4.10.4 Parking ratios shall be in accordance with the City's Local Planning Policy Parking.

4.11 Signage

4.11.1 All signage associated with a residential aged care facility shall be in accordance with the requirements of the City's Local Planning Policy - Signs and shall be provided as part of the development application. Where final specifications are unknown, a Signage Details Form identifying the location, size and type of external signage to be installed on the building/site is to be submitted to Council as part of the development application.



5.0 CONSULTATION

- 5.1 Consultation with affected landowners will be undertaken in accordance with the City's Local Planning Policy - Consultation of Planning Proposals.
- 5.2 Where applications for Residential Aged Care Facilities uses are listed as 'A' in the Zoning Table of LPS3 or where a variation is proposed to this Policy, applications are to be advertised in accordance with the requirements of the Local Planning Policy- Consultation of Planning Proposals.

6.0 ADDITIONAL DEVELOPMENT APPLICATION REQUIREMENTS

- 6.1 In addition to the general requirements for an application for Development Approval, a Traffic Impact Statement of Assessment is required in accordance with Clause 4.9.1 of this policy.

- 6.2 The following matters are to be addressed in the applicants supporting report:

- Hours of operation of the Residential Aged Care Facility;
- Hours of visitation and number of visitors permitted at any time;
- Staff numbers;
- Resident numbers;
- Parking management plan;
- Landscaping plan;
- Acoustic report;
- BAL Assessment and Bushfire Management Plan where a subject site is designated as within a Bushfire Prone Area; and
- Any supplementary or incidental uses, and supporting evidence that those uses are appurtenant to the predominant use of "Residential Aged Care"

7.0 OTHER CONSIDERATIONS – ENGINEERING AND TECHNICAL SERVICES, HEALTH AND BUILDING APPROVAL

- 7.1 The applicant is advised to consult the City's Building Services & Environmental Health Services to determine if a Building Permit, Food Business Registration or Aquatic facilities approval is required for a residential aged care facility.

8.0 VARIATIONS TO POLICY

- 8.1 Where a variation to this policy is sought, consideration shall be given to the objectives of the policy.

9.0 BUSHFIRE MANAGEMENT

- 9.1 Where a property is within a designated Bushfire Prone Area, applications for development approval will be required to comply with State Planning Policy 3.7 - Planning in Bushfire Prone Areas (SPP 3.7), and any building requirements as required by the Building Code of Australia.
- 9.2 Residential aged care facilities are a vulnerable land use under SPP3.7 and may require a Bushfire Management Plan (BMP) submitted by a certified Level 2 or 3



Bushfire Management Consultant to the satisfaction of the City. Where a property is within a Bushfire Prone Area the application may require a referral to the Department of Fire and Emergency Services (DFES). The City will take into consideration comments from DFES in making their determination.

10.0 LEGISLATION

10.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.

10.2 This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless otherwise specifically stipulated elsewhere in this policy:

- Planning and Development (Local Planning Schemes) Regulations 2015
- Local Planning Scheme No. 3
- State Planning Policy 7.3 – Residential Design Codes
- State Planning Policy 3.7 – Planning in Bushfire Prone Areas
- ~~Parking Local Planning Policy~~
- ~~Consultation of Planning Proposals Local Planning Policy Signs Local Planning Policy~~
- Local Planning Policy - Parking
- Local Planning Policy - Consultation of Planning Proposals
- Local Planning Policy - Signs

11.0 DEFINITIONS

11.1 ~~For this policy the following definitions apply:~~
If a word or expression is defined in this policy its meaning is as follows:

Definition	Meaning
Residential Aged Care Facility	As per LPS 3, being, a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings, furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility.
Multiple Dwelling	As per the R-codes, being, a dwelling in a group of more than one dwelling on a lot where any part of the plot ratio of the dwelling is vertically above any part of the plot ratio area of any other but: does not include a grouped dwelling; and includes any dwellings above the ground floor in a mixed-use development.
Resident	Means a person who permanently resides on site.
Visitor	Means a person who temporarily visits the site, whether a family member or friend visiting a resident.



Staff	Means a person who is employed by the residential aged care facility. Includes locum health and medical practitioners who visit the site on an ad-hoc basis.
<u>Incidental Use</u>	<u>Incidental and ancillary amenities and land-uses associated with and supporting residential aged care facilities and retirement villages (for example medical consulting room, pharmacy, café and the like) that are accessible for residents only should be considered and determined under the above new land-use definitions¹.</u>
Vulnerable Land Use	As per SPP 3.7 - Planning in Bushfire Prone Areas, being, a use where persons may be less able to respond in a bushfire emergency, including: Land uses and associated infrastructure that are designed to accommodate groups of people with reduced physical or mental ability such as the elderly, children (under 18 years of age), and the sick or injured in dedicated facilities such as aged or assisted care, nursing homes, education centres, family day care centres, child care centres, hospitals and rehabilitation centres.
Major Opening	A window or similar opening to residential or care rooms, operational rooms or amenities (including common areas, dining rooms and recreation areas) frequented by staff and/or residents of the development, that have a finished floor level raised 0.5 metres or more above NGL which overlooks any part of an adjoining residential property behind its street setback area, and has a sill level of less than 1.6m.
<u>Plot Ratio</u>	<u>As per the definition in LPS3.</u>

Footnote:

¹ Amenities and land uses associated with and supporting residential aged care facilities and retirement villages that are accessible to both residents and the general public should be considered as separate use classes and determined in accordance with the land use classification table under the local planning scheme.

11.2 A word or expression that is not defined in this policy –

- Has the same meaning it has in Local Planning Scheme No. 3; or
- If it not defined in the Local Planning Scheme No. 3 it has the same meaning it has in the R-Codes.

Council Resolution Number	PD11.20
Adoption Date	OCM 28 April 2020
Date Reviewed/Modified	NA

13.2 Scheme Amendment No. 10 – Amendment to Additional Use 9

Council	28 July 2020
Owner	Various
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Ross Jutras-Minett – Acting Director Planning & Development
CEO	Mark Goodlet
Attachments	1. Scheme Amendment No. 10 Justification Report

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Coghlan

Seconded – Councillor Wetherall

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY 12/-

Council Resolution / Recommendation to Council**Council:**

1. Pursuant to Section 75 of the *Planning and Development Act 2005*, adopt an Amendment to Local Planning Scheme 3 by modifying the conditions applicable to Additional Use 9 (A9) as follows:
 - a) Residential aged care facility is a ‘P’ use.
 - b) A Local Development Plan (LDP) is to be prepared in accordance with Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 “Deemed Provisions.”* The purpose of the Local Development Plan is to provide specific guidance for future development on the land affected by A9 and ensure the achievement of orderly and proper planning outcomes.
 - c) Where there is no approved local development plan, structure plan, and/or activity centre plan, the following development standards apply:
 - i. An R-Code of R12.5 applies in respect of residential land use and development.

- ii. **The following provisions apply in respect of non-residential land use and development:**
 - **A minimum 6m street setback;**
 - **A minimum 6m and side and rear boundary setback;**
 - **A maximum building height of two storeys with an external wall height of 8.5m and maximum overall height of 10m applies, as measured from NGL. A storey is defined in accordance with Residential Design Codes; and**
 - **A maximum plot ratio of 1.0.**
2. **In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* section 35(2), the City believes that the amendment is a Standard Amendment for the following reasons:**
 - a) **Relates to residential zoned land and is consistent with the objectives identified in the scheme for that zone;**
 - b) **Is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;**
 - c) **Will have a minimal impact on land in the scheme area that is not the subject of the amendment;**
 - d) **Does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and**
 - e) **Is not a complex or basic amendment.**
3. **Pursuant to Section 81 of the *Planning and Development Act 2005*, refers Scheme Amendment 10 to the Environmental Protection Authority.**
4. **Subject to Section 84 of the *Planning and Development Act 2005* advertises Scheme Amendment 10 in accordance with Regulation 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy- Consultation of Planning Proposals.**

Executive Summary

The purpose of this report is for Council to provide consent to prepare (adopt) the proposed Scheme Amendment No. 10 to Local Planning Scheme No. 3 (LPS3).

The amendment proposes changes to the conditions of Additional Use 9 (A9). The amendment proposes to include specific built form controls as conditions for Residential Aged Care Facilities where they are proposed at Lot 25 (No.69) Melvista Avenue, Nedlands, Lots 10 (No.16) and 11 (No.18) Betty Street, Nedlands and Lots 19 (No.73) and 18 (No.75) Doonan Road, Nedlands under A9.

The amendment is considered a Standard Amendment as it satisfies the following criteria of Regulation 34 of the *Planning and Development (Local Planning Scheme) Regulations 2015*:

- a) Relates to residential zoned land and is consistent with the objectives identified in the scheme for that zone;
- b) Is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- c) Will have a minimal impact on land in the scheme area that is not the subject of the amendment;
- d) Does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- e) Is not a complex or basic amendment.

Amendment Details

Additional Use A9 permits Residential Aged Care Facilities to be established on specific sites, being Lot 25 (No.69) Melvista Avenue, Nedlands, Lots 10 (No.16) and 11 (No.18) Betty Street, Nedlands and Lots 19 (No.73) and 18 (No.75) Doonan Road, Nedlands. Currently, A9 proposes no built form controls for Residential Aged Care Facilities proposed on these sites.

This amendment seeks to impose built form provisions for Residential Aged Care Facilities proposed on the lots specified under Additional Use A9. This includes the preference for a Local Development Plan, that would provide the height, setbacks, and design controls for the site, to be approved by the City and the WAPC prior to development. Where a Local Development Plan is not proposed, all residential development would be subject to a density code of R12.5. All non-residential land uses, including Residential Aged Care Facilities, would be required to comply with the following built form provisions:

The following provisions apply in respect of non-residential land use and development:

- (i) A minimum 6m street setback;
- (ii) A minimum 6m and side and rear boundary setback;
- (iii) A maximum building height of two storeys with an external wall height of 8.5m and maximum overall height of 10m applies, as measured from NGL. A storey is defined in accordance with Residential Design Codes; and
- (iv) A maximum plot ratio of 1.0.

The potential built form achieved under these provisions aligns with the low density, residential built form of the surrounding area, whilst striking a balance to permit reasonable development parameters for commercial development. These built form provisions also align with objectives for the Residential zone under Local Planning Scheme No. 3, including that non-residential development within the Residential zone should be compatible and complementary to residential development and that the built form of non-

residential development is compatible with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks.

Consultation

If the Scheme Amendment is granted consent to advertise, the City will refer the application to the Environmental Protection Authority (EPA) in accordance with Section 81 of the *Planning and Development Act 2005*.

The application is required to be advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the City's Local Planning Policy – Consultation of Planning Proposals. Advertisement of a standard amendment is as follows:

- The City must prepare a notice in a form approved by the West Australian Planning Commission (WAPC) giving details of the purpose, where the amendment may be inspected and to whom and during what period submissions can be made;
- The City must then advertise the amendment by publishing the notice in the newspaper, display the notice in the Administration building, provide a copy to all public authorities which are likely to be affected, send letters to affected landowners within a 100 metre radius of the subject site and publish a copy on the City's website; and
- The advertising period can be no less than 42 days commencing on the day that the notice is published in a newspaper circulating in the scheme area.

Once submissions are received the City must acknowledge in writing the receipt of each submission.

A 60-day consideration period for a standard scheme amendment applies after the end of the submission period, in which the City must consider all submissions and Council must pass a resolution to support, support with modifications or not support the proposed amendment.

Once Council has made their decision on the scheme amendment, all documents will be referred to the WAPC and they will deliver a recommendation to the Minister for Planning. The Minister will then make the final decision on the proposed scheme amendment.

Strategic Implications

How well does it fit with our strategic direction?

The City's Local Planning Scheme identifies the area surrounding the sites specified in A9 as low-density residential lots. This Scheme Amendment seeks to apply built form provisions that are in keeping with this low-density style of development.

Who benefits?

The community benefits from this Scheme Amendment, as it controls the potential for commercial development to impact upon the residential amenity of their area.

Does it involve a tolerable risk?

This Scheme Amendment is not considered to pose a strategic risk to the City.

Do we have the information we need?

Yes.

Budget/Financial Implications

Can we afford it?

The costs associated with this Local Planning Policy are only in relation to advertising.

How does the option impact upon rates?

As above.

Conclusion

Scheme Amendment 10 is the best mechanism by which to control built form on the sites identified under Additional Use A9.

It is recommended that Council endorses Administration's recommendation as set out in the resolution.



City of Nedlands
Local Planning Scheme No. 3

Amendment No. 10

Scheme Amendment to include built form requirements for Additional Use 9.

Planning and Development Act 2005

**RESOLUTION TO PREPARE AMENDMENT
TO LOCAL PLANNING SCHEME**

*City of Nedlands Local Planning Scheme 3
Scheme Amendment 10*

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

Modifying the conditions applicable to Additional Use 9 (A9) as follows:

- 1) Residential aged care facility is a 'P' use.
- 2) A Local Development Plan (LDP) is to be prepared in accordance with Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 "Deemed Provisions."* The purpose of the Local Development Plan is to provide specific guidance for future development on the land affected by A9 and ensure the achievement of orderly and proper planning outcomes.
- 3) Where there is no approved local development plan, structure plan, and/or activity centre plan, the following development standards apply:
 - a) An R-Code of R12.5 applies in respect of residential land use and development.
 - b) The following provisions apply in respect of non-residential land use and development:
 - (i) A minimum 6m street setback;
 - (ii) A minimum 6m and side and rear boundary setback;
 - (iii) A maximum building height of two storeys with an external wall height of 8.5m and maximum overall height of 10m applies, as measured from NGL. A storey is defined in accordance with Residential Design Codes; and
 - (iv) A maximum plot ratio of 1.0

The proposed amendment is a 'standard' amendment pursuant to section 34 of Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* given that it:

- a) Relates to residential zoned land and is consistent with the objectives identified in the scheme for that zone;
- b) Is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;

- c) Will have a minimal impact on land in the scheme area that is not the subject of the amendment;
- d) Does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- e) Is not a complex or basic amendment.

Dated this _____ day of _____ 20__

(Chief Executive Officer)

City of Nedlands

Local Planning Scheme No. 3 – Scheme Amendment No. 10

Scheme Amendment Report

1.0 INTRODUCTION

Local Planning Scheme No. 3 (LPS3) was gazetted on 16 April 2019. At the time of gazettal, Additional Use 9 (A9) was not granted a density code and development standards were not imposed as conditions to guide the development of Residential Aged Care Facilities. A 'Standard' amendment is required to direct built form outcomes associated with a Residential Aged Care Facility on the land affected by A9.

2.0 PROPOSAL

In order to direct built form outcomes associated with a Residential Aged Care Facility on the land affected by A9, the following modified conditions are recommended:

- 1) Residential aged care facility is a 'P' use;
- 2) A Local Development Plan is to be prepared in accordance with Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 "Deemed Provisions."* The purpose of the Local Development Plan is to provide specific guidance for future development on the land affected by A9 and ensure the achievement of orderly and proper planning outcomes; and
- 3) Where there is no approved Local Development Plan, structure plan, and/or activity centre plan, the following development standards apply:
 - (a) An R-Code of R12.5 applies in respect of residential land use and development; and
 - (b) The following provisions apply in respect of non-residential land use and development:
 - (i) A minimum 6m street setback;
 - (ii) A minimum 6m and side and rear boundary setback;
 - (iii) A maximum building height of two storeys with an external wall height of 8.5m and maximum overall height of 10m, as measured from natural ground level. A storey is defined in accordance with the Residential Design Codes; and
 - (iv) A maximum plot ratio of 1.0

2.1 JUSTIFICATION

The proposed amendment is considered necessary due to the site's context, and the lack of applicable specific standards to guide development on the land affected by Additional Use No.9 (A9).

The land affected by A9 comprises No.69 Melvista Avenue and No.16 & 18 Betty Street and No.73 & 75 Doonan Road and is zoned 'Residential', however, it is not assigned an residential density code under the City's Local Planning Scheme No.3 (LPS3).

The land at No.69 Melvista Avenue is occupied by the Melvista Lodge and Nursing home. The facility was constructed in 1975 and comprises various lots with a height up to two storeys. It has a Category C grading on the City's Municipal Heritage Inventory. The properties located at No.16 & 18 Betty Street and No.73 & 75 Doonan Road abut the Melvista Lodge and Nursing Home to the north and are either vacant or occupied by existing single dwellings.

The surrounding land to the north, west and east comprises a traditional residential setting. It is predominantly developed with single and double storey detached dwellings sited between vegetated front and rear gardens, side driveways and low height and permeable fencing. To the north, the A9 land directly interfaces with Residential zoned land coded R12.5. The surrounding land generally to the west, east and south-west is zoned Residential R10. The land directly opposite on the southern side of Melvista Avenue is Masons Gardens which is a local public open space reserve under LPS3.

The development controls applicable to the site include:

- Local Planning Scheme No.3
- *Local Planning Policy – Residential Aged Care Facilities*
- *Local Planning Policy – Parking*
- Local Planning Strategy

Other than the existing land use condition, there are no specific development standards listed as conditions applicable to the A9 under LPS3. Therefore, the broad controls under LPS3 apply to the land, including the scheme aims, zone objectives, land use table and additional site and development requirements. These broad controls do not provide specific standards to guide the development of a Residential Aged Care Facility on the A9 land.

The City's Local Planning Strategy (LPS), endorsed by the Western Australian Planning Commission on the 26 September 2017, includes the City's vision and guiding planning principles that represent best practice urban planning for the City.

The guiding principles reflect the scheme aims and include to:

- *Protect and enhance local character and amenity.*
- *Respect the community vision for the development of the district.*
- *Achieve quality residential built form outcomes for the growing population*

In the absence of specific and targeted scheme-based development standards, the City adopted *Local Planning Policy – Residential Aged Care Facilities* in April 2020 in an effort to guide future built form outcomes. However, as a discretionary and ‘due regard’ planning instrument, a Local Planning Policy cannot impose mandatory controls comparable to provisions contained within LPS3. Therefore, the proposed scheme amendment has been prepared to augment the existing conditions affecting A9 to ensure greater clarity and certainty for the City, the community and applicants with regard to acceptable development standards for a Residential Aged Care Facility use under A9.

With respect to the proposed modification of the conditions applicable to A9, the following is noted:

- No change is proposed to the existing condition that allows for the Residential Aged Care Facility to be a ‘P’ use on the affected land; and
- The preparation of a Local Development Plan is to be prepared in accordance with Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 “Deemed Provisions.”*

The purpose of the Local Development Plan is to provide specific guidance for future development to ensure the achievement of orderly and proper planning outcomes having regard to site context and character considerations.

The land affected by A9 is large, with an area of approximately 7,423sqm. It does not have a designated R-Code density but is located in a traditional low density coded residential neighbourhood with a fine urban grain. It has a sensitive northern interface and three road abutments being Betty Street, Doonan Road and Melvista Avenue. The use, although providing accommodation and therefore has some similarities to a typical residential use, is best classified as a commercial land use and therefore behaves differently to the traditional adjoining residential uses. It will have noticeably different operational, access, parking and servicing needs. A9 affects an existing nursing home as well as four traditional residential landholdings. Therefore, detailed consideration needs to be given to the future development outcomes and interfacing needs, both internal and external to the A9 land. These issues could be properly and prudently considered through the preparation of a Local Development Plan.

- In the event however that a Local Development Plan is not prepared, or that a development proposal precedes the Local Development Plan, the following development standards are proposed:
 - Where residential development is proposed, it is to be consistent with the existing R12.5 density coding which applies to the land to the north of the A9 boundary, bound by Betty Street and Doonan Road to south of Princess Road. This approach will avoid any effective up-coding and encourage future development that is generally consistent with the surrounding area.

- Where non-residential development is proposed, the following development standards are proposed:
 - A minimum 6m street setback is proposed. The setback applies to all street frontages and although less than the traditional 9m front setback which applies to the surrounding land pursuant to clause 26(1)(a)(i) of LPS3, it strikes a balance between the primary and secondary street setbacks permitted under the LPS3 and R-Codes Vol. 1, noting the affected land has three road abuttals. At 6m, the street setback will likely provide for sufficient landscaping opportunity and streetscape activation generally consistent with the existing character of the area and future expectations for the R12.5 coding.
 - A maximum building height of two storeys with an external wall height of 8.5m and overall height 10m is proposed, as measured from natural ground level. It is noted that a 2.4m floor to ceiling height is appropriate for a Class 9a health care building or a Class 9c building under the National Construction Code – Building Code of Australia. The proposed maximum height is generally consistent with the City's Local Planning Policy: Residential Development: single and grouped dwellings and the R-Codes Vol.1 as applicable in the surrounding neighbourhood (coded R10-R12.5) and on the adjoining land to the north (coded 12.5). Building height will also be constrained by the proposed plot ratio control.
 - A minimum 6m side and rear boundary setback is proposed to allow for adequate separation at the upper levels, future internal amenity (access to northern sunlight and ventilation, deep soil area, canopy tree planting), servicing opportunities, the mitigation of potential impacts associated with a commercial use in a traditional residential area with a sensitive residential land use to the north. Indicative testing indicates that the redevelopment potential of the A9 land will not be unreasonably adversely impacted by the proposed side boundary setback, owing in part to the height and plot ratio development standards.
 - A maximum plot ratio of 1.0 is proposed. Notwithstanding, the affected land area, this plot ratio is considered appropriate to the maximum height, setback standards and a commercial use. The plot ratio applicable to a commercial use under LPS3 is the ratio of the entire floor area of a building to the area of land within lot boundaries i.e. the calculation includes communal or common

areas used by aged care residents, service and machinery, air-conditioning and equipment rooms, space below NGL, parking below ground, storage areas and lobbies, balconies and courtyards or roof top terraces. These elements are excluded for residential developments where R-Codes Vol 2 applies.

Consideration as a standard amendment

<p>An amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;</p>	<p>The amendment is consistent with the objectives of the Residential zone as it, in the absence of a Local Development Plan, seeks to provide for a non-residential use within the zone that is compatible with and complementary to residential development. It seeks to ensure that the bulk, scale, height and setbacks of future development respond sensitively and remains compatible with existing and future residential development within the Residential zone.</p>
<p>An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;</p>	<p>The amendment is consistent with the guiding Planning Principles of the City's Local Planning Strategy, endorsed by the WAPC on the 26 September 2017. In particular, the proposed amendment aligns with the following planning principles in the strategy:</p> <ul style="list-style-type: none"> • <i>Protect and enhance local character and amenity.</i> • <i>Respect the community vision for the development of the district.</i> • <i>Achieve quality residential built form outcomes for the growing population</i> <p>A large, bulky Residential Aged Care Facilities are not consistent with the surrounding fine grain character, low-density traditional residential neighbourhood. In the absence of an LDP, the proposed development standards seek to ensure future development in the A9 responds sensitively to its context, respects the community's vision and will result in high quality-built form outcomes.</p>

<p>An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;</p>	<p>Through the inclusion of more specific development standards for non-residential development and the provision of greater development clarity and certainty, the proposed amendment will reduce the risk of future development that will result in an unreasonable adverse impact on adjoining and surrounding residential properties.</p>
<p>An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;</p>	<p>The amendment proposes to impose development controls for a Residential Aged Care Facility within the Residential Zone where permitted under A9. It does not otherwise seek to alter land use permissibility as provided in clauses 17 and 18 of LPS3. This amendment will have no significant negative impact on the environmental, social, economic or governance outcomes of the surrounding land in the scheme area.</p>
<p>Any other amendment that is not a complex or basic amendment.</p>	<p>The proposed amendment does not meet the requirements for a basic or complex amendment, as per the requirements of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>

3.0 CONCLUSION

The information and justification provided in this report is submitted to support the amendment within Clause 19, Table 4, to modify conditions applicable to the Residential Aged Care Facility use where permitted under A9.

The proposed modifications provide clarity and certainty to the City, community, and applicants with regard to the expected form and scale of a Residential Aged Care Facility on the A9 affected land. The conditions guide future development to ensure it responds sympathetically to the local built form context and ensure the protection and enhancement of the local character and amenity.

The City requests that the WAPC support the proposed modifications to Clause 19, Table 4 A9 as outlined within this report.

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the City of Nedlands at the Ordinary Meeting of the Council held on the 26 day of May 2020.

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the City of Nedlands at the Ordinary Meeting of the Council held on the 26 day of May 2020, proceed to advertise this Amendment.

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended [for support/ not to be supported] by resolution of the [LOCAL GOVERNMENT] at the [NAME] Meeting of the Council held on the [number] day of [month], 20[year] and the Common Seal of the [LOCAL GOVERNMENT] was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR/SHIRE PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

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

DATE.....
FORM 6A - CONTINUED

APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....

13.3 Scheme Amendment No. 11 – Residential Aged Care Facilities – Additional Requirements

Council	28 July 2020
Owner	Various
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Ross Jutras-Minett – Acting Director Planning & Development
CEO	Mark Goodlet
Attachments	1. Scheme Amendment No. 11 Justification Report

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus
 Seconded – Councillor Wetherall

That the Recommendation to Council be adopted.
 (Printed below for ease of reference)

CARRIED 11/1
(Against: Cr. Mangano)

Council Resolution / Recommendation to Council

Council:

- Pursuant to Section 75 of the *Planning and Development Act 2005*, adopt an Amendment to Local Planning Scheme 3 by:**

An addition of a new Clause 32.7 for Residential Zoned land to be added, with the following sub clauses inserted:

32.7 (1) In relation to applications for Residential Aged Care Facilities on land coded R10, R12.5, R15, R20, R30 and R35, the preparation of Local Development Plan (LDP) may be required in accordance with Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 “Deemed Provisions.” The purpose of the Local Development Plan is to provide specific guidance for Residential Aged Care Facilities to ensure the achievement of orderly and proper planning outcomes. The LDP shall be consistent with the requirements of subclause 2 (a).

32.7 (2) Where there is no approved Structure Plan, Local Development Plan, Precinct Plan and/or Activity Centre Plan, non-residential applications are to comply with the R Codes where relevant except where varied below:

a) In relation to land coded R10 to R35:

- i. A maximum building height of two storeys with a maximum external wall height of 8.5m and maximum overall height of 10m as measured from NGL. A storey is defined in accordance with Residential Design Codes.**
- ii. The following setbacks apply:**
 - 6m minimum street.**
 - 6m side and rear boundary setback.**
- iii. Maximum plot ratio of 1.0.**
- iv. A minimum 50 percent of site area provided as open space.**

2. In accordance with *Planning and Development (Local Planning Schemes) Regulations 2015* section 35(2), the City believes that the amendment is a Standard Amendment for the following reasons:

- a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;**
- b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;**
- c) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;**
- d) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and**
- e) any other amendment that is not a complex or basic amendment.**

3. Pursuant to Section 81 of the *Planning and Development Act 2005*, refers Scheme Amendment 10 to the Environmental Protection Authority.

4. Subject to Section 84 of the *Planning and Development Act 2005* advertises Scheme Amendment 7 in accordance with Regulation 38 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and Local Planning Policy – Consultation of Planning Proposals.

Executive Summary

The purpose of this report is for Council to provide consent to prepare (adopt) the proposed Scheme Amendment No. 11 to Local Planning Scheme No. 3 (LPS3).

An addition of a new Clause 32.7 for Residential Zoned land to be added, with the following sub clauses inserted:

32.7 (1) In relation to applications for Residential Aged Care Facilities on land coded R10, R12.5, R15, R20, R30 and R35, the preparation of Local Development Plan (LDP) may be required in accordance with Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 "Deemed Provisions." The purpose of the Local Development Plan is to provide specific guidance for Residential Aged Care Facilities to ensure the achievement of orderly and proper planning outcomes. The LDP shall be consistent with the requirements of subclause 2 (a).

32.7 (2) Where there is no approved Structure Plan, Local Development Plan, Precinct Plan and/or Activity Centre Plan, non-residential applications are to comply with the R Codes where relevant except where varied below:

- a. In relation to land coded R10 to R35:
 - i. A maximum building height of two storeys with a maximum external wall height of 8.5m and maximum overall height of 10m as measured from NGL. A storey is defined in accordance with Residential Design Codes.
 - ii. The following setbacks apply:
 - 6m minimum street.
 - 6m side and rear boundary setback.
 - iii. Maximum plot ratio of 1.0.
 - iv. A minimum 50 percent of site area provided as open space.

The amendment is considered a Standard Amendment as it satisfies the following criteria of the Regulation 34 of the Planning and Development (Local Planning Scheme) Regulations 2015:

- a) Relates to residential zoned land and is consistent with the objectives identified in the scheme for that zone;
- b) Is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- c) Will have a minimal impact on land in the scheme area that is not the subject of the amendment;
- d) Does not result in any significant environmental, social, economic or governance impacts on land in the scheme area; and
- e) Is not a complex or basic amendment.

Amendment Details

Table 6 imposes additional requirements on development within the City. Currently, Table 6 provides no built form guidance for Residential Aged Care Facilities and does not impose any additional development requirements on Residential zoned land.

The amendment seeks to insert Clause 32.7, which will provide built form controls for development within the Residential zone. Sub-clauses 32.7(1)-(2) will provide additional built form requirements specifically for Residential Aged Care Facilities.

These amendments are in accordance with the planning principles of the City's Local Planning Strategy, including:

- Protect and enhance local character and amenity

The City's LPS3 includes the following objectives for the Residential Zone:

- To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
- To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks.

In regards to development of Residential Aged Care Facilities in the Residential zone, it is considered that the potential for intensification of land use that is associated with Residential Aged Care Facilities, including increased noise, traffic, and visitors, has the potential to negatively impact on the amenity of low-density residential areas. A Residential Aged Care Facility with a maximum height equivalent to a three-storey building, generous boundary setbacks and a maximum plot ratio of 1.0 will sit more comfortably within the character of the Residential zone. In addition to this, the requirement for an LDP will allow for development in low density residential areas site to be planned and negotiated between an applicant and the Local Government prior to a Development Application being lodged, providing for greater negotiation and certainty for both parties. The built form outcomes proposed under Clause 32.7 will both protect and enhance the local character and amenity of the Residential zones, in keeping with the intent of the City's Local Planning Strategy.

Consultation

If the Scheme Amendment is granted consent to advertise, the City will refer the application to the Environmental Protection Authority (EPA) in accordance with Section 81 of the *Planning and Development Act 2005*.

The application is required to be advertised in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) and the City's Local Planning Policy – Consultation of Planning Proposals. Advertisement of a standard amendment is as follows:

- The City must prepare a notice in a form approved by the West Australian Planning Commission (WAPC) giving details of the purpose, where the amendment may be inspected and to whom and during what period submissions can be made.
- The City must then advertise the amendment by publishing the notice in the newspaper, display the notice in the Administration building, provide a copy to all public authorities which are likely to be affected, send letters to affected landowners within a 100 metre radius of the subject site and publish a copy on the City's website.
- The advertising period can be no less than 42 days commencing on the day that the notice is published in a newspaper circulating in the scheme area.

Once submissions are received the City must acknowledge in writing the receipt of each submission.

A 60-day consideration period for a standard scheme amendment applies after the end of the submission period, in which the City must consider all submissions and Council must pass a resolution to support, support with modifications or not support the proposed amendment.

Once Council has made their decision on the scheme amendment, all documents will be referred to the WAPC and they will deliver a recommendation to the Minister for Planning. The Minister will then make the final decision on the proposed scheme amendment.

Strategic Implications

How well does it fit with our strategic direction?

The objectives for the Residential zone within the City's Local Planning Scheme requires non-residential uses and their built form to be compatible with the residential landscape where they are proposed in a residential area. The proposed amendments to the scheme provide built form controls that will guide Residential Aged Care Facilities to sit comfortably within the City's strategic direction for these zones.

Who benefits?

The community benefits from this Scheme Amendment, as it imposes built form controls for Residential Aged Care Facilities where they are proposed within the Residential zone.

Does it involve a tolerable risk?

This Scheme Amendment is not considered to pose a strategic risk to the City.

Do we have the information we need?

Yes.

Budget/Financial Implications

Can we afford it?

The costs associated with this Local Planning Policy are only in relation to advertising.

How does the option impact upon rates?

As above.

Conclusion

Scheme Amendment 11 is the best mechanism by which to control where Residential Aged Care Facilities may be considered for development within the City.

It is recommended that Council endorses Administration's recommendation as set out in the resolution.

Councillor Horley left the meeting at 8.55 pm.



City of Nedlands
Local Planning Scheme No. 3

Amendment No. 11

An addition of a new Clause 32.7 for Residential Zoned land to be added, with the following sub clauses inserted:

32.7 (1) In relation to applications for Residential Aged Care Facilities on land coded R10, R12.5, R15, R20, R30 and R35, the preparation of Local Development Plan (LDP) may be required in accordance with Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 "Deemed Provisions." The purpose of the Local Development Plan is to provide specific guidance for Residential Aged Care Facilities to ensure the achievement of orderly and proper planning outcomes. The LDP shall be consistent with the requirements of subclause 2 (a).

32.7 (2) Where there is no approved Structure Plan, Local Development Plan, Precinct Plan and/or Activity Centre Plan, non-residential applications are to comply with the R Codes where relevant except where varied below:

- a. In relation to land coded R10 to R35:*
 - i. A maximum building height of two storeys with a maximum external wall height of 8.5m and maximum overall height of 10m as measured from NGL. A storey is defined in accordance with Residential Design Codes.*
 - ii. The following setbacks apply:*
 - 6m minimum street.*
 - 6m side and rear boundary setback.*
 - iii. Maximum plot ratio of 1.0.*
 - iv. A minimum 50 percent of site area provided as open space.*

Planning and Development Act 2005

**RESOLUTION TO PREPARE AMENDMENT
TO LOCAL PLANNING SCHEME**

*City of Nedlands Local Planning Scheme 3
Scheme Amendment 11*

Resolved that the Local Government pursuant to Section 75 of the Planning and Development Act 2005, amends the Local Planning Scheme by:

An addition of a new Clause 32.7 for Residential Zoned land to be added, with the following sub clauses inserted:

32.7 (1) In relation to applications for Residential Aged Care Facilities on land coded R10, R12.5, R15, R20, R30 and R35, the preparation of Local Development Plan (LDP) may be required in accordance with Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 "Deemed Provisions." The purpose of the Local Development Plan is to provide specific guidance for Residential Aged Care Facilities to ensure the achievement of orderly and proper planning outcomes. The LDP shall be consistent with the requirements of subclause 2 (a).

32.7 (2) Where there is no approved Structure Plan, Local Development Plan, Precinct Plan and/or Activity Centre Plan, non-residential applications are to comply with the R Codes where relevant except where varied below:

- a. In relation to land coded R10 to R35:
 - i. A maximum building height of two storeys with a maximum external wall height of 8.5m and maximum overall height of 10m as measured from NGL. A storey is defined in accordance with Residential Design Codes.
 - ii. The following setbacks apply:
 - 6m minimum street setback.
 - 6m side and rear boundary setback.
 - iii. Maximum plot ratio of 1.0.
 - iv. A minimum 50 percent of site area provided as open space.

The amendment is considered standard under the provisions of the *Planning and Development (Local Planning Schemes) Regulations 2015* for the following reason(s):

- a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- c) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;

- d) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- e) any other amendment that is not a complex or basic amendment.

Dated this _____ day of _____ 20__

(Chief Executive Officer)

City of Nedlands

Local Planning Scheme No. 3 – Scheme Amendment No. 11

Scheme Amendment Report

1.0 INTRODUCTION

Local Planning Scheme No. 3 (LPS 3) was gazetted on 16 April 2019. Table 3 – Zoning Table lists Residential Aged Care Facilities as a discretionary use requiring advertising ('A' use) within Residential zone.

The amendment is in the opinion of the City a Standard Amendment as it satisfies the following criteria of Regulation 34 of the Planning and Development (Local Planning Schemes) Regulations 2015:

- a) an amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;
- b) an amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;
- c) an amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;
- d) an amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;
- e) any other amendment that is not a complex or basic amendment.

2.0 PROPOSAL

An addition of a new Clause 32.7 for Residential Zoned land to be added, with the following sub clauses inserted:

32.7 (1) In relation to applications for Residential Aged Care Facilities on land coded R10, R12.5, R15, R20, R30 and R35, the preparation of Local Development Plan (LDP) may be required in accordance with Part 6 of the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2 "Deemed Provisions." The purpose of the Local Development Plan is to provide specific guidance for Residential Aged Care Facilities to ensure the achievement of orderly and proper planning outcomes. The LDP shall be consistent with the requirements of subclause 2 (a).

32.7 (2) Where there is no approved Structure Plan, Local Development Plan, Precinct Plan and/or Activity Centre Plan, non-residential applications are to comply with the R Codes where relevant except where varied below:

- a. In relation to land coded R10 to R35:
 - i. A maximum building height of two storeys with a maximum external wall height of 8.5m and maximum overall height of 10m as measured from NGL. A storey is defined in accordance with Residential Design Codes.
 - ii. The following setbacks apply:

- 6m minimum street.
- 6m side and rear boundary setback.
- iii. Maximum plot ratio of 1.0.
- iv. A minimum 50 percent of site area provided as open space.

2.1 JUSTIFICATION

The City's Local Planning Strategy, endorsed by the Western Australian Planning Commission on the 26 September 2017, includes guiding planning principles that represent best practice urban planning for the City. These planning principles include:

- Protect and enhance local character and amenity

The City's LPS3 includes the following objectives for the Residential Zone:

- To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
- To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks.

Depending on the scale, Residential Aged Care Facilities' built form outcomes can be incompatible with the existing and desired character of the City's low-density residential areas. A multi-storey facility, with high visitation to the site, high volume traffic and delivery vehicles, can be inconsistent with the amenity outcomes of low-density residential properties. The potential for intensification of land use that is associated with Residential Aged Care Facilities, including increased noise, traffic, and visitors, has the potential to negatively impact on the amenity of low-density residential areas. Given the potential incompatibility of these uses, a Local Development Plan (LDP) is an appropriate mechanism through which development outcomes and interfacing issues can be considered, negotiated, and rectified prior to a Development Application being lodged. An LDP for a Residential Aged Care Facility within the Residential Zone would also be required to incorporate the proposed provisions of sub clauses 32.7 (2) – (4), which have been proposed for the following reasons:

- A minimum 6m street setback is proposed. The setback applies to all street frontages and although less than the traditional 9m front setback which applies to the low density residential land pursuant to clause 26(1)(a)(i) of LPS3, it strikes a balance between the primary and secondary street setbacks permitted under the LPS3 and R-Codes Vol. 1. At 6m, the street setback will likely provide for sufficient landscaping opportunity and streetscape activation generally consistent with the existing character and future expectations for the Residential zone.
- A maximum building height of two storeys with an external wall height of 8.5m and overall height 10m is proposed, as measured from NGL. It is noted that a 2.4m floor to ceiling height is appropriate for a Class 9a health care building or a Class 9c building under the BCA. The proposed maximum height is generally consistent with the City's Local Planning Policy: Residential Development: single and grouped dwellings and the R-Codes Vol.1 as applicable in the surrounding neighbourhood (coded R10-R12.5) and on the adjoining land to

the north (coded 12.5). Building height will also be constrained by the proposed plot ratio control.

- A minimum 6m side and rear boundary setback is proposed to allow for adequate separation at the upper levels, future internal amenity (access to northern sunlight and ventilation, deep soil area, canopy tree planting), servicing opportunities, the mitigation of potential impacts associated with a commercial use in a traditional residential area.
- A maximum plot ratio of 1.0 is proposed. This plot ratio is considered appropriate to the maximum height, setback standards and a commercial use. The plot ratio applicable to a commercial use under LPS3 is the ratio of the entire floor area of a building to the area of land within lot boundaries i.e. the calculation includes communal or common areas used by aged care residents, service and machinery, air-conditioning and equipment rooms, space below NGL, parking below ground, storage areas and lobbies, balconies and courtyards or roof top terraces. These elements are excluded for residential developments where R-Codes Vol 2 applies.

A Residential Aged Care Facility with a maximum height equivalent to a three-storey building, generous boundary setbacks and a maximum plot ratio of 1.0 will sit more comfortably within the character of the Residential Zone. In addition to this, the requirements for an LDP will allow for development on the site to be planned and negotiated between an applicant and the Local Government prior to a Development Application being lodged, providing for greater negotiation and certainty for both parties. The built form outcomes proposed under Clause 32.7 will both protect and enhance the local character and amenity of the Residential zones, in keeping with the intent of the City's Local Planning Strategy.

Consideration as a standard amendment

<p>An amendment relating to a zone or reserve that is consistent with the objectives identified in the scheme for that zone or reserve;</p>	<p>The amendment is consistent with the objectives of the Residential zone as it seeks to provide built form controls for a non-residential use within the zone that is not compatible with or complementary to residential development.</p>
<p>An amendment that is consistent with a local planning strategy for the scheme that has been endorsed by the Commission;</p>	<p>The amendment is consistent with the guiding Planning Principles of the City's Local Planning Strategy, endorsed by the WAPC on the 26 September 2017. In particular, the proposed amendment aligns with the following planning principle in the strategy:</p> <ul style="list-style-type: none"> ▪ <i>Protect and enhance local character and amenity.</i>

	Large, bulky Residential Aged Care Facilities are not consistent with the character of large lot, low-density traditional residential neighbourhoods, and therefore the proposed amendment is consistent with the principles of the City's Local Planning Strategy.
An amendment that would have minimal impact on land in the scheme area that is not the subject of the amendment;	By imposing further built form requirements on Residential Aged Care Facilities when they are proposed within the Residential zone, the proposed amendment will reduce the risk of future development that will result in an unreasonable adverse impact on adjoining and surrounding residential and mixed use properties.
An amendment that does not result in any significant environmental, social, economic or governance impacts on land in the scheme area;	The amendment proposes to impose built form controls on Residential Aged Care Facility within the Residential Zone. It does not otherwise seek to alter land use permissibility as provided in clauses 17 and 18 of LPS3. This amendment will have no significant negative impact on the environmental, social, economic or governance outcomes of the surrounding land in the scheme area.
Any other amendment that is not a complex or basic amendment.	The proposed amendment does not meet the requirements for a basic or complex amendment, as per the requirements of the Planning and Development (Local Planning Schemes) Regulations 2015.

3.0 CONCLUSION

The information and justification provided in this report is submitted to support the amendment of the addition of Clause 32.7 and its sub-clauses, to impose built form requirements on Residential Aged Care Facilities where they are proposed in the Residential zone.

The proposed modifications provide guidance for applicants and the community of the City's expectations of the built form of Residential Aged Care Facilities within the Residential zone. The proposed amendments to Table 6 guide future development to ensure it responds sympathetically to the local built form context and ensure the protection and enhancement of the local character and amenity.

The City requests that the WAPC support the proposed addition of Clause 32.7 and its sub clauses, as outlined within this report.

COUNCIL ADOPTION

This Standard Amendment was adopted by resolution of the Council of the City of Nedlands at the Ordinary Meeting of the Council held on the 26 day of May 2020.

.....
MAYOR/SHIRE PRESIDENT
.....
CHIEF EXECUTIVE OFFICER

COUNCIL RESOLUTION TO ADVERTISE

by resolution of the Council of the City of Nedlands at the Ordinary Meeting of the Council held on the 26 day of May 2020, proceed to advertise this Amendment.

.....
MAYOR/SHIRE PRESIDENT
.....
CHIEF EXECUTIVE OFFICER

COUNCIL RECOMMENDATION

This Amendment is recommended [for support/ not to be supported] by resolution of the [LOCAL GOVERNMENT] at the [NAME] Meeting of the Council held on the [number] day of [month], 20[year] and the Common Seal of the [LOCAL GOVERNMENT] was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
MAYOR/SHIRE PRESIDENT
.....
CHIEF EXECUTIVE OFFICER

WAPC ENDORSEMENT (r.63)

.....
DELEGATED UNDER S.16 OF
THE P&D ACT 2005
DATE.....
FORM 6A - CONTINUED

APPROVAL GRANTED

.....
MINISTER FOR PLANNING
DATE.....

The Mayor granted a recess for the purposes of a refreshment break.

The meeting adjourned at 8.55 pm and reconvened at 9.04 pm with the following people in attendance:

Councillors	Her Worship the Mayor, C M de Lacy	(Presiding Member)
	Councillor F J O Bennett	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor P N Poliwka	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor G A R Hay	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor N B J Horley (from 9.10 pm)	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward

Staff	Mr M A Goodlet	Chief Executive Officer
	Mrs L M Driscoll	Director Corporate & Strategy
	Mr P L Mickleson	Director Planning & Development
	Mr J Duff	Director Technical Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

Note: As far as possible all the following reports under items 12.2, 12.3, 12.4 and 12.5 will be moved en-bloc and only the exceptions (items which Councillors wish to amend) will be discussed.

En Bloc

Moved - Councillor Wetherall

Seconded – Councillor Coghlan

That all Committee Recommendations relating to Reports under items 12.2, 12.3, 12.4 and 12.5 with the exception of Report Nos. PD31.20, PD32.20, PD33.20, PD35.20, PD36.20, TS13.20 & TS14.20 are adopted en bloc.

CARRIED UNANIMOUSLY 11/-

12.2 Planning & Development Report No's PD31.20 to PD36.20

Planning & Development Report No's PD31.20 to PD36.20 to be dealt with at this point (copy attached yellow cover sheet).

PD31.20	No. 20 Robinson St, Nedlands - Additions to a Single House
----------------	---

Committee	14 July 2020
Council	28 July 2020
Applicant	Rowan Engles
Landowner	Paul and Verity Epstein
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right 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.
Reference	DA19/42702
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to objections being received.
Attachments	1. Applicant Justification Letter
Confidential Attachments	1. Plans 2. Submissions

Councillor Horley returned to the meeting at 9.10 pm.

Regulation 11(da) – Council wished to ensure that no wood heater related health issues might arise for the adjacent resident.

Moved – Mayor de Lacy

Seconded – Councillor Wetherall

Council Resolution

That the Recommendation to Committee be adopted subject to in advice note a) add in after the first sentence ending in “agency.” This includes Environmental Health regulations and Building Regulations associated with chimney location and design of a proposed wood heater. The applicant is also advised to consider the potential toxic impacts of wood smoke on neighbouring residents before installing a wood heater given the Department of Water and Environmental Regulation advise in its ‘Burnwise’ brochure that “there is no safe level of exposure.” We note the applicant has given an undertaking to install a gas fire in place of the wood fire.

**CARRIED 9/3
(Against: Crs. Bennett Mangano & Coghlan)**

Please note: No Recommendation from Committee was made.

Recommendation to Committee

Council approves the development application dated 3 December 2019 with amended plans received 29 April 2020 for additions to a single house at Lot 299, 20 Robinson St, Nedlands, subject to the following conditions and advice notes:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
2. This development approval pertains only to additions to a single house as indicated on the plans attached.
3. All footings and structures shall be constructed wholly inside the site boundaries of the property’s Certificate of Title.
4. This approval is limited to additions to a single house only and does not relate to any site works, decking or retaining walls 500mm or greater above the approved ground levels.
5. The existing outbuilding shall not be utilised for habitable or commercial purposes without further planning approval being obtained.

6. Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners and hot water systems shall be integrated into the design of the building and not be highly visible from the primary street, to the satisfaction of the City of Nedlands.
7. Prior to occupation of the development, all air-conditioning plant, satellite dishes, antennae and any other plant and equipment to the roof of the building shall be located or screened so as not to be highly visible from beyond the boundaries of the development site to the satisfaction of the City of Nedlands.
8. Fences within the primary street setback area shall not exceed 1.8m in height from natural ground level and are to be visually permeable in accordance with the Residential Design Codes (v1, 2019) above 1.2m in height from natural ground level.
9. Prior to the occupation of the development, all structures within the 1.5m visual truncation area abutting vehicle access points shall be truncated or reduced to 0.75m height to the satisfaction of the City of Nedlands.
10. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite (refer advice note 't')

Advice Notes:

- a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency.
- b) This planning decision is confined to the authority of the *Planning and Development Act 2005*, the City of Nedlands' Local Planning Scheme No. 3 and all subsidiary legislation. This decision does not remove the obligation of the applicant and/or property owner to ensure that all other required local government approvals are first obtained, all other applicable state and federal legislation is complied with, and any restrictions, easements, or encumbrances are adhered to.
- c) This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.
- d) This planning approval has been issued on the basis of the plans hereby approved. It is the responsibility of the applicant to ensure that the approved plans are accurate and are a true representation of all existing and proposed development on the site, and to ensure that development proceeds in accordance with these plans.

- e) There may be matters which impact on proceeding with the approved development which are not shown on the approved plans (e.g. verge infrastructure, retaining walls). Such matters may need to be separately addressed before the approved development can proceed. It is the responsibility of the applicant to ensure that these matters are addressed prior to the commencement of the development hereby approved.
- f) The applicant is advised that all development must comply with this planning approval and approved plans at all times. Any development, whether it be a structure or building, that is not in accordance with the planning approval, including any condition of approval, may be subject to further planning approval by the City.
- g) The applicant is advised that variations to the hereby approved development including variations to wall dimensions, setbacks, height, window dimensions and location, floor levels, floor area and alfresco area, may delay the granting of a Building Permit. Applicants are therefore encouraged to ensure that the Building Permit application is in compliance with this planning approval, including all conditions and approved plans. Where Building Permit applications are not in accordance with the planning approval, a schedule of changes is to be submitted and early liaison with the City's Planning Department is encouraged prior to lodgement.
- h) A separate development application is required to be submitted to and approved by the City prior to erecting any fencing within the street setback area(s) which is not compliant with the deemed-to-comply provisions of the Residential Design Codes, and/or erecting any fencing behind the primary street setback area which is more than 1.8m in height above approved ground levels.
- i) A demolition permit is required to be obtained for the proposed demolition work. The demolition permit must be issued prior to the removal of any structures on site.
- j) Prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.
- k) Removal and disposal of ACM shall be in accordance with *Health (Asbestos) Regulations 1992*, Regulations 5.43 - 5.53 of the *Occupational Safety and Health Regulations 1996*, *Code of Practice for the Safe Removal of Asbestos 2nd Edition*, *Code of Practice for the Management and Control of Asbestos in a Workplace*, and any Department of Commerce Worksafe requirements.
- l) Where there is over 10m² of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.

- m) All internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, lobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.
- n) All street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City of Nedlands and paid for by the owner of the property where the development is proposed, unless otherwise approved by the City of Nedlands.
- o) The contractor/developer shall protect the City's street trees from any damage that may be caused by the scope of works covered by this contract for the duration of the contract. All work carried out under this contract is to comply with the City's policies, guidelines and Australian Standards relating to the protection of trees on or adjacent to development sites (AS 4870-2009).
- p) A new crossover or modification to an existing crossover will require a separate approval from the City of Nedlands prior to construction commencing.
- q) Where building works are proposed a building permit shall be applied for prior to works commencing.
- r) All car parking dimensions, manoeuvring areas, crossovers and driveways shall comply with Australian Standard AS2890.1 (as amended) to the satisfaction of the City of Nedlands.
- s) In relation to condition 10, the applicant is advised that all downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.

PD32.20	No. 150 Stirling Highway, Nedlands - Change of Use – Recreation Private
----------------	--

Committee	14 July 2020
Council	28 July 2020
Applicant	Olivia Stell
Landowner	Jonathan Swain
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person’s right 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.
Reference	DA19-42964
Previous Item	Nil
Delegation	In accordance with the City’s Instrument of Delegation, Council is required to determine the application due to objections being received
Attachments	1. Development Proposal (Change of Use) 2. Traffic Report 3. Applicant Justification Letter
Confidential Attachments	1. Submissions

Regulation 11(da) - Council determined to remove clause 7 after consulting with Administration and being of the view that private parking arrangements could be entered into.

Moved – Councillor Coghlan

Seconded – Councillor Hay

That the Recommendation to Council be adopted subject to clause 7 being removed.

CARRIED UNANIMOUSLY 12/-

Council Resolution

Council approves the development application dated 6 December 2019 to change the use of 3/150 Stirling Highway, Nedlands from ‘Office’ to ‘Recreation Private’ (Pilates Studio), subject to the following conditions and advice:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
2. This development approval pertains only to a change of use, from Office to Recreation Private (Pilates Studio).
3. The development, hereby approved, shall at all times comply with the requirements of 'Recreation Private' land use as defined by the City of Nedlands Local Planning Scheme No. 3.
4. All customer visits to the hereby approved Recreation Private (Pilates Studio) shall be during the following hours:
 - 6:00am – 7:20pm Monday to Friday
 - 7:30am – 10:00am Saturday and Sunday
5. A maximum of 32 staff and patrons (inclusive) shall be permitted on the premises at any one time.
6. There shall be a minimum 10-minute break between sessions.

Advice Notes specific to this proposal:

- a) In relation to condition 4, the applicant is advised that the definition of the Recreation Private land use is defined under the City of Nedlands Local Planning Scheme No. 3 as follows:

means premises that are -

 - (a) used for indoor or outdoor leisure, recreation or sport; and
 - (b) not usually open to the public without charge.
- b) In relation to Condition (5) a separate development application is required to be submitted to and approved by the City prior to and increase in the number of staff and patrons.
- c) In relation to condition 7, the applicant is advised that the shared parking legal agreement and management plan:
 - i. must be to the satisfaction of the local government;
 - ii. must be made with the owner of the Shared Site, and any other person specified by the local government (which may include the local government);
 - iii. must be prepared (and if necessary, registered and lodged) at the cost of the owner of the development site;
 - iv. may, if required by the local government, provide for one or more of an easement, restrictive covenant, right-of-way, reciprocal access and circulation, lease, licence, notification, absolute caveat and any other provision necessary or convenient to ensure the shared parking arrangement is provided and maintained;

- v. **must not be amended, surrendered or terminated without the approval of the local government; and**
- vi. **must result in a net car parking provision of no less than 16 bays during the time periods where two (2) concurrent sessions are run (6:00am-6:50am and 5:30pm and 6:20pm)**

A copy of the legal agreement is to be prepared and be provided to the local government and endorsed by the City, prior to applying for an occupancy permit.

- d) **The applicant is advised that a building permit will be required for fit-out prior to proceeding.**
- e) **Prior to occupying premises an occupancy permit will be required for a change in class from Class 7b to Class 9b.**
- f) **The applicant is advised that the application requires a separate assessment under the Health (Public Buildings) Regulations 1992 including a form 1 Application to Construct, Extend or Alter a Public Building; Form 2 – Application For Certificate of Approval and Form 5 – Certificate of Electrical Compliance.**
- g) **The applicant is advised that details will need to be provided to the City's Environmental Health Department as to the number of patrons (and instructors) to be accommodated on-site at any one time to enable a full assessment of the Public Building requirements to be undertaken.**
- h) **This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not occupied within the four-year period, the approval shall lapse and be of no further effect.**

Committee Recommendation / Recommendation to Committee

Council approves the development application dated 6 December 2019 to change the use of 3/150 Stirling Highway, Nedlands from 'Office' to 'Recreation Private' (Pilates Studio), subject to the following conditions and advice:

1. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
2. This development approval pertains only to a change of use, from Office to Recreation Private (Pilates Studio).
3. The development, hereby approved, shall at all times comply with the requirements of 'Recreation Private' land use as defined by the City of Nedlands Local Planning Scheme No. 3.

4. All customer visits to the hereby approved Recreation Private (Pilates Studio) shall be during the following hours:
 - 6:00am – 7:20pm Monday to Friday
 - 7:30am – 10:00am Saturday and Sunday
5. A maximum of 32 staff and patrons (inclusive) shall be permitted on the premises at any one time.
6. There shall be a minimum 10-minute break between sessions.
7. Prior to occupation, the landowner/applicant is to enter into a legal agreement with surrounding business/the strata body for the purpose of ensuring the satisfactory provision and maintenance of shared parking through a parking management plan to the satisfaction of the City of Nedlands at the applicants cost in accordance with Clause 32.2 (4) of Local Planning Scheme No.3. (refer advice note 'c')

Advice Notes specific to this proposal:

- a) In relation to condition 4, the applicant is advised that the definition of the Recreation Private land use is defined under the City of Nedlands Local Planning Scheme No. 3 as follows:

means premises that are -

 - (a) used for indoor or outdoor leisure, recreation or sport; and
 - (b) not usually open to the public without charge.
- b) In relation to Condition (5) a separate development application is required to be submitted to and approved by the City prior to and increase in the number of staff and patrons.
- c) In relation to condition 7, the applicant is advised that the shared parking legal agreement and management plan:
 - i. must be to the satisfaction of the local government;
 - ii. must be made with the owner of the Shared Site, and any other person specified by the local government (which may include the local government);
 - iii. must be prepared (and if necessary, registered and lodged) at the cost of the owner of the development site;
 - iv. may, if required by the local government, provide for one or more of an easement, restrictive covenant, right-of-way, reciprocal access and circulation, lease, licence, notification, absolute caveat and any other provision necessary or convenient to ensure the shared parking arrangement is provided and maintained;
 - v. must not be amended, surrendered or terminated without the approval of the local government; and
 - vi. must result in a net car parking provision of no less than 16 bays during the time periods where two (2) concurrent sessions are run (6:00am-6:50am and 5:30pm and 6:20pm)

A copy of the legal agreement is to be prepared and be provided to the local government and endorsed by the City, prior to applying for an occupancy permit.

- d) The applicant is advised that a building permit will be required for fit-out prior to proceeding.
- e) Prior to occupying premises an occupancy permit will be required for a change in class from Class 7b to Class 9b.
- f) The applicant is advised that the application requires a separate assessment under the Health (Public Buildings) Regulations 1992 including a form 1 Application to Construct, Extend or Alter a Public Building; Form 2 – Application For Certificate of Approval and Form 5 – Certificate of Electrical Compliance.
- g) The applicant is advised that details will need to be provided to the City's Environmental Health Department as to the number of patrons (and instructors) to be accommodated on-site at any one time to enable a full assessment of the Public Building requirements to be undertaken.
- h) This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not occupied within the four-year period, the approval shall lapse and be of no further effect.

PD33.20	No. 35 The Avenue – Five Two Storey Grouped Dwellings
----------------	--

Committee	14 July 2020
Council	28 July 2020
Applicant	Urbanista, Petar Mrdja
Landowner	Niche Living Projects Pty Ltd
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right 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.
Reference	DA19-43081
Previous Item	Nil
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to the application proposing five dwellings.
Attachments	<ol style="list-style-type: none"> 1. Site Photos 2. Planning Report 3. Acoustic Report 4. Waste Management Plan 5. Landscape Plan
Confidential Attachments	<ol style="list-style-type: none"> 1. Plans 2. Submissions 3. Planning Assessment

Regulation 11(da) – Council wished to ensure the protection of the street frontage amenity and ensure that on street car bays and street trees were not removed.

Moved – Councillor Bennett

Seconded – Councillor Mangano

That the Recommendation to Council be adopted subject to the addition of the following condition:

- 17. The car parking and vehicle access for the first grouped dwelling with facade frontage to the Avenue shall be consolidated with the communal driveway for all other grouped dwellings so that there is only one consolidated vehicle access driveway crossing over**

verge, and that the superfluous double driveway be removed and replaced with verge, tree planting and street parking similar to currently exists in this location.

Amendment

Moved - Councillor Wetherall

Seconded - Councillor Poliwka

That condition 17 be removed.

The AMENDMENT was PUT and was

Lost 5/7

(Against: Mayor Crs. Horley Smyth Bennett
Mangano Hodsdon & Coghlan)

Councillor Hodsdon left the meeting at 9.55 pm.

The Original Motion was PUT and was

CARRIED 6/5

(Against: Crs. Mangano Wetherall Senathirajah Coghlan & Hay)

Council Resolution

Council approves the development application dated 12 December 2019 with amended plans received 11 June 2020 for five grouped dwellings at No. 35 (Lot 740) The Avenue, Nedlands, subject to the following conditions and advice:

- 1. This approval is for a 'Residential' land use as defined under the City's Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.**
- 2. The Landscaping plan (Attachment 5) forms part of this approval and shall be installed and maintained in accordance with the approved landscaping plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.**
- 3. Waste management for the development shall comply with the approved Waste Management Plan (Attachment 4) prepared by Dallywater Consulting dated June 2020 to the satisfaction of the City of Nedlands.**
- 4. The acoustic report (Attachment 2) prepared by Sealhurst dated 2 June 2020 forms part of this development approval and shall be complied with at all times to the satisfaction of the City of Nedlands. Recommendations contained within the acoustic report to achieve**

compliance with the Environmental Protection (Noise) Regulations 1997 are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.

5. The responsible entity (strata/corporate) shall be liable for all bin replacement costs and/or repair costs relating to any damage which may occur as a result of the bin compaction process.
6. The location of any bin stores shall be behind the street alignment so as not to be visible from the street or public place and constructed in accordance with the City's Health Local Law 1997.
7. All stormwater generated from the development shall be contained on site.
8. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
9. Prior to occupation of the development all fencing/visual privacy screens and obscure glass panels to major openings and unenclosed active habitable areas as annotated on the approved plans shall be screened in accordance with the Residential Design Codes by either;
 - a) fixed obscured or translucent glass to a height of 1.60 metres above finished floor level;
 - b) Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;
 - c) A minimum sill height of 1.60 metres as determined from the internal floor level; or
 - d) an alternative method of screening approved by the City of Nedlands.

The required screening shall be thereafter maintained to the satisfaction of the City of Nedlands.

10. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development or in:
 - a) Face brick;
 - b) Painted render
 - c) Painted brickwork; or
 - d) Other clean material as specified on the approved plans.

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

- 11. Prior to occupation of the development, the proposed car parking and vehicle access areas shall be drained and paved in accordance with the approved plans and are to comply with the requirements of AS2890.1 to the satisfaction of the City.**
- 12. Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.**
- 13. Prior to construction or demolition works, a Construction Management Plan shall be submitted to the satisfaction of the City of Nedlands. The approved construction shall be observed at all times throughout the construction process to the satisfaction of the City.**
- 14. Prior to the occupation of the development a lighting plan is to be implemented and maintained for the duration of the development to the satisfaction of the City.**
- 15. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.**
- 16. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.**
- 17. The car parking and vehicle access for the first grouped dwelling with facade frontage to the Avenue shall be consolidated with the communal driveway for all other grouped dwellings so that there is only one consolidated vehicle access driveway crossing over verge, and that the superfluous double driveway be removed and replaced with verge, tree planting and street parking similar to currently exists in this location.**

Advice Notes specific to this proposal:

- a) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency. The City encourages the applicant to speak with each department to understand any further requirements.**
- b) The applicant is advised that in relation to Condition 2, the landscaping plan shall detail the following:**

- i. Species and maturity of landscaping within the front setback areas which have a minimum pot size of 100L;**
 - ii. Species and maturity of landscaping proposed on the nature strip (verge) which have a minimum pot size of 200L;**
 - iii. Species and maturity of landscaping within each lot; and**
 - iv. Maintenance plan for all proposed landscaping on site and contingencies for replacement of dead and diseased plants.**
- c) The applicant is advised that in relation to condition 3, the maximum number of bins permitted on the verge is eight (8).**
- d) The applicant is advised that in relation to condition 4, as per the recommendations for air conditioning units to comply with the assigned levels of the Regulations at all times of the day, evening and night-time, the current air conditioner condenser unit specification is to be retained and the modified location and screening arrangement schematics detailed within the acoustic report are to be carried through to the Building Permit and construction documentation. Where any changes outside of these recommendations are proposed, assessment by an acoustic consultant is to be completed to confirm compliance with the Regulations.**
- e) The applicant is advised that in relation to Condition 13, the Construction Management Plan is to address but is not limited to the following matters:**
 - i. Construction operating hours;**
 - ii. Contact details of essential site personnel;**
 - iii. Noise control and vibration management;**
 - iv. Dust, sand and sediment management;**
 - v. Stormwater and sediment control;**
 - vi. Traffic and access management;**
 - vii. Protection of infrastructure and street trees within the road reserve and adjoining properties;**
 - viii. Dilapidation report of adjoining properties;**
 - ix. Security fencing around construction sites;**
 - x. Site deliveries;**
 - xi. Waste management and materials re-use**
 - xii. Parking arrangements for contractors and subcontractors;**
 - xiii. Consultation plan with nearby properties; and**
 - xiv. Complaint procedure.**
- f) The responsible entity (strata/corporate body) is responsible for the maintenance of the common property (including roads) within the development.**

- g) Any development in the nature-strip (verge), including footpaths, will require a Nature Strip Works Application (NSWA) to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing.**
- h) Where parts of the existing dwelling/building and structures are to be demolished, a demolition permit is required prior to demolition works occurring. All works are required to comply with relevant statutory provisions.**
- i) Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as guide to prevent noise affecting neighbouring properties. Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.**

Committee Recommendation / Recommendation to Committee

Council approves the development application dated 12 December 2019 with amended plans received 11 June 2020 for five grouped dwellings at No. 35 (Lot 740) The Avenue, Nedlands, subject to the following conditions and advice:

1. This approval is for a 'Residential' land use as defined under the City's Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.
2. The Landscaping plan (Attachment 5) forms part of this approval and shall be installed and maintained in accordance with the approved landscaping plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.
3. Waste management for the development shall comply with the approved Waste Management Plan (Attachment 4) prepared by Dallywater Consulting dated June 2020 to the satisfaction of the City of Nedlands.
4. The acoustic report (Attachment 2) prepared by Sealhurst dated 2 June 2020 forms part of this development approval and shall be complied with at all times to the satisfaction of the City of Nedlands. Recommendations contained within the acoustic report to achieve compliance with the Environmental Protection (Noise) Regulations 1997 are to be carried out and maintained for the lifetime of the development to the satisfaction of the City of Nedlands.
5. The responsible entity (strata/corporate) shall be liable for all bin replacement costs and/or repair costs relating to any damage which may occur as a result of the bin compaction process.

6. The location of any bin stores shall be behind the street alignment so as not to be visible from the street or public place and constructed in accordance with the City's Health Local Law 1997.
7. All stormwater generated from the development shall be contained on site.
8. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.
9. Prior to occupation of the development all fencing/visual privacy screens and obscure glass panels to major openings and unenclosed active habitable areas as annotated on the approved plans shall be screened in accordance with the Residential Design Codes by either;
 - e) fixed obscured or translucent glass to a height of 1.60 metres above finished floor level;
 - f) Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;
 - g) A minimum sill height of 1.60 metres as determined from the internal floor level; or
 - h) an alternative method of screening approved by the City of Nedlands.

The required screening shall be thereafter maintained to the satisfaction of the City of Nedlands.

10. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development or in:
 - e) Face brick;
 - f) Painted render
 - g) Painted brickwork; or
 - h) Other clean material as specified on the approved plans.

And maintained thereafter to the satisfaction of the City of Nedlands

11. Prior to occupation of the development, the proposed car parking and vehicle access areas shall be drained and paved in accordance with the approved plans and are to comply with the requirements of AS2890.1 to the satisfaction of the City.
12. Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street to the satisfaction of the City.
13. Prior to construction or demolition works, a Construction Management Plan shall be submitted to the satisfaction of the City of Nedlands. The approved construction shall be observed at all times throughout the construction process to the satisfaction of the City.

14. Prior to the occupation of the development a lighting plan is to be implemented and maintained for the duration of the development to the satisfaction of the City.
15. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
16. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.

Advice Notes specific to this proposal:

- j) This is a Planning Approval only and does not remove the responsibility of the applicant/owner to comply with all relevant building, health and engineering requirements of the City, or the requirements of any other external agency. The City encourages the applicant to speak with each department to understand any further requirements.
- k) The applicant is advised that in relation to Condition 2, the landscaping plan shall detail the following:
 - v. Species and maturity of landscaping within the front setback areas which have a minimum pot size of 100L;
 - vi. Species and maturity of landscaping proposed on the nature strip (verge) which have a minimum pot size of 200L;
 - vii. Species and maturity of landscaping within each lot; and
 - viii. Maintenance plan for all proposed landscaping on site and contingencies for replacement of dead and diseased plants.
- l) The applicant is advised that in relation to condition 3, the maximum number of bins permitted on the verge is eight (8).
- m) The applicant is advised that in relation to condition 4, as per the recommendations for air conditioning units to comply with the assigned levels of the Regulations at all times of the day, evening and night-time, the current air conditioner condenser unit specification is to be retained and the modified location and screening arrangement schematics detailed within the acoustic report are to be carried through to the Building Permit and construction documentation. Where any changes outside of these recommendations are proposed, assessment by an acoustic consultant is to be completed to confirm compliance with the Regulations.
- n) The applicant is advised that in relation to Condition 13, the Construction Management Plan is to address but is not limited to the following matters:
 - xv. Construction operating hours;

- xvi. Contact details of essential site personnel;
 - xvii. Noise control and vibration management;
 - xviii. Dust, sand and sediment management;
 - xix. Stormwater and sediment control;
 - xx. Traffic and access management;
 - xxi. Protection of infrastructure and street trees within the road reserve and adjoining properties;
 - xxii. Dilapidation report of adjoining properties;
 - xxiii. Security fencing around construction sites;
 - xxiv. Site deliveries;
 - xxv. Waste management and materials re-use
 - xxvi. Parking arrangements for contractors and subcontractors;
 - xxvii. Consultation plan with nearby properties; and
 - xxviii. Complaint procedure.
- o) The responsible entity (strata/corporate body) is responsible for the maintenance of the common property (including roads) within the development.
- p) Any development in the nature-strip (verge), including footpaths, will require a Nature Strip Works Application (NSWA) to be lodged with, and approved by, the City's Technical Services department, prior to construction commencing.
- q) Where parts of the existing dwelling/building and structures are to be demolished, a demolition permit is required prior to demolition works occurring. All works are required to comply with relevant statutory provisions.
- r) Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as guide to prevent noise affecting neighbouring properties Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.

PD34.20	No. 92 Smyth Road, Nedlands - 5 Two Storey Grouped Dwellings
----------------	---

Committee	14 July 2020
Council	28 July 2020
Applicant	Peter Fryer Design
Landowner	Allure Property Group WA
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Report Type Quasi-Judicial	When Council determines an application/matter that directly affects a person's right 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.
Reference	DA20-44804
Previous Item	PD29.20 – 23 June 2020 - Local Planning Policy: Smyth Road, Gordon Street and Langham Street Laneway and Built Form Requirements
Delegation	In accordance with the City's Instrument of Delegation, Council is required to determine the application due to the number of dwellings and an objection being received
Attachments	Nil
Confidential Attachments	1. Plans 2. Landscaping Plan 3. Waste Management Plan 4. Submissions

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall

Seconded – Councillor Coghlan

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY EN BLOC 11/-

Council Resolution / Committee Recommendation / Recommendation to Committee

Council approves the development application received 10 February 2020 with amended plans dated 28 April 2020 and 15 June 2020 for five (5) two storey grouped dwellings at Lot 17 (No.92) Smyth Road, Nedlands, subject to the following conditions and advice notes:

- 1. This approval is for a 'Residential' land use as defined under the City's Local Planning Scheme No.3 and the subject land may not be used for any other use without prior approval of the City.**
- 2. Pursuant to clause 32.3 of the City's Local Planning Scheme No. 3, the proposed laneway shown on the approved Site Plan, dated 15 June 2020 (Sheet 1 of 4), is to be ceded to the local government free of cost and constructed to the satisfaction of the local government, prior to the occupation of the development.**
- 3. The laneway shall be constructed and drained to the specification and satisfaction of the City of Nedlands prior to the occupation of the development.**
- 4. The laneway shall include the installation of lighting infrastructure at the cost of the owner, to the specification and satisfaction of the City.**
- 5. Prior to the occupation of development, semi-mature trees (with a minimum height of 2.4m and species and pot size to be specified by the City) are to be planted in the laneway to the satisfaction of the City and maintained by the owner for a minimum of 2 years from the commencement of occupation.. Where a tree dies within the two-year establishment period, the tree shall be replaced at the owner's cost.**
- 6. Prior to the issue of a Building Permit, a revised Waste Management Plan for the development shall be submitted to and approved by the City. Waste Management for the development to comply with the approved Waste Management Plan to the satisfaction of the City.**
- 7. Prior to the issue of a Building Permit, a revised Landscaping Plan for the development shall be submitted to and approved by the City. Landscaping shall be installed and maintained in accordance with the approved Landscaping Plan, or any modifications approved thereto, for the lifetime of the development thereafter, to the satisfaction of the City.**
- 8. All stormwater generated from the development shall be contained on site.**
- 9. All footings and structures shall be constructed wholly inside the site boundaries of the property's Certificate of Title.**

- 10. Prior to occupation of the development all fencing/visual privacy screens and obscure glass panels to major openings and unenclosed active habitable areas as annotated on the approved plans shall be screened in accordance with the Residential Design Codes by either;**
- a) fixed obscured or translucent glass to a height of 1.60 metres above finished floor level;**
 - b) Timber screens, external blinds, window hoods and shutters to a height of 1.6m above finished floor level that are at least 75% obscure;**
 - c) A minimum sill height of 1.60 metres as determined from the internal floor level; or**
 - d) an alternative method of screening approved by the City of Nedlands.**

The required screening shall be thereafter maintained to the satisfaction of the City of Nedlands.

- 11. Prior to occupation of the development the finish of the parapet walls is to be finished externally to the same standard as the rest of the development or in:**
- a) Face brick;**
 - b) Painted render;**
 - c) Painted brickwork; or**
 - d) Other clean material as specified on the approved plans;**

And maintained thereafter to the satisfaction of the City of Nedlands

- 12. Prior to occupation of the development, all external fixtures including, but not limited to TV and radio antennae, satellite dishes, plumbing vents and pipes, solar panels, air conditioners, hot water systems and utilities shall be integrated into the design of the building and not be visible from the primary street or secondary street to the satisfaction of the City.**
- 13. Prior to the construction or demolition works, a Construction Management Plan shall be submitted to the satisfaction of the City of Nedlands. The approved Construction shall be observed at all times throughout the construction process to the satisfaction of the City.**
- 14. Prior to the occupation of the development a lighting plan is to be implemented and maintained for the duration of the development to the satisfaction of the City.**

15. The development shall at all times comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
16. This decision constitutes planning approval only and is valid for a period of four years from the date of approval. If the subject development is not substantially commenced within the four-year period, the approval shall lapse and be of no further effect.

Advice Notes specific to this proposal:

- a) The owner and the applicant is advised that in relation to Condition 2, the proposed laneway shown on the approved Site Plan, dated 15 June 2020 (Sheet 1 of 4), is to be ceded free of cost pursuant to Section 152 of *the Planning and Development Act 2005*.
- b) The owner and applicant is advised that in relation to Condition 6, a revised Waste Management Plan is required to address:
 - i. Waste management in the event that through-access is achieved between No.92 Smyth Road and No.33 Langham Street, Nedlands.
- c) The owner and applicant is advised that in relation to Condition 7, a revised Landscaping Plan is required to:
 - i. Relocate plant type number 4 (Pyrus Calleryana Pear) to within the laneway, to the satisfaction of the City.
- d) The owner and the applicant is advised that in relation to Condition 13 the Construction Management Plan is to address but is not limited to the following matters:
 - i. Construction operating hours;
 - ii. Contact details of essential site personnel;
 - iii. Noise control and vibration management;
 - iv. Dust, sand and sediment management;
 - v. Stormwater and sediment control;
 - vi. Traffic and access management;
 - vii. Protection of infrastructure and street trees within the road reserve and adjoining properties;
 - viii. Dilapidation report of adjoining properties;
 - ix. Security fencing around construction sites;
 - x. Site deliveries;
 - xi. Waste management and materials re-use;
 - xii. Parking arrangements for contractors and subcontractors;
 - xiii. Consultation plan with nearby properties; and
 - xiv. Complaint procedure.

- e) Any development in the nature-strip (verge), including footpaths, will require a Nature Strip Works Application (NSWA) to be lodged with, and approved by, the City's Technical Services department, prior to commencing construction.**
- f) Where parts of the existing dwelling/building and structures are to be demolished, a demolition permit is required prior to demolition works occurring. All works are required to comply with relevant statutory provisions.**
- g) Prior to selecting a location for an air-conditioner, the applicant is advised to consult the online fairair noise calculator at www.fairair.com.au and use this as guide to prevent noise affecting neighbouring properties Prior to installing mechanical equipment, the applicant is advised to consult neighbours, and if necessary, take measures to suppress noise.**

PD35.20	Local Planning Scheme 3 – Local Planning Policy: Removal of Occupancy Restrictions
----------------	---

Committee	14 July 2020
Council	28 July 2020
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	OCM 24 March 2020 – PD07.20
Attachments	1. Draft Removal of Occupancy Restrictions LPP 2. Draft Planning Information Sheet – Removal of Notifications on Title – Over 55's Accommodation/Ancillary Dwelling

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall

Seconded – Councillor Senathirajah

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

Councillor Hodsdon returned to the meeting at 10.02 pm.

CARRIED 7/5
(Against: Crs. Horley Smyth Bennett Mangano & Coghlan)

Council Resolution / Committee Recommendation / Recommendation to Committee

Council proceeds to adopt the Removal of Occupancy Restrictions Local Planning Policy, as set out in Attachment 1, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4(3)(b)(i).

PD36.20	Built Form Modelling, Broadway, Waratah Village and Nedlands Town Centre
----------------	---

Committee	14 July 2020
Council	28 July 2020
Applicant	City of Nedlands
Director	Peter Mickleson – Director Planning & Development
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Reference	Nil
Previous Item	SCM 30 January 2020 - Item 6 OCM 26 May 2020 - PD18.20 – Local Planning Policy: Interim Built Form Design Guidelines – Broadway Mixed Use Zone
Attachments	Nil

Regulation 11(da) - The recommendation to Council was adopted with a further addition that ensured that the Palassis Architects report is publicly available and that they were thanked for their work.

Moved – Councillor Mangano
Seconded – Councillor Senathirajah

That the Recommendation to Council be adopted.

Amendment

Moved - Councillor Bennett
Seconded - Councillor Coghlan

That the following clause be added:

Instruct the CEO to formally receive the Palassis Architects authored City of Nedlands Municipal Inventory Review Report from 2011/2012 and make it publicly available as a digital reference document for built form/character/heritage, brief Council on the next scheduled Municipal Inventory review, and thank Palassis Architects for their work.

The AMENDMENT was PUT and was

**CARRIED ON THE CASTING VOTE 7/6
(Against: Crs. McManus Mangano Poliwka Wetherall Hay & Senathirajah)**

The Substantive was PUT and was

CARRIED UNANIMOUSLY 12/-

Council Resolution

Council instructs the Chief Executive Officer to:

- 1. continue with the planned schedule of works relating to built form modelling for the Nedlands Town Centre, Broadway and Waratah Village precincts and that such work is to inform the development of the Draft Precinct Local Plans and a draft report be presented to Council at the August 2020 Council Meeting; and**
- 2. formally receive the Palassis Architects authored City of Nedlands Municipal Inventory Review Report from 2011/2012 and make it publicly available as a digital reference document for built form/character/heritage, brief Council on the next scheduled Municipal Inventory review, and thank Palassis Architects for their work.**

Committee Recommendation

Council instructs the Chief Executive Officer to continue with the planned schedule of works relating to built form modelling for the Nedlands Town Centre, Broadway and Waratah Village precincts and that such work is to inform the development of the Draft Precinct Local Plans and a draft report be presented to Council at the August 2020 Council Meeting.

Recommendation to Committee

Council instructs the Chief Executive Officer to continue with the planned schedule of works relating to built form modelling for the Nedlands Town Centre, Broadway and Waratah Village precincts and that such work is to inform the development of the Draft Precinct Local Plans and be presented back to Council as soon as possible.

12.3 Technical Services Report No's TS13.20 to TS14.20

Technical Services Report No's TS13.20 to TS14.20 to be dealt with at this point (copy attached blue cover sheet).

TS13.20	Underground Power – Hollywood East, Nedlands North and Nedlands West
Committee	14 July 2020
Council	28 July 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Jim Duff – Director Technical Services
Attachments	<ol style="list-style-type: none"> 1. Western Power Works Planning Report – Hollywood East 2. Western Power Works Planning Report – Nedlands North 3. Western Power Works Planning Report – Nedlands West
Confidential Attachments	Nil

Councillor Mangano – Impartiality Interest

Councillor Mangano disclosed an impartiality interest his interest being that he contracts to Western Power, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Mangano declared that he would consider this matter on its merits and vote accordingly.

Councillor Hodsdon – Interest in common

Councillor Hodsdon disclosed an interest in common, his interest being that he owns a property in the area being discussed, and as a consequence, there may be a perception that his impartiality on the matter may be affected. Councillor Hodsdon declared that he would consider this matter on its merits and vote accordingly.

Councillor Horley left the meeting at 10.34 pm.

Regulation 11(da) – Council wished to give councillors more time to consider this matter.

Moved – Mayor de Lacy
Seconded – Councillor Wetherall

That this item be deferred to Special Council Meeting on 4 August 2020.

Councillor Horley returned to the meeting at 10.41 pm.

**CARRIED 10/2
(Against: Crs. Mangano & Poliwka)**

Council Resolution

That this item be deferred to Special Council Meeting on 4 August 2020.

Please note: No recommendation from Committee was made.

Recommendation to Committee

Council:

1. approves an increase in the operations budget from \$180,000 to \$983,260 to fund the design of underground power in Hollywood East, Nedlands North and Nedlands West. The additional cost to come from the Underground Power Reserve Fund; and
2. approves the CEO to authorise Western Power to proceed with the scoping and planning phase of the Hollywood East, Nedlands North and Nedlands West underground power projects as detailed in the Works Planning Reports dated 16 June.

TS14.20	Safe Active Streets Stage 2 – Variation Costs
----------------	--

Committee	14 July 2020
Council	28 July 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Jim Duff – Director of Technical Services
Attachments	Nil.
Confidential Attachments	Nil.

Regulation 11(da) – Council wishes to accommodate the concerns of the adjacent landowners of the Safe Active Street on Elizabeth Street between Viewway and Kingsway.

Moved – Councillor McManus
 Seconded – Councillor Poliwka

That the Recommendation to Council be adopted.
 (Printed below for ease of reference)

Amendment

Moved - Councillor Coghlan
 Seconded - Councillor Bennett

That the section of Safe Active Street on Elizabeth Street between Viewway and Kingsway is reviewed by the engineers to accommodate adjacent landowner concerns.

The AMENDMENT was PUT and was

CARRIED 8/4
(Against: Crs. McManus Hodsdon Poliwka & Wetherall)

The Substantive was PUT and was

CARRIED 9/3
(Against: Crs. Bennett Mangano Coghlan)

Council Resolution

Council approves:

- 1. an increase to the budget for the Safe Active Street project by \$200,000 of municipal funds. The funds are now required to enable the completion of Stage 2 works from Dalkeith Road to the agreed termination point at the City boundary near Bay Road; and**
- 2. that the section of Safe Active Street on Elizabeth Street between Viewway and Kingsway is reviewed by the engineers to accommodate adjacent landowner concerns.**

Committee Recommendation / Amended Recommendation to Committee

Council approve an increase to the budget for the Safe Active Street project by \$200,000 of municipal funds. The funds are now required to enable the completion of Stage 2 works from Dalkeith Road to the agreed termination point at the City boundary near Bay Road.

Recommendation to Committee

Council approves an increase to the budget for the Safe Active Street project by reinstating \$300,000 of municipal funds relinquished as part of the City's 2019/20 mid-year review and allocating a further \$100,000 to enable the completion of Stage 2 works from Dalkeith Road to the agreed termination point at the City boundary near Bay Road.

12.4 Community Development No's CM05.20

Report No's CM05.20 to be dealt with at this point (copy attached orange cover sheet).

CM05.20	Community Sport and Recreation Facilities Fund Application – Dalkeith Tennis Club and Allen Park Tennis Club
----------------	---

Committee	14 July 2020
Council	28 July 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Lorraine Driscoll – Director Corporate and Strategy
Attachments	Nil
Confidential Attachments	Nil

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall
 Seconded – Councillor Coghlan

That the Recommendation to Council be adopted.
 (Printed below for ease of reference)

CARRIED UNANIMOUSLY EN BLOC 11/-

Council Resolution / Committee Recommendation / Recommendation to Committee

Council:

- 1. advises Department of Local Government, Sport and Cultural Industries (DLGSCI) that it has ranked and rated the application to the Community Sport and Recreation Facilities Fund Small Grant Round as follows:**
 - a. Dalkeith Tennis Club – Reconstruction of Four Hard Courts: Well planned and needed by the municipality (A Rating);**
 - b. Allen Park Tennis Club – Tennis Court Fence Replacement: Well planned and needed by the municipality (A Rating);**

- 2. endorses the above applications to Department of Local Government, Sport & Cultural Industries on the condition that all necessary statutory approvals are obtained by the applicants; and**
- 3. approves an amount of \$48,799 (ex GST) for Dalkeith Tennis Club, conditional on the project receiving DLGSCI funding.**
- 4. approves an amount of \$27,324 (ex GST) for Allen Park Tennis Club, conditional on the project receiving DLGSCI funding.**

12.5 Corporate & Strategy Report No's CPS12.20 to CPS13.20

Report No's CPS12.20 to CPS13.20 to be dealt with at this point (copy attached green cover sheet).

CPS12.20 List of Accounts Paid – May 2020	
Committee	14 July 2020
Council	28 July 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Creditor Payment Listing May 2020 2. Credit Card and Purchasing Card Payments – May 2020 (28 th April – 27 th May 2020)

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall
Seconded – Councillor Coghlan

That the Recommendation to Council be adopted.
(Printed below for ease of reference)

CARRIED UNANIMOUSLY EN BLOC 11/-

Council Resolution / Committee Recommendation / Recommendation to Committee

Council receives the List of Accounts Paid for the month of May 2020 as per attachments.

CPS13.20	Deed of Surrender – Town of Claremont Leases
-----------------	---

Committee	14 July 2020
Council	28 July 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	1. Draft Deed of Surrender; 2. Map of Crown Reserve 35569; and 3. Map of Crown Reserve 45054.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall
Seconded – Councillor Coghlan

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED UNANIMOUSLY EN BLOC 12/-

Council Resolution / Committee Recommendation

Council:

- 1. endorses the draft Deed of Surrender as contained in Attachment 1;**
- 2. approves the Mayor and CEO to execute the deed and apply the City’s Common Seal; and**
- 3. requests the CEO to ensure any operational decisions regarding the future use of the “Surrendered Land” are aligned to the emerging planning framework for NE Mt Claremont Master Plan and Carrington Street Precinct.**

Recommendation to Committee

Council:

- 1. endorses the draft Deed of Surrender as contained in Attachment 1; and**
- 2. approves the Mayor and CEO to execute the deed and apply the City’s Common Seal.**

13. Reports by the Chief Executive Officer

13.1 Amendments to Local Planning Policy Residential Aged Care Facilities

Please note: This item was brought forward see page 33 pm.

13.2 Scheme Amendment No. 10 – Amendment to Additional Use 9

Please note: This item was brought forward see page 43 pm.

13.3 Scheme Amendment No. 11 – Residential Aged Care Facilities – Additional Requirements

Please note: This item was brought forward see page 48.

13.4 Deed of Easement and Deed of Agreement former Brockway Landfill Site

Council	28 July 2020
Applicant	City of Nedlands Department of Planning Lands and Heritage Christ Church Grammar School
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
CEO	Mark Goodlet
Previous Item	PD74.18 – OCM 18 December 2018 PD13.19 – OCM 23 April 2019
Attachments	1. Deed of Easement 2. Deed of Agreement 3. Easement Map

Regulation 11(da) - Council determined to add some words of clarification of intention for the easement to be permanent.

Moved – Councillor Smyth
Seconded – Councillor Horley

That the Recommendation to Council be adopted subject to including the words “portion of” before the words “the former Brockway Landfill Site” in clauses 1 and 2.

In clause 1 add the words “in perpetuity” after the word “easement” and after the word “agreement”.

**CARRIED 11/1
(Against: Cr. Mangano)**

Council Resolution

Council:

- 1. approves the signing of the Deed of Easement in perpetuity and the Deed of Agreement in perpetuity over the portion of former Brockway Landfill Site and instructs Administration to execute the documents; and**
- 2. approves the implementation of a Subject to Claim Caveat over the portion of former Brockway Landfill Site and instructs Administration to execute this.**

Recommendation to Council

Council:

1. approves the signing of the Deed of Easement and the Deed of Agreement over the former Brockway Landfill Site and instructs Administration to execute the documents; and
2. approves the implementation of a Subject to Claim Caveat over the former Brockway Landfill Site and instructs Administration to execute this.

Executive Summary

In April 2019 Council supported the former Brockway landfill site to be developed for sport and recreation purposes. The Department of Planning Lands and Heritage (DPLH) is currently going through the process of transferring the land to Christ Church Grammar School (the School) for this purpose. During this process, the City has requested an easement near the western boundary of the parcels to provide for a significant portion of the school sports circuit. The City has also requested that a Deed of Agreement be signed between the School and the City to enforce the conditions of the Council's support in their April 2019 resolution.

The purpose of this report is to gain Council support for the execution of the Deed of Easement and the Deed of Agreement over the former Brockway landfill site.

Discussion/Overview

In April 2019 Council supported the proposal put forward by Christ Church Grammar School for the former Brockway landfill site to be redeveloped for sport and recreation. The sites are currently unused and the cost of remediation due to the former landfill operations mean that State Government as landowners have not been able to redevelop the site themselves. The Department of Planning Lands and Heritage (DPLH) are currently going through the process of selling the land to Christ Church Grammar School for the creation of playing fields. This process is estimated to be completed by the end of August 2020.

During the sale of this land the City has asked for two legal documents to be created: a Deed of Agreement between the School and the City and a Deed of Easement between the School, the City and DPLH.

The Deed of Agreement will allow the City to enforce all the conditions of support placed on the April 2019 Council resolution such as public access rights. This document will also contain conditions and liability information in relation to the easement between the City and the School. The School has also

offered for the City to register a Subject to Claim Caveat over the land. This would further state the City's interest in the land. Administration will also be placing a Subject to Claim Caveat over the site as part of the Deed of Agreement.

The Deed of Easement will allow for the City to gain rights to a strip along the western boundary of the lots as shown in Attachment 3. This will form a crucial piece of the School Sports Circuit a project that the City has been working on for some time. The easement document itself is a standard template provided by DPLH. The Easement map has been modelled based on information provided by the City's Technical Services department based on the desired location from Council and the topography and constraints of the site. The Easement land will be set aside for the City to redevelop when ready to do so for the school sports circuit.

This item is being put to Council as a July CEO item due to the time sensitivity of this project. The Deed of Easement and the Deed of Agreement need to be signed prior to the transfer of the land taking place in August 2020 to secure the easement for the school sports circuit.

Independent legal advice has been sought by the City to ensure that the best interests of the City in relation to the school sports circuit and the April 2019 resolution conditions are protected and met.

Key Relevant Previous Council Decisions:

In April 2019 Council resolved the following in relation to Christ Church's request for support for their proposal to purchase the former landfill site from the State Government.

Council Resolution / Committee Recommendation

Council instructs Administration to write a letter of endorsement from the City to support the lots shown in Table 1 to be developed for sport and recreation, with the conditions that:

1. The sites are remediated, and any contamination issues are resolved;
2. That the sites are amalgamated;
3. The sites are used for sport and recreational purposes;
4. The sites are open to the public for use; and
5. That the City has the opportunity to participate in the planning and development.

Consultation

The City has been working closely with Christ Church Grammar School and the Department of Planning, Lands and Heritage (DPLH) throughout this process. Legal advice has also been sought on all documentation to ensure that the City's position in relation to the use of the site and the easement are protected.

Strategic Implications

How well does it fit with our strategic direction?

The Deed of Easement allows for the City to gain a significant piece of the school sports circuit, a project which is a strategic goal of the City. The Deed of Agreement allows for the City to enforce that the site be open to the public allowing for a greater benefit to the wider community.

Who benefits?

The City benefits in gaining a significant portion of the school sports circuit. The wider community also benefit due to the public access component of the Deed of Agreement.

Does it involve a tolerable risk?

A risk to the City is failure to sign the Deed's prior to the transfer of the land in August 2020 would result in DPLH being forced to transfer for the land without the easement in place. This would mean that the City would not gain a significant portion of the school sports circuit.

Do we have the information we need?

All the information required is detailed in this report and attachments.

Budget/Financial Implications

Can we afford it?

There is no cost to the City at this point in relation to the signing of these documents. The costing to construct this portion of the school sports circuit will progress through the normal budgetary requirements at a later date.

How does the option impact upon rates?

There will be no impact upon rates.

Conclusion

Given the above and tight timeframes in relation to the matter Administration recommends that the City action the signing of both the Deed of Easement and the Deed of Agreement over the former Brockway landfill site.

Deed of Easement

TABLE OF CONTENTS

1.	DEFINITIONS AND INTERPRETATION	1
1.1.	Definitions	1
1.2.	Interpretation	3
1.3.	Acts of the Minister	4
2.	GRANT OF EASEMENT	4
2.1.	Grant	4
2.2.	Conditions which apply to the Easement	4
2.3.	Burden of Easement	5
3.	GRANTEE'S COVENANTS	5
3.1.	Use of Easement area	5
3.2.	Maintenance of Easement Area	6
3.3.	Comply with Laws	6
3.4.	Environmental Obligations	7
4.	INDEMNITY RELEASE AND INSURANCE	7
4.1.	Definition	7
4.2.	Indemnity	7
4.3.	Release	8
4.4.	Insurance	9
5.	NON-EXCLUSIVE EASEMENT	10
5.1.	Other Easements or Interests	10
5.2.	Land under Care, Control and Management	11
6.	GENERAL PROVISIONS	11
6.1.	Severance	11
6.2.	Applicable Law	11
6.3.	Waiver and Variation	11
6.4.	Grantee's cost	11
6.5.	Duty and registration fees	11
6.6.	Civil Liability Act 2002	11
6.7.	Registration	11
7.	NOTICE PROVISIONS	11
7.1.	Giving of Notice	11
7.2.	Delivery of Notice	12
7.3.	Freehold Land	12
7.4.	Notice To More Than One Grantee	12
8.	GOODS AND SERVICES TAX	12
8.1.	Easement fee exclusive of GST	12
8.2.	Grantee to pay GST	13
8.3.	Tax invoice	13
8.4.	Notification is conclusive	13
8.5.	The Grantee must pay GST at same time	13
8.6.	Apportionment of GST	13
8.7.	Other supplies	13
	SCHEDULE	14

THIS DEED OF EASEMENT is made between the Grantor and the Grantee described in the Easement Form which is attached to and forms part of this Deed.

RECITALS

- A. The Grantor may under sections 195 and 196 of the LAA grant a public access easement over Crown land in favour of the State, State instrumentality, statutory body corporate or local government subject to and in accordance with the provisions of the LAA.
- B. The Servient Tenement is Crown land.
- C. The Grantee has requested the Grantor to grant to it, pursuant to the LAA, a public access easement over the Easement Area for the Easement Purpose.
- D. The Grantor has agreed to grant in favour of the Grantee the Easement over the Easement Area in accordance with sections 195 and 196 of the LAA upon the terms and conditions set out in this Deed, and with the consent of every management body and every person having the an interest, right, title or power in respect of the Easement Area.
- E. The Grantee has paid to the Grantor in consideration of the grant of this Easement the Easement Fee.

COVENANTS AND CONDITIONS

THE PARTIES AGREE AS FOLLOWS:

1. DEFINITIONS AND INTERPRETATION

1.1. DEFINITIONS

In this Deed unless the contrary intention appears the expression:

Authorisation includes a consent, authorisation, permit, licence, approval, agreement, certificate, authority or exemption from, by or with a Governmental Agency or required under any Law and all conditions attached to an authorisation.

Business Day means any day other than a Saturday, Sunday or public holiday in Western Australia.

Claim means actions, claims, proceedings, suits, judgments, demands, losses, damages, costs and expenses, including the costs of defending or settling any action, claim, proceeding, suit or demand.

Contamination is the state of being contaminated, as that term is defined in the CSA.

Crown means the Crown in right of the State of Western Australia.

CSA means the *Contaminated Sites Act 2003*.

Deed means the deed of easement constituted by this document and any amendments to it or variations of it and includes the Easement Form and any annexures.

Department means the department principally assisting the Minister in the administration of the LAA from time to time.

Easement means the easement created by this Deed and its registration.

Easement Area means the Servient Tenement.

Easement Fee means the sum shown in the panel with the heading consideration in the Easement Form.

Easement Form means the approved form under the LAA which is attached to and forms part of this Deed.

Easement Purpose means the easement purpose specified in clause 2.1.

Encumbrance means the limitations, interests, encumbrances and notifications on the Servient Tenement described in the panel with that heading in the Easement Form.

Environmental Harm has the same meaning as that term is defined in the *Environmental Protection Act 1986*.

Environmental Law means all planning, environmental, Contamination or Pollution laws and any regulations, orders, directions, ordinances or all requirements, permission, permits or licences issued thereunder.

Environmental Notice means any notice, direction, order, demand or other requirement to take any action or refrain from taking any action from or by any Governmental Agency, whether written or oral and in connection with any Environmental Law.

Existing Interest Holder means the holder of any interest shown as an Encumbrance as at the date of this Deed and the management body of any reserve over the Easement Area (whether or not shown as an Encumbrance).

Existing Interest Holder Infrastructure includes any structure, fixture, fitting, pipeline, cable, equipment, or bituminised surface that an Existing Interest Holder has installed, constructed or placed within the Easement Area from time to time in exercise of their rights under their interest.

Governmental Agency means any government or any governmental, semi-governmental, administrative, fiscal or judicial body, department, commission, authority, tribunal, agency, statutory authority or entity.

Grantee means the grantee described in the panel with that heading in the Easement Form.

Grantee's Address for Service means the address specified in item 2 of the Schedule or such other address as may be notified to the Grantor from time to time.

Grantee's Authorised Users means the employees, agents, contractors, workmen, licensees and invitees of the Grantee, as well as the public at large.

Grantor means the Minister on behalf of the State of Western Australia and includes the Crown and the successors in title of the Crown to, and registered proprietors from time to time of, the Easement Area.

Grantor's Address for Service means the address specified in item 1 of the Schedule or such other address as may be notified to the Grantee from time to time.

Grantor's Authorised Users means all persons reasonably required or authorised or permitted by the Grantor to use the Easement Area and includes the Existing Interest Holders.

GST has the meaning given in section 195-1 of the GST Act.

GST Act means *A New Tax System (Goods and Services Tax) Act 1999*.

GST law has the meaning given in section 195-1 of the GST Act.

Insurance Amount means the amount specified in item 3 of the Schedule or such other amount as the Grantor may reasonably require from time to time.

Insurance Policy means the insurance policy required to be taken out by the Grantee under clause 4.4.

LAA means the *Land Administration Act 1997*.

Law includes any requirement of any statute, regulation, proclamation, ordinance or by-law present or future of any State, Commonwealth or local government.

Material Environmental Harm has the same meaning as that term is defined in the *Environmental Protection Act 1986*.

Minister means the Minister for Lands, being a body corporate existing under section 7(1) of the LAA and being the Minister to whom administration of the LAA is committed from time to time.

Parties means the Grantor and the Grantee.

Party means the Grantor or the Grantee as the context requires.

Pollution means any thing that is pollution within the meaning of that term as defined in the *Environmental Protection Act 1986* that is not authorised under any Law.

Public Utility Provider means every body established or continued under a Law or authorised or licensed under a Law, which authorises that body to set up, establish, provide, operate, use and enjoy, maintain, repair and replace any works and undertakings, in, or under, over, through or across the Easement Area for any public purpose including any services for the benefit of the general public or a part of it.

Relevant Land means the Easement Area and the Surrounding Area.

Schedule means the schedule to this Deed.

Services means all utility services including water supply, gas, sewerage, waste disposal, drainage, electricity and telecommunications.

Servient Tenement means the land described in the panel with that heading in the Easement Form.

State means the State of Western Australia, any Minister of the Crown, any State Government department, agency or instrumentality, and any body whether corporate or unincorporate that is established or continued for a public purpose by or under a Law.

Surrounding Area means any land or water adjacent to or in the vicinity of the Easement Area and the air generally above the Easement Area, and includes an "affected site" within the meaning of that term as defined in the CSA as it relates to the Easement Area and anything done in or on the Easement Area by the Grantee or the Grantee's Authorised Users.

Tax Invoice has the meaning given in section 195-1 of the GST Act.

Taxable Supply has the meaning given in section 195-1 of the GST Act.

Termination means the cancellation under the LAA, termination, surrender or other early determination of this Easement.

1.2. INTERPRETATION

In this Deed, unless the context requires otherwise:

- (a) clause headings are for convenient reference only and shall have no effect in limiting or extending the language of the provisions to which they refer;
- (b) a reference to a clause, schedule or annexure is a reference to a clause of or schedule or annexure to the document in which the reference appears;
- (c) a reference to any Law includes consolidations, amendments, re-enactments or replacements of it;
- (d) the singular includes the plural, the plural includes the singular and any gender includes each other gender;

- (e) if a period of time is specified and dates from a given day or the day of an act or event, it is to be calculated exclusive of that day;
- (f) the word “person” includes a firm, a body corporate, an unincorporated association or a Governmental Agency;
- (g) a reference to a party to this Deed includes that party’s successors and permitted assigns and in the case of a natural person includes that person’s personal representatives and administrators;
- (h) covenants in this Deed by two or more persons as a party to the Deed are deemed to be joint and several;
- (i) the word “including” is deemed to be followed by the words “but not limited to”;
- (j) if a Governmental Agency, association, body or authority, whether statutory or not ceases to exist or is reconstituted, renamed, replaced or its powers or functions are transferred to any other body, a reference to that body means the body established or constituted in its place or that undertakes the powers or functions of that body;
- (k) a reference to this Deed or another instrument includes any variation of either of them;
- (l) if a word or phrase is defined, cognate words or phrases have corresponding definitions; and
- (m) words defined in the LAA have the same meaning where used in this Deed.

1.3. ACTS OF THE MINISTER

All acts and things which the Grantor or the Minister is required or empowered to do under this Deed may be done by the Minister or an officer of the Department to whom the power to grant easements under Part 8 of the LAA is delegated under section 9 of the LAA.

2. GRANT OF EASEMENT

2.1. GRANT

In consideration of payment to the Grantor of the Easement Fee and the covenants on the part of the Grantee in this Deed, the Grantor hereby grants, pursuant to sections 195 and 196 of the LAA, to the Grantee subject to the Encumbrances a public access easement for the non-exclusive right for the Grantee and the Grantee’s Authorised Users to go, pass and repass from time to time and at all times with or without motor vehicles and with such materials, plant and equipment as is reasonably necessary over and along the Easement Area (**Easement Purpose**).

2.2. CONDITIONS WHICH APPLY TO THE EASEMENT

The Easement is subject to the right of:

- (a) the Grantor;
- (b) the Grantor’s Authorised Users; and
- (c) all other persons lawfully entitled to use the Easement Area from time to time,

to use or continue to use the Easement Area in any manner for which they are authorised and, in the case of any grant of an interest in the Easement Area subsequent to the grant of this Easement, which is not inconsistent with the Easement.

2.3. BURDEN OF EASEMENT

The burden of this Easement runs with and binds the Servient Tenement.

3. GRANTEE'S COVENANTS

3.1. USE OF EASEMENT AREA

The Grantee hereby covenants with the Grantor, for the duration of the Easement, that the Grantee and the Grantee's Authorised Users will:

- (a) not use the Easement Area for any purpose other than as specified in this Deed;
- (b) not cause or permit the obstruction of the Easement Area;
- (c) not permit or cause any damage to the Easement Area or the Surrounding Area;
- (d) not do any act, matter or thing within the Easement Area which would constitute a nuisance or fire hazard or which could cause injury or damage to any improvement on the Easement Area;
- (e) where maintenance or other works to be carried out within the Easement Area are other than of an emergency nature or of a minor routine nature (in which case no notice is required), give at least 7 days notice in writing to the Grantor and to the Existing Interest Holders of the nature of and the estimated duration of those works;
- (f) carry out and complete any work commenced at any time within the Easement Area in a proper and workmanlike manner with all proper speed and if necessary:
 - (i) fill in, consolidate and level off any holes or trenches made by those works within the Easement Area;
 - (ii) carry away all earth and rubbish;
 - (iii) reinstate and make good the surface area of the Easement Area within a reasonable period to the satisfaction of the Grantor; and
 - (iv) cut and remove only such trees and vegetation as are necessary, preserve the vegetation as much as possible and cause minimum disturbance to the top soil and if required by the Grantor, restore and regenerate the trees and vegetation within the Easement Area (as near as reasonably practical) to the state and condition they were in before use by the Grantee of the Easement Area pursuant to this Deed or replant with trees and vegetation of similar species as to those within the Easement Area before such use except to the extent such restoration and replanting is inconsistent with the exercise of the rights granted under the Easement;
- (g) while the soil or surface of the Easement Area is open during the progress of any work, ensure that the same is properly guarded and affix adequate signs or notices for the warning of persons likely to be endangered by such work;
- (h) immediately fill, compact and level any part of the Easement Area which may have suffered any subsidence;
- (i) repair or remedy any damage caused by the Grantee or the Grantee's Authorised Users to the Easement Area or the Surrounding Area, and any

improvements and Services in, on, under or over the Easement Area, and erosion or other form of degradation;

- (j) not, unless required by any Law, fence off the Easement Area or part thereof without the prior written consent of the Grantor and any Existing Interest Holder who has Existing Interest Holder Infrastructure in the Easement Area affected by such fencing (such consent not to be unreasonably withheld), but may construct and maintain in a proper manner, with the consent of any fence owner a gate or gates as the Grantee shall require in any fence or fences now or hereafter crossing the Easement Area;
- (k) exercise its rights in respect of the Easement Area in a manner that does not prevent or prejudice the use of the Easement Area by other persons who use the Easement Area and, in particular, must not interfere with the use of the Easement Area by the Existing Interest Holders or cause damage to the Existing Interest Holders' Infrastructure;
- (l) upon Termination, remediate the Easement Area in accordance with best industry practice existing at the time of such Termination and to the satisfaction of the Grantor; and
- (m) comply with any reasonable directions of the Grantor or its employees as to the manner in which the Grantee's rights are exercised.

The obligations of the Grantee under this clause continue after Termination of this Easement in respect of any thing done or omitted to be done on the Easement Area by the Grantee or the Grantee's Authorised Users during the currency of the Easement.

3.2. MAINTENANCE OF EASEMENT AREA

- (a) The Grantee is at its own cost responsible for the full and proper maintenance, care and upkeep of the Easement Area for the duration of this Easement.
- (b) The Grantee acknowledges that the Grantor is not responsible for the maintenance, care or upkeep of the Easement Area.

3.3. COMPLY WITH LAWS

The Grantee hereby covenants with the Grantor, for the duration of the Easement, that the Grantee and the Grantee's Authorised Users will:

- (a) comply with all Laws, including Environmental Laws, that apply to the exercise of the Grantee's rights in respect of the Easement Area;
- (b) obtain any Authorisation required for any conduct, activity or use undertaken by the Grantee or the Grantee's Authorised Users within the Easement Area, including the purpose specified in this Deed before that conduct, activity or use is undertaken and keep all such Authorisations in full force and effect;
- (c) use and only permit the use of the Easement Area in a manner which complies with each Law and each Authorisation held by the Grantee in accordance with subclauses (a) and (b); and
- (d) not do or omit to do any act or permit the doing or omission of any act which might directly or indirectly result in the revocation, suspension or adverse modification of an Authorisation in relation to the Easement Area or any conduct or activity relating to the use of the Easement Area.

3.4. ENVIRONMENTAL OBLIGATIONS

- (a) The obligations in this clause 3.4 are in addition to the obligations in clauses 3.1 and 3.3.
- (b) The Grantee hereby covenants with the Grantor, for the duration of the Easement, that the Grantee and the Grantee's Authorised Users will not cause or permit any Contamination, Pollution or Material Environmental Harm to occur in, on or under the Relevant Land.
- (c) The Grantee will notify the Grantor immediately on becoming aware of:
 - (i) the existence of any Contamination of the Relevant Land;
 - (ii) any Pollution affecting the Relevant Land;
 - (iii) an Environmental Notice being served on the Grantee or the Grantee's Authorised Users in relation to the Relevant Land; or
 - (iv) the making of a complaint to any person including, but not limited to, the Grantee or the Grantee's Authorised Users or the commencement of proceedings against the Grantee or the Grantee's Authorised Users relating to an alleged failure by the Grantee or the Grantee's Authorised Users to observe or perform an obligation under an Environmental Law in respect of the Relevant Land.
- (d) The Grantee will, at the Grantee's cost, comply with every Environmental Notice issued in respect of, or relating to, the use by the Grantee or the Grantee's Authorised Users of the Relevant Land except to the extent caused by the negligence of the Grantor or the Grantor's Authorised Users, whether the notice is served on the Grantor or the Grantee or one or more of or the Grantee's Authorised Users.
- (e) Without:
 - (i) affecting the obligations of the Grantee in this clause; or
 - (ii) limiting any right of, or indemnity in favour of, the Grantor,if any Contamination, Pollution or Material Environmental Harm occurs in breach of subclause (b), the Grantee must do everything necessary to minimise the effect of the Contamination, Pollution or Material Environmental Harm as soon as reasonably practicable and must remediate any resultant damage and harm, to the reasonable satisfaction of the Grantor and in compliance with any Environmental Notice or Environmental Law.
- (f) The obligations of the Grantee under this clause continue after Termination of this Easement in respect of any thing done or omitted to be done on the Easement Area by the Grantees or Grantee's Authorised Users during the currency of the Easement.

4. INDEMNITY RELEASE AND INSURANCE

4.1. DEFINITION

In clauses 4.2 and 4.3, **Indemnified Parties** means the Grantor, the State, the Grantor's Authorised Users and all officers, servants, agents, contractors, invitees and licensees of any of them.

4.2. INDEMNITY

- (a) The Grantee hereby covenants with the Grantor to indemnify and keep indemnified, the Indemnified Parties from and against all Claims

whatsoever (whether based in contract, tort or statute or otherwise howsoever arising or any combination thereof) which may at any time be brought maintained or made against or incurred by all or any one or more of the Indemnified Parties:

- (i) in respect of any destruction, loss (including loss of use), injury or damage of any nature or kind of or to property of any person whether or not on the Easement Area and including the property of:
 - (A) any of the Indemnified Parties;
 - (B) the Grantee, or the Grantee's Authorised Users; and
 - (ii) in respect of the death of, injury to or illness of, any person including:
 - (A) the Indemnified Parties;
 - (B) the Grantee, or the Grantee's Authorised Users,
directly or indirectly caused by or arising out of or in connection with:
 - (iii) the use of the Easement Area by the Grantee or the Grantee's Authorised Users;
 - (iv) any work carried out by or on behalf of the Grantee under this Deed;
 - (v) the exercise or enjoyment or purported exercise or enjoyment of any of the rights conferred on the Grantee or the Grantee's Authorised Users under this Deed;
 - (vi) any Contamination Pollution or Environmental Harm in, on, under or to the Relevant Land caused or contributed to by the Grantee or the Grantee's Authorised Users;
 - (vii) any remediation required in respect of the Relevant Land or otherwise having to comply with any Environmental Notice or any other notice received from any Governmental Agency arising from or relating to the use of the Relevant Land by the Grantee or the Grantee's Authorised Users;
 - (viii) any default by the Grantee in the due and punctual performance of or compliance with any of the terms covenants and conditions contained in this Deed, or any other Law that apply to the exercise of the Grantee's rights in respect of the Easement Area; or
 - (ix) any negligent or other tortious act or omission of the Grantee or the Grantee's Authorised Users.
- (b) The obligations of the Grantee under this clause 4.2 are unaffected by the obligation of the Grantee to take out insurance, and the obligations of the Grantee to indemnify are paramount.
- (c) The indemnities contained in this clause 4.2 continue in full force and effect notwithstanding Termination for any reason in respect of any act, deed, matter or thing occurring prior to Termination.

4.3. RELEASE

The Grantee:

- (a) agrees to use and keep the Easement Area at its own risk;
- (b) releases, to the full extent permitted by law, the Indemnified Parties from:

- (i) any liability which may arise in respect of any destruction, loss (including loss of use), injury or damage to property or death of, injury to, or illness of, any person, of any nature in or near the Easement Area;
- (ii) all Claims arising out of or in connection with (directly or indirectly) the presence of any Contamination, Pollution or Environmental Harm in, on, under or to the Relevant Land at any time throughout the duration of the Easement; and
- (iii) without limiting paragraph (i), destruction, loss, injury or damage to fixtures or personal property of the Grantee or the Grantee's Authorised Users;

except to the extent that such loss or damage is caused or contributed to by the negligence of the Grantor.

- (c) The release contained in this clause 4.3 continues in full force and effect notwithstanding Termination for any reason in respect of any act, deed, matter or thing occurring prior to Termination.

4.4. INSURANCE

- (a) The Grantee must effect, maintain and keep current with an insurer authorised to carry on an insurance business by the Australian Prudential Regulation Authority under the *Insurance Act 1973 (Cth)* and to the satisfaction of the Grantor, a public liability insurance policy for the Insurance Amount (or such other amount as the Grantor may reasonably require at any time and from time to time consistent with usual prudent commercial practice) for any one occurrence and unlimited in the aggregate during any one period of insurance and covers all Claims and losses howsoever arising or caused, consistent with usual prudent commercial practice, including those in respect of:
 - (i) any illness of, injury to or death of, any person;
 - (ii) any loss, damage or destruction to any property including to the property of any of the Indemnified Parties;
 - (iii) the loss of use of any property, including the property of any of the Indemnified Parties;
 - (iv) liability arising out of any Contamination, Pollution or Environmental Harm of or to the Relevant Land (including neutralising or clean up costs) of a sudden and accidental nature during the Term caused or contributed to by the Grantee or the Grantee's Authorised Users, or such other form of insurance coverage as may become readily available from such an insurer; or
 - (v) any Claim, risk or event covered under the indemnities provided by the Grantee to the Grantor under this Deed in respect of which insurance is ordinarily obtainable.
- (b) Any policy of insurance effected pursuant to this clause must contain such conditions, endorsements and exclusions as are consistent with usual prudent commercial practice and are reasonably acceptable to the Grantor having regard to insurance commonly effected for the risks in question.
- (c) The Grantee must give to the Grantor a copy of the certificate of currency for the Insurance Policy at the date of execution of this Deed, and the Grantee is to submit evidence to the Grantor on each anniversary of the date of execution of this Deed, or as otherwise requested by the Grantor, which

shows that the Insurance Policy is still current and complies with the Insurance Policies required by this Deed.

- (d) The Grantee is:
- (i) not to, and is not to permit any person to, do anything which adversely affects the continuation, validity, extent of cover or ability to make a claim under the Insurance Policy;
 - (ii) to notify the Grantor immediately if an event occurs which gives rise or might give rise to a claim under the Insurance Policy or which could prejudice the Insurance Policy;
 - (iii) to comply with the requirements of any Governmental Agency, the Insurance Council of Australia and any insurer;
 - (iv) to expend any moneys received in respect of a claim made under the Insurance Policy in satisfaction of the relevant Claim.;
 - (v) to have the interests of the Minister, the Crown and the Grantor noted on the Insurance Policy and is to ensure that under the Insurance Policy the insurer has no rights of subrogation against the Minister, the Crown or the Grantor;
 - (vi) to indemnify the Minister, the Crown and the Grantor against any loss arising from a breach of subclause (v) and the indemnities contained in this sub clause continue in full force and effect notwithstanding Termination for any reason in respect of any act, deed, matter or thing occurring prior to Termination;
 - (vii) to ensure that all premiums in respect of the Insurance Policy and renewals of the Insurance Policy are paid punctually;
 - (viii) to ensure that it does not at any time during the duration of the Easement do or bring upon the Easement Area anything where the Insurance Policy may be rendered void or voidable; and
 - (ix) to ensure that if the Grantee does anything or brings anything onto the Easement Area where the rate of premium on the Insurance Policy will be liable to be increased, the Grantee will obtain insurance cover for such increased risk and pay all additional premiums required on account of the additional risk caused by the use to which the Easement Area is put by the Grantee.

5. NON-EXCLUSIVE EASEMENT

5.1. OTHER EASEMENTS OR INTERESTS

- (a) The Grantee acknowledges that the Grantor and the Minister may, in their absolute discretion, grant other easements or interests in, on, under, over, through or across the Easement Area to any Public Utility Provider or any other person provided that the rights and privileges conferred on the Grantee by this Deed will not be materially interfered with.
- (b) The Grantee hereby consents to the Grantor and the Minister granting other easements or interests in respect of the Easement Area as described in sub-clause (a). If any further evidence of such consent is required for registration or other purposes, then the Grantee undertakes it will sign all further documents, if any, and do all things necessary to show that such consent is provided.

- (c) The Grantee acknowledges and agrees that the grant of an easement or interest in, on, over or across the Easement Area to any other person for the same or similar purpose as the Easement Purpose is not a material interference with the Grantee's rights or privileges conferred by this Deed.

5.2. LAND UNDER CARE, CONTROL AND MANAGEMENT

If any part of the Easement Area comprises land that is under the care, control and management of a management body, the Grantee undertakes to exercise its rights under this Deed and to ensure that any rights of the Grantee's Authorised Users under this Deed are exercised, in a manner which will not interfere with the care, control and management of such land and to comply with any reasonable directions of the management body.

6. GENERAL PROVISIONS

6.1. SEVERANCE

If a Court determines that a word, phrase, sentence, paragraph or clause in this Deed is unenforceable, illegal or void then it shall be severed and the other provisions of this Deed shall remain operative.

6.2. APPLICABLE LAW

This Deed shall be construed and interpreted in accordance with the laws in force in the State of Western Australia and the Parties submit to the exclusive jurisdiction of the courts of that State.

6.3. WAIVER AND VARIATION

A provision or a right created under this Deed may not be:

- (a) waived except in writing signed by the Party granting the waiver; or
- (b) varied except in writing signed by the Parties.

6.4. GRANTEE'S COST

Except if expressly stated otherwise in this Deed, anything required to be done by the Grantee is at its cost and risk.

6.5. DUTY AND REGISTRATION FEES

The Grantee must pay any duty, penalties or fines payable in respect of any dutiable transaction or other matter to which this Deed relates under the *Duties Act 2008* and any registration fees payable to the Registrar of Titles in respect of this Deed or other documents entered into under the terms of this Deed.

6.6. CIVIL LIABILITY ACT 2002

The provisions of Part 1F of the *Civil Liability Act 2002* are expressly excluded from and do not apply to this Deed or anything arising out of it, including any Claim.

6.7. REGISTRATION

The Minister, on behalf of the Grantor, will lodge this Deed with the Registrar of Titles for registration within 30 days after it is executed by the Grantor and the Grantee.

7. NOTICE PROVISIONS

7.1. GIVING OF NOTICE

Any notice, consent or other writing authorised or required by this Deed to be given or sent (**Notice**) must be in writing and if given or sent:

- (a) by the Grantor, must be signed by the Minister, or a duly authorised delegate of the Minister (as referred to in clause 1.3) and addressed to the Grantee at the Grantee's Address for Service; and
- (b) by the Grantee, must be signed by:
 - (i) the Grantee; or
 - (ii) by any director, executive officer or other duly authorised officer of the Grantee; or
 - (iii) any other person proven to be authorised by the Grantee, and addressed to the Grantor at the Grantor's Address for Service.

7.2. DELIVERY OF NOTICE

- (a) Any Notice given or sent by the Grantee shall be deemed to have been duly given or sent:
 - (i) if by delivery in person, when delivered to the addressee;
 - (ii) if by prepaid post, 3 Business Days from and including the date of posting to the addressee; and
 - (iii) if by facsimile transmission:
 - (A) on the date the notice or communication is transmitted in its entirety by a facsimile machine; and
 - (B) that facsimile machine produces a transmission report which indicates that the facsimile was sent in its entirety to the facsimile number of the addressee,but if the delivery or transmission by facsimile is on a day which is not a Business Day or is after 5.00 p.m. (addressee's time) it is to be regarded as being given at 9.00 a.m. (addressee's time) on the next succeeding Business Day and can be relied upon by the addressee, and the addressee is not liable to any other person for any consequences of that reliance if the addressee believes it to be genuine, correct and authorised by the sender.
- (b) Any Notice given or sent by the Grantor shall be deemed to have been duly given or served in accordance with section 274 of the LAA.

7.3. FREEHOLD LAND

If the Easement Area becomes freehold land under the *Transfer of Land Act 1893* Notices must be sent to the registered proprietor of the land at its address shown in the register kept under the *Transfer of Land Act 1893* or other address of the proprietor then last known to the Grantee.

7.4. NOTICE TO MORE THAN ONE GRANTEE

Where the Grantee comprises 2 or more persons, notice to one person is deemed notice to all persons comprising the Grantee.

8. GOODS AND SERVICES TAX

8.1. EASEMENT FEE EXCLUSIVE OF GST

The Easement Fee is exclusive of GST, and GST is payable in addition to the amount of the Easement Fee.

8.2. GRANTEE TO PAY GST

The Grantee must pay any GST payable by the Grantor in respect of a Taxable Supply made under this Deed, to the Grantor on demand.

8.3. TAX INVOICE

Where GST is payable, the Grantor shall provide to the Grantee, if required by the Grantee, a Tax Invoice in the format and form required as set out in the GST law.

8.4. NOTIFICATION IS CONCLUSIVE

A written notification given to the Grantee by the Grantor of the amount of GST that the Grantor is liable to pay on a Taxable Supply made or to be made under this Deed is conclusive between the Parties except in the case of an obvious error.

8.5. THE GRANTEE MUST PAY GST AT SAME TIME

The Grantee must pay to the Grantor the amount of the GST that the Grantor is liable to pay under this Deed:

(a) at the same time; and

(b) in the same manner,

as the Grantee is obliged to pay for the Taxable Supply.

8.6. APPORTIONMENT OF GST

Where a Taxable Supply is not separately supplied to the Grantee, the liability of the Grantee for any amount for GST, in relation to that Taxable Supply, is determined on the same basis as the Grantee's proportion of that Taxable Supply is determined.

8.7. OTHER SUPPLIES

If there is a supply by any Party, which is a Taxable Supply and is not covered by clause 8.1, then the consideration for the supply shall be increased by an amount calculated as:

A x R

where

A is the amount of the consideration for the supply apart from clause 8.1; and

R is the rate of GST applicable to the supply.

SCHEDULE

ITEM	TERM	DEFINITION
1.	Grantor's Address for Service	Department of Planning, Lands and Heritage Level 2 140 William Street PERTH WA 6000 Attention: Telephone: (08) 6552 4000 Fax: (08) 6552 4417
2.	Grantee's Address for Service	Attention: Telephone: Fax:
3.	Insurance Amount	\$



Deed of Agreement for Access to Playing Fields— Brockway Playing Fields

CCGS Playing Fields Pty Ltd atft CCGS Playing Fields Trust

Owner

City of Nedlands

City

23 July 2020

Contents		Page
1	Interpretation	3
	1.1 Definitions	3
	1.2 Interpretation	4
	1.3 Laws applicable	5
2	Condition Precedent	5
	2.1 Condition Precedent	5
	2.2 Condition Precedent not satisfied	5
3	Use of Playing Fields	5
	3.1 Operation of Land Use Conditions	5
	3.2 Land Use Conditions	5
	3.3 Operational Requirements	6
	3.4 Co-operation obligations	7
4	Obligations of the Owner	7
	4.1 Maintenance and operation of Playing Fields	7
	4.2 Insurance	7
	4.3 No cost to City	8
	4.4 Easement Area	8
5	Warranties and indemnities	9
	5.1 Warranties by each Party	9
	5.2 Indemnity for failure to perform	9
	5.3 No liability on the City	10
6	Termination	10
	6.1 Termination of deed	10
	6.2 Steps following termination	10
7	Dispute Resolution	10
	7.1 Dispute or difference	10
	7.2 Dispute Notice	10
	7.3 Executive negotiation	11
	7.4 Survive termination	11
8	Security	11
	8.1 Disposal Restrictions	11
	8.2 Subject to Claim Caveat	12
9	Duty and Costs	12
	9.1 Duty	12
	9.2 Legal costs	12
10	Notices	12
	10.1 How to give a notice	12

	10.2 When a notice is given	12
11	Amendment	13
12	General	13
	12.1 Governing law	13
	12.2 Giving effect to this deed	13
	12.3 Operation of this deed	13
	12.4 Operation of indemnities	13
	12.5 GST	13
	12.6 Exclusion of contrary legislation	14
	12.7 Inconsistency with other agreements	14
	12.8 Time is of the essence	14
	12.9 Counterparts	14
	12.10 Attorneys	14

Deed of Agreement for Access to Playing Fields

This Deed is dated and made on the _____ day of _____ 2020

Parties

- 1 CCGS Playing Fields Pty Ltd (ACN 642 467 150) ATFT CCGS Playing Fields Trust of Queenslea Drive, Claremont WA 6010 (**Owner**).
 - 2 City of Nedlands of 71 Stirling Hwy Nedlands WA 6009 (**City**).
-

Recitals

- (A) The Owner is, or will be, the registered proprietor of the Land.
 - (B) The Land is situated within the district of the City.
 - (C) Pursuant to the agreement reached between the Parties as documented in this deed, the Owner has agreed to allow access to the Playing Fields on the Land, on the terms and conditions in this deed.
-

1 Interpretation

1.1 Definitions

Agreed Term 20 years following the Commencement Date.

Commencement Date means the date of this deed.

Condition Precedent means the condition precedent specified in clause 2.1.

DLGSC means the Department of Local Government, Sport and Cultural Industries.

Deed of Easement means the deed between the City, as grantee, and the State of Western Australia, as grantor, creating the Easement;

Easement means the public access easement over the Easement Area granted in favour of the City in accordance with sections 195 and 196 of the *Land Administration Act 1997*;

Easement Area means the area identified as A in the interest only Deposited Plan 419384.

Easement Use Commencement Date means the date the City substantially commences to construct, erect or build or suffer to be constructed, erected or built any building, structure or obstructions on the Easement Area.

End Date means 31 December 2020, unless otherwise agreed by the parties in writing.

Land means Proposed Lot 1500 on Deposited Plan 419082.

Land Use Conditions means the six land use conditions in respect of the Land as set out in clause 3.2 of this deed.

Operational Requirements means the requirements set out in clause 3.3 and **Schedule 1** of this deed.

Parties means the Owner and the City.

Permitted Use includes the use of the Playing Fields by the general public for:

- (a) recreation and non-organised sport;
- (b) community purposes; and
- (c) organised sport training and competition.

Playing Fields means the playing fields which are to be constructed on the Land, but expressly excludes any built form facilities on the Land such as the toilets, change rooms and club rooms.

Schedule means a schedule to this deed.

State means Western Australia.

Works mean the construction of the Playing Fields on the Land which may include:

- (a) the preparation of plans and specifications;
- (b) the design, management and supervision of the works;
- (c) the design and construction of the Playing Fields; and
- (d) such other activities, works and other matters in relation to the Land as the Owner considers necessary or desirable to undertake and complete the construction of the Playing Fields

1.2 Interpretation

In this deed, unless the contrary intention appears:

- (a) references to a recital, clause, schedule, annexure or exhibit is to a recital, clause, schedule, annexure or exhibit of or to this deed;
- (b) a reference to this deed or another instrument includes any variation or replacement of any of them;
- (c) a reference to any statute shall include any amendment, replacement or re-enactment thereof for the time being in force and any by-laws, statutory instruments, rules, regulations, notices, orders, directions, consents or permissions made thereunder and any conditions attaching thereto;
- (d) the singular includes the plural and vice versa;
- (e) a reference to any gender includes all genders;
- (f) a reference to a person includes a reference to the person's executors, administrators, substitutes, successors and permitted assigns;
- (g) a covenant, representation or warranty in favour of two or more persons is for the benefit of them jointly and severally;

- (h) a covenant, representation or warranty on the part of two or more persons binds them jointly and severally; and
- (i) a reference to currency is to the currency of Australia.

1.3 Laws applicable

This deed shall be construed and take effect in accordance with the laws of the State and the rights liabilities and obligations of the Parties shall be governed by the laws of the State and any proceedings to enforce such rights liabilities or obligations shall be taken in the Courts of the State and not otherwise.

2 Condition Precedent

2.1 Condition Precedent

This deed and the obligations on the Owner to permit access to the Playing Fields is subject to and conditional upon the Owner becoming the registered proprietor of the Land by the End Date.

2.2 Condition Precedent not satisfied

If the Condition Precedent is not satisfied by the End Date, then this deed comes to an end.

3 Use of Playing Fields

3.1 Operation of Land Use Conditions

Subject to the Condition Precedent being satisfied and from practical completion of the Works, the Parties agree that:

- (a) the Owner has principle use of and will use the Land (including the Playing Fields on the Land) in accordance with its private purposes and subject to the conditions imposed on the tenure of the Land by the Minister of Lands;
- (b) secondary to the use of the Land by the Owner, the general public will be permitted to access and use the Playing Fields for the Permitted Use on the Land subject to the operation of the Land Use Conditions; and
- (c) the Playing Fields to be located on the Land will be maintained and used in accordance with the conditions imposed on the tenure of the Land by the Minister of Lands, the Land Use Conditions and the obligations as set out in this deed.

3.2 Land Use Conditions

The Parties agree to the implementation of the following Land Use Conditions with respect to the use of the Land by the general public:

(a) Condition 1

*Any access by the general public for organised sport training and competition shall be mutually agreed in advance by the Parties (acting reasonably) from time to time and booked through the Owner's booking system (**Agreed Hours**).*

The Parties acknowledge that at the date of this deed, the Agreed Hours shall be the following times:

- (i) weekdays until 12pm and after 6pm;*
- (ii) Saturdays from 2pm;*
- (iii) Sundays all day;*
- (iv) or at any other time the playing fields are not in use by the Owner.*

(b) Condition 2

The rate charged for community access for organised sport training and competition shall not exceed the rated charged by the City for other comparable playing fields.

(c) Condition 3

General public access for recreation and non-organised sport should be available at all times, subject to non-interference with:

- (i) firstly the Owner; and*
- (ii) then other bookings.*

(d) Condition 4

No fencing of the Land except to protect the playing fields from unauthorised vehicular access, with any barriers not to exceed 900mm in height where practicable.

(e) Condition 5

The Owner agrees to:

- (i) explore the potential for the playing fields to be available for the bookings via the City; and*
- (ii) continue discussions with the State of Western Australia (via DLGSC) and the City regarding the potential for sports lighting to be installed on the Land.*

(f) Condition 6

The Owner will work, in good faith, with the City to negotiate and achieve a link between the active ovals and the nearby Sports Stadium and Sporting Complex. The addition of a condition to this effect has been approved by the Owner, the City and DLGSC.

3.3 Operational Requirements

- (a)** The Parties acknowledge that in order to achieve the objectives set out in the Land Use Conditions, it is necessary for them to implement the Operational Requirements relevant to each Land Use Condition.
- (b)** The Parties agree to act in good faith to agree to any required amendments that are required to the Operational Requirements from time to time.

3.4 Co-operation obligations

The Parties must:

- (a) ensure that they comply with the Land Use Conditions;
- (b) adhere to the Operational Requirements;
- (c) act in good faith in all its activities and dealings in respect of the Playing Fields, the Land and the obligations contained in this deed;
- (d) diligently attend to the conduct of all activities in which it is involved in relation to the development and management of the Playing Fields; and
- (e) not unreasonably delay in taking action, giving any approval or direction or making any determination or decision required by it, relating to the matters provided for under this deed, or in respect of the use and management of the Playing Fields once they are operational.

4 Obligations of the Owner

4.1 Maintenance and operation of Playing Fields

The Owner will:

- (a) at all times keep and maintain the Playing Fields in good and safe order, repair and condition; and
- (b) carry out any repairs as necessary to ensure that the Playing Fields are maintained to the standard specified in clause 4.1(a);
- (c) not alter the Playing Fields to affect the ability of the general public to use the Playing Fields for the Permitted Use in accordance with the Land Use Conditions unless it is necessary to do so;
- (d) endeavour to:
 - (i) ensure that the Playing Fields are available for use by the general public in accordance with the Land Use Conditions;
 - (ii) maintain and provide community access and use to the Playing Fields; and
 - (iii) ensure that the Playing Fields are not left inoperable.

4.2 Insurance

- (a) The Owner must at all times:
 - (i) effect and maintain adequate public liability insurance (**Policy**) with reputable insurers;
 - (ii) ensure such public liability insurance shall be in the sum of not less than TWENTY MILLION DOLLARS (\$20,000,000.00) (**Insured Sum**) in respect of any one claim or such greater amount as the parties may from time to time reasonably require;

- (iii) ensure the Policy shall cover the City for the Insured Sum for any one event in respect of injury or loss both to persons and to property;
 - (iv) on demand supply to the City details of the Policy and give to the City copies of certificates of currency; and
 - (v) advise the City of any cancellation of the Policy.
- (b) The Owner agrees that the City shall not be liable for any payments whatsoever (including any excess on claims) in respect of such insurance under this clause 4.2.

4.3 **No cost to City**

The Owner acknowledges and agrees with the City that the City is not required to pay any start up or ongoing costs with respect to the Playing Fields or the use of the Playing Fields and the obligation to maintain, administer and operate the Playing Fields will be the sole obligation of the Owner.

4.4 **Easement Area**

- (a) From the Condition Precedent being satisfied and until, and only until, the Easement Use Commencement Date, the Owner will, at its cost, maintain the Easement Area.
- (b) From the Condition Precedent being satisfied, the Owner agrees with the City that:
 - (i) notwithstanding any other provision of the Deed of Easement:
 - (A) the City is not liable in any way for:
 - (1) any loss of or damage to any property of any person on the Easement Area; or
 - (2) any injury to any person sustained when they are on the Easement Area,

except to the extent such loss, damage or injury is caused by, or contributed to (to the extent of that contribution) by, the negligence or misconduct of the City or any failure by the City to maintain the Easement Area from the Easement Use Commencement Date;
 - (B) the City is not liable for any indirect or consequential loss or damage, any of loss of profits, loss of production, loss of revenue, loss of use, loss of contract, loss of goodwill or loss of opportunity;
 - (ii) that clause 4.4 of the Deed of Easement will not apply and will cease to have any further force and effect. The parties acknowledge, that the City shall effect and maintain with reputable insurers adequate public liability insurance in respect of the City's Easement Area. The Owner acknowledges that the City may effect this insurance pursuant to a global insurance policy which is not specific as to the location of risk;
 - (iii) the Owner will not, without the prior written consent of the City (such consent not to be unreasonably withheld):

- (A) construct, erect or build or suffer to be constructed, erected or built any building, structure or obstructions (**Improvements**) whatsoever on the Easement Area with the exception of the following:
 - (1) grassing and small plants; and
 - (2) the construction of any Improvements to which the City has provided its prior written consent (which must not be unreasonably withheld); or
- (B) use or permit the Easement Area to be used in such a way as to obstruct or interfere with the City's use of the Easement Area;
- (iv) if the Owner constructs, erects or builds or suffers to be constructed, erected or built any Improvements whatsoever on the Easement Area, including but not limited to anything referred to in clause 4.4(b)(iii)(A), with or without the consent of the City, and any of those Improvements prevent the City from exercising its rights under this deed, the Owner acknowledges and agrees that:
 - (A) if the Owner does not remove any Improvements within 60 days of being notified by the City that the Improvements need to be removed, the City may without further notice to the Owner remove any Improvements located on the Easement Area at the expense of the Owner;
 - (B) the Owner will indemnify the City against any cost that may be incurred by the City in the removal of any Improvements on the Easement Area; and
 - (C) the City is under no obligation to replace, repair or reinstate any Improvements that it removes in accordance with this deed.

5 Warranties and indemnities

5.1 Warranties by each Party

Each Party warrants to the other that:

- (a) it has obtained all necessary consents to enable it to execute this deed;
- (b) by executing this deed, the deed will be enforceable on the Party in accordance with its terms;
- (c) it has not relied on any undertaking, conduct or representation from, or on behalf of, any other Party, except as set out in this deed; and
- (d) it is able to pay its debts as and when they fall due.

5.2 Indemnity for failure to perform

Each Party indemnifies and will keep indemnified each other Party from any loss or liability suffered or caused by its breach of this deed.

5.3 No liability on the City

The City is not liable in any way for:

- (a) any loss of or damage to any property of any person on the Playing Fields; or
- (b) any injury to any person sustained when they are on the Playing Fields,

except to the extent that such loss, damage or injury is directly caused by the negligence or wilful misconduct of the City.

6 Termination

6.1 Termination of deed

This deed will only terminate in the following circumstances:

- (a) upon the expiry of the Agreed Term, unless the Parties otherwise agree to extend the operation of this deed; or
- (b) by the Parties if they agree.

6.2 Steps following termination

If this deed is terminated for any reason the rights and obligations contained in this deed, including the Owner's obligation to adhere to the Land Use Conditions, will have no further force or effect unless such provision is specified to survive termination.

7 Dispute Resolution

7.1 Dispute or difference

If a dispute or difference:

- (a) arises in respect of any fact, matter or thing arising out of, or in any way in connection with, this deed, or the conduct of a party in relation to the subject matter of this deed at any time; and
- (b) is not required to be determined in accordance with a procedure in another clause in this deed,

the dispute or difference must be determined in accordance with the procedure in this clause 7.

7.2 Dispute Notice

If a dispute or difference of the type contemplated by clause 7.1 arises, any party may give a notice in writing to each other party specifying:

- (a) the dispute or difference;
- (b) particulars of the dispute or difference; and
- (c) the position which the party believes is correct.

(Dispute Notice).

7.3 Executive negotiation

- (a) Within 5 Business Days of receiving a Dispute Notice, the other party must give written notice of the representative it allocates who has authority to settle the dispute.
- (b) The parties agree that within 15 business days of receipt of the Dispute Notice, the parties' representatives must meet and undertake good faith negotiations with a view to resolving the dispute.
- (c) The meeting referred to in this clause 7.3(b) may be held in person or by contemporaneous linking by telephone or live audio visual transmission (or similar).
- (d) If the meeting referred to in this clause 7.3(b) does not resolve the Dispute, the Parties must, within 10 business days thereafter, instruct an independent expert in the relevant field outlined below to determine the Dispute on or before 10 Business Days following being instructed:
 - (i) for a matter of law, a practising barrister or solicitor appointed by the President of the Law Society of Western Australia;
 - (ii) for a financial or accountancy matter, a reputable accounting firm that does not act for a party already;
 - (iii) for a matter connected with construction, a practising architect appointed by the President of the Western Australian Institute of Architects or a practising engineer appointed by the President or Chairman of the Western Australian Division of Engineers Australia; or
 - (iv) for a matter connected with the cost of construction, a practising engineer appointed by the President or Chairman of the Western Australian Division of Engineers Australia with experience in contract estimation.
- (e) The determination by the expert according to this clause shall be binding upon the Parties, except in the case of obvious error.

7.4 Survive termination

This clause 7 will survive termination of this deed.

8 Security

8.1 Disposal Restrictions

The Owner shall not sell, transfer, mortgage, lease, charge, assign or otherwise dispose of or encumber the Land or any part or interest therein to any person without the prior written consent of the City, which consent shall not be withheld if the person to whom any such right or interest in the Land is to be granted has first executed a Deed of Covenant (or in the case of a mortgagee, a specific undertaking in terms to the reasonable satisfaction of the City) to be prepared by the City's solicitors at the cost of the Owner whereby that person covenants to observe and perform such of the covenants conditions and stipulations herein contained (including this covenant) as the City shall require, as if that person had been a party to this deed.

8.2 Subject to Claim Caveat

Subject to the consent of the Minister of Lands, the City is permitted to register a subject to claim caveat over the Land to protect any interest or purported interest of the City under or relating to this deed.

9 Duty and Costs

9.1 Duty

All duty, registration or other fees or charges payable in respect of transactions contemplated by this deed that operate for the sole benefit to the exclusion of a Party, that Party(s) who benefits must pay any duty, registration or other fees.

9.2 Legal costs

Each Party must bear its own legal costs of and incidental to this deed and the transactions contemplated by this deed.

10 Notices

10.1 How to give a notice

Any notice or other communication including any request, demand, consent or approval, to or by a Party to this deed must be in legible writing and in English addressed as shown below:

(a) if to the City:

Address: 71 Stirling Highway, Nedlands WA 6009
Attention: Chief Executive Officer
Email: council@nedlands.wa.gov.au

(b) if to Owner:

Address: Queenslea Drive, Claremont WA 6010
Attention: The Principal
Email: principal@ccgs.wa.edu.au

(c) or as otherwise specified by notice in writing to the sender by the Party.

10.2 When a notice is given

A notice, consent or other communication that complies with this clause is regarded as given and received:

(a) if it is sent by email:

- (i) when the sender received an automated message confirming delivery; or
- (ii) four hours after the time sent (as recorded on the device from which the sender sent the email) unless the sender receives an automated message that the email has not been delivered,

whichever happens first.

- (b) if it is sent by mail:
 - (i) within Australia – 3 Business Days after posting; or
 - (ii) to or from a place outside Australia – 7 Business Days after posting.

11 Amendment

This deed can only be amended, supplemented, replaced or novated by another deed in writing signed by the Parties.

12 General

12.1 Governing law

This deed is governed by the law in force in Western Australia.

12.2 Giving effect to this deed

Each Party must do anything (including execute any agreement) and must ensure that its employees and agents do anything (including execute any agreement), that the other Party may reasonably require to give full effect to this deed.

12.3 Operation of this deed

- (a) This deed contains the entire agreement between the Parties about its subject matter. Any previous understanding, agreement, representation or warranty relating to that subject matter is replaced by this deed and has no further effect.
- (b) Any right that a person may have under this deed is in addition to, and does not replace or limit, any other right that the person may have.
- (c) Any provision of this deed which is unenforceable or partly unenforceable is, where possible, to be severed to the extent necessary to make this deed enforceable, unless this would materially change the intended effect of this deed.

12.4 Operation of indemnities

- (a) Each indemnity in this deed survives the expiry or termination of this deed.
- (b) A Party may recover a payment under an indemnity in this deed before it makes the payment.

12.5 GST

- (a) If a party makes a supply under or in connection with this deed or the joint venture, then in addition to paying the consideration (which is exclusive of GST), the recipient must:
 - (i) pay to the supplier an amount equal to any GST payable on that supply by the supplier, without deduction or set-off of any other amount; and
 - (ii) make that payment as and when the consideration or part of it must be paid or provided, except that the recipient need not pay unless the recipient has received a tax invoice (or an adjustment note) for that supply.

- (b) If a payment to satisfy a claim or a right to claim under or in connection with this deed (for example, for misleading or deceptive conduct or for misrepresentation or for a breach of any warranty or for indemnity or for reimbursement of any expense) gives rise to a liability to pay GST, the payer must pay, and indemnify the payee against the amount of that GST.
- (c) If a party has a claim under or in connection with this deed for a cost on which that party must pay GST, the claim is for the cost plus all GST (except any GST for which that party is entitled to an input tax credit).
- (d) If a party has a claim under or in connection with this deed whose amount depends on actual or estimated revenue or which is for a loss of revenue, revenue must be calculated without including any amount received or receivable as reimbursement for GST (whether that amount is separate or included as part of a larger amount).

12.6 Exclusion of contrary legislation

Any legislation that adversely affects an obligation of a Party, or the exercise by a Party of a right or remedy, under or relating to this deed is excluded to the full extent permitted by law.

12.7 Inconsistency with other agreements

If this deed is inconsistent with any other document or agreement between the Parties, this deed prevails to the extent of the inconsistency.

12.8 Time is of the essence

Time is of the essence of this deed.

12.9 Counterparts

This deed may be executed in counterparts.

12.10 Attorneys

Each person who executes this deed on behalf of a Party under a power of attorney declares that he or she is not aware of any fact or circumstance that might affect his or her authority to do so under that power of attorney.

Schedule 1 - Operational Requirements

Land Use Condition:	Operational Requirements:
---------------------	---------------------------

Condition 1	<ul style="list-style-type: none"> • The Parties will manage the general public access on a day-to-day basis. • The Owner agrees to facilitate the use of the Playing Fields as an option for the general public to book and use on days and during hours agreed in advance with the City from time to time (Agreed Hours). • A booking system will be implemented enabling the general public and City to use the Playing Fields during the Agreed Hours. • In order to determine the Agreed Hours, the Owner shall advise the City in writing of its allocated times for the following calendar year by 1 December in each year of the Licence. • The Agreed Hours may be modified from time to time provided any proposed modification is agreed in advance by the parties. • The Owner will have priority access to the Playing Fields at all times, with any general public bookings taking precedence if the Owner has allocated that timeslot for general public access. • Access to the Playing Fields by the general public will be subject to Owner's terms and conditions of use as they exist from time to time provided that such terms and conditions are not inconsistent with the rights granted under this deed.
-------------	---

Condition 2	<ul style="list-style-type: none"> • The Owner will adopt a schedule of rates referencing the City of Nedlands' adopted Schedule of Fees & Charges for casual hire relating to the general public, updated as required and agreed between the parties. • The costs that the Owner can charge for bookings by individuals or groups, including the City, for organised sport training and competitions (except for private bookings such as bookings with Perth Glory) shall not exceed the rates charged by the City from time to time (and published on the City's online booking system from time to time) currently being: <ul style="list-style-type: none"> ○ casual users at \$19 per hour; ○ discounted rates for regular clubs that are typical users; ○ senior clubs at \$7 per hour; ○ game day rate approx. \$30 per fixture; and ○ junior fees are 50% of the above club rates. • The City will have a right of audit, at the City's cost, over bookings records to ensure that individuals and groups are being charged the agreed rates. If any discrepancies are identified, the Owner will reimburse the City for its reasonable and properly incurred audit costs and make refunds for over charges to any affected user groups.
-------------	--

-
- Condition 3
- The Owner is required to secure its assets on the Land at all times.
 - The Owner shall ensure that the Playing Fields are available for use by the general public at all times for recreation and non-organised sport, provided that such use does not interfere with any other individuals or groups authorised to use the Playing Fields.
 - With the exception of the Playing Fields (being the grassed playing fields), the Owner will not provide access to the general public to the other facilities on the Land unless they are formally booked directly with the Owner.
 - There will be no access by the general public to toilet facilities, change rooms and club rooms, unless permitted by the Owner (on such terms and conditions as it decides).
 - The Owner will allow the general public access to the drink fountains located around the playing fields on the Land.
-

- Condition 4
- The Owner will install perimeter fencing around the Land for health and safety reasons as the Owner will be irrigating the Playing Fields with water from the Subiaco Waste Water Treatment Plant which requires the Playing Fields to be closed to all users, including the general public, for 2 hours after reticulation.
 - The extent of perimeter fencing and associated signage will be addressed as part of the development application package, noting that whilst perimeter fencing is necessary for health and safety reasons, the Playing Fields should remain accessible for passive recreational uses by the general public at all times.
-

- Condition 5
- Booking Process**
- All bookings for the Playing Fields will be made via the Owner and the City is not permitted to accept a booking direct from the general public.
 - The Owner will provide training to the City, so the City can assist the general public in booking the Playing Fields with the Owner.
 - The Owner will ensure that the booking process and charges for bookings are easily accessible and visible for the general public.
- Lights**
- The Owner will permit the City and the DLGSC to continue discussions for the installation of sports lighting on the Land.
-

- Condition 6
- The Parties collectively support the intent of the proposed Sports Circuit however agree that there is a substantial amount of work to be completed in the future by the City to achieve the desired outcome noted in Condition 6.
 - The Owner has agreed to provide the relevant survey information and cross sections to the City to continue discussions into the future.
-

Execution page

Executed as a deed.

EXECUTED for and on behalf of **CCGS Playing Fields Pty Ltd (ACN 642 467 150) atft CCGS Playing Fields Trust** in accordance with the requirements of s.127 of the Corporations Act 2001:

Signature of Sole Director

Benjamin Richard Lisle

Name of Sole Director

The COMMON SEAL of **City of Nedlands** was hereto affixed in the presence of:

Signature of Mayor

Full name of Mayor

Signature of Chief Executive Officer

Full name of Chief Executive Officer

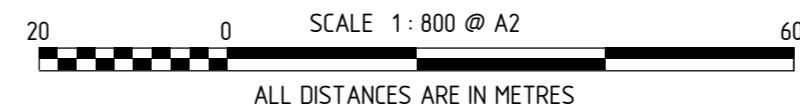
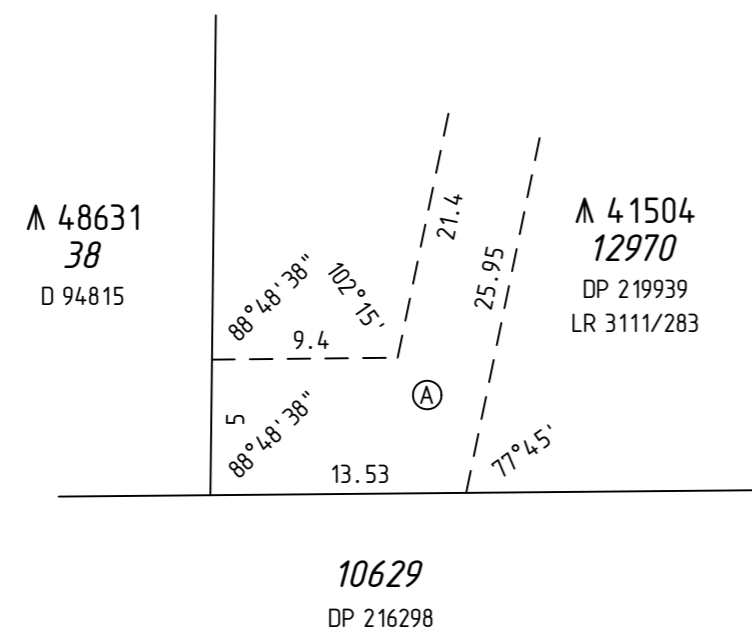
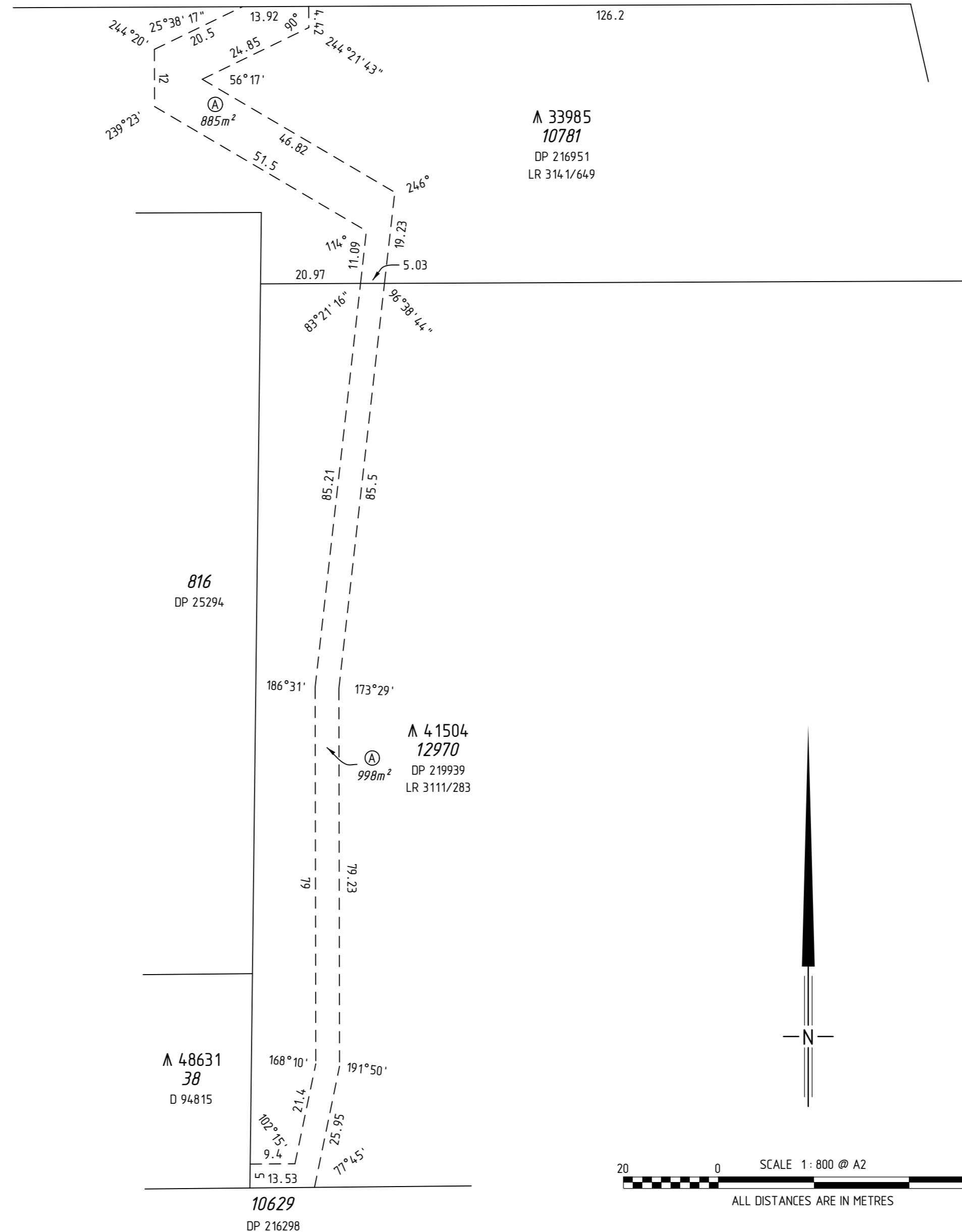
VERSION	AMENDMENT	AUTHORISED BY	DATE

HELD BY LANDGATE IN DIGITAL FORMAT ONLY

FOR INTEREST PURPOSES ONLY

▲ 33985
10949
DP 216951

▲ 33985
10781
DP 216951
LR 3141/649



TYPE	CROWN	S.S.A.	NO
PURPOSE	INTEREST		
PLAN OF	EASEMENT AND / OR OTHER INTERESTS OVER LOT 10781 ON DP 216951 AND LOT 12970 ON DP 219939		
FORMER TENURE	N/A		
LOCAL AUTHORITY	CITY OF NEDLANDS		
LOCALITY	MOUNT CLAREMONT		
D.P.L.H. FILE	184.1-1997		
FIELD RECORD	N/A		

SURVEYOR'S CERTIFICATE - REG 54
I, Nigel J. SIMPSON
hereby certify that this plan is accurate and is a correct representation of the -
(a) *survey, and/or
(b) *calculations from measurements recorded in the field records,
[* delete if inapplicable]
undertaken for the purposes of this plan and that it complies with the relevant written law(s) in relation to which it is lodged.
Nigel Simpson Nigel Simpson
2020.06.17
08:47:39 +08'00'
LICENSED SURVEYOR DATE

LOGGED
17.6.2020
DATE FEE PAID ASSESS No.

I.S.C.
EXAMINED
MM 1.7.2020
DATE

WESTERN AUSTRALIAN PLANNING COMMISSION
FILE
Delegated under S.16 P&D Act 2005 DATE

IN ORDER FOR DEALINGS
SUBJECT TO
N. Simpson 1.7.2020
DATE
FOR INSPECTOR OF PLANS AND SURVEYS

APPROVED
INSPECTOR OF PLANS AND SURVEYS DATE
(S. 18 Licensed Surveyors Act 1909)



DEPOSITED PLAN
4 19384
SHEET 01 OF 01 SHEETS
VERSION 1

INITIAL INTERESTS						
SUBJECT	PURPOSE	STATUTORY REFERENCE	ORIGIN	LAND BURDENED	BENEFIT TO	COMMENTS
Ⓐ	EASEMENT	SEC 195 & 196 OF THE L.A.A.	DOC	LOT 10781 ON DP 216951 & LOT 12970 ON DP 219939	SEE DOCUMENT	

MNG
MC MULLEN NOLAN GROUP
PO Box 3526, Success W.A. 6964
Tel: (08) 6436 1599
Fax: (08) 6436 1500
Email: info@mngsurvey.com.au
MNG Ref : 94089dp-029c - DP4.19384_CSD

Moved – Councillor Mangano
 Seconded – Councillor Wetherall

That item 13.6, 16.1, & 16.2 are brought forward.

**CARRIED 11/1
 (Against: Cr. Senathirajah)**

13.6 Winsor Cinema – State Heritage Listing

Council	28 July 2020
Owner	Independent Cinemas Pty Ltd
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Ross Jutras-Minett – Acting Director Planning & Development
CEO	Mark Goodlet
Previous Item	PD07.19 – February 2019
Attachments	1. Windsor Cinema – Draft Heritage Assessment 2. Windsor Theatre – Curtilage Maps

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall
 Seconded – Councillor McManus

Council Resolution

Council:

- 1. does not support the listing of the Windsor Cinema onto the State Register for Heritage Places; and**
- 2. instructs the CEO to advise the State Heritage Council of Council’s position.**

Put Motion

Moved - Councillor McManus
 Seconded - Councillor Mangano

That the Motion be put.

**CARRIED 8/4
 (Against: Crs. Horley Smyth Bennett & Coghlan)**

The Motion was PUT and was

**CARRIED 9/3
(Against: Crs. Horley Bennett & Coghlan)**

Recommendation to Council

Council:

1. does not support the listing of the Windsor Cinema onto the State Register for Heritage Places; and
2. instructs the CEO to advise the State Heritage Council of Council's position for the potential Heritage Listing of the Windsor Cinema.

Or

Council:

1. supports the listing of the Windsor Cinema onto the State Register for Heritage Places; and
2. instructs the CEO to advise the State Heritage Council of Council's position for the potential Heritage Listing of the Windsor Cinema.

Executive Summary

The Heritage Council of Western Australia (HCWA) recently considered a draft heritage assessment, for the Windsor Theatre, Nedlands that included a proposed statement of significance and resolved that:

- the place is of cultural heritage significance in terms of the *Heritage Act 2018*;
- the place makes an important contribution to understanding the heritage of Western Australia as detailed in the draft proposed statement of cultural heritage significance (draft statement) in the draft register entry; and,
- stakeholders should be consulted on the proposed registration.

The City has been identified as a key stakeholder and as such has been asked by the HCWA to provide comment on the proposed entry of the Windsor Theatre located at No. 100 Stirling Highway, Nedlands onto the State Register of Heritage Places.

Discussion/Overview

The Windsor Cinema is located at 100 Stirling Highway Nedlands (the subject site). The Heritage Value of the property has previously been debated by Council within the context of removing the site from being listed on the City's Municipal Inventory. The property currently continues to operate as a cinema, however, is zoned Mixed-Use (R-AC1) which currently affords provisions that facilitate tall, high-density mixed-use development.

In February 2019, the Council approved the removal of the Heritage Deed which was placed over the property in 1996 to provide an approval for an unauthorised roof sign. The Deed has now been removed by the landowner and the subsequent listing on the City's Municipal Inventory has also been removed. Therefore, there is currently is no heritage protection over the site.

The owner believes that the property is no longer in its original condition following several renovations over the past years both internally and externally. Despite attempts from the Art Deco Society in the 1990's the property was not considered to be of significance enough to be entered onto the Register of Heritage Places by the HCWA. Therefore, the owner believes that the potential heritage listing is onerous and irrelevant to the current condition of the property.

The HCWA has stated within its draft assessment of the Windsor Cinema that the property has heritage significance for the following reasons:

- with its distinctive form and central tower, the place is a landmark on Stirling Highway, albeit that much of the fabric has been modified over time;
- the place illustrates the general optimism and popularity of cinema entertainment in Western Australia in the 1930s, following a period of economic depression;
- the place is an austere example of a cinema designed in the Inter-War Functionalist style, that exhibits design elements typical of the style such as contrasting horizontal and vertical motifs, asymmetrical massing of geometric forms, a cantilevered balcony, as well as Art Deco style moulding and floral motifs;
- the place illustrates the design work of architectural firm Baxter Cox in conjunction with William Leighton, who was well known for his many cinema and theatre designs in Western Australia; and,
- the place is valued by the community as a place of cinema entertainment, and by the Art Deco Society and others who have lobbied for its protection.

The lounge area to the western section of the cinema that forms part of the 1987 - 1990 extension works is of no significance.

The City does not have in house Heritage expertise with which to comment on the heritage value of the Windsor Cinema. Council's current position in relation

to Heritage Listings is that owners should have the right to use their private property as they see fit and that those who wish to not have heritage listing over their property should not have it forced onto them. The view being that if the community values places for their heritage value then the community should be prepared to pay for such places.

Consultation

The HCWA is undertaking its own consultation with affected stakeholders as part of the potential heritage listing.

The City has until Friday 7 August 2020 to make a comment. When all stakeholder comments have been received, the documentation will be presented to the Heritage Council again where a recommendation as to whether the place should be added to the State Register will be considered.

Strategic Implications

How well does it fit with our strategic direction?

The Windsor Cinema has been identified as a key landmark site within the Draft Nedlands Town Centre Local Planning Policy. This is a change in policy position from what existed at the time of Council agreeing to the removal of the cinema from the MI. The non-listing provides a potential redevelopment opportunity for the site, and hence the loss of a cultural facility and architectural reference identified in the draft LPP – Nedlands Town Centre Precinct.

Who benefits?

The Art Deco Society benefits from the listing of the Windsor Cinema on the State Heritage Register as they have been lobbying for its listing for many years.

It may also be viewed that the City benefits from the listing of the Windsor Cinema as the property and any heritage value will be protected.

Does it involve a tolerable risk?

There is no risk to Council from either recommendation.

Do we have the information we need?

The City does not currently have a Heritage expert therefore administration is unable to fully assess the validity of both the claims made by the owner of the Windsor Cinema and the Heritage Council.

Budget / Financial Implications

Can we afford it?

Not applicable

How does the option impact upon rates?

There will be no impact on rates.

Conclusion

With a lack of Heritage expertise within the City and a lack of time to engage Heritage advice on the potential listing Council may decide to remain opposed to the heritage listing of the Windsor Cinema in line with its previous policy position.

Alternatively, Council may resolve to support the State Heritage listing of the Windsor Cinema to ensure the significance of the place remains in its current form.

**DOCUMENTATION OF PLACES
FOR ENTRY IN THE
REGISTER OF HERITAGE PLACES**

1. **DATA BASE No.** 1831
2. **NAME** Windsor Theatre, Nedlands (1937)
FORMER NAME (or OTHER NAMES) Windsor Cinema
3. **LOCATION** 98-100 Stirling Highway, Nedlands
4. **DESCRIPTION OF PLACE INCLUDED IN THIS ENTRY**
Lot 123 on Diagram 10957 being the whole of the land contained in Certificate of Title Volume 1452 Folio 663.
5. **LOCAL GOVERNMENT AREA** City of Nedlands
6. **CURRENT OWNER**
Independent Cinemas Pty Ltd
7. **HERITAGE LISTINGS**
 - Register of Heritage Places: -----
 - National Trust Classification: 03/12/1990
 - Town Planning Scheme: -----
 - Municipal Inventory: Adopted 15/04/1999
 - Register of the National Estate: -----
 - Aboriginal Sites Register: -----
 - Survey of 20th Century Architecture: 01/03/1988
8. **ORDERS UNDER SECTION OF THE ACT**

9. **HERITAGE AGREEMENT**

10. **STATEMENT OF SIGNIFICANCE**
Windsor Theatre, Nedlands, a two storey masonry cinema building constructed in 1937 in the Inter-War Functionalist style, with additions and modifications c. 1980s- 1990, has cultural heritage significance for the following reasons:

 - with its distinctive form and central tower, the place is a landmark on Stirling Highway, albeit that much of the fabric has been modified over time;
 - the place illustrates the general optimism and popularity of cinema entertainment in Western Australia in the 1930s, following a period of economic depression;

the place is an austere example of a cinema designed in the Inter-War Functionalist style, that exhibits design elements typical of the style such as contrasting horizontal and vertical motifs, asymmetrical massing of geometric forms, a cantilevered balcony, as well as Art Deco style moulding and floral motifs;

the place illustrates the design work of architectural firm Baxter Cox in conjunction with William Leighton, who was well known for his many cinema and theatre designs in Western Australia; and,

the place is valued by the community as a place of cinema entertainment, and by the Art Deco Society and others who have lobbied for its protection.

The lounge area to the western section of the cinema that forms part of the 1987-1990 extension works is of no significance.

11. ASSESSMENT OF CULTURAL HERITAGE SIGNIFICANCE

Cultural heritage significance means aesthetic, historic, scientific, social or spiritual value for individuals or groups within Western Australia.

In determining cultural heritage significance, the Heritage Council has had regard to the factors in the *Heritage Act 2018* and the indicators adopted on 14 June 2019.

PRINCIPAL AUSTRALIAN HISTORIC THEME(S)

- 3.21 Entertaining for profit
- 8.1 Organising recreation
- 8.5.4 Pursuing common leisure interests
- 8.13 Living in Cities and suburbs

HERITAGE COUNCIL OF WESTERN AUSTRALIA THEME(S)

- 112 Technology and technological change
- 405 Sport, recreation and entertainment
- 407 Cultural activities

11(a) Importance in demonstrating the evolution or pattern of Western Australia's history

As an example of a suburban Perth cinema constructed in the Inter-War period, the Windsor Theatre, Nedlands illustrates the general optimism and popularity of cinema entertainment in Western Australia in the 1930s, following a period of economic depression.

11(d) Its importance in demonstrating the characteristics of a broader class of places;

Windsor Theatre, Nedlands is a good representative example of a 1930s suburban cinema, many of which were designed in the Inter-War Functionalist and Art Deco architectural styles, which reflected the hope and optimism of the period.

Windsor Theatre, Nedlands demonstrates the new functional approach to cinema design in Western Australia in the late 1930s, in which one projection unit was used for both the indoor auditorium and outdoor picture garden, which was an innovation of the time.

11(e) Any strong or special meaning it may have for any group or community because of social, cultural or spiritual associations;

Windsor Theatre, Nedlands is valued by the local and wider community, as evidenced by its ongoing use as a suburban cinema since its construction in 1937, and by the Art Deco Society and others who have lobbied for its protection.

11(f)¹ Its importance in exhibiting particular aesthetic characteristics valued by any group or community;

Windsor Theatre, Nedlands is an austere example of a cinema designed in the Inter-War Functionalist style that exhibits design elements, typical of the style such as contrasting horizontal and vertical motifs, asymmetrical massing of geometric forms and a cantilevered balcony, as well as Art Deco style moulding and floral motifs.

Windsor Theatre, Nedlands with its prominent central tower is a landmark on Stirling Highway in Nedlands.

11(g) Any special association it may have with the life or work of a person, group or organisation of importance in Western Australia's history;

Windsor Theatre, Nedlands is an example of the theatre design work of architectural firm Baxter Cox in conjunction with William Leighton who was well known in Western Australia for his cinema and theatre designs.

12. DEGREE OF SIGNIFICANCE

12.1 CONDITION

Continuous use and routine maintenance over the years has kept *Windsor Theatre, Nedlands* in generally good condition. There are isolated areas where the condition is fair to poor, generally in areas not in use such as behind the former proscenium arch (now removed) and inside the former ticket box.

12.2 INTEGRITY

This section explains the extent to which the fabric is in its original state

There have been a number of changes to the external appearance of *Windsor Theatre, Nedlands* namely the tower extension, alterations to the front canopy including new signage and a new theatre in a side extension that replaced the outdoor picture garden. In addition to this there have been changes to projection and sound technologies, air conditioning has been introduced and there have been changes to the original internal finishes and details. Overall, the main building fabric has been retained with additions made that could be reversible if desired. Given the above, the place retains a moderate degree of integrity.

12.3 AUTHENTICITY

This section explains the extent to which the original intention is evident, and the compatibility of current use.

¹ For consistency, all references to architectural style are taken from Apperly, R., Irving, R., Reynolds, P. *A Pictorial Guide to Identifying Australian Architecture. Styles and Terms from 1788 to the Present*, Angus and Robertson, North Ryde, 1989.

For consistency, all references to garden and landscape types and styles are taken from Ramsay, J. *Parks, Gardens and Special Trees: A Classification and Assessment Method for the Register of the National Estate*, Australian Government Publishing Service, Canberra, 1991, with additional reference to Richards, O. *Theoretical Framework for Designed Landscapes in WA*, unpublished report, 1997.

Windsor Theatre, Nedlands continues to be used as a cinema and as such retains a high degree of authenticity with the essential operation and layout of the building remaining the same.

13. SUPPORTING EVIDENCE

The documentation for this place is based on the heritage assessment completed by the Department of Planning, Lands and Heritage in December 2019, with amendments and/or additions by the Heritage Council and the Department.

13.1 DOCUMENTARY EVIDENCE

Windsor Theatre, Nedlands, is a two storey masonry cinema built in 1937, in the Inter-War Functionalist style, and modified c1990. It is located on a busy intersection on Stirling Highway in Nedlands.

Noongar *boodja* (country) covers the entire south-western portion of Western Australia from Jurien Bay to Esperance. Noongar people lived in family groups and those living in and around the Perth area were collectively known as the Whadjuk. The Whadjuk relied on the ocean, the Swan River and the freshwater lakes that once lay between the coast and the Darling scarp for food and moved seasonally through across the country². This way of life was disrupted by the arrival of colonists from 1829 onwards who established farms and settlements, often to the detriment of Aboriginal people.

Following the discovery of gold in Western Australia in the 1890s, suburbs close to Perth, such as Nedlands, experienced a dramatic increase in population due to the unprecedented rise in migration to the State. Development continued during the first decades of the Twentieth Century, with the extension of Perth's tram services through Subiaco, along Broadway to Nedlands Park and another tramline direct from Perth along Mounts Bay Road. Nedlands Park became a popular recreation area following the construction of the Nedlands Park Hotel in 1908, and the jetty and Crawley Baths.³

Further development of the Nedlands area stalled during World War I, but recovered quickly post-war with many ex-servicemen and their families settling in the area with the aid of War Service Loan Schemes. Significant development occurred during the inter-war period, with an increasing number of houses constructed, as well as recreational and sporting facilities, schools and churches. This period also saw an increase in the reliance of motorised transportation, particularly along major routes such as the Perth to Fremantle Road, which was renamed Stirling Highway in 1930.⁴

During the 1930s, several notable buildings were constructed along Stirling Highway including *Nedlands Post Office* (P4620 RHP), *Captain Stirling Hotel* (P1832 RHP), the two storey block of apartments the *Maisonettes* (P3227 RHP), Nedlands Roads Board Office (P13645) and the Tudor style Renkema Buildings (P13700). Adjacent to the *Windsor Theatre*, the two-storey Inter-War Functionalist Commercial Building was constructed in 1937 (P13669).

In the 1930s, following the period of the Great Depression, a visit to the cinema was a popular and inexpensive form of escape from the depressed economic

² Kaartdijin Noongar – Noongar Knowledge, South West Aboriginal Land and Sea Council, <https://www.noongarculture.org.au/noongar/> downloaded on 17 October 2019

³ *Nedlands Post Office (fmr)* (P4620) Heritage Assessment Documentation, Heritage Council of Western Australia, May 2013, p.1.

⁴ Gregory, Jenny., Protecting Middle-Class Suburbia: An Ideal Space for the Citizens of Inter War Perth', in *Studies in Western Australian History*, No. 17 (1997), p79, 81

situation, and as a result, a considerable amount of money was invested in the entertainment business. This investment was reflected in the number of cinemas built or remodelled in this period as Western Australia began to recover economically.⁵ In the Nedlands area, the demand for cinemas began as early as 1929, with the opening of the Claremont and Dalkeith Picture Gardens, seating 600 patrons and 300 patrons respectively.⁶

During the mid-1930s, rival theatre companies sought to establish a theatre in the expanding wealthy middle class suburb of Nedlands in order to compete with the new and refurbished cinemas in the city and nearby suburbs.⁷ Mr E. P. Nelson of Claremont District Pictures, owned one of the largest 'moving picture circuits' in the State, but sold his interests in Kalgoorlie-Bolder, Wiluna and Northam to focus on other areas including Perth and Bunbury. Theatres owned by Nelson included the *Lyric Theatre, Bunbury* (P374 RHP), Princess Theatre, Bunbury (P5696 demolished in 1974), the Lyric Theatre, Katanning and theatres in Claremont, Nedlands and Swanbourne.⁸

Nelson had gradually been improving the quality of his theatres. Following a world tour with his family in 1936, that included the 'Continent', America and England,⁹ to gather information on 'modern trends' in picture theatre design,¹⁰ he returned to Australia with the ambition of building better suburban theatres, and from this he took his inspiration for the design of the *Windsor Theatre, Nedlands*. The chosen architectural firm for the project was Baxter Cox, who were to design the new theatre in line with the style of cinemas being built in the United States at the time, applied to a Western Australian setting.¹¹

The original plans for *Windsor Theatre, Nedlands* are signed A. R. Baxter Cox, although architect William Leighton, who joined Baxter Cox in mid 1936, and who was noted for his cinema designs, later publicly claimed the design was his, a claim maintained by Leighton's son Garry in later years.¹² A perspective drawing of the proposed 'Hollywood Theatre'¹³ in Nedlands by the architect A. R. Baxter Cox was published in the *West Australian* in December 1936.¹⁴ There are no written records that can confirm whether the design can be solely attributed to Leighton, however, by the time *the Windsor Theatre* opened in 1937, the firm had been renamed Baxter, Cox and Leighton.¹⁵

5 Geneve, V. 'William Thomas Leighton: Cinema Architect of the 1930s' in Bromfield, D. (ed.) *Essays on Art and Architecture in Western Australia* (Nedlands, U.W.A. Press, 1988), p. 18.

6 Bell, M. D. *Perth: A Cinema History* (Sussex, Book Guild, 1986) pp. 56-58.

7 National Trust (W.A.) Assessment Exposition, 1990, p. 1.

8 'Windsor Theatre – Result of Experience', *The Daily News*, Thursday 9 September 1937, p. 13.

9 'The Nelson Circuit', *Sunday Times*, Sunday 15 August 1937, p.23.

10 'Windsor Theatre – Result of Experience', *The Daily News*, Thursday 9 September 1937, p.13.

11 Geneve, V. *Versions of Modernism*, 1991, vol. 3, p. 31.

12 'William Leighton, artist of the art deco, dies', *The West Australian*, 14 March 1990, p.26. In correspondence to the Art Deco Society of WA dated 30 July 2012, Garry H Leighton, son of William Leighton has also stated 'that to the best of his knowledge, his father was the designer and administering architect for the Windsor'.

13 *Windsor Theatre* was originally intended to be named Hollywood Theatre - Geneve, V. 'Versions of Modernism in Western Australian Cinema, 1930-1940' (Master of Arts Thesis, University of Western Australia, 1991), vol. 1, p.112.

14 Perspective drawing of the Hollywood Theatre. *West Australian*, 19 December 1936, p. 6.

15 'New Link in the Nelson Circuit', *The Daily News*, Thursday 9 September 1937, p.12

Architect William Leighton began his architectural training in 1921, at the age of 16, as an apprentice in the offices of Allen and Nicholas in Fremantle. In 1928, he worked for Bohringer, Taylor and Johnson on the Ambassadors Theatre, Hay Street, before undertaking work for them, and for others, in Sydney, Melbourne and New Zealand where he specialised in theatre design. After he joined Baxter Cox in 1936, he was involved in the construction and refurbishment of a number of theatres and cinemas, including the Claremont, the Como, (later P2404 *Cygnets Cinema* RHP), the Metro, William Street, the State Theatre, Mt Lawley (later P2425 *Astor Theatre* RHP), the Ambassadors Theatre, Hay Street, and the Princess Theatre, Fremantle.¹⁶ Of these cinemas, P2404 *Cygnets Cinema* in Como is the most similar to the Windsor Theatre in terms of layout and formal composition. In particular, both feature a distinct curvilinear form juxtaposed alongside a vertical tower and with cantilevered canopy over the entry door.¹⁷

At the time of its construction, *Windsor Theatre, Nedlands* set a new benchmark in theatre design. It was built using a variety of modern materials including a 'Fibrolite' (corrugated asbestos) roof and included neon signage. The theatre had the most up-to-date Benbow projectors and Shadotone sound equipment.¹⁸

The sound revolution in films at the end of the 1920s had created a new interest in cinema entertainment, and cinema owners were forced to convert their cinemas to suit "talkies".¹⁹ *Windsor Theatre, Nedlands* was purpose built to feature films with sound.²⁰ The sound revolution also meant that live performers, such as pianos or members of an orchestra, were no longer required at screenings.

Windsor Theatre was originally intended to be named Hollywood Theatre. Popular at the time, the name 'Hollywood' was seen to symbolise wealth and glamour, and was given to a nearby housing estate. However, the name of the proposed theatre was changed to honour the abdicated king, and newly created Duke of Windsor.²¹

Windsor Theatre, Nedlands was officially opened on Friday 10 September 1937, by Mr A Bennett, Chairman of the Nedlands Road Board. During the opening ceremony, he congratulated Mr. E. P. Nelson for his enterprise in erecting such a fine theatre and praised the work of the architects (Messrs. Baxter Cox and Leighton) and the builders (Messrs. W. R. Ralph and Sons) were 'heartily echoed by the audience'. The opening programme included 'Three Smart Girls', Mickey Mouse and Popeye cartoons amongst other offerings.²² The new theatre would be operated by Independent Theatres Ltd and managed by Lionel Hart.²³

¹⁶ HCWA Assessment for P2065 *Piccadilly Theatre & Arcade*, December 2002, pp 7-8.

¹⁷ *Cygnets Theatre (formerly the Como Theatre) Conservation Management Plan*, undertaken by element in October 2018, p.82.

¹⁸ 'Windsor Theatre – Result of Experience', *The Daily News*, Thursday 9 September 1937, p 13.

¹⁹ Honniball, J. M. H. 'The Golden Age of Cinema in Perth' in *Early Days*, vol. 8, part 6, 1982, p. 44.

²⁰ National Trust (W.A.) Assessment Exposition, 1990, p. 2.

²¹ Williams, A. E. *Nedlands: From Campsite to City* (City of Nedlands, 1984) p. 134; Geneve, V. 'Versions of Modernism in Western Australian Cinema, 1930-1940' (Master of Arts Thesis, University of Western Australia, 1991), vol. 1, p.112.

²² *Daily News*, 11 September 1937, p. 10.

²³ *Ibid.*, Bell, M. D. p.67.

The theatre's auditorium was designed to seat 1,000 people,²⁴ arranged on a single, sloping floor separated into stalls and a lounge by circulation space. This layout had previously proved successful in cinemas in Sydney and Melbourne.²⁵ Due to the popularity of outdoor picture gardens with cinema-goers at this time, *Windsor Theatre, Nedlands* also incorporated an outdoor picture garden to the west.²⁶ The picture garden could seat up to 800 patrons on canvas deckchairs on a grassed area.²⁷

Like a number of other indoor/outdoor cinemas, *Windsor Theatre, Nedlands* featured a dual purpose 'bio box'. It also featured a unique and innovative system of mounting the projectors on a trolley, which could be easily wheeled in or out to service either the indoor or outdoor screen.²⁸ This innovative idea was repeated by Leighton in the design of the *Cygnets Theatre*, in Como (P2404 RHP), which was completed six months after the *Windsor Theatre* opened.

For the next 30 years, cinema remained one of the most popular forms of entertainment. However, the advent of television in the 1950s had a catastrophic effect on the cinema industry, and many cinemas in Perth and the suburbs were forced to close due to lack of patronage.²⁹

Under the management of Lionel Hart, the *Windsor Theatre, Nedlands* was modernised in 1965, in time for the screening of 'Lawrence of Arabia'.³⁰ Air conditioning was installed and alterations included new panelling to the entrance and foyer, and the installation of new chandeliers. The new air-conditioning made the indoor Auditorium more comfortable than the picture garden, which was suffering from increased traffic noise on Stirling Highway, distracting patrons at the screening of films. After 1965, the gardens were used infrequently and the picture garden screen was eventually removed in 1978.³¹

Windsor Theatre, Nedlands was damaged by a fire in the early 1970s, which started in an electrical switchboard located in the foyer. Damage was caused to the foyer ceiling, front entrance doors and the underside of the gallery. The entrance doors were replaced at this time with aluminium frame glazed doors.³²

In 1983, Independent Cinemas Pty Ltd leased the building, the Cinema having previously closed due to lack of patronage. The building was in a state of disrepair and a limited program of repairs and renovations was undertaken to bring the building back to a usable state. It was at this time that the cinema changed its programming to become an 'Art House' venue showing independent and subtitled foreign films, which proved popular with the local community. As a result, attendance numbers slowly increased.³³

24 Information provided by the current owner Roger Hunt in March 2020, states that the cinema never seated 1000 people. When purchased in 1983, there were 812 original seats.

25 Daily News, 9 September 1937, p. 10.

26 National Trust (W.A.) Assessment Exposition, 1990, p. 1.

27 West Australian, 19 December 1936, p. 6.

28 National Trust (W.A.) Assessment Exposition, 1990, p. 1.

29 Ibid, Bell, op.cit., pp 14 & 15.

30 Ibid, Bell, op.cit., p.3.

31 Ibid, Bell, op. cit., p. 67.

32 Information provided by owner Roger Hunt

33 Information provided by owner Roger Hunt, on 30/12/2019. Confirmed by Site Visit by DPLH staff on 18/12/2019

In 1987, Independent Cinemas Pty Ltd purchased the building and began construction of a second auditorium seating 200 to the west on the site of the former picture garden. Cinema 2 opened in 1990 and proved to be an immediate success. A new candy bar and ticket box was constructed at this time, with the dividing wall of the original ticket office removed to enlarge an existing office space behind. In the early 1990s, the original 820 vinyl seats were removed in the original theatre (Cinema1) and the seating capacity was reduced to 500. The acoustics were also upgraded.

In 2011, the vacant adjoining shop fronting Stirling Highway was converted to house Cinema 3 and the shopfront façade infilled with a soundproof brick wall. The shop was small and was originally utilised as a cloakroom. Later it was used as an office, before hosting a variety of retail shops.³⁴ The original shallow concrete canopy over the entry doors was replaced with a new much wider canopy, with new signage above, including a new cloud shaped neon sign, all of which reflect the original Inter-war functionalist architectural style of the building. In 2020, the only remaining original Art Deco typeface lettering to the façade 'The Windsor' is painted red.

Other changes to the building include the addition of a 3 metre polystyrene clad structure to the central tower to accommodate telecommunication equipment. This has been painted to match the existing tower.³⁵ The proscenium was removed in 2019 after a horizontal section collapsed.

In March 2020, the *Windsor Theatre, Nedlands* was forced to close its doors due to the worldwide outbreak of Covid19, and the subsequent restrictions on public gatherings. Prior to this, the place was still in use as a multiscreen cinema operated by Luna Cinemas, with a lease to 2035, with a proposal to further extend the cinema with conversion of the adjacent retail premise into an additional cinema.

13.2 PHYSICAL EVIDENCE

Windsor Theatre, Nedlands is a two storey masonry cinema, built in 1937, in the Inter-War Functionalist style. It is located on Lot 123 (No.98) Stirling Highway, Nedlands, near the intersection with Dalkeith Road. The nearby *Captain Stirling Hotel*, built in 1935, is situated on the crest of the hill to the east of the *Windsor Theatre*. Though influenced by different styles, both buildings are recognised landmarks along this particular stretch of Stirling Highway. Commercial development dominates the streetscape with residential development located behind to the north and south.

The place was originally constructed as a cinema with an associated outdoor picture garden and a separate ticket office to the west, and a shopfront at the front of the building to the east. The shop was also utilised as a cloakroom and had a second ticket box located in the shop wall. Prior to the outbreak of Covid19, and the subsequent restrictions on public gatherings, the place continued to be used as a cinema with the former shop/cloakroom now converted into an additional cinema. The outdoor picture garden no longer exists having been

³⁴ Information provided by owner Roger Hunt, on 30/12/2019

³⁵ Information provided by owner Roger Hunt, on 30/12/2019. Confirmed by Site Visit by DPLH staff on 18/12/2019

decommissioned in the 1970s. This area of land now accommodates an extension to the original building structure built between 1987 and 1990 that houses an additional cinema, storage, lounge and bathroom facilities.

Siting

The *Windsor Theatre, Nedlands* is located to the north east corner of the lot which has an area of 2,532 m². It comprises the main volume of the original auditorium, the extension, entrance foyer and former shop at the front. A bitumen car park is located to the west and south of the building with access off Dalkeith Road to the east. The place is located approximately 7km south west of the Perth Central Business District and approximately 2km west from the Swan River. The place is located along the section of Stirling Highway between Dalkeith and Mountjoy Road.

External Fabric

The *Windsor Theatre, Nedlands* is a large load bearing masonry building of varying heights between one and three stories, with a hipped corrugated asbestos cement sheet roof. Built in 1937 using a brick pier cavity wall construction, the place is representative of the Inter-war Functionalist architectural style and features contrasting horizontal and vertical motifs, asymmetrical massing of geometric forms and a cantilevered balcony. It comprises Art Deco style moulding and motifs, inspired by a mixture of floral and cinema themes. It has a painted render to the front and painted brickwork to the sides and rear.

The parapet of the front street façade conceals the hipped roof behind. The front facade has a masonry central tower, with two moulded stripes with a flat roof above. The tower is currently painted dark blue with the mouldings highlighted in red. The vertical detailing also includes the pattern of a Mayan flower at the top. There is an approximately 3m high extension to the top of the tower built of a frame structure clad with polystyrene in order to conceal telecommunications equipment. This extension incorporates a continuation of the vertical mouldings from the tower below and is also painted in the same colours that convincingly merges with the original structure to read as a single architectural component.

The bio box occupies the whole width of the street frontage on the upper level and was designed to allow the projector to be rolled to a different position, thus allowing the same projector to be used for either the indoor or outdoor screens. The bio box extends out from the western side of the tower in a streamline curve that features a cantilevered balcony with steel railings. The ground level windows below the balcony have been altered and now consist of two openings with frosted glass panels. Remnants of the original opening to this area is still evident with markings in the masonry. The bold geometric forms of the tower and curved structure are the buildings key architectural features.

The original main entrance to the cinema is defined at the base of the vertical tower and also delineated by masonry piers either side that provide a shallow recess. Entrance to the building is also provided via a set of three double doors adjacent to this main entrance. All these original openings are still extant but with modern aluminium frame glazed doors having replaced the original timber boarded doors. There is an awning structure to the street frontage built in 1990 that spans the full width of the building and provides a weatherproof cover to the entrance doors and the adjacent former shop tenancy. The design of this awning

is accentuated over the entrance doors with use of a stepped profile and curve that includes some signage. Although a modern addition, it blends in quite well with the overall architectural expression of the building. The original concrete canopy to this area was removed as it was deemed inadequate due to being too shallow with minimal street coverage and of a relatively low height.

Above the awning, the front street façade is painted render with simple detailing across the surface that is defined by a moulded band currently painted blue that flows into the original lettered signage of 'The Windsor', currently painted red. Below this signage there are three vertical bays recessed into the façade with a window opening to the top and bottom of each bay. Windows have either mounted air conditioning units within them or have been boarded over. There are a series of horizontal rendered bands to the parapet that are accentuated through being painted red.

The former shop and cloakroom located to the eastern side of the building is expressed architecturally as a single storey construction in comparison to the remainder of the building and also projects forward towards the street. In 2011, it was converted into an additional cinema with infill of the former shopfront to the street elevation. The external wall to this eastern side of the building is setback from the boundary by approximately 2m that facilitates a pedestrian access way to the side and rear of the building.

The rendered masonry of the street façade turns the corner to form a section of the eastern side elevation of the building. The materiality of this external wall then changes to grey painted brickwork in stretcher bond for the remainder of the elevation. There are a series of coupled window openings to the length of this façade, which originally accommodated timber louvres to allow ventilation to the main auditorium. These openings have since been infilled with flat painted panels as a modern air conditioning system now supersedes their requirement. A set of fire escape doors are located to the northern end of the auditorium with access through the façade onto a raised stepped area to provide change in level from internal floor level down to external ground level. Another set of fire escape doors are located further along the façade towards the rear that provide a second means of escape from the auditorium with level access onto the car park.

The rear south elevation has chamfered corners and has the same materiality of grey painted brickwork. There is a large intrusive mechanical air duct that penetrates this elevation (c1965). There is an air conditioning compound built against the rear wall jutting out into the car park.

The western side elevation incorporates the 1987-90 extension which is a simple two storey block set back from the rear elevation of the main auditorium. It is also set back from the street façade behind the curved component of the original building. The extension is of rendered masonry construction of simple detailing and no fenestration. An external ramped access to the outside provides egress from this part of the cinema.

Internal Layout and Details

Ground Floor Level

Entry into the building is off Stirling Highway through a series of aluminium double doors that lead into a double height foyer space. Walls to this area are of roughcast plaster with vertical mouldings and motifs to selected areas. The ceiling

to this area has articulated cornice mouldings and floor construction is timber with carpet finish. Accessed off this entry foyer to the east is the former cloakroom which together with the adjoining shop, has since been converted into a new cinema with contemporary finishes, seating and equipment. The entry foyer flows through a series of masonry piers into a much larger foyer of the same detailing but single storey in height where there is a reception counter to the southern end. To the east of this main foyer are bathroom facilities with non-original fittings and cubicles. To the west is a lounge area that forms part of the 1987-90 extension to the original building.

Accessible from the lounge is the curved component of the building that originally accommodated the ticket box with a dividing wall through the middle, which has since been removed. This area is now used for office and storage and has a painted concrete floor with plastered walls. To the south of the lounge is a store room, accessible toilet and a route through to cinema 2 which are all of modern construction and finishes being part of the 1987-90 extension to the original building.

Behind the reception counter in the main foyer is access to an electrical switch room, which has been re-built in a concrete structure following damage to the previous original timber structure caused by a fire. To the east of the reception counter are a series of steps and entry doors that lead up to the main cinema auditorium. The floor structure to the auditorium is of timber construction supported on brick piers of diminishing heights to create the required fall for the tiered seating. The floor has a carpet finish. The seating is upholstered that replaced the original hard vinyl seats. The walls to the auditorium are a combination of plastered masonry with dado mouldings and painted brickwork. Full height fabric curtains have been installed to the full height of the walls to improve acoustic performance of the space. The original proscenium has been removed with a new screen installed in front, and a new ceiling has been installed behind the screen. The ceiling is lined with fibrous plaster with triangular ceiling light boxes and contemporary spotlights. The ceilings also have deep cornice mouldings and an original decorative ventilation grille running as a narrow strip along the central length of the auditorium. There are a number of modern ceiling grilles dispersed throughout to provide air conditioning. ...

Upper Floor Level

To the rear of the main auditorium there is access to the projection room located at an upper floor level that is entered via a narrow door and stairs. This area encompasses the curved component of the building to the west and has a concrete floor with vinyl floor finish. Walls are plastered masonry with paint finish. Three window openings are located to the northern wall have been infilled to enable a complete black out. From this room there is an external door that provides access to the curved balcony facing the street and also an internal door to access an intermediate floor level below that accommodates a store room.

13.3 COMPARATIVE INFORMATION

Inter-War Theatres/cinemas

The WA Post Office Directory for 1940 lists about 100 picture cinemas and gardens around the State, which indicates the popularity of cinema during the inter-war period. The Historic Heritage database includes 103 places noted as

having the use of theatre or cinema, including 37, which are entered in to the State Register of Heritage Places. This figure includes purpose-built cinemas, places that were constructed for live theatre and later converted into a cinema, drive-in cinemas, and places that have primarily shown live theatre.

Inter-War Theatres/cinemas

Of the overall 103 cinemas and picture gardens on the database, 40 were constructed between 1925 and 1940. This includes the following 10 registered places which were all purpose built Theatres/Cinemas, five of which were designed by architectural firm Baxter Cox & Leighton or by William Leighton himself:

- P02065 *Piccadilly Theatre & Arcade* (RHP) (1938) – a cinema and retail complex designed by Baxter Cox & Leighton in the Inter-War Functionalist style. The place retains a moderate proportion of its original/early fabric. The characteristics of the former style are concentrated in and around the original cinema.
- P02404 *Cygnets Cinema, Como* (RHP) – is an excellent example of a cinema constructed in 1938 in the Inter-War Functionalist style. This cinema is the least altered of the extant cinemas in Perth designed by William Leighton and is still in use in 2020.
- P02425 *Astor Theatre, Mount Lawley*, (RHP) (1914) - Originally constructed in the Federation Free Classical style to a design by David McClure as a live theatre, the place was converted into a cinema in 1922. It was extensively renovated, in 1939, in the Inter-war Art Deco style to plans drawn by cinema architect William Leighton. The building once featured an adjoining picture garden venue (c.1920s).
- P02454 *Regal Theatre, Subiaco* (RHP) (1936-38) – designed in the Inter-War Art Deco style. There is some uncertainty over the origin of the design for the Theatre, which is said to have been based on a sketch by William Leighton, but the approved plans came from the offices of architect William G. Bennett.³⁶ The Regal Theatre is largely intact, with the exception of minor alterations resulting from its conversion to live theatre in the late 1970s.
- P00374 *Lyric Theatre, Bunbury* (RHP) (1905) - originally designed by Bunbury architect FW Steere and remodelled in the Art Deco style in 1937 following a fire with designs by W.T Leighton of the partnership, Baxter Cox & Leighton.
- P00154 *Beverley Town Hall* (RHP) (1938) – an Inter-War Functionalist style town hall and former picture gardens designed by William G. Bennett. The place is the only known town hall in regional Western Australia to have been originally designed to include a picture garden.
- P01060 *Radio Theatre Building, Geraldton* (RHP) (1937) – a relatively intact example of purpose built Inter-War Art Deco Theatre, designed by prominent architect Samuel Rosenthal.

³⁶ *Regal Theatre, Subiaco*: conservation plan, by Hocking planning and Architecture, 2001.

- P01574 *Cummins Theatre, Merredin* (RHP) (1928) – a substantially intact relocated theatre building that exhibits some of the design elements typical of theatres from this period such as a curved awning featuring neon signage and a shopfront adjacent to the main entrance.
- P03468 *Cremorne Theatre, Kalgoorlie* - constructed in 1907 with refurbishments undertaken in 1936 by Hobbs, Forbes & Partners, with elements of the Art Deco style.
- P3832 *Memorial Hall, Mosman Park* (RHP) (1921) - comprises an Inter-War Functionalist style hall and adjacent walled picture garden originally constructed as a town hall. Once completed also used as a cinema.

The following cinemas constructed in the Inter-War period are on the Heritage Council's assessment program to be considered for possible inclusion in the State Register:

- P2206 *New Oxford Cinema, Leederville* (1927) - constructed in the Inter-War Art Deco style and designed by architect S.B. Rosenthal.
- P3613 *Plaza Theatre (fmr) & Arcade, Perth* (1937) - originally designed by William Bennett in 1937, and completely reconstructed and redecorated by William Leighton in 1940. The Art Deco features that once characterised the place were removed in the 1980s.

Others Inter-War Cinemas/Theatres on the historic heritage database include the following places:

- P3615 *Beacon Theatre, Beaconsfield* (1937) – a two storey former cinema in the Inter-War Functionalist style that included picture gardens and shops. Now a commercial building and health centre. (Assessed below threshold 2007)
- P3611 *Wembley Theatre and Picture Gardens* (1937) – an Inter-War Art Deco theatre with adjacent picture gardens. The picture gardens were demolished in 1962. The theatre was damaged by fire in 1980, and only the façade remains.
- P186 *Palace Theatre and Fun Gardens, Boulder* (1937) – designed by architect J. Ochitree in the Inter-War Art Deco style. The place was removed from curtilage of Burt Street Precinct is to be considered for addition to Assessment Program as individual place.
- P3612 *Civic Theatre, Inglewood* (1936) – designed by architect J.S Steele, the theatre originally formed part of a complex, which included an adjoining Picture Garden (not extant) The former cinema which incorporated a clock tower was used for many years by the entertainer Max Kaye, then became the Civic Theatre Restaurant. In recent years, it has been extended and adapted as apartments. (Assessed as below threshold 2013)

Windsor Theatre, Nedlands is an austere example of a cinema designed in the Inter-War Functionalist style, the façade of which was modified in the 1990s to reflect elements of the style. It is therefore a good representative example of a

1930s suburban cinema, which reflected the hope and optimism of the inter-war period.

The P2404 *Cygnets Theatre, Como* (RHP) is a highly intact and fine example of a cinema in the Inter-War Functionalist style, which is known to have been designed by William Leighton (of Baxter Cox and Leighton Architects), and is the least altered of the 1930s suburban cinemas of Perth that remain in operation. It is therefore, a more intact example of its type.

13.4 KEY REFERENCES.

13.5 FURTHER RESEARCH



HERITAGE COUNCIL

HC CURTILAGE MAP P1831-A Windsor Theatre

PREPARED BY DANIEL HOLLAND (SENIOR LAND INFORMATION OFFICER) 18/10/2019

386800

386850

Legend

-  Curtilage
-  Cadastre



6461200

6461200

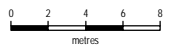
Dalkeith Rd

6461150

6461150

386800

386850



GDA 1994 MGA Zone 50

Produced by Heritage Assessment & Registration,
Department of Planning, Lands and Heritage,
Copyright © October 2019

Base information supplied by
Western Australian Land Information Authority
SLIP 1096-2018-1

2018 aerial imagery supplied by
Western Australian Land Information Authority
(Scale 1:405; positional accuracy +/- 2m)



HERITAGE COUNCIL

HC ZONES OF SIGNIFICANCE P1831-A Windsor Theatre

PREPARED BY DANIEL HOLLAND (SENIOR LAND INFORMATION OFFICER) 12/02/2020

Item 13.6 - Attachment 2

386800

386850

Stirling Hwy

Dalkeith Rd

6461200

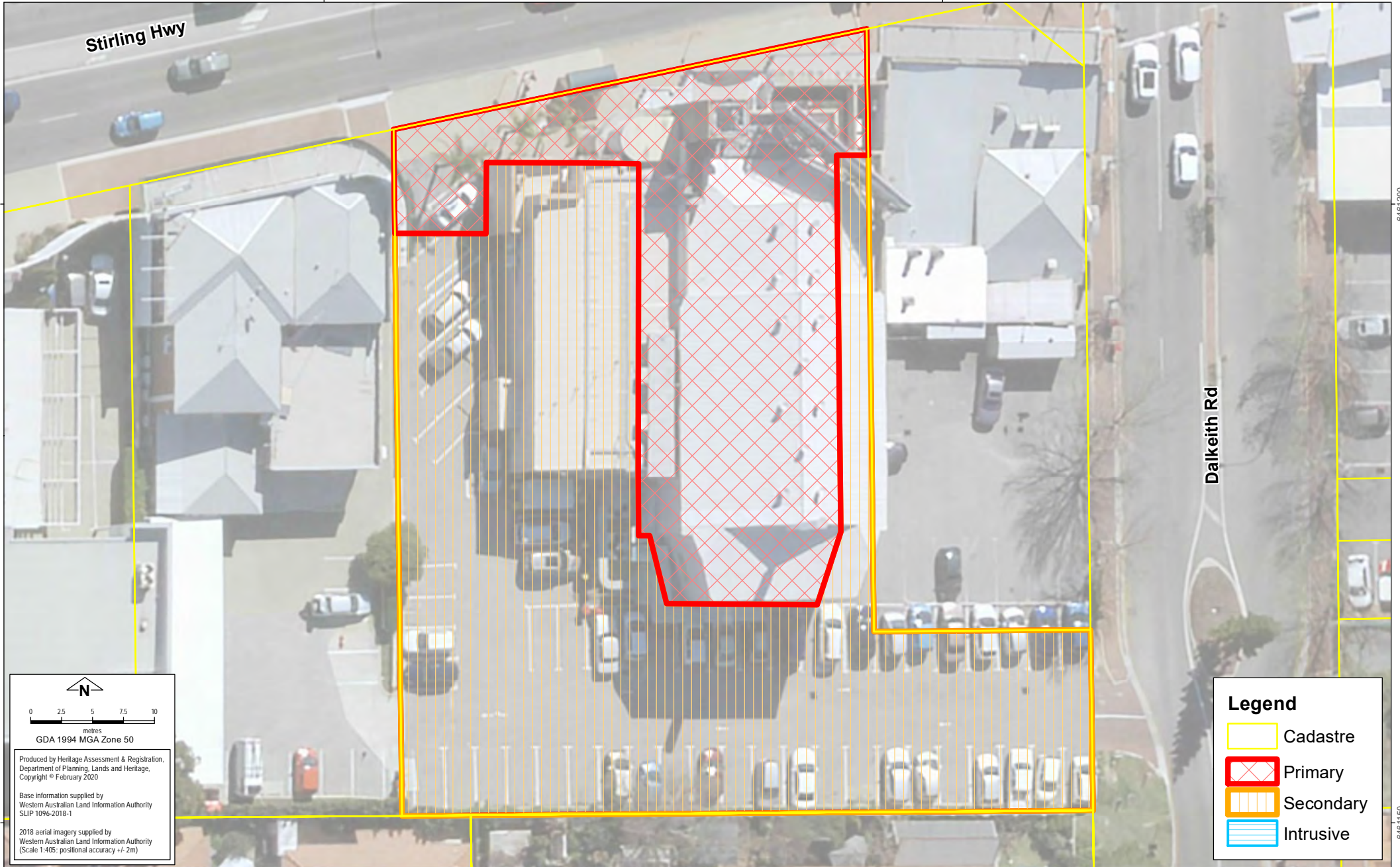
6461200

6461150

6461150

386800

386850







GDA 1994 MGA Zone 50

Produced by Heritage Assessment & Registration,
Department of Planning, Lands and Heritage,
Copyright © February 2020

Base information supplied by
Western Australian Land Information Authority
SLIP 1096-2018-1

2018 aerial imagery supplied by
Western Australian Land Information Authority
(Scale 1:405; positional accuracy +/- 2m)

Legend

-  Cadastre
-  Primary
-  Secondary
-  Intrusive

16.1 Councillor Mangano – Scheme Amendment 7

Councillor Bennett – Financial Interest

Councillor Bennett disclosed a financial interest in Item 16.1 – Urgent Business Councillor Mangano Scheme Amendment 7, his interest being that he lives in the scheme area at 133 Broadway, Nedlands. Councillor Bennett declared that he has been granted approval by the Minister to remain in the meeting and vote subject to the following conditions:

1. The approval is only valid for the 28 July 2020 Ordinary Council Meeting when agenda item 16.1 is considered;
2. The abovementioned Councillor must declare the nature and extent of their interests at the abovementioned meeting when the matter is considered, together with the approval provided;
3. The CEO is to provide a copy of the Department's letter of approval to the abovementioned Councillor;
4. The CEO is to ensure that the declarations, including the approval given and any conditions imposed, are recorded in the minutes of the abovementioned meeting, when the item is considered;

Moved – Councillor Mangano
Seconded – Councillor Bennett

That Council instructs the Chief Executive Officer to aggregate public submissions for Scheme Amendment No 7 and have the final documentation ready to be presented to Council at the Council Committee Meeting on 11 August 2020.

**CARRIED 11/1
(Against: Cr. McManus)**

Justification

The South Broadway Scheme Amendment is an urgent matter and has been discussed by the Mayor and others with the WAPC Chair. It needs to be presented and voted on by Council as a matter of urgency so that the WAPC can formally receive it.

Administration Comment

Community Engagement comments close on the 25th July 2020 for Scheme Amendment #7.

A petition against the amendment has also been tabled by Cr Senathirajah against the recommendation to adopt Scheme Amendment #7.

Given the Planning Departments' current strategic planning workload and 10 Planning related Council items being drafted and finalised for August, Scheme Amendment #7 is scheduled to be tabled before Council at its September round of Council meetings. Reallocation of this work will result in other work being delayed such as the PMRG LPP and associated Transition Area Policy work.

Scheme Amendment #7 given the community tension and complexity given its strategic planning context as being within a Specialised Activity Centre Boundary requires careful consideration by administration and therefore should not be rushed. The amendment even if adopted by Council is not considered either certain or imminent until such time as a recommendation has been made by the WAPC to the Minister for Planning. As such, it is unlikely that rushing administration to present a report to Council is going to result in any added weight or certainty to the Scheme Amendment nor any additional weight being applied in decision making of current Development Applications.

16.2 Councillor Coghlan – Public Submission on Proposed Peace Memorial Rose Garden Local Planning Policy

Moved – Councillor Coghlan
Seconded – Councillor Mangano

That Council instructs the CEO to ensure the following:

- 1. A summary analysis of the public submissions received to the advertising of the PMRG LPP is provided to:**
 - a. Councillors in advance of the Council Workshop on 6 August 2020.**
 - b. The Community Working Group (CWG) community members at the same time.**
- 2. Full copies of the public submissions are also provided to Councillors in advance of the Council Workshop on 6 August 2020.**
- 3. For all Council planning and other matters where public submissions are received, full copies are made available to Councillors as standard practice, coordinated with the associated Council briefings or workshops, community meetings or workshop, and Committee or Council meetings.**

CARRIED 8/4
(Against: Crs. Senathirajah Wetherall McManus & Poliwka)

Justification

Public consultation is central to the planning process and all of Council's business.

Submissions provide vital input to addressing matters and making decisions properly.

For meaningful consultation and effective decision making to occur, submissions must be thoroughly considered.

In addition to summaries and analyses, Council needs to see full copies of submissions for comprehensive, detailed information.

This approach improves accountability, transparency and equality in Council's deliberations and determinations in the public interest.

It takes community consultation seriously as a driver in shaping the directions that Council pursues.

An unprecedented and ongoing amount of public consultation is of necessity taking place throughout Nedlands for a range a planning matters.

In relation to the PMRG LPP, to date the CWG has received little feedback on the public submissions, despite requesting such.

It is important that Councillors and the CWG are well-informed about the submissions in order to progress the matter.

In this way consultation will be genuine and submissions will have a bearing in addressing the many proposals and issues being dealt with.

Administration Comment

Point 1 & Point 2

A Summary of submissions is usually tabled as a confidential attachment to a Council report / Agenda and Minutes and as such is generally available for Councillor viewing.

Administration have no objection to releasing this to Council for before the Council workshop.

Administration do not believe that this confidential information is suitable for release to the Community Working Group which includes members of the public; however, a summary of submissions can be provided.

As per Point 1, Administration provide this information as confidential attachments to Committee and Council items. Administration do not object to this information being provided to Councillors in advance, for use in workshops / briefings as required.

Councillor Hodsdon left the meeting at 11.51 pm.

Moved – Mayor de Lacy
Seconded – Councillor Wetherall

That the meeting be adjourned to Thursday 30 July 2020 at 6.00 pm.

CARRIED UNANIMOUSLY 11/-

The meeting adjourned at 11.53 pm on 28 July 2020 and reconvened at 6.08 pm on 30 July 2020 at the Council Chamber, 71 Stirling Hwy, Nedlands, with the following people in attendance:

Councillors	Her Worship the Mayor, C M de Lacy	(Presiding Member)
	Councillor F J O Bennett	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Vacant	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor P N Poliwka	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor G A R Hay	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward

Staff	Mr M A Goodlet	Chief Executive Officer
	Mr P L Mickleson	Director Planning & Development
	Mr J Duff	Director Technical Services
	Mrs N M Ceric	Executive Assistant to CEO & Mayor

13.5 Local Planning Scheme 3 – Local Planning Policy: Dalkeith Road to Stanley Street Laneway and Built Form Requirements

Council	28 July 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Ross Jutras-Minett – Acting Director Planning & Development
CEO	Mark Goodlet
Attachments	<ol style="list-style-type: none"> 1. Tracked Changes Local Planning Policy: Dalkeith Road - Stanley Street Laneway and Built Form Requirements 2. Final Local Planning Policy: Dalkeith Road - Stanley Street Laneway and Built Form Requirements 3. Summary of Submissions 4. November 2018 JDAP development approval and endorsed plans for No. 90 Stirling Highway (ALDI Development) 5. June 2020 Woolworths Development Application Plans 6. McLeod’s Legal Advice (3 June 2020). 7. Indicative laneway concept drawing
Confidential Attachment	<ol style="list-style-type: none"> 1. Original Submissions

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Mangano
 Seconded – Councillor Hay

That the Recommendation to Council be adopted.
 (Printed below for ease of reference)

**CARRIED ON THE CASTING VOTE 7/6
 (Against: Crs. Horley Smyth McManus
 Hodsdon Wetherall & Senathirajah)**

Council Resolution / Recommendation to Council

That Council resolves to adopt the Dalkeith Road – Stanley Street Laneway and Built Form Requirements Local Planning Policy with modifications as set out in Attachment 2, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4(3)(b)(ii).

Executive Summary

The purpose of this report to recommend that Council adopt the Dalkeith Road – Stanley Street Laneway and Built Form Requirements Local Planning Policy.

This Policy details the requirements relating to the ceding and construction of a new east-west laneway between Dalkeith Road – Stanley Street. The land affected by the policy includes No.56 (Lots 50 and 51) Dalkeith Road, No.90 Stirling Highway (Lots 4 and 5) and the wider Captain Stirling redevelopment site being (No.80 Stirling Highway (Lot 1) No's 2-6 Florence Road (Lots 21 to 23) and No's 7-9 Stanley Street (Lots 32 to 33).

Under this policy, the laneway is located along the southern boundary of No. 56 Dalkeith Road (Lots 50 and 51), No. 90 Stirling Highway (Lots 4 and 5) and No. 4 Florence Road (Lot 22) and No. 7 Stanley Street (Lot 33) (refer Figure 1), unless otherwise agreed to by the City. It also outlines the built form requirements for the proposed laneway.

This Policy has been created as a mechanism to enable the ceding of land in accordance with clause 32.3 of City's Local Planning Scheme No. 3 (LPS3). Clause 32.3 allows land affected by a right of way or laneway identified by the scheme, or a local planning policy, to be ceded and constructed at the time of developing or subdividing the land.

The creation of the proposed laneway is consistent with the City of Nedlands Local Planning Strategy (LPS) and draft City of Nedlands Town Centre Precinct Plan Local Planning Policy (NTCPP LPP). It aims to provide alternative vehicle, bicycle, and pedestrian access to the future town centre and is intended to help relieve growing traffic volumes and congestion along Stirling Highway. It also supports the realisation of the intended 'pedestrian focused' town square environment at the northern end of Florence Road under the draft NTCLPP.

Discussion/Overview

Background

The land affected by the Dalkeith Road – Stanley Street Laneway and Built Form Requirements Local Planning Policy is No.56 (Lots 50 and 51) Dalkeith Road, No.90 Stirling Highway (Lots 4 and 5) and the wider Captain Stirling redevelopment site being (No.80 Stirling Highway (Lot 1) No. 2-6 Florence Road (Lots 21 to 23) and No. 7-9 Stanley Street (Lots 32 to 33).

Under this policy, the laneway is located along the southern boundary of No. 56 Dalkeith Road (Lots 50 and 51), No. 90 Stirling Highway (Lots 4 and 5) and No. 4 Florence Road (Lot 22) and No. 7 Stanley Street (Lot 33) shown on Figure 1 below. These properties were recently up-coded to a density of R-AC1 under the City's adopted LPS3.



Figure 1: Properties to the south of Stirling Highway between Dalkeith Road and Stanley Street subject to proposed laneway development

Clause 32.3 of LPS3 allows the ceding and construction of a laneway at the affected landowner's cost for the purpose of creating rights of way or laneways which are identified in, amongst other things, a local planning policy. Therefore, if Council chooses to adopt this policy, the City will have the head of power under clause 32.3 of LPS 3 to require the affected landowner(s) to cede and construct the laneway to the City's specifications at the time of subdivision or development.

Laneway Details

This Policy details the requirements for the proposed laneway between Dalkeith Road and Stanley Street, including the land identified to be ceded in order to create the laneway and the requirements for the ceding and construction.

The Policy requires the ceding of a 10m wide strip of land on each of the affected properties, measured from the southern boundary line on No. 56 Dalkeith Road (Lots 50 and 51), and No. 90 (Stirling Highway Lots 4 and 5), No. 4 Florence Road (Lot 22) and No. 7 Stanley Street (Lot 33).

The 10m wide strip will facilitate the construction of a 7m wide carriageway and a southern 3m 'buffer' zone that will provide opportunity for the construction of a dedicated 2.5m wide shared path, an acoustic barrier where considered appropriate, landscaping treatments in the form of small canopy tree planting and vegetative screening, and lighting/ other servicing requirements.

In relation to the dedicated 2.5m wide shared path, the draft NTCPP LPP indicates a new bicycle route should be established along the proposed rear laneway between Dalkeith Road and Florence Road with further bicycle racks and End of Trip Facilities constructed in the Town Square (page 12).

Planning Administration is advised that either 1.5m wide cycle lanes (in each direction) or a 2.5m wide shared path is necessary to satisfy Department of Transport requirements as 1.5m wide unprotected road cycle lanes are no longer supported. In this instance, a shared path is considered the most appropriate design solution as it will:

- Provide a more efficient and localised bicycle and pedestrian connection to the town centre from the south-west and west, providing a shorter access route and avoiding Stirling Highway.
- Provide an alternative bicycle and pedestrian connection from Dalkeith Road/Stirling Highway as the only signalized pedestrian crossing point on Stirling Highway.
- Rationalise the extent of likely land ceding, noting that the option of 1.5m bicycle lanes in both directions would require the ceding of 3m in addition to the 7m carriageway and any site landscaping/servicing treatments (indicatively approximately 1m), without providing for pedestrians.
- Connect with existing the Dalkeith Road footpath, Florence Road 'pedestrian focused' street and town square and Stanley Street, improving southern permeability and legibility in the future Town Centre and between the intended Town Heart components under the draft NTCPP LPP.

The laneway will be wholly operational once each affected property has ceded the 10m strip of land and constructed the laneway to the City's specifications including being sealed, drained, serviced and landscaped. In the interim, and until full through-access is achieved, individual affected properties may utilise the laneway for servicing needs, as agreed to by the City.

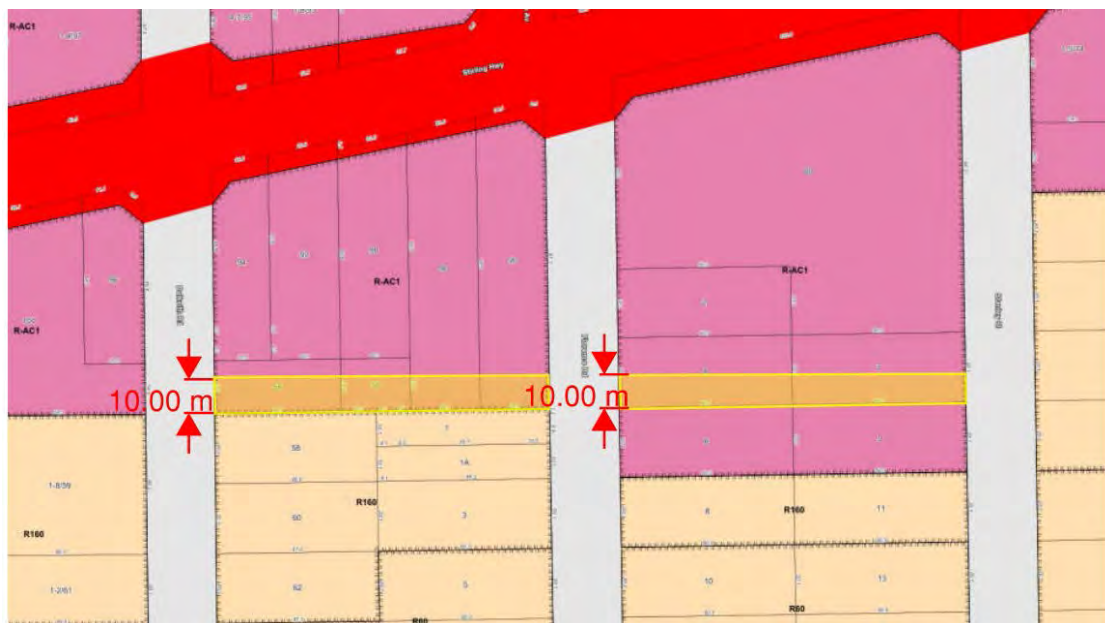


Figure 2: Proposed location of 10m wide laneway

The laneway design requirements are supported by an indicative concept design undertaken by McDowell Affleck civil engineers on behalf of the City (Planning and Technical Services) Administration and is enclosed as Attachment 7.

It should be recognised that the indicative concept design is in its preliminary stages given the evolution of the Nedlands Town Centre via both the draft NTCPP LPP and development applications. That notwithstanding, the concept design was undertaken to 'test' the Policy's design requirements and to demonstrate that safe and functional traffic movements and acceptable amenity and built form outcomes can be ultimately achieved. The concept design takes into consideration the existing development contexts of the landholdings affected by the proposed laneway, in addition to the ambitions of the draft NTCPP LPP.

Planning Administration understands that the concept design, as tested by swept path analysis for a 19m semi-trailer, a 8.8m service vehicle and B85 car, along with further detailed design, will adequately ensure safe and functional traffic movements along the proposed laneway.

Laneway Creation

The ceding of the laneway will be given effect once the local planning policy is adopted and at the time the affected lots are developed or subdivided (including amalgamation).

In keeping with common practice, it is intended that the laneway will be created with the legal status of a public Right of Way (ROW) pursuant to section 152 of the *Planning and Development Act 2005*.

Under section 152, a subdivision plan would be approved by the WAPC subject to a condition that one or more portions of land shown on a diagram or plan of survey are vested in the Crown for the purpose of a ROW. The land the subject of the ROW as shown in the plan then vests in the Crown without the need for any other conveyance or transfer, or the payment of any fee.

The ROW then becomes Crown land and is taken to be reserved under section 41 of the Land Administration Act for the purpose of a ROW, after which the Minister will then typically place the care, control and management of the ROW in the City of Nedlands.

Hence, whilst the Dalkeith Road – Stanley Street is referred to as a 'laneway' for the purpose of LPS3, draft NTCPP LPP and this Policy, in legal terms it is intended to be a public ROW.

In practical terms, the dimensions of the carriageway (7m) which facilitates two way access, the likely construction specifications (to the satisfaction of the City of Nedlands) and the intended function providing an alternate connection to the Town Centre and relief from Stirling Highway, means that the laneway will be considered equivalent, in appearance and function, to that of a road within a road reserve.

Land Tenure and Development Considerations

The land affected by the proposed laneway is held by multiple landowners and affected by differing development contexts, including an existing development approval, a current development application and existing infrastructure constraints.

The laneway land can also be separated into two components: Dalkeith Road to Florence Road and Florence Road to Stanley Road. Time considerations relating to the ceding and construction of the laneway, and the necessity for integration between the landholdings and laneway components are important considerations to the ultimate realisation of the Dalkeith Road – Florence Road laneway.

The unique development contexts associated with each of the affected lots are detailed below.

No. 56 (Lots 50 and 51) Dalkeith Road

The land comprising No. 56 (Lots 50 and 51) Dalkeith Road represents the western entrance of the proposed laneway. The land has an approx. 15.5m eastern and western frontage to Dalkeith Road and to Lot 4 (No. 90 Stirling Highway which forms part of the ALDI redevelopment site) respectively and covers an approximate area of 880sqm. It also has an approx. 36.5m abuttal to No's 92 and 94 Stirling Highway to the north. These northern lots form part of the Nedlands Town Centre under the draft NTCPP LPP but have not been subject to any redevelopment applications. It is understood the Dalkeith Early Learning Centre operates on the southern abutting land at No. 58 Dalkeith Road.

The land at No. 56 Dalkeith Road accommodates a subterranean drainage sump that services the drainage needs for the broader surrounding residential and commercial area. Lot 50 is owned by the City following the recent acquisition from the Water Corporation in 2019 to enable the future construction of the east-west laneway. Lot 51 was already in ownership of the City as freehold land.

Currently, the City is contemplating development opportunities associated with its R-AC1 coded landholding, including possible options to relocate or redesign the existing drainage sump (whilst continuing to service the drainage needs of the surrounding land).

The indicative laneway concept drawing progressed by the City (Attachment 7) considers the possibility of southern laneway access to No's 92 and 94 Stirling Highway.

ALDI site – No. 90 Stirling Highway (Lots 3, 4 and 5)

The land comprising Lots 3, 4 and 5 at No. 90 Stirling Highway is known informally as the ALDI redevelopment site. A development approval was granted by the Metro West JDAP (application reference DA18/29611 (DAP/18/01444)) on 14 November 2018 for a supermarket and six (6) shops.

Specifically, the application proposed a small-line (1,213sqm) ALDI supermarket with a rear 347sqm rear storage area and ancillary office and staff facilities (60sqm) as well as additional retail tenancies (624sqm GFA) fronting Florence Road and Stirling Highway independent of the supermarket, landscaping and supermarket signage and a basement car park containing 90 bays (2 disabled bays) that is accessible from Florence Road via a crossover at the south-east corner of the site. The servicing area of the supermarket is located at the southern end of the development site and features a truck turn table at the south-west corner, which is the subject of a development approval condition (Condition 12).

The development approval is valid for three (3) years until 14 November 2021, with an additional 2 years now allowed under the Minister's Exemption, and is subject to various conditions including the following, which hold implications for the proposed east-west laneway:

Administrative

5. Prior to occupation of the development, the applicant is to enter into a Deed of Agreement with the City of Nedlands to ensure that, should access be made available to Dalkeith Road in the future, the proposed development is able to facilitate public through access from Dalkeith Road to Florence Road. The Deed of Agreement is to be prepared at the applicant's cost.

Transport

8. A Loading, Servicing and Delivery Management Plan shall be provided to and approved by the City prior to construction commencing and will outline how the servicing of the proposed development will occur including service, delivery, and rubbish collection vehicle routes. The approved plan is required to be complied with at all times.
12. A management plan for the truck turntable shall be submitted and approved by the City of Nedlands prior to the occupation of the development. The approved management plan shall be complied with at all times.

Appearance of development

18. The acoustic barrier wall to the southern lot boundary shall be no more than 2m in height and be constructed of materials to ensure compliance with the relevant noise regulations and the City's Fill and Fencing Local Planning Policy to the satisfaction of the City of Nedlands.
19. The acoustic barrier wall is to be installed prior to practicable completion of the development, and be maintained thereafter, by the landowner to the City's satisfaction.

21. The applicant shall provide a revised landscaping plan for the development, prepared to the City's satisfaction including the species types, maturity and densities of soft landscaping, the proposed reticulation layout and details of the hard landscaping proposed. The revised landscaping plan shall be submitted by the applicant and approved by the City of Nedlands prior to construction commencing.
22. Landscaping shall be installed/planted in accordance with the approved landscaping plan within 60 days of practical completion of the development and maintained thereafter by the landowners to the satisfaction of the City of Nedlands.

Waste Management

26. A waste management plan shall be submitted and approved by the City prior to construction commencing. The approved waste management plan shall be complied with at all times by the landowner to the City's satisfaction.

Whilst a development approval is in place for the ALDI redevelopment, Condition 5 makes provision for the preparation of a Deed of Agreement prior to occupation of the development, in order to facilitate public through access from Dalkeith Road to Florence Road in the event laneway access is provided to Dalkeith Road.

Clause 32.3 of LPS3 and the proposed Policy can be utilised to facilitate the creation and construction of the east-west laneway across Lots 4 and 5. The ceding of the laneway land pursuant to section 152 of the *Planning and Development Act 2005* is triggered by the future amalgamation of the land as required under Condition 1 of the development, although it is noted that compliance with this condition (and Condition 5) is not technically required until occupancy.

The provision of the proposed east-west laneway across the ALDI site also has implications for Conditions 8, 12, 18, 19, 21, 22 and 26. That notwithstanding, there is scope for the impact of the new laneway to be addressed as part of compliance with these conditions, many of which will need to be addressed with amended plans or strategies prior to construction or occupation of the approved development.

Planning Administration understands that the lodgment of a building permit application for the ALDI development approval could occur within the next 12 months. However, the agreement embodied in Condition 5 and arrangements for the ultimate delivery of the Dalkeith Road – Stanley Street laneway may be hastened in response to the current Captain Stirling (Woolworths) development application, which at this point prefers the future laneway for optimal access in the absence of signalization of the Stanley Street / Stirling Highway intersection.

The indicative concept design indicates that a 19m semi-trailer, a 8.8m service vehicle and B85 car can access the ALDI site via Florence Road south and the laneway, although some large truck movements would likely be 'non-lane correct.'

Captain Stirling redevelopment site 'Nedlands Square' – No. 80 Stirling Highway (Lot 1) No. 2-6 Florence Road (Lots 21 to 23) and No. 7-9 Stanley Street (Lots 32 to 33).

An application (Reference DA19/38512 and DAP19/01651) relating to the redevelopment of the Captain Stirling site was lodged in August 2019 and subsequently amended in March 2020 with final amended plans and support documentation lodged in May and June 2020.

The application broadly proposes:

- The demolition of four (4) existing single houses and the bottle shop associated with the Captain Stirling Hotel.
- Minor alterations and additions to the Captain Stirling Hotel.
- A new mixed-use commercial building that incorporates car parking at the basement/undercroft level, ground level and level 1, a full line Woolworths supermarket, medical centre, liquor store, specialty shops, restaurants at ground level, a gymnasium at level 1 and offices at the undercroft/basement level and level 1.

The application was considered by JDAP on 29 June 2020 and deferred for a period of up to 90 days to:

- To provide greater certainty on the traffic, transport and access issues;
- To provide further information on heritage issues; and
- To address the integration of the project in the Nedlands Town Centre.

The proposed development has consistently proposed a 7m wide laneway to the rear of Lots 23 and 32 (No. 6 Florence Road and No. 9 Stanley Road), which sits approximately 20m to the south of the proposed laneway alignment in this policy (on No. 4 Florence Road and No. 7 Stanley Street) and therefore forms a 'dog leg' connection to the Dalkeith Road and Florence Road laneway component.

To the south of the 7m wide carriageway, the proposed southern boundary interface comprises a landscape trellis/arbor structure and acoustic wall at the boundary, followed by a row of 29 car bays (90-degree angle (2.4m x 5.6m). These car spaces are intended to comprise employee parking spaces associated with the commercial land uses proposed on site.

The purpose of the laneway within the Captain Stirling development application is to facilitate two way access between Florence Road and Stanley Street for both service vehicles to the retail building, as well as customers and visitors to the retail development and town centre more broadly.

In response to the JDAP's Regulation 13 direction for an alternate recommendation, the Applicant proposed that the development be conditioned to require the laneway land be the subject of an easement, as follows:

A 7-metre-wide section of land at the rear of the subject lots, for the entire width of the lots, is to be the subject of an easement under sections 195 and 196 of the Land Administration Act 1997. The preparation of the easement shall be at the cost of the proponent to the satisfaction of the City of Nedlands.

As advised in the June RAR, the City's Planning Administration is of the view that the proposed 'dog leg' laneway alignment on the Captain Stirling redevelopment site will result in a preferable built form outcome having weighed the built form costs associated with a consistent laneway alignment. In the absence of adverse and fundamental traffic safety and movement flaws, the proposed southern boundary laneway alignment on No. 6 Florence Road and No. 9 Stanley Street is considered acceptable. In reaching this position, Administration made the following observations:

- The development as proposed is unlikely to be feasible if the laneway over the application site continues on the alignment common to the Dalkeith Road and Florence Road laneway component. The development of a full line supermarket generally requires a large, regular area at ground level for optimised servicing conditions. It would be relatively illogical for the supermarket to be provided at split floor levels or over multiple levels.
- The current plans indicate that the supermarket has depth of approx. 51m, excluding flanking specialty retail tenancies. If the laneway were provided on the common centralised alignment, the current supermarket floorplate would encroach (approx 5m or half way) into the currently proposed town plaza and the main pedestrian stair. Flanking speciality retail tenancies would likely be relocated to the upper levels and at-grade parking may be lost. It is unclear how the street level activation of Florence Road and integration of the retail building with the hotel could work. More detailed scenario planning and information is required to determine whether a more flexible of full line supermarket floorplan is achievable.
- If the laneway were to follow the Dalkeith Road to Florence Road alignment, it would leave an approx. 20m wide elongated development parcel along the southern boundary. Although not designed or explored through design scenarios, it is anticipated (based on Element 4.3 Size and layout of dwellings of the R-Codes Vol. 2) that the parcel could support a row of future apartment development with a dwelling depth of 10m, with additional room for circulation and private open space.

- The current design provides significant separation (12.6m) to the rear which will benefit future development on the south-lying abutting land by optimising its northern orientation. If residential development was provided along the rear boundary, building separation would need to be provided consistent with rear setbacks in Table 2.4 and visual privacy setbacks in Table 3.5 of the R-Codes Vol. 2 up to 4 storeys, and otherwise the separation standards within Table 2.7. Compliance would become more challenging above 4 storeys. The land to the south is coded R160 and could support development with a building height of up to 5 storeys.
- Future residential development would interface with the laneway and supermarket 'back of house' at ground level. The nature of traffic volumes, modes anticipated along the laneway and the servicing interface would not result in optimal internal amenity outcomes/outlook for these dwellings. The need for acoustic attenuation is highly likely. Amenity impacts may be alleviated at higher levels (beyond the level 1 car park) or if undercroft /garage parking was provided under the dwellings at ground level.
- Although a consistent alignment is ideal, there are no apparent fatal or adverse traffic implications identified with the laneway 'dog leg' design. With the amended proposal relying on the laneway in the absence of signlisation at Stanley Street, it is likely that the laneway will appear and function as a public road rather than a lower order 'lane.'

Whilst the City's Administration supports the proposed 'dog leg' alignment in the Captain Stirling redevelopment, it is not considered necessary to alter the policy to reflect this outcome, noting that for the purpose of the proposed development, the dog-leg alignment can be supported under Clause 4.3 (Variation) of the Policy, the Captain Stirling redevelopment is not yet approved and a consistent laneway alignment would likely be the preferred outcome where the current Captain Stirling redevelopment proposal did not exist.

With respect to land tenure and disposal considerations, the City's Administration also noted:

- In relation to the creation and construction of the laneway, clause 32.3(1) and (2) of LPS provide the appropriate mechanism by virtue of *Local Planning Policy Dalkeith Road-Stanley Street Laneway Built Form Requirements*, once finally adopted and advertised as such.
- Legal advice provided to the City suggests the laneway land should be ceded to the Crown free of cost as a Right of Way to allow for the City's optimal control and autonomy over the land. Once ceded, the land will then be reserved under section 41 of the Land Administration Act for the purpose of a Right-of-Way, with the Right-of-Way placed in the care, control and management of the City via an order made under s46 of the Land Administration Act.

- It is Planning Administration's view that the laneway should be ceded free of cost as a Right-of-Way and vested in the City, and not created as a private easement due to:
 - The intended public use of the laneway i.e. it will be used to service the Town Centre and not one specific development;
 - The function of the laneway on the Captain Stirling redevelopment site is optimally connected to and co-dependent on the adjoining laneway component between Dalkeith Road and Florence Road;
 - The laneway's purpose to provide alternate access to the Town Centre from Dalkeith Road (north and south of the highway) and Stanley Road;
 - The laneway is dimensioned and will appear as a public road. There is likely to be a consequent public expectation that it is a public road and should as such, be maintained by the City;
 - There is likely a need for ongoing maintenance and or future works. The ceding of the land as a public right of way will eliminate issues preventing the maintenance of the laneway to the City's standards.

In light of the above, and in the event of a future development approval, a condition has been recommended requiring the amalgamation of the land and the ceding of the laneway in accordance with clause 32.3 of the LPS. An advice note has also been recommended confirming that the land will be ceded to the Crown and vested in the City as a future condition of subdivision (i.e. amalgamation) pursuant to section 152 of the *Planning and Development Act 2005*.

With respect to traffic safety and on the basis of the traffic peer advice received by the City, the City's Planning Administration also recommended as part of its response to the Regulation 13 direction that the proposal be conditioned to require:

- The conversion of the 29 x 90-degree rear at-grade parking spaces to 12 x parallel car bays to allow for a shared pedestrian path.

This shared path is intended to be of comparable dimensions and treatment to the shared path proposed between Dalkeith Road and Florence Road. The shared path, together with the 7m wide laneway, parallel car parking and landscape/arbor structure/ acoustic wall would comprise a 10m wide strip of land.

Consistent with the intent for the delivery of a town square and pedestrian focus at the northern end of Florence Road under the draft NTCPP LPP, it is anticipated that access to the supermarket should also be optimised via the laneway rather than Florence Road.

Consultation

In line with Council's March 2020 resolution, the Policy was advertised for 21 days between May and June 2020 in accordance with Schedule 2, Part 2, Division 2, Clause 4 of the *Planning and Development (Local Planning Scheme) Regulations 2015* (P&D Regs.2015) and the City's *Consultation LPP*. A notice was published in the newspaper, and details were included on the City's website and the Your Voice engagement portal. The affected and adjoining landowners were notified of the Council report prior to and following the Council Meeting of 28 April 2020.

Overall, a total of 4 submissions were received through public consultation, two on behalf of the directly affected owners (ALDI and Woolworths) and two from residents within the City of Nedlands. The City has also considered laneway related and submissions (where relevant) made by ALDI regarding the second period of public consultation for the Captain Stirling redevelopment.

The submissions have been summarised and provided a detailed response in the Summary of Submissions included at Attachment 3. Full copies of all original submissions are provided as Attachment 5.

Conditional support for the policy was expressed in two of the four submissions, in part related to the current Captain Stirling development application proceeding. It is noted that the submissions were made prior to the June 2020 amendment to the Captain Stirling development application which abandoned the signalisation of Stanley Street and instead focused on the Dalkeith Road – Stanley Street laneway as the preferred traffic movement solution.

Conditional support for the entire Dalkeith Road to Stanley Street component was noted pending:

- The approval of the Captain Stirling redevelopment to relieve traffic pressures along Stirling Highway.
- The provision of effective, unrestricted (24 hour) access from Stanley Street to Dalkeith Road for all as-of-right vehicles (including a 19-metre articulated vehicle).
- Removal of car parking within the laneway connection between Stanley Street and Florence Road, and consequential introduction pedestrian pathway and vegetation for safe and comfortable access for the wider community.
- Relocation of vehicular access into the Woolworths Development from Florence Road into the laneway (as is provided for in the ALDI approval), removing the unsafe conflict point on Florence Road and restoring its potential as a high quality pedestrian friendly 'main street' for the Activity Centre.

A summary of key issues and responses raised in the submissions is provided below.

Submission	City Response
<p>The creation of the rear laneway as a secondary circulation system to provide relief for traffic on the Stirling Highway is a critical and effective urban development solution.</p> <p>These rear laneway connections are essential for the long-term vision of Florence Road to become a significantly improved pedestrian environment.</p>	<p>Submission Noted</p>
<p>The policy and public access through the precinct from Stanley Street to Dalkeith Road is supported as it will alleviate the need for a turntable on the ALDI development and improve general functionality of the whole precinct.</p>	<p>Submission Noted</p>
<p>Lack of strategic support for laneways generally.</p> <p>Lack of planning forethought, regard for maintenance costs.</p> <p>Policy is prematurely attempting to formalise the location and status of the laneway and without proper consideration of public advertising and stakeholder comment.</p> <p>Changes to the ultimate movement network are proposed in the absence of more detailed planning.</p>	<p>The City considers there is strategic justification for the laneway as per the LPS and draft NTCPP LPP. It also notes that LPS3 makes provision for the ceding of Right of Ways in accordance with an adopted LPP. The City acknowledges that the construction will be subject to detailed design requirements, as informed by the indicative concept design.</p> <p>Work commenced on the draft NTCPP LPP prior to the lodgement of the Captain Stirling redevelopment in August 2019. The draft NTCPP as presented to Council on 24 September 2019 was underpinned by a large body of strategic planning work, informed by landowner pre-consultation workshops. It is inaccurate to suggest that the NTCPP was initiated after the Nedlands Square development (Captain Stirling redevelopment) was lodged in August 2019 as work on the NTCPP pre-dated the DA lodgement.</p> <p>However, it is acknowledged that the laneway alignment over the Captain Stirling development site was amended by Council resolution in September 2019 from the southern boundary of 6 Florence Road and 9 Stanley Street (as per the DA) to the southern boundary of</p>

Submission	City Response
	<p>4 Florence Road and 7 Stanley Street (the current location in the LPP).</p> <p>There is strategic support for the proposed laneway between Stanley Street and Dalkeith Road and in light of the abandonment of signalisation at Stanley Street, it has become a critical consideration to the optimal functioning of the Nedlands Town Centre and the surrounding road network.</p> <p>Given the current reliance on the laneway as the preferred movement path for the proposed Captain Stirling redevelopment, and the requirement for third party consent to construct the laneway between Florence Road and Dalkeith Road, consideration of the LPP is considered both timely and necessary, not premature.</p>
<p>The laneway alignment is inconsistent with the proposed Captain Stirling development application. Site constraints make it difficult to relocate the laneway further north (consistent with the policy) as it would sever the site and result in a smaller development.</p> <p>A swept path analysis of Aldi delivery vehicles (19m articulated truck) traversing between Stanley Street and Dalkeith Road via the laneway network shows the movement is both safe and not to the detriment of any other party.</p> <p>The Woolworth proposal, as per the second public notification period, does not provide the appropriate geometry to enable vehicle movements through the Stanley-Florence laneway into the Florence-Dalkeith laneway, especially for 19 metre (as-of-right) delivery vehicles, that will become reliant on the Stanley Street traffic lights for access from the Stirling Highway.</p> <p>The introduction of a continuous median from the proposed traffic lights at Stanley Street to a point west of Florence Road that would prevent all existing right-turn movements in and out of Florence Road, upon which the effective operation of the ALDI</p>	<p>The City has considered the proposed 'dog leg' laneway alignment in relation to the Captain Stirling redevelopment application. On balance and having regard to built form outcomes and safety considerations, it considered to be acceptable.</p> <p>The 19m vehicles can access the Florence Road - Dalkeith Road laneway with correction movements and without the enforcement of 'lane correct' requirements. At low speed and considering the limited number of daily truck movements that are to be required to occur outside of peak hours under a delivery management plan, the design is considered to be functional and acceptable.</p> <p>Signalisation of Stanley Street and Stirling Highway has been abandoned. No modifications to Stirling Highway are approved or supported by MRWA at this time (refer to MRWA referral comments in respect of the Captain Stirling development application dated 17 June 2020). Concerns regarding a continuous median and a loss of 'Right In/and Right Out' turns on Florence Road/Stirling Highway are noted.</p>

Submission	City Response
development is predicated and approved.	
<p>The geometries of the laneway at its midpoint at Florence Road does not need to be straight, however must ensure it provides effective, unrestricted (24 hour) access from Stanley Street to Dalkeith Road for all as-of-right vehicles (including a 19 metre articulated vehicle). It should also capitalise on the capacity to remove the major vehicles access point off Florence Road in favour of access off the laneway. The adoption and application of the policy to the Captain Stirling development is requested.</p>	<p>Refer comments above.</p> <p>The City's Administration intends that the laneway will be created as a public 'Right of Way' (ROW) to be ceded to the Crown and vested in the City's care, control and maintenance. As such, access will be unrestricted.</p> <p>In order to address the integration of the ALDI and Captain Stirling redevelopments and achieve the pedestrianisation of Florence Road, it is recommended that vehicle access to both the ALDI and Woolworths developments occur from the future public ROW. This outcome is in line with the draft NTCP LPP which seeks to create a pedestrian focused environment at the northern end of Florence Road.</p>
<p>The Woolworths proposal, as per the second public notification period, does not provide the appropriate geometry to enable vehicle movements through the Stanley-Florence laneway into the Florence-Dalkeith laneway, especially for 19 metre (as-of-right) delivery vehicles, that will become reliant on the Stanley Street traffic lights for access from the Stirling Highway.</p> <p>There is capacity for the new laneway connection from Stanley Street to Dalkeith Road to be provided in line with the requirements of the draft Local Planning Policy with only minor changes to the advertised Woolworths proposal. The key changes being:</p> <ul style="list-style-type: none"> - Removal of car parking within the laneway connection between Stanley Street and Florence Road, and consequential introduction pedestrian pathway and vegetation for safe and comfortable access for the wider community - Relocation of vehicular access into the Woolworths Development from Florence Road into the laneway (as is 	<p>The City's Administration supports the proposed alignment of the laneway along the Captain Stirling development's southern boundary, conditional upon the conversion of the 29x 90 degree bays to 12 x parallel bays in order to provide safe pedestrian access via a 2.5m wide shared path. The proposed location and design of the approx. 5m wide substation at the south-east corner of the site should be reviewed as the 2.5m shared path should continue unobstructed through to Stanley Street. The proposed arbor/acoustic wall and landscaping can be retained as per current development plans.</p> <p>In order to address the integration of the ALDI and Captain Stirling Hotel and Woolworths development, and achieve the pedestrianisation of Florence Road, it is recommended that vehicle access to both the ALDI and Woolworths developments occur from the future public ROW. This outcome is in line with the draft NTCP LPP which seeks to create a pedestrian focused environment at the northern end of Florence Road.</p>

Submission	City Response
<p>provided for in the ALDI approval), removing the unsafe conflict point on Florence Road and restoring its potential as a high quality pedestrian friendly 'main street' for the Activity Centre.</p>	
<p>The location and tenure of these laneways should be considered on an individual basis in consultation with landowners/developers as sites are redeveloped. Not all laneways need to be in the exact location shown and do not need to be public roads, instead they can be private thoroughfares for larger development sites, with public access easements to increase local connectivity.</p>	<p>The City's administration does not support the creation of the laneway via a private easement on the basis that the laneway will appear and function as a public road, it will likely be expected that the City maintains it, and as a public ROW, the City will have full autonomy and decision making and control over the maintenance of laneway.</p> <p>Amendments are recommended to the laneway design under the existing Captain Stirling redevelopment including:</p> <ul style="list-style-type: none"> - The conversion of 29 x 90-degree bays to 12 parallel car bays (2.4m wide) which would still allow for a 2.5m wide shared path, landscaping and an acoustic wall between the laneway and southern property boundaries. The substation design and location would require review. - The relocation of access to the car park from Florence Road to the laneway in order to preserve the pedestrian environment along Florence Road.
<p>The planning framework needs to facilitate and encourage private investment to support our State's economic growth and prosperity in these particularly difficult times. In its current form, we do not believe this policy will achieve this objective.</p>	<p>The significance of the town centre development is noted particularly in respect of the COVID economic concerns, however, any approved development or works should be consistent with orderly and proper planning outcomes.</p>
<p>Lack of policy flexibility</p>	<p>A new clause is proposed at clause 4.3 'Variations to this policy' has been added. It is additionally noted that LPPs are discretionary, not mandatory, 'due regard' planning instruments.</p>
<p>Laneways policy is redundant due to maintenance costs passed to ratepayers, antisocial behaviour, unnecessary spaces</p>	<p>The laneway is to in practice become a public ROW and will appear and function as a public road. It is appropriate that Council remains responsibility for the care, control, and maintenance of the road. The City has undertaken detailed design</p>

Submission	City Response
	consideration and sought technical civil design and traffic advice in respect of the proposed laneway in consultation with affected landowners and applicants to ensure its optimal function. All submissions made during public advertising have been considered. The amalgamation of landholdings affected by the ceding of the laneway land is recommended as a condition of development.
Laneway supported between Dalkeith Road and Stanley Street where the Captain Stirling redevelopment proceeds to relieve traffic pressures along Stirling Highway, enable service deliveries via the laneway rather than via local streets, act as a buffer to upcoded sites from Stirling Highway to Edward Street and reduce vehicle crossovers on Florence Road and Stanley Street. If the Captain Stirling redevelopment does not proceed, the laneway is only supported between Dalkeith Road to Florence Road.	The submission is noted. The realisation of the laneway between Dalkeith Road and Florence Road is subject to third party negotiation, detailed design, and funding arrangements. The current proposed Captain Stirling redevelopment prefers the creation of the laneway from Stanley Street to Dalkeith Road for optimal access. The determination of the application has been deferred by JDAP for 90 days pending in part, the resolution of traffic matters.

Modifications

The following modifications to Policy provisions are recommended:

- Clause 2.0: Clarification of the land being affected by the policy; No.56 (Lots 50 and 51) Dalkeith Road, No.90 Stirling Highway (Lots 4 and 5) and the wider Captain Stirling redevelopment site being (No.80 Stirling Highway (Lot 1) No's 2-6 Florence Road (Lots 21 to 23) and No's 7-9 Stanley Street (Lots 32 to 33).
- Clause 3.0: Minor changes to expression.
- Clause 4.1.2 and 4.1.3: Further clarification as to procedure and timing for ceding and construction.
- Clause 4.1.4: Modifications to refer specifically to the provision of a 2.5m shared use path (in order to realise the bicycle link identified in the draft NTCLPP between Dalkeith Road and Florence Road) and provide for vegetation screening in addition to small canopy tree planting within the 10m laneway.
- Clause 4.2.1 & 4.2.3: Minor clarifications to vehicle access and pedestrian access arrangements.
- Clause 4.3: A new variation clause has been added, consistent with the City's other laneway policies, which outlines the requirements for considering variations to policy provisions.

Assessment of Statutory Provisions

Planning and Development (Local Planning Schemes) Regulations 2015

Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations) Schedule 2, Part 2, Clause 4(3), sets out that after the expiry of the 21-day advertising period, the local government must review the proposed Policy in light of any submissions made and resolve to:

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

Administration recommends that Council resolves to proceed with the Dalkeith Road – Stanley Street Laneway and Built Form Requirements LPP with modifications as per in Attachment 2.

The proposed modifications, which the public have not had the opportunity to comment on, are considered minor in nature and result in part from submissions made during advertising. They are not considered to warrant a further consultation period.

City of Nedlands Local Planning Scheme No. 3

Under clause 32.3 of the City of Nedlands Local Planning Scheme No. 3 the City requires the ceding of land for laneways identified through a Local Planning Policy. This policy will give effect to this clause and require developers to cede land identified for a laneway at the time of development or subdivision (amalgamation). Clause 32.3 is shown below.

Clause 32.3 Ceding of rights-of-way and laneway widening.

1. The owner of land affected by a right-of-way or laneway identified by the scheme, structure plan, local development plan, activity centre plan or local planning policy is to, at the time of developing or subdividing the land:
 - a) cede to the local government free of cost that part of the land affected by the right-of-way or laneway; and
 - b) construct the relevant section of the right-of-way or laneway to the satisfaction of the local government.
2. The intention expressed in sub-clause (1) may be reinforced by a condition of subdivision or development approval.

Policy/Local Development Plan Consideration

There is considerable and well-established strategic justification for the creation of the proposed laneway under the City of Nedlands Local Planning Strategy (LPS) and the draft NTCPP LPP. Under these documents, the laneway is considered a necessary future requirement for traffic management on land parcels fronting Stirling Highway. The relevant strategic intent is discussed in detail below.

Local Planning Strategy

The LPS was adopted by Council on 16 August 2016 and endorsed by the WAPC on 26 September 2017 and includes strategies advocating rear laneway access along Stirling Highway to allow for ease of movement throughout the city centre.

Section 5.6 Traffic and Transport promotes a movement network that foremost enables mobility, and particularly encourages non-car modes. It seeks to locate land uses (particularly higher density residences) and transport networks in a way that maximises efficiency. Relevant strategies include providing direction for the future of laneways throughout the City, maximising their opportunity to contribute positively to the neighbourhood.

The Strategy provided at Section 5.9.10 Stirling Highway is to investigate opportunities to provide rear laneway access as part of development along Stirling Highway.

Nedlands Town Centre Precinct Plan (NTCPP) LPP

The NTCPP LPP was adopted by Council for the purpose of advertising on 24 September 2019 and was advertised as part of a Local Planning Policy between 14 March and 4 April 2020. One of the amendments to the resolution required the modification of the laneway component between Florence Road and Stanley Street to continue the alignment of the Dalkeith Road and Florence Road component.

The NTCPP identifies the Nedlands Town Centre as the land immediately north and south of Stirling Highway, generally located between Louise Street and Martin Avenue to the west and the City of Nedlands Library site and Langham Street to the east.

The NTCPP divides the precinct area into four (4) Sub-Precincts 1 to 4. The centrally located land parcels between Mountjoy Road and Stanley Street form Sub-Precinct 1 are known as the 'Town Heart.' The Precinct Plan shows an east-west laneway on a common alignment running between Mountjoy Road in the west and Stanley Street in the east. Additional laneways are identified in the Town Centre Precinct (Sub-Precinct 2) to the north.

This report addresses the delivery of the laneway component in Sub-Precinct 1, located south of Stirling Highway and between Dalkeith Road and Stanley Street, as envisaged under the NTCPP.

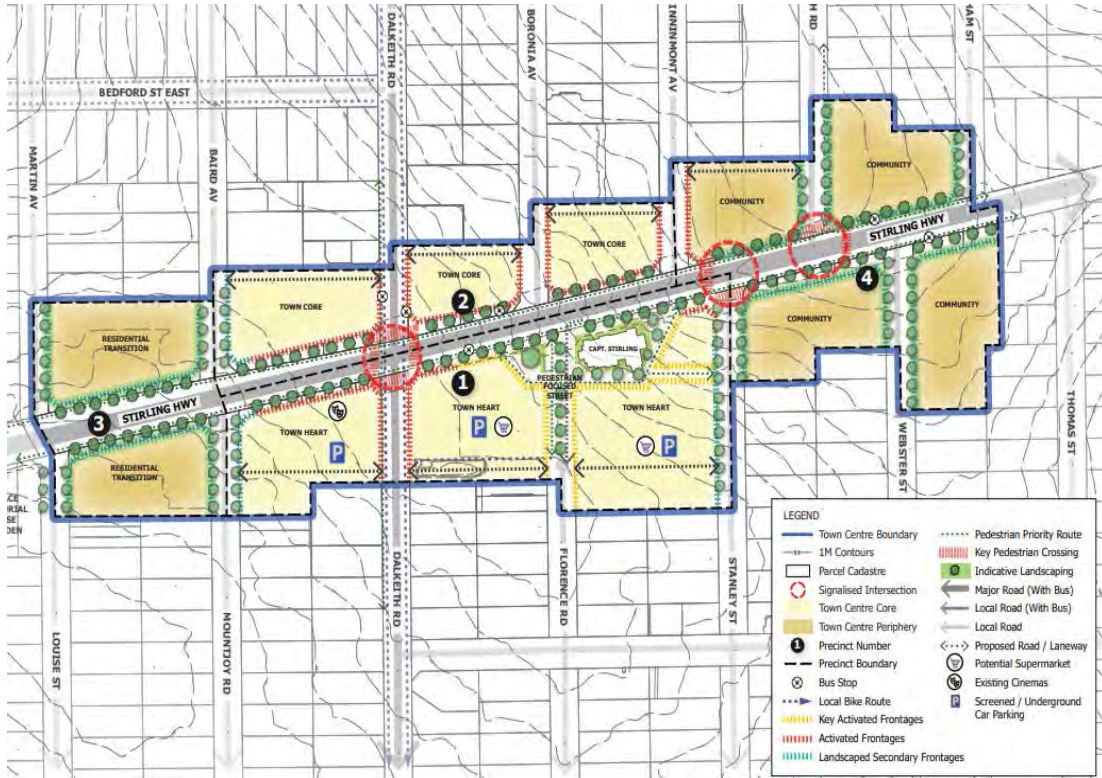


Figure 2: NTCPP – Precinct Plan



Figure 3: NTCPP – Precinct Plan Excerpt showing proposed laneway connections through Sub-Precinct 1 – Town Heart

The creation of the proposed east-west laneway is foreshadowed under the following objectives and provisions of the NTCPP:

- The Movement Objectives (page 12) seek to, among other things:
 - Facilitate the continued use of Stirling Highway as significant arterial road.
 - Support high frequency public transport throughout the precinct.
 - Ensure safe and efficient vehicular access to the precinct.
 - Provide a permeable, legible, and functional urban structure of blocks and streets.

- Vehicle Movements, access, and loading (page 13) calls for the establishment of a series of laneways located to the south of lots fronting Stirling Highway between Mountjoy Road and Stanley Street as development occurs within the precinct. The purpose of the laneways is to:
 - Support primary vehicle access, removing it from Stirling Highway.
 - Provide key vehicular access points to retail tenancies.
 - Enable loading to occur in areas away from activated pedestrian locations.

The policy further advocates for the progressive removal of access points along Stirling Highway and advises against new access points being provided to Stirling Highway. New access points are to be consolidated with adjacent properties and accessed via laneways or easements at the rear of buildings providing connections to secondary local streets.

In addition, the NTCPP expresses a preference for car park access to occur from rear laneways / easements.

In relation to the land subject to the proposed Policy, the proposed east-west laneway is intended to support the future partial closure of Florence Road to north bound traffic (subject to further technical traffic engineering investigations) and the pedestrianisation of Florence Road to create a pedestrian priority precinct.

Legal Considerations

Consideration is to be given to land tenure and disposal. LPS3 provides a mechanism to require the ceding and construction of the laneway at the time of subdividing and developing the affected land in line with the local planning policy. The proponent in respect of the Captain Stirling redevelopment has articulated a request that the laneway over its landholding be managed by way of an easement.

The City's Administration considers that the most effective and prudent means for retaining control and autonomy over the laneway is to require the land to be ceded to the crown and vested in the City. This position is informed by legal advice provided to the City by Mcleods on 3 June 2020 (refer Attachment 6).

An excerpt of the advice relevant to the land tenure and disposal discussion is provided below:

21. From the perspective of the landowner, the possible benefits of retaining ownership of land required for a laneway and creating access rights via easement may include:
 - Retaining some additional development potential, if the land area is counted in the assessment of applicable development standards. The proposed new cl.32.3(3) is intended to address this issue.
 - It may be possible for the owner to develop over, or under, the easement land, without intruding on or limiting the required public access.
 - Retaining ownership may allow a degree of control over future changes to or works on the laneway.
 - If for any reason the easement is surrendered by the City in the future, the laneway land would become unencumbered.
 - These benefits may be reflected in some additional land value (when compared to the situation of the laneway land being ceded free of cost).

22. The disadvantages to the landowner (of ceding to the crown) may include:
 - Increased exposure to risk if an accident occurs on the laneway, with associated insurance costs.
 - Responsibility for maintaining the easement.

23. From the perspective of the City, a potential advantage to allowing laneways to be created via an easement is that the easement deed will typically provide for the landowner to be responsible for the construction and maintenance of the easement. If the landowner is made responsible for construction and maintenance of the laneway easement, that may somewhat reduce the City's public liability risk. However, that 'advantage' is often illusory in practice, as mentioned below.

24. The potential disadvantages from the City's perspective would include:
 - The process for the creation of the easement is somewhat more complex, as it requires the preparation of a legal agreement.
 - While typically the owner is made responsible for the construction and maintenance of the easement, over time it is common for laneways to take on the character of public road, with the associated expectation that the local government should be responsible for its maintenance. The retention of private ownership can complicate attempts by the local government to itself maintain the laneway, or to improve its standard.
 - Similarly, the owner may be resistant to requests by the local government for the owner to maintain or improve the laneway.
 - Where the laneway is the subject of multiple adjoining easements (as would be the case for the proposed Doonan Road/Jenkins Avenue laneway, for example), it can be impractical, or at least

difficult, to require and coordinate maintenance of the easement between multiple owners.

- If there is a future need to alter the extent of the laneway, private ownership can complicate that process.
 - The owner may assert the right to develop over, or under, the laneway. This may also require the preparation of additional legal agreements, to protect the City's interest (e.g. indemnification of the City with respect to any damage caused to the owner's development by users of the easement).
25. Essentially, the disadvantages to the City will generally arise from the lack of autonomy in decision-making and control over a laneway which is in private ownership. In practice it is typically easier (and expected) for the local government to be responsible for the care, control and maintenance of laneways.
26. I do not perceive that the public liability risk to the City would be materially different depending on whether a laneway is created via a ROW or via an easement, or that the choice will make any material difference to the cost of the City's insurance. As mentioned above, the City may have a somewhat reduced risk exposure if the owner is responsible for the maintenance of the laneway.

Provision for the ceding of the laneway is made pursuant to clause 32.3 of LPS3.

In respect of Lots 4 and 5 (No. 90 Stirling Highway), the provision for the ceding and construction of the laneway can be facilitated under the Deed of Agreement as provided at Condition 5, or in accordance with Condition 1 (amalgamation) of the ALDI development approval. The timing for entering into the agreement and or giving effect to the ceding and construction of the laneway may be impacted by the current Captain Stirling development application.

Other relevant and affected conditions of approval (landscaping, acoustic, transport, waste management) can be similarly dealt with in the ordinary course of events and as per conditions (prior to the commencement of construction or occupancy, as appropriate) or address through the Deed of Agreement, where necessary.

The application affecting the Captain Stirling redevelopment site is still live and undergoing assessment. The adoption of the proposed Policy will ensure it can be appropriately applied in the determination of the application.

Further direction from Council has been sought in respect of the laneway construction and redevelopment potential relating to No. 56 (Lots 50 and 51) Dalkeith Road via a separate report to Council.

Key Relevant Previous Council Decisions:

The following recent Council decisions are relevant to the proposed Policy:

Council Meeting 22 October 2019, Item TS21.19 Land sale to City of Nedlands and Grant of Easements to Water Corporation.

“Council Resolution

Council:

1. approves the Contract of Sale between the Water Corporation (ABN 28 003 434 917) and the City of Nedlands for Lot 50 Dalkeith Road, Nedlands (Lot 50) at a cost of \$1:
 - a) approves the application of the Council Common Seal (the seal) by the Chief Executive Officer to the Contract in triplicate; and
 - b) directs the Mayor and Chief Executive Officer to execute the Contract documentation in triplicate by way of signing; and
2. approves the application of the seal by the Chief Executive Officer on the Grant of Easements for:
 - a) Lot 1 on Diagram 24967, No.290 Marine Parade, Swanbourne (Lot 1); and
 - b) Lot 116 on Deposited Plan No.80 Melvista Avenue, Dalkeith (Lot 116); and
3. Directs the Mayor and Chief Executive Officer to execute the Grant of Easement documentation in triplicate by way of signing for:
 - a) Lot 1, and
 - b) Lot 116.
4. The following additional clause be added to the Easement Deeds (under Section 3 – Grantees Covenants)

“Prior to the Grantee’s Work being carried out, the Grantee will seek all relevant approvals relating to the Grantee’s Work, including environmental approvals and any other approval required under the Water Services Act”.

Council Meeting 24 September 2019, Item 13.9 Nedlands Town Centre Precinct Plan Local Planning Policy

“Council Resolution / Amended Administration Recommendation to Council

Council in accordance with Schedule 2, Part 2, Division 2, Clause 4 of the Planning and Development (Local Planning Scheme) Regulations 2015,

prepares the Nedlands Town Centre Precinct Plan (Attachment 1) – Local Planning Policy and advertises the Local Planning Policy for a period of 21 days following the amendments being made to Attachment 1 as following:

1. Delete reference to Precinct 2 as being ‘Central Core’ and replace with ‘Town Core’;
2. Amend ‘Movement (proposed)’ map on page 11 to show the proposed laneway to the south of the Captain Stirling Hotel as being in line with the proposed laneways to the west, consistent with the ‘Precinct Plan’ map shown on page 7; and
3. Amend the ‘Built Form Requirements’ table on page 20 to modify the plot ratio requirements as follows:
 - Precinct 1: plot ratio of 4.0
 - Precinct 2: plot ratio of 6.0”

Strategic Implications

There is well-established strategic justification for the creation of the proposed laneway under the City of Nedlands Local Planning Strategy (LPS) and the City of Nedlands Town Centre Precinct Plan (NTCPP) which underpins the Draft NTCPP LPP.

The benefits of the laneway will be to the community at large; those utilising Stirling Highway, travelling to and from the Nedlands Town Centre and on the surrounding street network.

The Policy was advertised for 21 days and four submissions were received in total, two from directly affected landowners. These submissions have been discussed earlier in this report and it is noted that there is adequate scope to address the concerns raised relevant to the establishment of the laneway either via existing, recommended, or proposed conditions.

Concept design work has been undertaken since Council’s 28 April 2020 resolution to advertise the policy which informs the proposed built form requirements. Further detailed design and specific traffic engineering review may be required at a future date to ensure the laneway is constructed to the City’s specifications and requirements.

Budget/Financial Implications

There are no external financial implications associated with the adoption of the proposed Policy, other than costs associated with the advertisement of the adopted policy.

The need for technical civil and traffic engineering input may be required in the preparation of more detailed design for the proposed laneway to ensure it is constructed to the City's specifications and detailed design requirements for the laneway. These associated costs should be considered in respect of the Technical Services budget and the on-going maintenance of the laneway (as a City asset) should be considered in the City's long-term budgetary planning in the event the laneway is constructed.

Conclusion

The Dalkeith Road – Stanley Street Laneway and Built Form Requirements Local Planning Policy is the preferred mechanism to enable the enforcement of clause 32.3 in the City's LPS3 to create an east-west laneway through the properties at No. 56 (Lots 50 and 51) Stanley Road, No. 90 Stirling Highway (Lots 4 and 5) and No.4 (Lot 22) Florence Road and No. (Lot 33) Stanley Street.

The creation of the proposed laneway is consistent with and informed by the relevant objectives and strategies of the City of Nedlands Local Planning Strategy (LPS) and draft City of Nedlands Town Centre Precinct Plan (NTCPP) Local Planning Policy (LPP).

The primary purpose of the Policy is to provide an alternative means of access to Stirling Highway for the affected lots, their future users and the surrounding residential neighbourhoods. The alternative access is intended to provide alternative vehicle, bicycle, and pedestrian access to the future town centre and is intended to help relieve growing traffic volumes and congestion along Stirling Highway. It also supports the realisation of the intended 'pedestrian focused' town square environment at the northern end of Florence Road under the draft NTCLPP.

Without a local planning policy, the City lacks the mechanism to require the provision of a laneway on the affected lots. Therefore, this Policy has been prepared for imminent adoption to avoid sub-optimal built form outcomes.

As such, it is recommended that Council endorses Administration's recommendation to adopt the Dalkeith Road – Stanley Street Laneway and Built Form Requirements Local Planning Policy.

LOCAL PLANNING POLICY – DALKEITH ROAD – STANLEY STREET LANEWAY AND BUILT FORM REQUIREMENTS

1.0 PURPOSE

- 1.1 This policy provides laneway requirements for the establishment of an east-west laneway through the properties at No. 56 (Lots 50 and 51) Stanley Dalkeith Road, No. 90 Stirling Highway (Lots 4 and 5), No. 4 Florence Road (Lot 22) and No. 7 Stanley Street (Lot 33).

2.0 APPLICATION OF POLICY

- 2.1 This policy applies to subdivision (amalgamation) applications and development applications affecting on No. 56 (Lots 50 and 51) Stanley Dalkeith Road, No. 90 Stirling Highway (Lots 4 and 5) and the wider Captain Stirling redevelopment site being (No. 80 Stirling Highway (Lot 1), No. 2-6 Florence Road (Lots 21 to 23) and No. 7-9 Stanley Street (Lots 32 to 33).

- 2.12.2 Where this policy is inconsistent with the provisions of a Local Planning Policy or Local Development Plan that applies to a specific site or area, the provisions of that policy shall prevail.

3.0 OBJECTIVES

- 3.1 To provide for the ceding of land and construction of in order to create the Dalkeith Road – Stanley Road Laneway.
- 3.2 To promote and facilitate high quality design outcomes for the redevelopment 56 (Lots 50 and 51) Stanley Road, 90 Stirling Highway (Lots 4 and 5) and the wider Captain Stirling redevelopment site being (80 Stirling Highway (Lot 1) 2-6 Florence Road (Lots 21 to 23) and 7-9 Stanley Street (Lots 32 to 33).
- 3.3 To provide rear lot access, as an alternative to Stirling Highway, in order to relieve traffic pressures along Stirling Highway and to provides a local _east-west road connection to the future Nedlands Town Centre.
- 3.4 To promote and facilitate a safe, efficient and attractive streetscape design and ameliorate potential amenity impacts to the abutting residential land to the south.
- 3.5 To achieve a high-quality landscape outcome that enhances the character of the streetscape and contributes to a sense of place.
- 3.6 To ensure that vehicle crossover locations do not detract from the safety and visual amenity of the public realm or the intended priority-pedestrian focused precinct at the northern end of Florence Road.

Commented [CW1]: Re Craig's advice on Doonan Road and the power of the scheme to trigger ceding outside of subdivision / development applications should we delete reference to 'applications'?

Commented [CW2R1]:

Commented [CW3]: I have included the whole WW redevelopment site here

4.0 POLICY MEASURES

4.1 Laneway Requirements

4.1.1 A laneway shall be provided on the land identified in Figure 1 and Figure 2.



Figure 1: Properties to the south of Stirling Highway between Dalkeith Road and Stanley Street subject to proposed laneway development

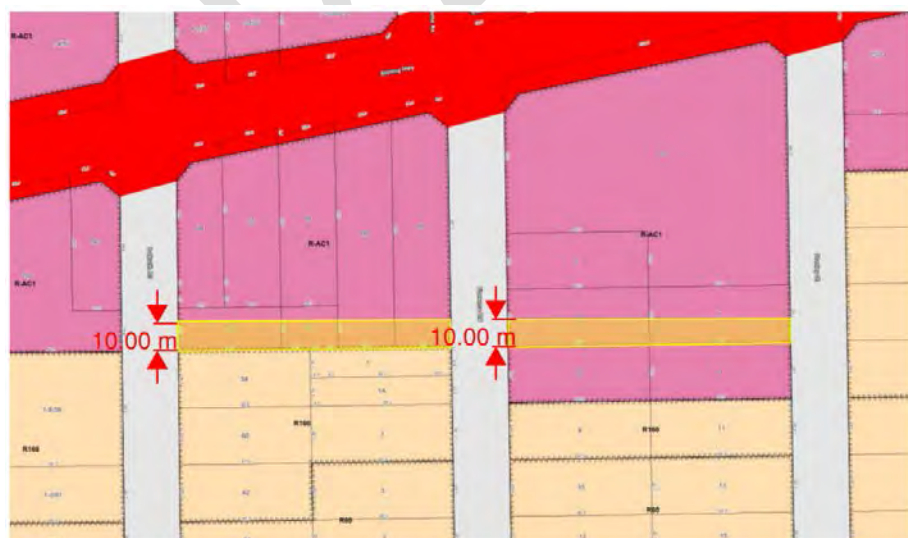


Figure 2: Proposed location of 10m wide laneway

4.1.2 Where ~~a laneway is identified on a site in Figure 2, and unless otherwise agreed to by the City,~~ the land must be ceded to the Crown by the landowner free of cost ~~and as a condition of subdivision or development approval granted pursuant to the provisions of Clause 32.3 of Local Planning Scheme No. 3 or -~~ ~~The land may also be ceded~~ as a requirement of a Deed of Agreement.

Commented [CW4]: I have provided capacity for the realignment on the WW site here

4.1.3 Where a laneway is required, it shall be constructed and drained to the specifications and satisfaction of the City of Nedlands prior to the creation of new titles (as a result of subdivision) or to occupation of the new development (as a result of development approval), ~~whichever occurs first~~. The ~~timeframe for the~~ construction of the laneway may also be addressed as a requirement of a Deed of Agreement.

4.1.4 The laneway shall have a total width of 10m, including a 3m wide infrastructure, landscaping and servicing strip located along the southern edge of the laneway. Subject to detailed design:

- (a) The southern 3m strip will indicatively facilitate the construction of a 2.5m wide shared path, ~~an~~ acoustic barrier ~~as~~where considered appropriate, landscaping treatments such as ~~in the form of~~ canopy tree planting ~~or and~~ vegetative screening, and lighting/ other servicing requirements, to the satisfaction of the City.
- (b) The laneway is to be designed to match the centreline levels to the natural ground, to the satisfaction of the City.
- (c) ~~Prior to the occupation of development,~~ Landscaping treatments including semi-mature trees (with a minimum height of 2.4m and species and pot size to be specified by the City) or vegetative screens will be planted within the southern 3m wide infrastructure, landscaping and servicing strip prior to the occupation of development and, ~~to be~~ maintained by the landowner for a minimum of 2 years from occupation, to the satisfaction of the City.
- (d) The laneway shall include lighting infrastructure which is to be installed within the infrastructure, landscaping and servicing strip, at the cost of the developer and to the specification and satisfaction of the City.

4.2 Built Form Requirements

4.2.1 New vehicle access to the affected lots is not permitted from Stirling Highway. Vehicle access is to be preferentially obtained from the Laneway, unless otherwise agreed to by the City.

4.2.2 Only one (1) crossover is permitted per lot.

4.2.3 A ~~e~~Clearly defined pedestrian entry access is to be provided on affected lots from the adjoining secondary streets; Dalkeith Road, Florence Road and Stanley Street.

4.2.4 In order to reinforce and support the continuation of the green leafy character of the Nedlands locality, vegetative screening or small sized trees (4-8m at maturity) with a corresponding deep root planting zone are to be planted in the infrastructure, landscaping and servicing strip along the laneway's southern residential interface. Tree planting is to be generally in accordance with Figure 3 and to the satisfaction of the City.

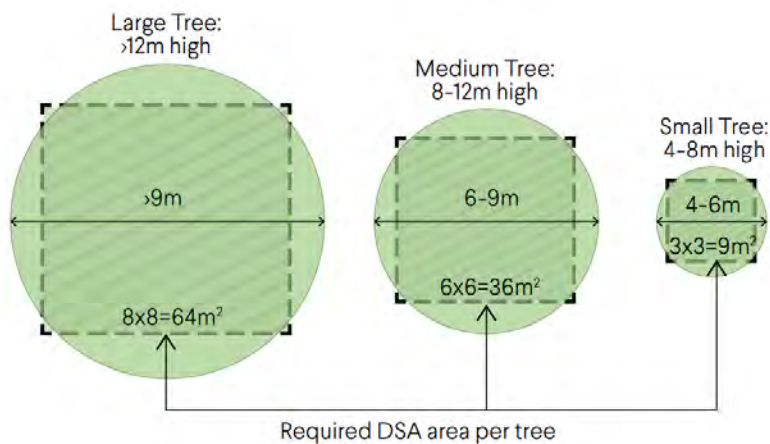


Figure 3: Tree size definitions when mature for deep soil areas

4.3 Variations to this Policy

The City may consider a variation to this Policy through the lodgement of a subdivision or development application. Any proposed variation to the requirements of this Policy is to be assessed against the Policy's purpose and objectives. Applicants are to submit a statement of justification in support of any proposed variations, addressing the Policy's purpose and objectives and a design statement addressing the requirements of State Planning Policy 7.0. Each application will be assessed upon its merit, having regard to the detail of the proposed development, and its interface to adjoining properties, integration with the public realm, and broader implications for the Nedlands Town Centre and surrounding context including, but not limited to, amenity impacts and traffic movement and safety.

Formatted: Justified

5.0 ADDITIONAL DEVELOPMENT APPLICATION REQUIREMENTS

5.1 All development applications are to be accompanied by a landscape plan for assessment and endorsement. The landscape plan must address the required



information stated in *Appendix 5 – Development application guidance of State Planning Policy 7.3: Residential Design Codes Volume 2*.

6.0 RELATED LEGISLATION

- 6.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.
- 6.2 This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:
- State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments
 - Local Planning Scheme No. 3
 - Draft Nedlands Town Centre Precinct Plan Local Planning Policy

DRAFT

Council Resolution Number	PDX.XX
Implementation Date	Date and Item Number of Council Meeting
Date Reviewed/Modified	DD MM YYYY



LOCAL PLANNING POLICY – DALKEITH ROAD – STANLEY STREET LANEWAY AND BUILT FORM REQUIREMENTS

1.0 PURPOSE

- 1.1 This policy provides laneway requirements for the establishment of an east-west laneway through the properties at No. 56 (Lots 50 and 51) Dalkeith Road, No. 90 Stirling Highway (Lots 4 and 5), No. 4 Florence Road (Lot 22) and No. 7 Stanley Street (Lot 33).

2.0 APPLICATION OF POLICY

- 2.1 This policy applies to subdivision (amalgamation) and development on No. 56 (Lots 50 and 51) Dalkeith Road, No. 90 Stirling Highway (Lots 4 and 5) and the wider Captain Stirling redevelopment site being (No. 80 Stirling Highway (Lot 1), No. 2-6 Florence Road (Lots 21 to 23) and No. 7-9 Stanley Street (Lots 32 to 33)).
- 2.2 Where this policy is inconsistent with the provisions of a Local Planning Policy or Local Development Plan that applies to a specific site or area, the provisions of that policy shall prevail.

3.0 OBJECTIVES

- 3.1 To provide for the ceding of land and construction of the Dalkeith Road – Stanley Road Laneway.
- 3.2 To promote and facilitate high quality design outcomes for the redevelopment 56 (Lots 50 and 51) Stanley Road, 90 Stirling Highway (Lots 4 and 5) and the wider Captain Stirling redevelopment site being (80 Stirling Highway (Lot 1) 2-6 Florence Road (Lots 21 to 23) and 7-9 Stanley Street (Lots 32 to 33)).
- 3.3 To provide rear lot access, as an alternative to Stirling Highway, in order to relieve traffic pressures along Stirling Highway and to provide a local east-west road connection to the future Nedlands Town Centre.
- 3.4 To promote and facilitate a safe, efficient and attractive streetscape design and ameliorate potential amenity impacts to the abutting residential land to the south.
- 3.5 To achieve a high-quality landscape outcome that enhances the character of the streetscape and contributes to a sense of place.
- 3.6 To ensure that vehicle crossover locations do not detract from the safety and visual amenity of the public realm or the intended pedestrian focused precinct at the northern end of Florence Road.

4.0 POLICY MEASURES

4.1 Laneway Requirements

4.1.1 A laneway shall be provided on the land identified in Figure 1 and Figure 2.



Figure 1: Properties to the south of Stirling Highway between Dalkeith Road and Stanley Street subject to proposed laneway development

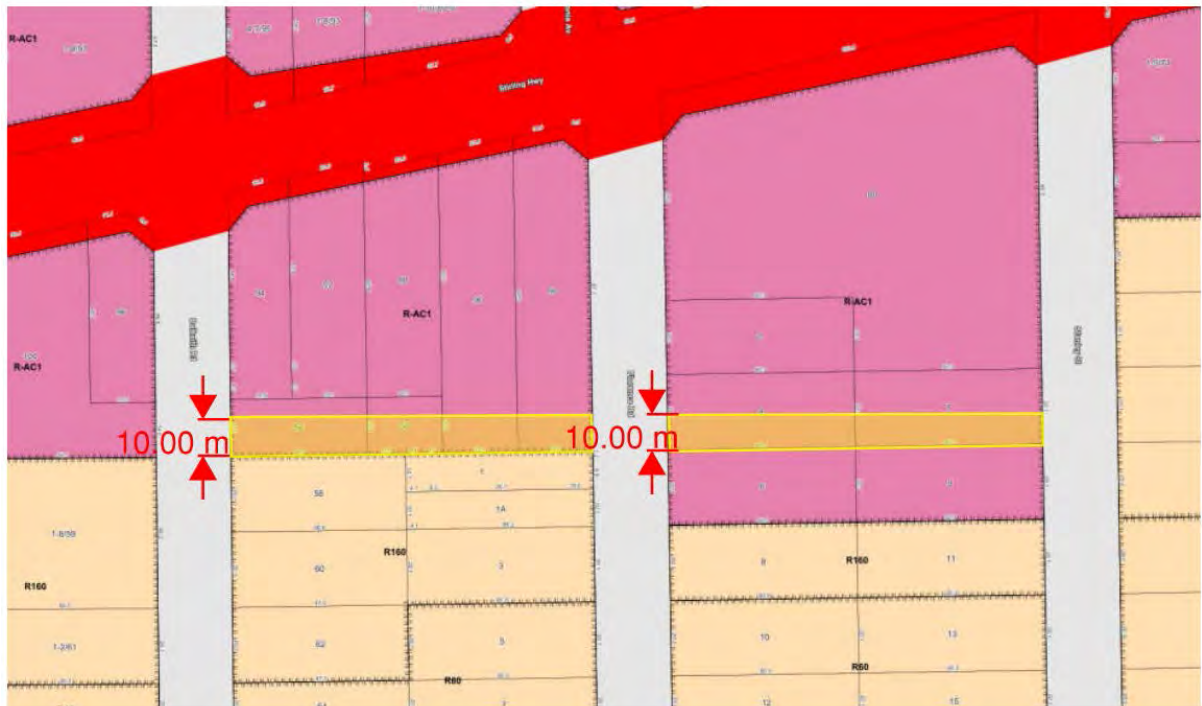


Figure 2: Proposed location of 10m wide laneway



- 4.1.2 Where identified in Figure 2, and unless otherwise agreed to by the City, the land must be ceded to the Crown by the landowner free of cost pursuant to the provisions of Clause 32.3 of Local Planning Scheme No. 3 or as a requirement of a Deed of Agreement.
- 4.1.3 Where a laneway is required, it shall be constructed and drained to the specifications and satisfaction of the City of Nedlands prior to the creation of new titles (as a result of subdivision) or to occupation of the new development (as a result of development approval), whichever occurs first. The timeframe for the construction of the laneway may also be addressed as a requirement of a Deed of Agreement.
- 4.1.4 The laneway shall have a total width of 10m, including a 3m wide infrastructure, landscaping and servicing strip located along the southern edge of the laneway. Subject to detailed design:
- (a) The southern 3m strip will indicatively facilitate the construction of a 2.5m wide shared path, an acoustic barrier where considered appropriate, landscaping treatments such as canopy tree planting or and vegetative screening, and lighting/ other servicing requirements, to the satisfaction of the City.
 - (b) The laneway is to be designed to match the centreline levels to the natural ground, to the satisfaction of the City.
 - (c) Landscaping treatments including semi-mature trees (with a minimum height of 2.4m and species and pot size to be specified by the City) or vegetative screens will be planted within the southern 3m wide infrastructure, landscaping and servicing strip prior to the occupation of development and maintained by the landowner for a minimum of 2 years from occupation, to the satisfaction of the City.
 - (d) The laneway shall include lighting infrastructure which is to be installed within the infrastructure, landscaping and servicing strip, at the cost of the developer and to the specification and satisfaction of the City.
- 4.2 Built Form Requirements
- 4.2.1 New vehicle access to the affected lots is not permitted from Stirling Highway. Vehicle access is to be preferentially obtained from the Laneway, unless otherwise agreed to by the City.
- 4.2.2 Only one (1) crossover is permitted per lot.
- 4.2.3 Clearly defined pedestrian access is to be provided on affected lots from the adjoining secondary streets; Dalkeith Road, Florence Road and Stanley Street.
- 4.2.4 In order to reinforce and support the continuation of the green leafy character of the Nedlands locality, vegetative screening or small sized trees (4-8m at maturity) with a corresponding deep root planting zone are to be planted in the infrastructure, landscaping and servicing strip along the laneway's southern

residential interface. Tree planting is to be generally in accordance with Figure 3 and to the satisfaction of the City.

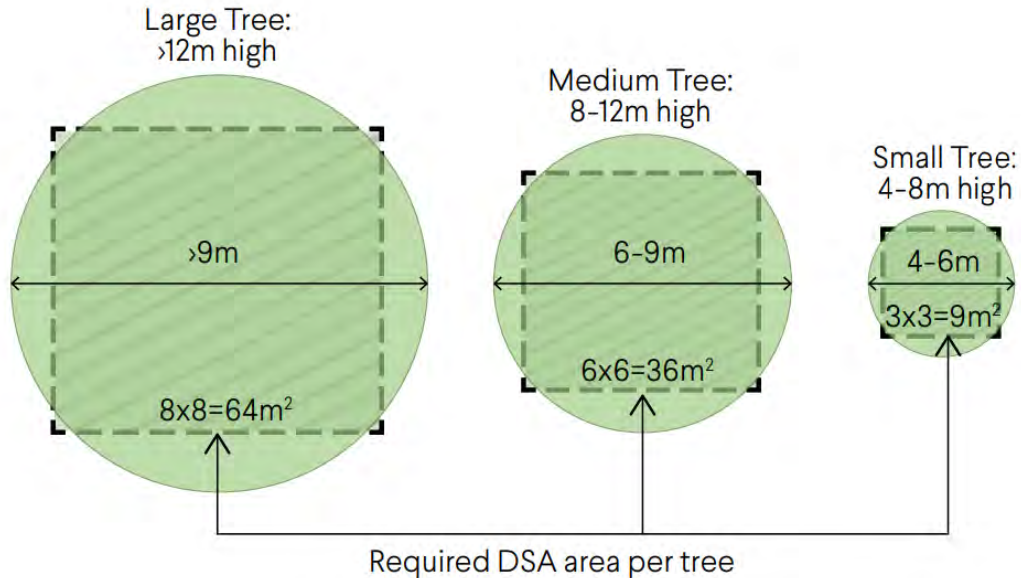


Figure 3: Tree size definitions when mature for deep soil areas

4.3 Variations to this Policy

The City may consider a variation to this Policy through the lodgement of a subdivision or development application. Any proposed variation to the requirements of this Policy is to be assessed against the Policy’s purpose and objectives. Applicants are to submit a statement of justification in support of any proposed variations, addressing the Policy’s purpose and objectives and a design statement addressing the requirements of State Planning Policy 7.0. Each application will be assessed upon its merit, having regard to the detail of the proposed development, and its interface to adjoining properties, integration with the public realm, and broader implications for the Nedlands Town Centre and surrounding context including, but not limited to, amenity impacts and traffic movement and safety.

5.0 ADDITIONAL DEVELOPMENT APPLICATION REQUIREMENTS

5.1 All development applications are to be accompanied by a landscape plan for assessment and endorsement. The landscape plan must address the required information stated in *Appendix 5 – Development application guidance of State Planning Policy 7.3: Residential Design Codes Volume 2*.



6.0 RELATED LEGISLATION

6.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.

6.2 This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:

- State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments
- Local Planning Scheme No. 3
- Draft Nedlands Town Centre Precinct Plan Local Planning Policy

DRAFT

Council Resolution Number	PDX.XX
Implementation Date	Date and Item Number of Council Meeting
Date Reviewed/Modified	DD MM YYYY

No.	Name and Address of Submitter	Are they within a 400m radius?	Form of Submission	Summary of Submission	Response and recommendation
1	Morgan O'Shea ALDI	Yes - 90 Stirling Highway, Nedlands affected landowner	Your Voice	<p>The creation of the rear laneway as a secondary circulation system to provide relief for traffic on the Stirling Highway is a critical and effective urban development solution, required to assist in the intensification of the Activity Centre and prevents the domination of the precinct by cars.</p> <p>ALDI support the draft local planning policy – Dalkeith Road to Stanley Street Laneway and Built Form Requirements, and the public access through the precinct from Stanley Street to Dalkeith Road, enabling the significant intensification (more than doubling) of activity in the Precinct.</p> <p>The geometries of the laneway at its midpoint at Florence Road does not need to be straight, however must ensure it provides effective, unrestricted (24 hour) access from Stanley Street to Dalkeith Road for all as-of-right vehicles (including a 19 metre articulated vehicle). It should also capitalise on the capacity to remove the major vehicles access point off Florence Road in favour of access off the laneway. ALDI requests the policy is adopted and applied to the Woolworths development proposal as part of any determination of that development application. We view the policy as a critical and fundamental requirement that will enable the creation of a highly functional, safe and pleasant Nedlands Activity Centre.</p> <p>We wish to remain informed of the progress of the structure plan amendment and would like to opportunity to provide further clarification of our</p>	<p>Noted.</p> <p>Noted.</p> <p>The City Administration intends that the laneway will be created as a public 'Right of Way' (ROW) to be ceded to the Crown and vested in the City's care, control and maintenance. As such, access will be unrestricted.</p> <p>Preliminary design work indicates that the laneway can accommodate 19m delivery trucks however these large vehicles will not be lane correct or be able to simultaneous traverse the laneway (east and west). Design changes are recommended to the current proposal at 80 Stirling Highway to convert current 29 x 90 degree car parking bays to 12 x parallel car bays and provide safe access to these bays via a dual access path.</p> <p>In order to address the integration of the ALDI and Captain Stirling Hotel and Woolworths development, and achieve the pedestrianisation of Florence Road, it is recommended that vehicle access to both the ALDI and Woolworths developments occur from the public ROW. This outcome is in line</p>

				position should this be required or of benefit to the City.	with the draft NTCPP LPP which seeks to create a pedestrian focused environment along Florence Road.
			By email 5 June 2020	<p>ALDI submission on the Woolworths DA (80 Stirling Highway) was that ALDI does not object to the introduction of a new supermarket at an in-principles level, but has a “significant concern ... in regard to the proposed changes to the access arrangements that fundamentally alter the traffic operations.”</p> <p>Specifically, the introduction of a continuous median from the proposed traffic lights at Stanley Street to a point west of Florence Road that would prevent all existing right-turn movements in and out of Florence Road, upon which the effective operation of our site is predicated and approved.</p> <p>Supports the proposal local planning policy and encourage the City to adopted it in generally in the form as advertised.</p> <p>The ALDI store is currently approved with the use of a turntable for the manoeuvring of the 19.0 metre delivery vehicles used to service the store – with the vehicles all entering and leaving via Florence Road.</p> <p>However, we have been very supportive of the City’s objective to enable a connection from Florence Road to Dalkeith Road – which would remove the need for a turn table and increase the access options for our customers, as well as improving the general functionality of the precinct as a whole.</p> <p><i>Proposed Laneway on Woolworths site:</i></p>	<p>Signalisation of Stanley Street and Stirling Highway has been abandoned. No modifications to Stirling Highway are approved or supported by MRWA at this time (refer to MRWA referral comments in respect of the Captain Stirling development application dated 17 June 2020). Concerns regarding a continuous median and a loss of ‘Right In/and Right Out’ turns on Florence Road/Stirling Highway are noted.</p> <p>Policy support is noted</p> <p>It is understood the approved servicing of the ALDI site is reliant upon 19m trucks entering and exiting the ALDI site from the east via Hackett Drive/Princess Road/Florence Road as per Urbis’ advice of 10 August 2018, reissued to the City on 25 June 2020. ALDI’s desire for laneway access as a preferred alternative to the turntable is noted.</p>

			<p>A median is required within the Stirling Highway in order to enable the proposed traffic lights at Stanley Street. It is not acceptable to fundamentally restrict access to and from our store, preventing any right turn movements onto Stirling Highway for eastbound traffic, without creating an acceptable alternative.</p> <p>If the traffic modifications to the Stirling Highway are to occur (i.e. new traffic lights and limitation of turning movements), they should only be allowed with the introduction of public access to be placed on the Stanley – Florence connection. This would enable vehicles leaving ALDI’s site to be able to gain access to Stanley Street for right turn movements, to replace those lost on Florence Road. We also note that this ‘proposed’ laneway is a key feature of the draft City of Nedlands Precinct Plan, as outlined in Figure 1. These rear laneway connections are essential for the long-term vision of Florence Road to become a significantly improved pedestrian environment.</p> <p>Issues: The Woolworth proposal, as per the second public notification period, does not provide the appropriate geometry to enable vehicle movements through the Stanley-Florence laneway into the Florence-Dalkeith laneway, especially for 19 metre (as-of-right) delivery vehicles, that will become reliant on the Stanley Street traffic lights for access from the Stirling Highway.</p> <p>We do not believe the alignment of the laneway needs to be straight from Stanley Street to Dalkeith Road, as shown in Figure 2 of the draft Local Planning Policy. This is impractical based on the zoning of the land, which would sever the consolidated land holdings bounded by Florence Road, Stirling Highway and</p>	<p>Refer above comments, concerns regarding the median is noted.</p> <p>Comments on the relevance of the laneway to the planning and function of the Town Centre are noted.</p> <p>The 19m vehicles can access the Florence Road - Dalkeith Road laneway with correction movements and without the enforcement of ‘lane correct’ requirements. At low speed and considering the limited number of daily truck movements that are to be required to occur outside of peak hours under a delivery management plan, the design is considered to be functional and acceptable.</p> <p>Comments on the proposed ‘dog leg’ alignment shown as part of the Woolworths</p>
--	--	--	--	--

			<p>Stanley Street. The introduction of a ‘chicane’ would be acceptable to enable the connection of the laneway from Stanley to Dalkeith in a safe and effective manner, without fundamentally impacting on the current Woolworths proposal</p> <p>Figure 2 (replicated at Appendix 1 for clarity) illustrates the capacity for the new laneway connection from Stanley Street to Dalkeith Road to be provided inline with the requirements of the draft Local Planning Policy with only minor changes to the advertised Woolworths proposal. The key changes being:</p> <ul style="list-style-type: none"> - Removal of car parking within the laneway connection between Stanley Street and Florence Road, and consequential introduction pedestrian pathway and vegetation for safe and comfortable access for the wider community - Relocation of vehicular access into the Woolworths Development from Florence Road into the laneway (as is provided for in the ALDI approval), removing the unsafe conflict point on Florence Road and restoring its potential as a high quality pedestrian friendly ‘main street’ for the Activity Centre. <p>This urban development solution would provide significant benefit for the precinct as a whole, providing a holistic resolution for movement that justifies the introduction of new traffic lights and significantly increased development intensity.</p> <p>Conclusion The creation of the rear laneway as a secondary circulation system to provide relief for traffic on the Stirling Highway is a critical and effective urban</p>	<p>DA are noted. The City’s Administration supports the proposed alignment of the laneway along the Captain Stirling development’s southern boundary, conditional upon the conversion of the 29x 90 degree bays to 12 x parallel bays in order to provide safe pedestrian access via a 2.5m wide dual access path. The proposed location and design of the approx. 5m wide substation at the south-east corner of the site should be reviewed as the 2.5m dual use path should continue unobstructed through to Stanley Street. The proposed arbor/acoustic wall and landscaping can be retained as per current development plans.</p> <p>In order to address the integration of the ALDI and Captain Stirling redevelopments and achieve the pedestrianisation of Florence Road, it is recommended that vehicle access to both the ALDI and Woolworths developments occur from the future public ROW. This outcome is in line with the draft NTCPP LPP which seeks to create a pedestrian focused environment at the northern end of Florence Road.</p>
--	--	--	--	--

				<p>development solution, required to assist in the intensification of the Activity Centre and prevents the domination of the precinct by cars.</p> <p>ALDI support the draft local planning policy – Dalkeith Road to Stanley Street Laneway and Built Form Requirements, and the public access through the precinct from Stanley Street to Dalkeith Road, enabling the significant intensification (more than doubling) of activity in the Precinct.</p> <p>The geometries of the laneway at its midpoint at Florence Road does not need to be straight, however must ensure it provides effective, unrestricted (24 hour) access from Stanley Street to Dalkeith Road for all as-of-right vehicles (including a 19 metre articulated vehicle). It should also capitalise on the capacity to remove the major vehicles access point off Florence Road in favour of access off the laneway.</p> <p>ALDI requests the policy is adopted and applied to the Woolworths development proposal as part of any determination of that development application. We view the policy as a critical and fundamental requirement that will enable the creation of a highly functional, safe and pleasant Nedlands Activity Centre.</p>	
2	Jennifer Roughan	No - 74 Victoria Avenue Claremont	Your Voice	<p>As the Owner of two properties affected by other City proposed Laneways policies, I'm disappointed. There has been little forethought here and will result in a poor planning outcome. I acknowledge the reasons the City have acted, multiple crossways along certain streets is not ideal. However there are many ways to deal with this issue. Our project on 21-23 Louise Street, currently in with the City for approval for instance only requires 1 Crossways along Jenkins Ave. A lane way is</p>	<p>The submission is noted. There is strategic support for the proposed laneway between Stanley Street and Dalkeith Road and it has become a critical consideration to the optimal functioning of the Nedlands Town Centre and the surrounding road network.</p> <p>A new clause is proposed at clause 4.3 'Variations to this policy' has been added. It is</p>

				<p>not ideal in this instance. There is no flexibility in this policy, such a shame. Laneways are created less and less by Councils these days for the following reasons: Loss of land value for the Owner, maintenance cost to the City passed on to the rate payers and more antisocial behaviour in these unnecessary spaces. This requires much more forethought on the part of the City and less reactive policy making. There has been no transparency as to planning forethought and modelling and costs, no recognition or flexibility for the possibility for amalgamation of lots (an acknowledged preferred planning outcome for density). Disappointing once again. Please do the work, consult with all owners and developers not just the objectors.</p>	<p>additionally noted that LPPs are discretionary, not mandatory, 'due regard' planning instruments.</p> <p>The laneway is to in practice become a public ROW and will appear and function as a public road. It is appropriate that Council remains responsibility for the care, control and maintenance of the road. The City has undertaken detailed design consideration and sought technical civil design and traffic advice in respect of the proposed laneway in consultation with affected landowners and applicants to ensure its optimal function. All submissions made during public advertising have been considered. The amalgamation of landholdings affected by the ceding of the laneway land is recommended as a condition of development.</p>
3	Kris Nolan, Urbis on behalf of Woolworths Group	Yes – 80 Stirling Highway, Nedlands affected landowner	By email	<p>Woolworths Group has a 'live' development application: Nedlands Square development at 80 Stirling Highway. We raise a number of concerns with this draft local planning policy, having regard to broader planning considerations as well as the Nedlands Square development application.</p> <p>The objective of this policy is not in question; that is to provide alternative access arrangements intended to support a reduction in vehicle movements to and from Stirling Highway and provide key vehicular access points to the retail as well as rear loading areas.</p> <p>However, City is seeking to implement quite significant changes to the ultimate movement network via a series of 'laneways' in the absence of more detailed</p>	<p>At the time the submission was made, the Nedlands Square development at 80 Stirling Highway relied on the signalisation of the Stanley Street/Stirling Highway intersection. In the June 2020 amendment of the development application, the signlisation of Stirling Highway was abandoned and instead, the development now relies on the laneway for preferred future access and egress.</p> <p>The City considers there is strategic justification for the laneway as per the LPS and Draft NTCPP LPP. It also notes that LPS3 makes provision for the ceding of Right of Ways in accordance with an LPP. The City acknowledges that the construction will be subject to detailed design requirements,</p>

			<p>planning to guide how redevelopment of the affected lots might unfold.</p> <p>We disagree that “there is considerable and well-established strategic justification for the creation of the proposed laneway under the City of Nedlands Local Planning Strategy (LPS) and the City of Nedlands Town Centre Precinct Plan (NTCPP) ...”</p> <ul style="list-style-type: none"> • The 2016 local planning strategy only identified an opportunity to investigate rear laneway access as part of development along Stirling Highway. The location, land tenure arrangements and broader planning considerations were not outlined in this strategy. These matters were subject to further investigation. • Subsequently, the City prepared the draft Nedlands Town Centre Precinct Plan which identifies a series of laneways as part of the movement network strategy for the town centre. This document was adopted by Council for the purpose of advertising on 14 September 2019 and then advertised between March and April 2020. This document was initiated after the Nedlands Square development application was submitted in August 2019 and the City were well aware of the location of the laneway as part of the proposal a number of months prior to final submission. • This draft LPP is now prematurely attempting to formalise the location and status of these laneways as part of the local planning framework when the advertising period for 	<p>which is to be undertaken as part of the proportional construction of the laneway by each affected landowner, to the satisfaction of the City.</p> <p>It City notes that work commenced on the draft NTCPP LPP prior to the lodgement of the original August 2019 DA for 80 Stirling Highway. The draft NTCPP as presented to Council on 24 September 2019 was underpinned by a large body of strategic planning work, including landowner pre-consultation workshops.</p> <p>It is inaccurate to suggest that the NTCPP was initiated after the Nedlands Square development was lodged in August 2019 as work on the NTCPP pre dated the DA lodgement.</p> <p>The NTCPP LPP version submitted to Council for advertising in September 2019, showed an alternate laneway alignment on the Nedlands Square site where the laneway ran along the southern boundary of 6 Florence Road and 9 Stanley Street.</p> <p>At the OCM of 24 September 2019, Cr Shaw (seconded by Cr James) moved an amended administration recommendation that:</p> <p><i>2. Amend ‘Movement (proposed)’ map on page 11 to show the proposed laneway to the south of the Captain Stirling Hotel as being in line with the proposed laneways to the west, consistent with the ‘Precinct Plan’ map shown on page 7;</i></p>
--	--	--	---	--

				<p>the draft Nedlands Town Centre Precinct Plan has only recently closed.</p> <ul style="list-style-type: none"> • This draft LPP is therefore considered premature and pre-emptive and should not be progressed until the draft Nedlands Town Centre Precinct Plan is further considered having regards to the public advertising feedback and input from key stakeholders such as Main Roads WA. • The laneway is identified further north than what is proposed in the Nedlands Square development proposal which proposes a 7m rear laneway over 6 Florence Road and 9 Stanley Street plus 90-degree car bays along the boundary. Due to site constraints particularly with regards to topography, shifting the laneway north would sever the site and result in a much smaller development with only a supermarket and minimal specialty stores able to be accommodated. • To this end, the location and tenure of these laneways should be considered on an individual basis in consultation with landowners/developers as sites are redeveloped. Not all laneways need to be in the exact location shown and do not need to be public roads, instead they can be private thoroughfares for larger development sites, with public access easements to increase local connectivity. It has always been the intention for the Nedlands Square development to provide a laneway to provide for local access and servicing to the site whether this be by way of an access easement or other land tenure arrangements 	<p>Consequently, the advertised version of the NTCPP was amended to show the laneway in alignment with the laneway on the ALDI site and Council's land at 56 Dalkeith Road. This is alignment contrary to the Urbis proposal and Admsinitration's originally proposed draft NTCPP LPP.</p> <p>The City has considered the proposed 'dog leg' laneway alignment in relation to the Captain Stirling redevelopment application. On balance and having regard to built form outcomes and safety considerations, it considered to be acceptable.</p> <p>Amendments are recommended to the laneway design under the existing Captain Stirling redevelopment including:</p> <ul style="list-style-type: none"> - The conversion of 29 x 90 degree bays to 12 parallel car bays (2.4m wide) which would still allow for a 2.5m wide dual access path, landscaping and an acoustic wall between the laneway and southern property boundaries. The substation design and location would require review. - The relocation of access to the car park from Florence Road to the laneway in order to preserve the pedestrian environment along Florence Road <p>The City's administration does not support the creation of the laneway via a private easement</p>
--	--	--	--	--	--

				<ul style="list-style-type: none"> To provide the City with comfort that a locational disconnect between the Stanley to Florence and Florence to Dalkeith laneways is manageable from a road safety perspective, we have undertaken a swept path analysis of Aldi delivery vehicles (19m articulated truck) traversing between Stanley Street and Dalkeith Road via the laneway network. This analysis shows the movement is both safe and not to the detriment of any other party. This analysis is included as Attachment A. In summary, the adoption of this LPP is considered premature in the context of the broader planning for the area. The draft LPP is pre-empting certain outcomes with regards to the movement network and is disregarding the impact this has on existing, well-progressed development proposals such as Nedlands Square. If the policy is to be adopted, we would ask that flexibility be afforded to the exact location of the proposed laneways to ensure that, whilst functional from a City of Nedlands perspective, they are also appropriately integrated into the respective town centre proposals (i.e. Woolworths and Aldi). Ultimately, the planning framework needs to facilitate and encourage private investment to support our State's economic growth and prosperity in these particularly difficult times. In its current form, we do not believe this policy will achieve this objective. 	<p>on the basis that the laneway will appear and function as a public road, it will likely be expected that the City maintains it, and as a public ROW, the City will have full autonomy and decision making and control over the maintenance of laneway.</p> <p>Given the current reliance on the laneway as the preferred movement path for the proposed Nedlands Square development, and the requirement for third party consent to construct the laneway between Florence Road and Dalkeith Road, consideration of the LPP is considered both timely and necessary, not premature. The significance of the town centre development is noted particularly in respect of the COVID economic concerns, however, any approved development or works should be consistent with orderly and proper planning outcomes.</p>
4	Elizabeth Gibson	41 Louise Street, Nedlands	By email	I only support this laneway behind Captain Stirling Shopping Centre, therefore between Dalkeith & Florence Roads. If the Woolworth's Development is to proceed, then I support it through to Stanley Street. My	The submission is noted. The realisation of the laneway between Dalkeith Road and Florence Road is subject to third party negotiation, detailed design and funding

			<p>reasons being: to relieve the traffic pressures along Stirling Highway which are already occurring and will only worsen from the development at Aldi site and in particular if the Woolworths centre is developed. This will enable service deliveries to those two major sites to use the laneway for access etc rather clogging up the surrounding residential streets. It will help be a buffer in the transitioning of the up-coded sites from Stirling Highway down to Edward St. reducing vehicle crossovers which are likely to otherwise occur into Florence & Stanley Sts with future residential developments in the area.</p>	<p>arrangements. The current proposed Captain Stirling redevelopment prefers the creation of the laneway from Stanley Street to Dalkeith Road for optimal access. The determination of the application has been deferred by JDAP for 90 days pending in part, the resolution of traffic matters.</p>
--	--	--	---	--



LG Ref: DA/18/29611
DAP Ref: DAP/18/01444
WAPC Ref: 08-50165-1
Enquiries: (08) 6551 9919

Mr Tim Dawkins
Urbis Pty Ltd
Level 14, 1 William Street
Perth WA 6000

Dear Mr Dawkins

**METRO WEST JDAP - CITY OF NEDLANDS AND WESTERN AUSTRALIAN
PLANNING COMMISSION (WAPC) - DAP APPLICATION - DA/18/29611 -
DETERMINATION**

Property Location:	Lots 3, 4 and 5 (90) Stirling Highway, Nedlands
Application Details:	Retail and Restaurant

Thank you for your Form 1 Development Assessment Panel (DAP) application and plans submitted to the City of Nedlands on 22 June 2018 for the above-mentioned development.

This application was considered by the Metro West JDAP at its meeting held on 14 November 2018, where in accordance with the provisions of the City of Nedlands Local Planning Scheme No. 2, it was resolved to **approve** the application as per the attached notice of determination.

Should the applicant not be satisfied by this decision, an application may be made to amend or cancel this planning approval in accordance with regulation 17 and 17A of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Please also be advised that there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. Such an application must be made within 28 days of the determination, in accordance with the *State Administrative Tribunal Act 2004*.

Should you have any queries with respect to the conditions of approval, please contact Ms Kate Bainbridge on behalf of the City of Nedlands on 9273 3500 or Ms Caroline Hatherly on behalf of the WAPC on 6551 9337.

Yours sincerely,

DAP Secretariat

21 November 2018

Encl. DAP Determination Notice
Approved Plans

Cc: Ms Caroline Hatherly and PSO Admin
Western Australian Planning Commission (WAPC)

Ms Kate Bainbridge
City of Nedlands



Planning and Development Act 2005

**City of Nedlands Town Planning Scheme No. 2 and
Metropolitan Region Scheme**

Metro West Joint Development Assessment Panel

**Determination on Development Assessment Panel
Application for Planning Approval**

Property Location: Lots 3, 4 and 5 (90) Stirling Highway, Nedlands

Application Details: Retail and Restaurant

In accordance with regulation 8 of the *Planning and Development (Development Assessment Panels) Regulations 2011*, the above application for planning approval was **granted** on 14 November 2018, subject to the following:

PART A – CITY OF NEDLANDS TOWN PLANNING SCHEME NO. 2

1. **Approve** DAP Application reference DAP/18/01444 and accompanying plans (numbered A001, A101, A102, A104, A204 and A205) dated 26 July 2018 in accordance with Clause 68 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the provisions of the of the City of Nedlands Town Planning Scheme No. 2, subject to the following conditions as follows:

Conditions

Administrative/General

1. Prior to occupation of the development, Lots 3, 4 and 5 Stirling Highway, Nedlands are to be consolidated by an amalgamation approval into a single land parcel.
2. This approval is valid for a period of **3 years** only. If development is not substantially commenced within this period, further approval must be obtained before commencing or continuing the development.
3. The development shall always comply with the application and the approved plans, subject to any modifications required as a consequence of any condition(s) of this approval.
4. The proposed land uses complying with the respective Shop and Restaurant land use definitions stipulated under the City's Town Planning Scheme No. 2.
5. Prior to occupation of the development, the applicant is to enter into a Deed of Agreement with the City of Nedlands to ensure that, should access be made available to Dalkeith Road in the future, the proposed development is able to facilitate public through access from Dalkeith Road to Florence Road. The Deed of Agreement is to be prepared at the applicant's cost.



Transport

6. A minimum of 10 bicycle parking bays shall be provided in the location designated for bike rails. The bicycle parking shall be provided in accordance with AS2890:3 prior to practicable completion of the development and be maintained thereafter by the landowner to the satisfaction of the City of Nedlands.
7. Following a referral to Main Roads, the following conditions are required:
 - a) The existing redundant driveway on Stirling Highway shall be removed and verge reinstated at the applicant's cost to the satisfaction of the City of Nedlands on the advice from Main Roads.
 - b) No development, other than landscaping and existing sign refurbishment is permitted on the land zoned for future road purposes.
 - c) No earthworks other than those approved shall encroach onto the Stirling Highway road reserve.
 - d) No stormwater drainage shall be discharged onto the Stirling Highway road reserve.
8. A Loading, Servicing and Delivery Management Plan shall be provided to and approved by the City prior to construction commencing and will outline how the servicing of the proposed development will occur including service, delivery and rubbish collection vehicle routes. The approved plan is required to be complied with at all times.
9. A sightline analysis shall be provided by the applicant prior to the lodgement of a building permit. The analysis shall be prepared in accordance with *Australian Standards AS2890.1*. Should the findings of this analysis require modifications to the vehicle access, these modifications shall be approved by the City of Nedlands and incorporated into the final design submitted with the building permit to the satisfaction of the City of Nedlands. This will be required due to the risks associated with exiting the car parking area by service and delivery vehicles.
10. Prior to the occupation of the development, all approved car parking spaces together with their access aisles shall be sealed, clearly marked (line marked and staff only signage) and drained in accordance with Australian Standards AS2890.1 and arranged so that all vehicles may at all times leave or enter the street in a forward gear. All parking bays and access aisles shall thereafter be maintained by the landowner to the satisfaction of the City of Nedlands.
11. 90 car parking bays shall be provided on site in accordance with the approved plans prior to occupation of the development of which 2 parking bays are to be provided as universal access bays.
12. A management plan for the truck turntable shall be submitted and approved by the City of Nedlands prior to the occupation of the development. The approved management plan shall be complied with at all times.



13. Signage shall be provided internal to the subject site to the satisfaction of the City which will appropriately direct pedestrian and vehicle movements to and from the building.
14. All signage is to be maintained by the landowner to the City's satisfaction.
15. No materials and/or equipment being stored externally on the property which is visible from off site, and/or obstructs vehicle manoeuvring areas, vehicle access ways, pedestrian access ways, parking bays and/or loading bays.

Appearance of development

16. Prior to the submission of an application for a building permit, a final 'Colour and Materials Schedule', shall be submitted to and approved by the City of Nedlands with the building being finished in accordance with the approved schedule.
17. All windows and doors to the Florence Road and Stirling Highway street frontages are not to be obscured by alternative window treatments, signage and/or internal shelves occupying more than 25% of each individual window, to the satisfaction of the City of Nedlands.
18. The acoustic barrier wall to the southern lot boundary shall be no more than 2m in height and be constructed of materials to ensure compliance with the relevant noise regulations and the City's Fill and Fencing Local Planning Policy to the satisfaction of the City of Nedlands.
19. The acoustic barrier wall is to be installed prior to practicable completion of the development, and be maintained thereafter, by the landowner to the City's satisfaction.
20. Prior to the submission of an application for a building permit, a lighting plan for the site shall be submitted to and approved in writing by the City of Nedlands. The lighting plan shall include the height, location, lux levels and operating hours of all external lighting (including the basement level) and shall be in accordance with Australian Standards. The lighting shall be installed in full accordance with the approved details prior to the first occupation of the development and comply with the approved plan at all times.
21. The applicant shall provide a revised landscaping plan for the development, prepared to the City's satisfaction including the species types, maturity and densities of soft landscaping, the proposed reticulation layout and details of the hard landscaping proposed. The revised landscaping plan shall be submitted by the applicant and approved by the City of Nedlands prior to construction commencing.
22. Landscaping shall be installed/planted in accordance with the approved landscaping plan within 60 days of practical completion of the development and maintained thereafter by the landowners to the satisfaction of the City of Nedlands.
23. All plant, equipment and external fixtures are to be located such that they are not visible from Stirling Highway or Florence Road street frontages.



24. All signage approved or required as part of this approval shall be maintained by the landowner to the satisfaction of the City of Nedlands.

Waste Management

25. All storage of waste collection areas shall be screened from public viewing (including neighbouring properties) by the landowner to the City's satisfaction.
26. A waste management plan shall be submitted and approved by the City prior to construction commencing. The approved waste management plan shall be complied with at all times by the landowner to the City's satisfaction.

Operational

27. The basement car parking shall be secured to prevent access outside of operation hours with method to the satisfaction of the City of Nedlands.
28. The applicant shall enter into a Deed of Indemnity with the City in relation to the works (awnings) to be undertaken in accordance with the approval within the land managed/owned by the City. The Deed of Indemnity shall be prepared/or vetted by the City's solicitors and shall be executed by both parties prior to any construction within the road reserve. All reasonable costs associated with the preparation of the Deed of Indemnity shall be met by the applicant.

Construction

29. All building works to be carried out under this development approval are required to be contained within the boundaries of the subject lot with the exception of the awning/canopy over the footpath.
30. A Construction and Noise Management Plan shall be submitted to and approved by the City prior to the lodgement of a building permit and complied with throughout the construction period to the City's satisfaction.
31. Prior to the commencement of any demolition works an approved Dust Management Plan shall be implemented. Prior to implementation, the plan shall be prepared and approved by the City's Environmental Health section.

Drainage and Stormwater

32. Drainage details and design calculations shall be submitted and approved by the City of Nedlands prior to the issue of a building permit.
33. All stormwater from the development, which includes permeable and non-permeable areas shall be contained onsite

Advice notes

General advice

1. With regard to Condition 17, the applicant and the landowner are advised that if more than 25% of a window and/or a door is proposed to be obscured development approval is required to be obtained from the City of Nedlands prior to being installed.



2. The applicant and the landowner are advised that a Nature Strip Development Application (NSDA) will be required for modifications on the Florence Road verge. This includes modifications to the existing on-street car parking, signage, landscaping, all civil works and drainage. The NSDA will need to be approved by Technical Services and funded entirely by the developer.
3. The applicant and the landowner are advised that the signage to be provided tenancies 1-6 shall be the subject of separate development approval/s.
4. The applicant and landowner are advised that the use Shop and Restaurant land uses are defined as being the following land use under Town Planning Scheme No. 2:

“Shop means any building wherein goods and services are exposed or offered for sale by retail and without limiting the generality of the foregoing shall include: Shops for the sale of foodstuffs generally, clothing drapery, furniture and furnishings, footwear, hardware, electrical goods, sporting goods, toys and second-hand goods; jewellers, chemists, stationers, newsagents, variety stores, photographic studios and supplies, florists, dry cleaning agencies, barbers and hairdressers; and liquor stores:

But shall not include a service office, a general office, a professional office or a market.”

“Restaurant means a building wherein food is prepared solely for sale and consumption within the building or portion thereof and (without limiting the generality of the foregoing) the expression includes a licenced restaurant or café. The expression also includes a restaurant at which food for consumption outside the building, or portion thereof, is sold where the Council is of the opinion that the sale of food for consumption outside the building is not the principal part of the business. The expression shall also include an outdoor establishment and in the case for the purpose of this definition, the outdoor eating area shall be treated as being within the building of the restaurant.”

5. The applicant and the landowner are advised that all street tree assets in the nature-strip (verge) shall not be removed. Any approved street tree removals shall be undertaken by the City and paid for by the owner of the property where the development is proposed, unless otherwise approved under the Nature Strip Development approval.
6. The applicant and the landowner are advised that due to existing parking issues prevalent in the locality, the City recommends introduction of timed car parking and regular inspections of the car parking area to ensure compliance with the timing restrictions.
7. The applicant and the landowner are advised that a separate development application is required to be submitted to and approved by the City prior to increasing seating numbers of the restaurant any further.
8. The applicant and the landowner are advised that all crossovers to the street(s) shall be constructed to the Council's Crossover Specifications and the applicant / landowner to obtain levels for crossovers from the Council's Infrastructure Services under supervision onsite, prior to commencement of works.



9. The applicant and the landowner are advised that where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

Advice in relation to conditions

10. The applicant and the landowner are advised that following a referral to Main Roads, the following advice notes are included:
 - a) The Florence Road intersection is proposed to be converted to a left-in left-out intersection with Stirling Highway in the future. Please note that the project for the upgrading and widening of Stirling Highway is not in Main Roads current 4-year forward estimated construction program and all projects not listed are considered long term. Please be aware that timing information is subject to change and that Main Roads assumes no liability whatsoever for the information provided.
 - b) This property is affected by land reserved in the Metropolitan Region Scheme and will be required for road purposes at some time in the future.
11. With regard to Condition 26, the applicant and the landowner are advised that the waste Management Plan shall:
 - a) Comply with the City's draft Waste Guidelines which can be provided to the applicant upon request; and
 - b) A collection and refund point is recommended to be provided for the Beverage Container Deposit Scheme.
12. With regard to Condition 30, the applicant and the landowner are advised that the Construction Management Plan is required to address the following, as a minimum:
 - Staging plan for the entire works;
 - Applicable timeframes and assigned responsibilities for tasks;
 - Onsite storage of materials and equipment;
 - Public safety, amenity and site security;
 - Contact details of essential site personnel;
 - Construction operating hours;
 - Noise control and vibration management;
 - Air management;
 - Details of how dust will be suppressed;
 - Details of how dust and sand drift will be controlled in the event that the landscape remains bare for any period of time after demolition;
 - Stormwater and sediment control;
 - Waste management;
 - Traffic and access management;
 - Parking arrangements for contractors and subcontractors;



- Site signage showing the builder's direct contact details (telephone number and email address);
 - Management of noise in accordance with the requirements of the *Environmental Protection (Noise) Regulations 1997*;
 - Details of and reasons for construction work on the construction site that is likely to be carried out other than between 7.00 am and 7.00 pm on any day which is not a Sunday or public holiday;
 - Details of and duration of activities on the construction site likely to result in noise emissions that fail to comply with the standard prescribed under regulation 7 of the Environmental Protection (Noise) Regulations 1997;
 - Predictions of noise emission on the construction site;
 - Details of measures to be implemented to control noise (including vibration) emissions; and
 - Complaints and incidents response procedure.
13. With regard to Condition 31, the applicant and the landowner are advised that the Dust Management Plan shall detail how the proposed demolition works will be managed to minimise environmental impacts, and shall address but not be limited to the following:
- a) Details of how dust will be suppressed (e.g. by use of water tanker, independently powered water pumps, high volume hoses) or whether an approval from the Water Corporation for hydrant standpipe has been granted; and
 - b) Details of how dust and sand drift will be controlled in the event that the landscape remains bare for any period of time after demolition (consideration of more permanent dust suppression or sand drift measures such as hydro-mulching).

Environmental Health advice

14. The applicant and the landowner are advised that prior to commencing each tenancy shall need to submit detailed fitout plans for the to enable an assessment of the premises in accordance with the Food Act 2008 and Food Standards Australia and New Zealand – Standard 3.2.3 (Food Premises and Equipment).
15. The applicant and the landowner are advised that prior to the proposal commencing the applicant shall lodge with the City an *Application for Food Premises Alteration / Fit-out* which an Environmental Health Officer at the City is satisfied demonstrates food safety outcomes.
16. The applicant and the landowner are advised that prior to commencing a Food Business* a proprietor shall lodge with the City a *Food Business Registration / Notification Form*.
- *A food business is any business or activity that involves the sale of food or the handling of any type of food for sale in Australia.
17. The applicant and the landowner are advised that prior to commencing a Food Business, the premises shall receive an inspection from an Environmental Health Officer at the City which cites that the Food Business may commence.



18. The applicant and the landowner are advised that prior to the outdoor dining area commencing trading, the proprietor of the Food Business shall lodge with the City an Application for Outdoor Dining Licence to conduct an outdoor dining area in a street or public place not on the private property.
19. The applicant and the landowner are advised that prior to commencing a Food Business a documented Food Safety Program which meets the requirements of the *Australian New Zealand Food Standards Code Standard 3.2.1 Food Safety Programs*, shall be deemed satisfactory by an Environmental Health Officer at the City of Nedlands.
20. The applicant and the landowner are advised that adequate staff and public sanitary conveniences shall be provided in accordance with the Building Code of Australia.
21. The applicant and the landowner are advised that designated storage areas for cleaning chemicals and equipment and personal belongings shall be available and separate from any food preparation or food storage area.
22. The applicant and the landowner are advised that the location of any bin stores shall be behind the street alignment and so as not to be visible from a street or public place, in accordance with the City's Health Local Law 1997.
23. The applicant and the landowner are advised that prior to the commencement of any demolition works, any Asbestos Containing Material (ACM) in the structure to be demolished, shall be identified, safely removed and conveyed to an appropriate landfill which accepts ACM.

Removal and disposal of ACM shall be in accordance with Health (Asbestos) Regulations 1992, Regulations 5.43 - 5.53 of the Occupational Safety and Health Regulations 1996, Code of Practice for the Safe Removal of Asbestos 2nd Edition, Code of Practice for the Management and Control of Asbestos in a Workplace, and any Department of Commerce Worksafe requirements.

Where there is over 10m² of ACM or any amount of friable ACM to be removed, it shall be removed by a Worksafe licensed and trained individual or business.

24. The applicant and the landowner are advised that all downpipes from guttering shall be connected so as to discharge into drains, which shall empty into a soak-well; and each soak-well shall be located at least 1.8m from any building, and at least 1.8m from the boundary of the block. Soak-wells of adequate capacity to contain runoff from a 20-year recurrent storm event. Soak-wells shall be a minimum capacity of 1.0m³ for every 80m² of calculated surface area of the development.
25. The applicant and the landowner are advised that all internal water closets and ensuites without fixed or permanent window access to outside air or which open onto a hall, passage, hobby or staircase, shall be serviced by a mechanical ventilation exhaust system which is ducted to outside air, with a minimum rate of air change equal to or greater than 25 litres / second.



PART B – METROPOLITAN REGION SCHEME

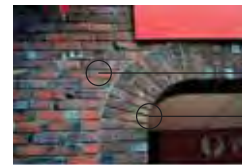
1. **Approve** DAP Application reference DAP/18/01444 and accompanying plans date stamped 16 August 2018 by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission, in accordance with Clause 30(1) of the Metropolitan Region Scheme, subject to the following conditions:

Conditions

1. The proposed development is to comply in all respects with the submitted plans date-stamped 16 August 2018 by the Department of Planning, Lands and Heritage on behalf of the Western Australian Planning Commission (attached).
2. The development approval is valid for two years from the date of this approval. If the subject development is not substantially commenced within a two-year period, the approval shall lapse and be of no further effect.
3. The redundant driveway on Stirling Highway is to be removed and the verge reinstated at the applicant's cost prior to occupation of the development, to the satisfaction of the Western Australian Planning Commission on advice from Main Roads Western Australia.
4. No stormwater drainage shall be discharged into the Stirling Highway road reserve.

Where an approval has so lapsed, no development shall be carried out without further approval having first been sought and obtained, unless the applicant has applied and obtained Development Assessment Panel approval to extend the approval term under regulation 17(1)(a) of the *Planning and Development (Development Assessment Panels) Regulations 2011*.

DEVELOPMENT
ASSESSMENT PANEL
APPROVED
14-Nov-2018



POST OFFICE

TERRACOTTA HUES

CURVED FEATURES



THE WINDSOR

ART DECO CURVES



TYPICAL NEDLANDS RESIDENCE

FEATURE CURVES - RED BRICK WITH WHITE RENDER



AUSTRALIAN INSTITUTE OF ARCHITECTS

BOLD \ MODERN COLOURS JUXTAPOSED AGAINST WHITE RENDER

Sheet List		
Sheet Number	Sheet Name	Current Revision
A001	TITLE SHEET	B
A101	SITE PLAN / SIGNAGE	C
A102	PLANS	D
A104	DETAILED TENANCY AREA	A
A204	ELEVATIONS - SHEET 1	D
A205	ELEVATIONS - SHEET 2	C

COPYRIGHT

ALDI Stores (A Limited Company. All rights reserved. This work is covered by Copyright and cannot be reproduced or stored in any form or by any means (mechanical, electronic or otherwise) without the written permission of ALDI Stores. Any further written or verbal consent does not constitute an agreement for any further work unless it is indicated in the terms of the written agreement with ALDI Stores.

NO	REVISION	DATE
A	Pre-DA Council Meeting	02.05.18
B	Issue to Council	14.06.18



1 Nedlands Texture Palette
1:200



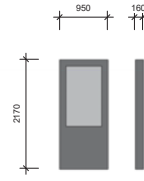
City of Nedlands
Received
23 July 2018

PH Architects
FORTH 17/20 Regent Rd, Subiaco 6008 WA, (08) 9388 1381
MELB 31 Nepean Ln, Melbourne 3000 VIC, (03) 9624 4700
Client
ALDI STORES (A LIMITED PARTNERSHIP)
21 Orion Rd, Jandakot WA 6164

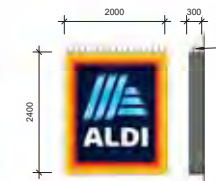
Project
ALDI NEDLANDS
Drawing Title
TITLE SHEET
Date 12/11/17 Job Number A1432 Scale @ A1
Drawing Number A001 Revision B

Item 13.5 - Attachment 4

**DEVELOPMENT
ASSESSMENT PANEL**
**APPROVED
14-Nov-2018**



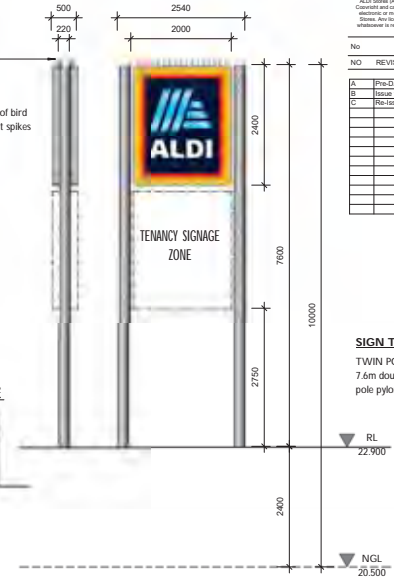
SIGN TYPE 1 (x1)
OUTDOOR DIGITAL POSTER BOX



SIGN TYPE 2 (x3)
LARGE GABLE SIGN (F17-G1)
Single sided illuminated flexface wall sign.



SIGN TYPE 3 (x1)
CARPARK BULKHEAD SIGN (F17-BHCP)
Single sided illuminated flexface wall sign.

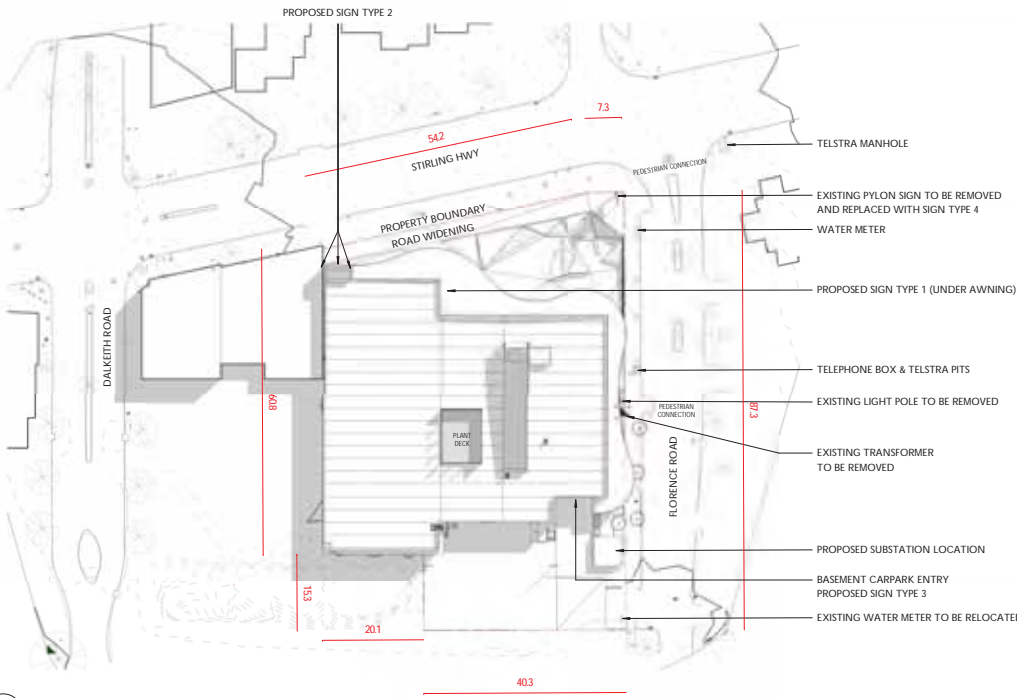


COPYRIGHT
ALDI Stores (A Limited Company). All rights reserved. This work is covered by Copyright and cannot be reproduced or stored in any form or by any means electronic or mechanical (photocopying) without the written permission of ALDI Stores. Any further use or storage is at the risk of the user and any person who copies it is liable to the terms of the written agreement with ALDI Stores.

NO	REVISION	DATE
A	Pre-DA Council Meeting	02.05.18
B	Issue to Council	14.06.18
C	Pre-Refer to Council	03.04.18

SIGN TYPE 4 (x1)
TWIN POLE SIGN (F17-P2TP)
7.6m double sided illuminated flexface twin pole pylon sign with additional tenancy signage.

1 Location Plan
A204 1:1000



3 Signage
A102 1:50



4 Stirling Highway Street Elevation
A102 1:500

2 Site
A204 1:500

City of Nedlands
Received
23 July 2018

I:PH Architects
FOURTH 11/212 Bager Rd, Subiaco 6008 WA, (08) 9388 1591
MELB 31 Magpie Ln, Melbourne 3000 VIC, (03) 9624 4700
©2018 I:PH Architects. All rights reserved. No part of this document may be reproduced without the written permission of I:PH Architects.

Client
ALDI STORES (A LIMITED PARTNERSHIP)
21 Orion Rd, Jandakot, WA 6164

Project
ALDI NEDLANDS

Drawing Title
SITE PLAN / SIGNAGE

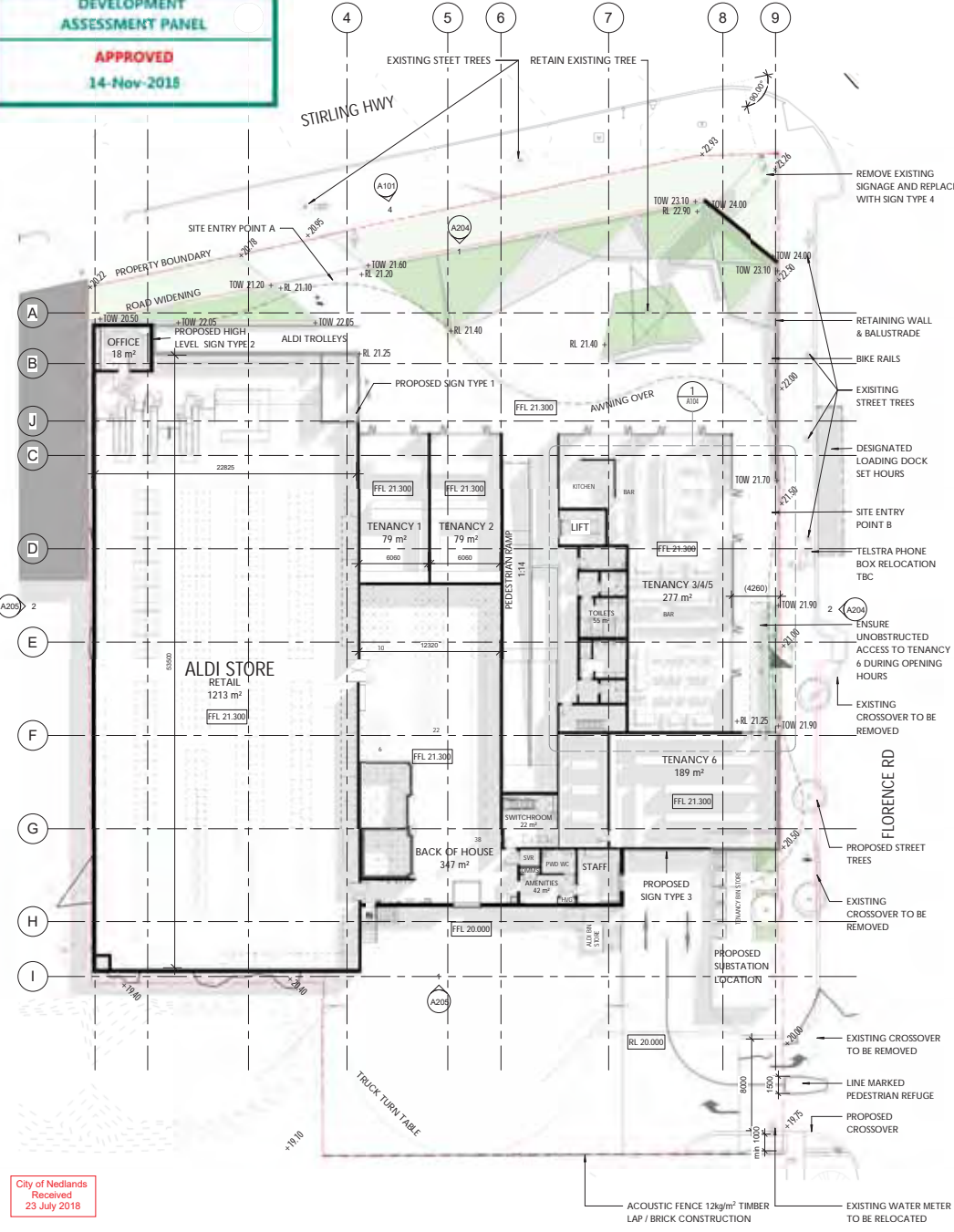
Date	Job Number	Scale @ A1
12/11/17	A1432	As Indicated
Drawing Number	Revision	
A101		C

ALDI Stores (A Limited Company. All rights reserved. This work is covered by Copyright and cannot be reproduced or stored in any form or by any means electronic or mechanical (photocopying) without the written permission of ALDI Stores. Any further copies or reuse of this document for any purpose whatsoever is prohibited by the terms of the written agreement with ALDI Stores.

NO	REVISION	DATE
A	Pre-DA Council Meeting	02/05/18
B	Update plan and Materials	16/05/18
C	Issue to Council	14/06/18
D	Re-issue to Council	23/04/18

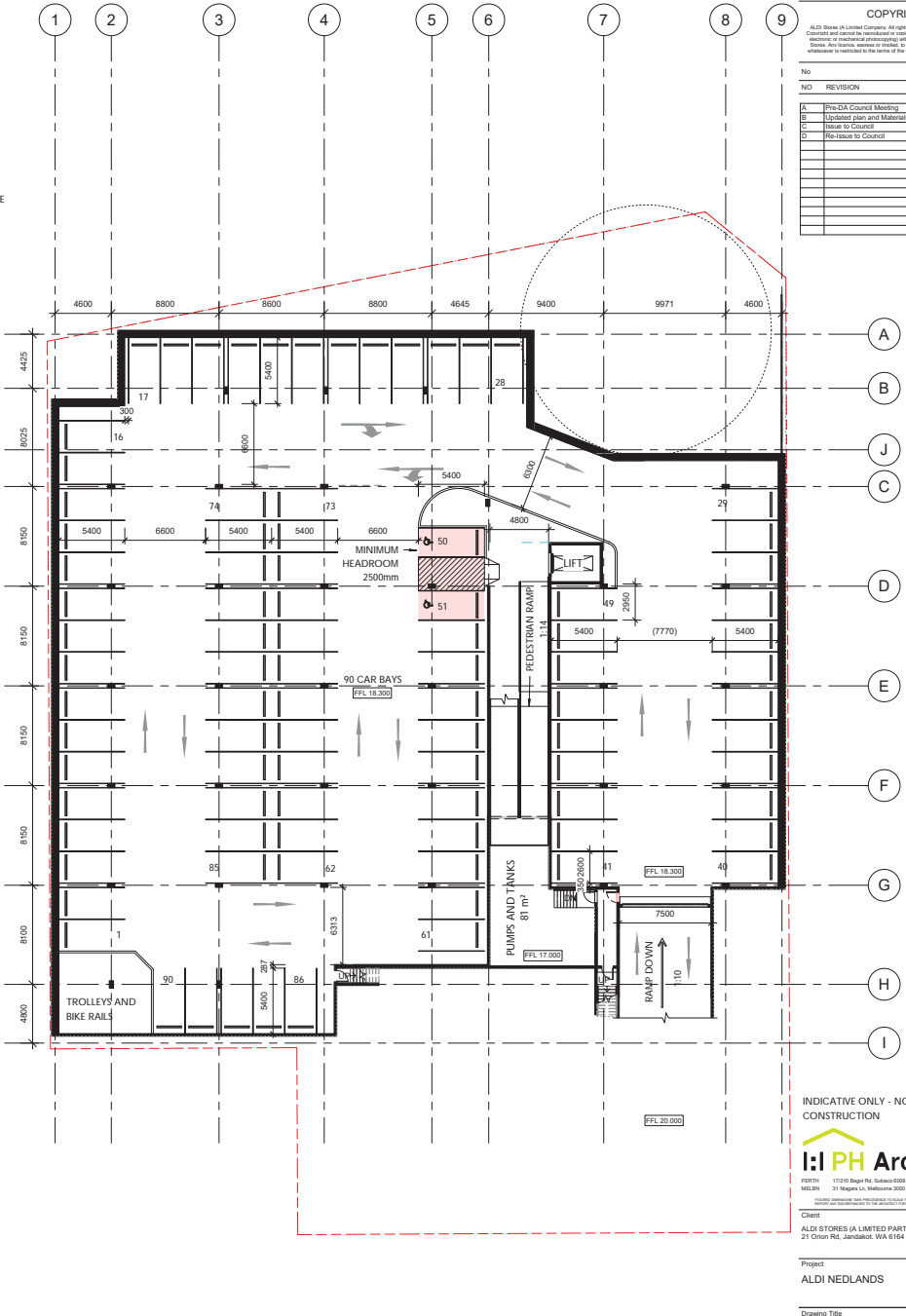


DEVELOPMENT ASSESSMENT PANEL
APPROVED
14-Nov-2018



City of Nedlands Received
23 July 2018

1 Ground Floor
A204 1:200



2 Basement
A201 1:200

INDICATIVE ONLY - NOT FOR CONSTRUCTION

I:PH Architects
FOURTH 17/22 Beger Rd, Subiaco 6008 WA, (08) 9388 5311
MELBURN 31 Nepean Ln, Melbourne 3000 VIC, (03) 9624 9700
© 2018 I:PH Architects. All rights reserved. This document is the property of I:PH Architects and is not to be reproduced without the written permission of I:PH Architects.

Client
ALDI STORES (A LIMITED PARTNERSHIP)
21 Orion Rd, Jandakot, WA 6164

Project
ALDI NEDLANDS

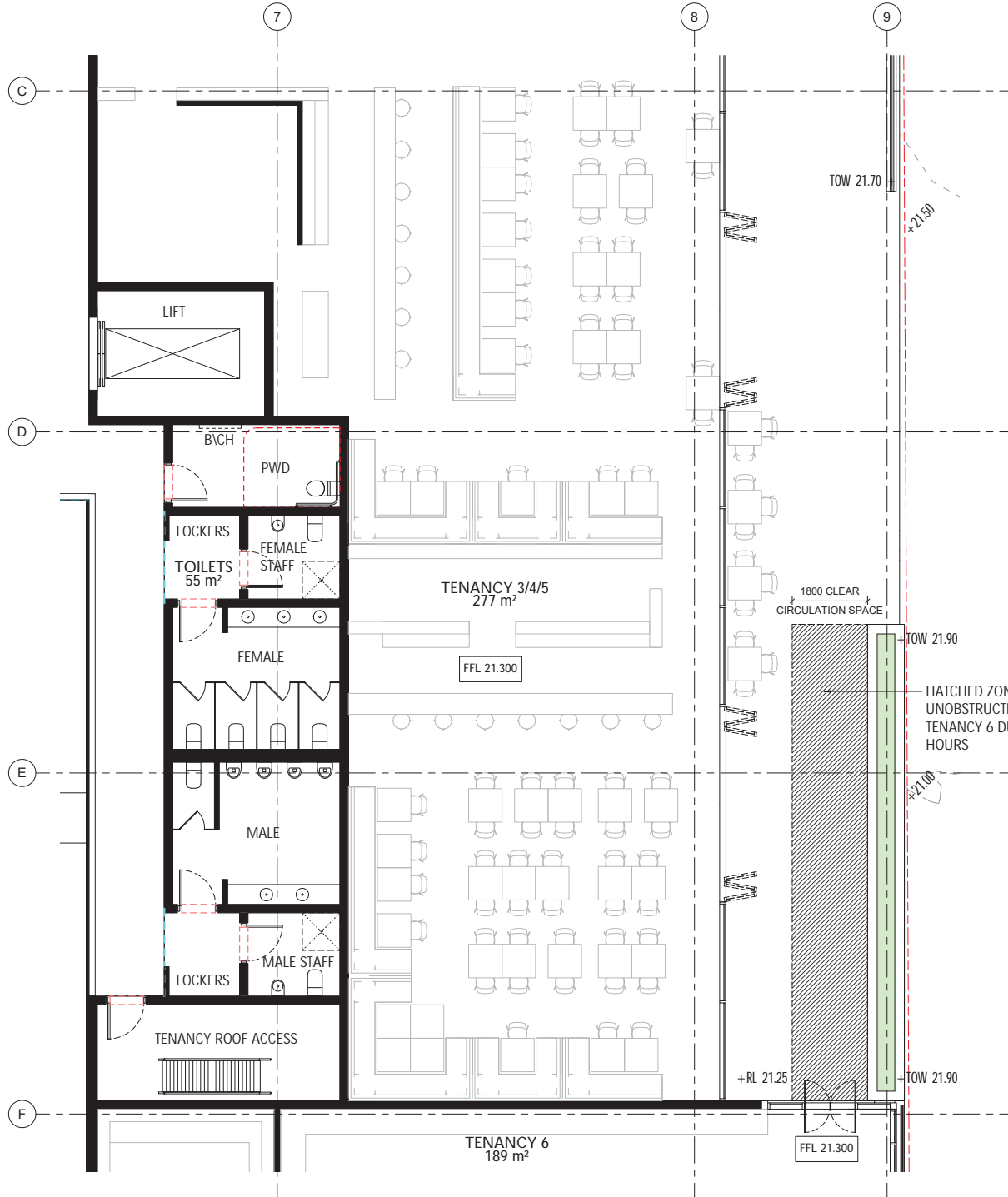
Drawing Title
PLANS
Date 12/11/17 Job Number A1432 Scale @ A1
Drawing Number A102 Revision D

DEVELOPMENT
ASSESSMENT PANEL
APPROVED
14-Nov-2018

City of Nedlands
Received
23 July 2018

SANITARY FACILITIES	
ALDI STAFF	STAFF (10) PROVIDED: 1 UNISEX PWD TOILET AS PER NCC F2.2 (c) UNISEX PWD FACILITY COUNTED ONCE FOR EACH SEX
TENANCIES	MAXIMUM CAPACITY: 200 MALES - PROVIDED 2 WC / 4 URINALS / 2 WASH BASINS 200 FEMALES - PROVIDED 5 WC / 3 WASH BASINS AS PER NCC F2.2 (c) UNISEX PWD FACILITY COUNTED ONCE FOR EACH SEX
TENANCY STAFF	ANTICIPATED MAXIMUM TOTAL STAFF - 20 10 MALES - 1 WC / 1 WASH BASIN 10 FEMALES - PROVIDED 1 WC / 1 WASH BASIN
SANITARY FACILITIES IN ACCORDANCE WITH NCC TABLE F2.3	

1 TENANCY PLAN VIEW
A104 1:50



COPYRIGHT
ALDI Stores (A Limited Company. All rights reserved. This work is owned by Copyright and cannot be reproduced or stored in any form or by any means (electronic or mechanical photocopying) without the written permission of ALDI Stores. Any further edition or republic in any form is prohibited by any copyright whatsoever is indicated by the terms of the written agreement with ALDI Stores.

No	REVISION	DATE
A	Re-Issue to Council	23/04/18



I:| PH Architects
PERTH 17/102 Roger Rd, Subiaco 6008 WA, (08) 9398 1361
MELB 31 Magellan Ln, Melbourne 3000 VIC, (03) 9524 8700
© 2018 I:| PH Architects. All rights reserved. No part of this publication may be reproduced without the prior written permission of I:| PH Architects.

Client
ALDI STORES (A LIMITED PARTNERSHIP)
21 Orion Rd, Jandakot, WA 6164

Project
ALDI NEDLANDS

Drawing Title
DETAILED TENANCY AREA

Date 12/11/17 Job Number A1432 Scale @ A1 1:50
Drawing Number A104 Revision

LEGEND:

- | | |
|---|-------------------------------|
| 1. Terracotta Panels - Terracotta / Sand Mix | 11. Terracotta Panels - Grey |
| 2. White wash panels | 12. Landscaped Timber Seating |
| 3. Red / Terracotta Face brick, White brick Capping and Feature | 13. Bin Store |
| 4. Planted Green Trellace | 14. Painted Steel door |
| 5. Sunshade | 15. Roof Sheeting |
| 6. Aluminium Glazing | 16. Etched Concrete Panels |
| 7. Precast concrete panels - Natural / Paint Finish | |
| 8. Stained Columns | |
| 9. Plant Louvers | |
| 10. Planters | |

**DEVELOPMENT
ASSESSMENT PANEL**

APPROVED
14-Nov-2018

COPYRIGHT

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the copyright owner.

No.	REVISION	DATE
1	Pre-Set (Initial Meeting)	22.08.18
2	Updated plan and elevations	18.09.18
3	Issue for Council	18.09.18
4	Pre-Set for Council	23.08.18



City of Nedlands
Received
23 July 2018

INDICATIVE ONLY - NOT FOR CONSTRUCTION

I:PH Architects

ALDI STORES IN LIMITED PARTNERSHIP
27 Stone Hill, Westland, WA 6150

Project: ALDI NEDLANDS

Drawing Title: **ELEVATIONS - SHEET 1**

Date:	Job Number:	Sheet # of #:
Approved:	A1242	1 of 108
Drawing Number:		Revision:
A204		D

LEGEND:

- 1. Terracotta Panels - Terracotta / Sand Mix
- 2. White wash panels
- 3. Red / Terracotta Face brick, White brick Lapping and Features
- 4. Planted Green Trellace
- 5. Sunshade
- 6. Aluminium Glazing
- 7. Precast concrete panels - Natural / Paint Finish
- 8. Slatted Columns
- 9. Plant Louvers
- 10. Planters
- 11. Terracotta Panels - Grey
- 12. Landscaped Timber Seating
- 13. Bin Store
- 14. Painted Steel door
- 15. Roof Shelving
- 16. Etched Concrete Panels

**DEVELOPMENT
ASSESSMENT PANEL**

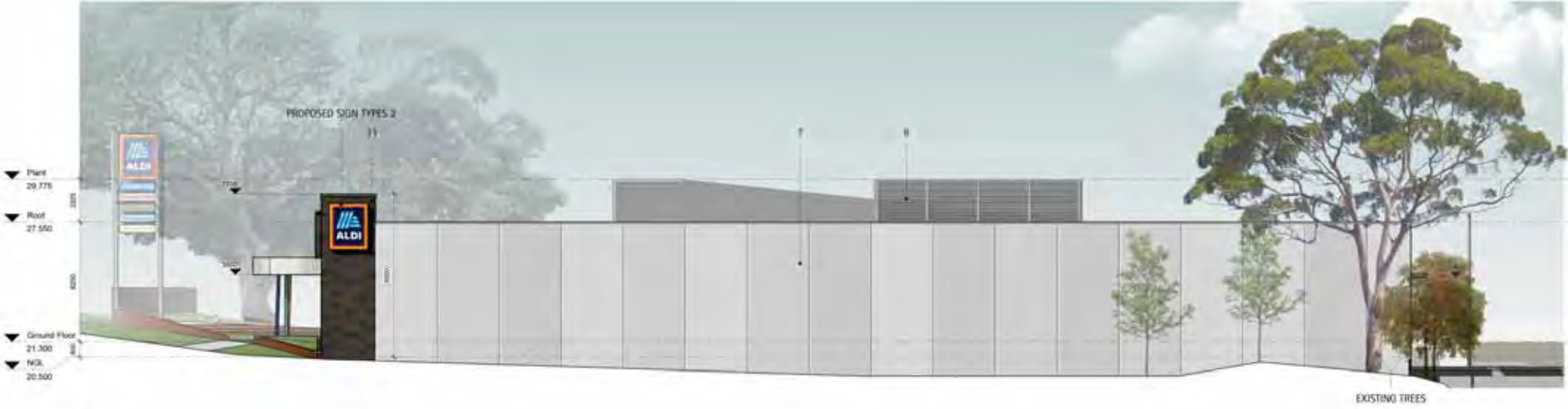
APPROVED

14-Nov-2018

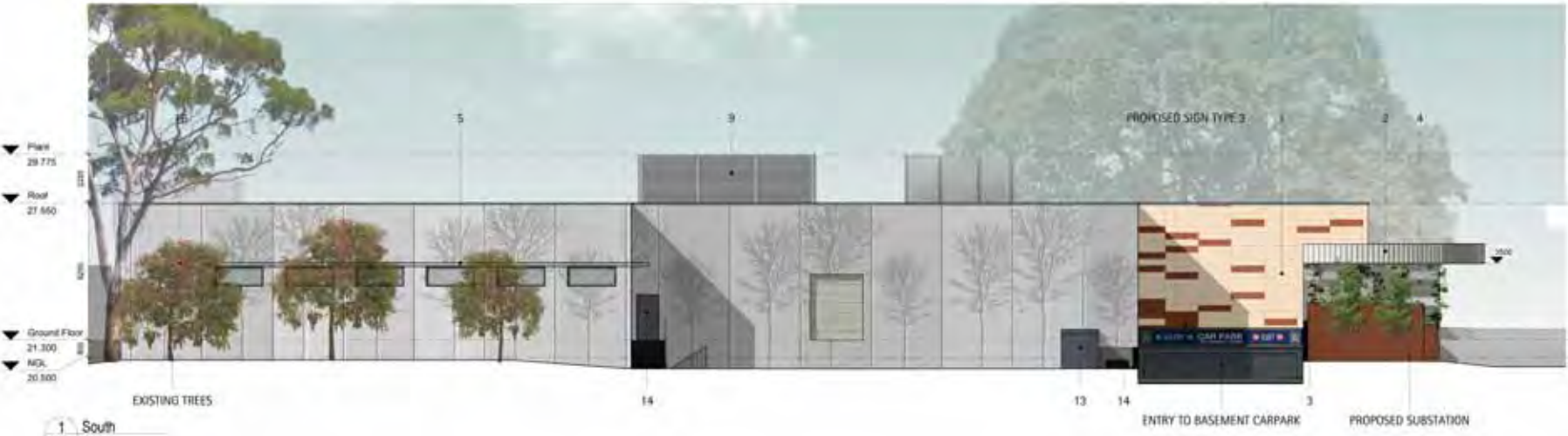
COPYRIGHT

All Rights Reserved. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage or retrieval system, without the prior written permission of PH Architects.

No.	REVISION	DATE
1	Final Design Meeting	20/08/18
2	Updated plan and elevations	28/08/18
3	Issue for Council	14/09/18



2 West
1:50



1 South
1:50

City of Nedlands
Received
23 July 2018

INDICATIVE ONLY - NOT FOR
CONSTRUCTION

PH Architects

ALDI STORES IN LIMITED PARTNERSHIP
11 Egan Rd, Leederville WA 6008

Project: ALDI NEDLANDS

Drawing Title: ELEVATIONS - SHEET 2

Date: 12/10/17 Job Number: NAL20 Drawing Number: A205

Scale: 1:50

Author: [Name] Checker: [Name]

DEVELOPMENT
ASSESSMENT PANEL

APPROVED
14-Nov-2018



POST OFFICE

- TERRACOTTA HUES
- CURVED FEATURES



THE WINDSOR

- ART DECO CURVES



TYPICAL NEDLANDS RESIDENCE

- FEATURE CURVES - RED BRICK WITH WHITE RENDER



AUSTRALIAN INSTITUTE OF ARCHITECTS

- BOLD \ MODERN COLOURS JUXTAPOSED AGAINST WHITE RENDER

Sheet List		
Sheet Number	Sheet Name	Current Revision
A001	TITLE SHEET	B
A101	SITE PLAN / SIGNAGE	C
A102	PLANS	D
A104	DETAILED TENANCY AREA	A
A204	ELEVATIONS - SHEET 1	D
A205	ELEVATIONS - SHEET 2	C

COPYRIGHT
ALDI Stores (A Limited Company). All rights reserved. This work is covered by Copyright and cannot be reproduced or stored in any form or by any means (electronic or mechanical, photocopying) without the written permission of ALDI Stores. Any further written or verbal consent does not constitute an agreement by ALDI Stores.

No		REVISION	DATE
A	Pre-DA Council Meeting		02.05.18
B	Issue to Council		14.06.18



1 Nedlands Texture Palette
1:200



DEPARTMENT OF PLANNING, LANDS AND HERITAGE

DATE: 16-Aug-2018 FILE: 08-50165-1

City of Nedlands
Received
23 July 2018

I:PH Architects
FORTH 17/22 Regent Rd, Subiaco 6008 WA, (08) 9388 5581
MELB 31 Magra Ln, Melbourne 3000 VIC, (03) 9524 4700

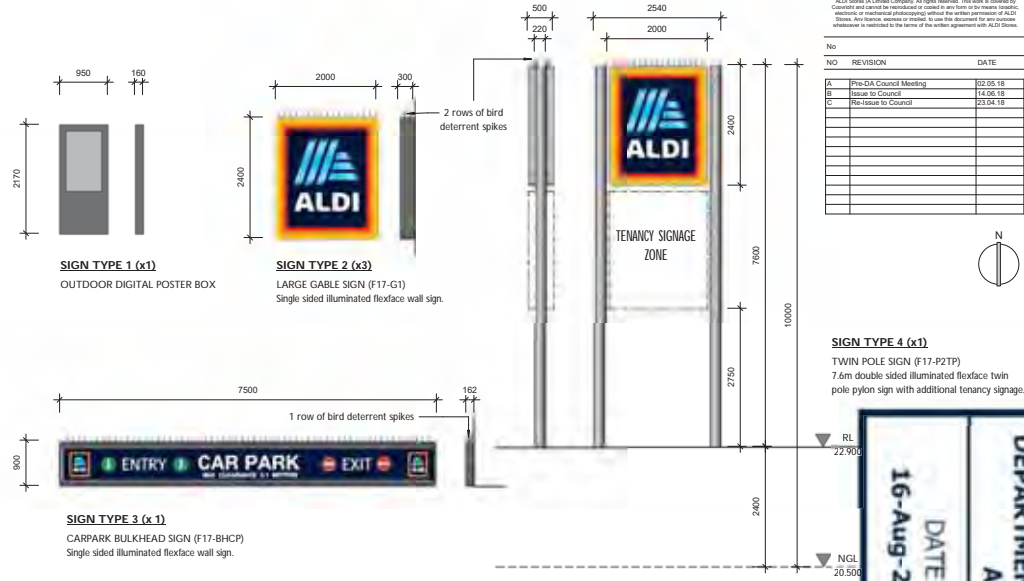
Client
ALDI STORES (A LIMITED PARTNERSHIP)
21 Orion Rd, Jandakot, WA 6164

Project
ALDI NEDLANDS

Drawing Title
TITLE SHEET

Date: 12/11/17 Job Number: A1432 Scale @ A1: 1:200
Drawing Number: A001 Revision: B

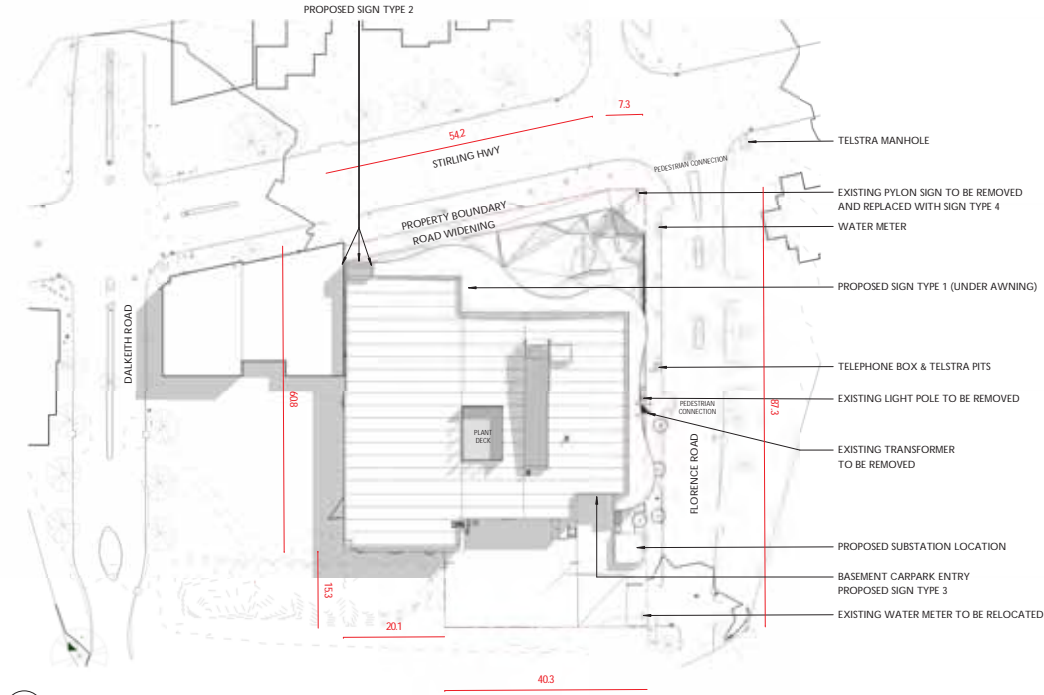
**DEVELOPMENT
ASSESSMENT PANEL**
APPROVED
14-Nov-2018



COPYRIGHT
ALDI Stores (A Limited Company. All rights reserved. This work is covered by copyright and shall be reproduced or stored in any form or by any means (electronic or mechanical, photocopying) without the written permission of ALDI Stores. Any further written or printed record shall be deemed to be a copy of the work where it is indicated in the terms of the written agreement with ALDI Stores.

NO	REVISION	DATE
A	Pre-DA Council Meeting	02.05.18
B	Issue to Council	14.08.18
C	PA-Plans for Council	23.04.18

1 Location Plan
A204 1:1000



3 Signage
A102 1:50



4 Stirling Highway Street Elevation
A102 1:500

DEPARTMENT OF PLANNING, LANDS AND HERITAGE
DATE: 16-Aug-2018
FILE: 08-50165-1

2 Site
A204 1:500

City of Nedlands
Received
23 July 2018

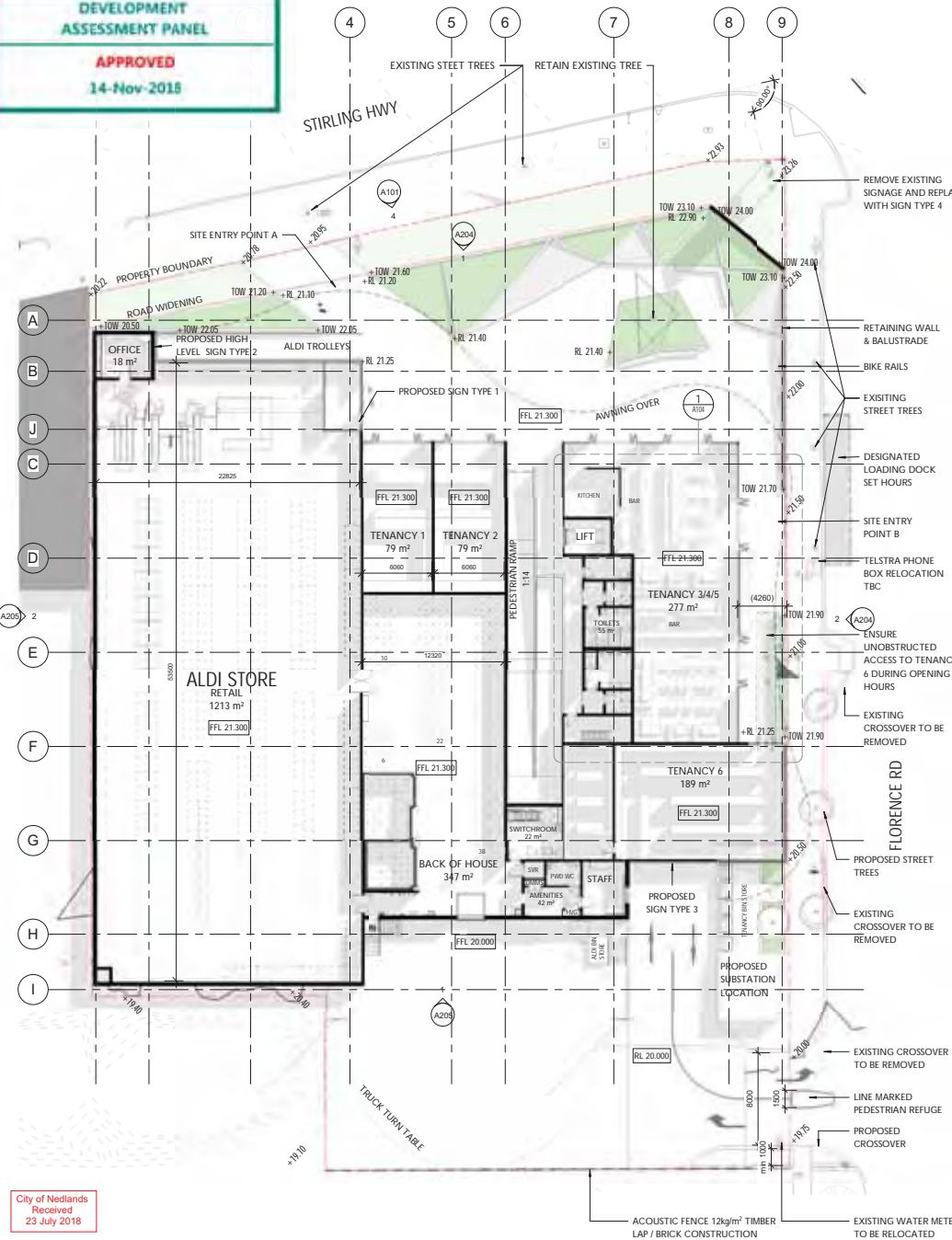
I:PH Architects
FOOT: 11/212 Beger Rd, Subiaco 6008 WA, (08) 9398 1391
MELB: 31 Negeva Ln, Melbourne 3000 VIC, (03) 9524 9759
Client: ALDI STORES (A LIMITED PARTNERSHIP) 21 Orion Rd, Jandakot WA 6164

Project: ALDI NEDLANDS
Drawing Title: SITE PLAN / SIGNAGE
Date: 12/11/17 Job Number: A1432 Scale @ A1: As Indicated
Drawing Number: A101 Revision: C

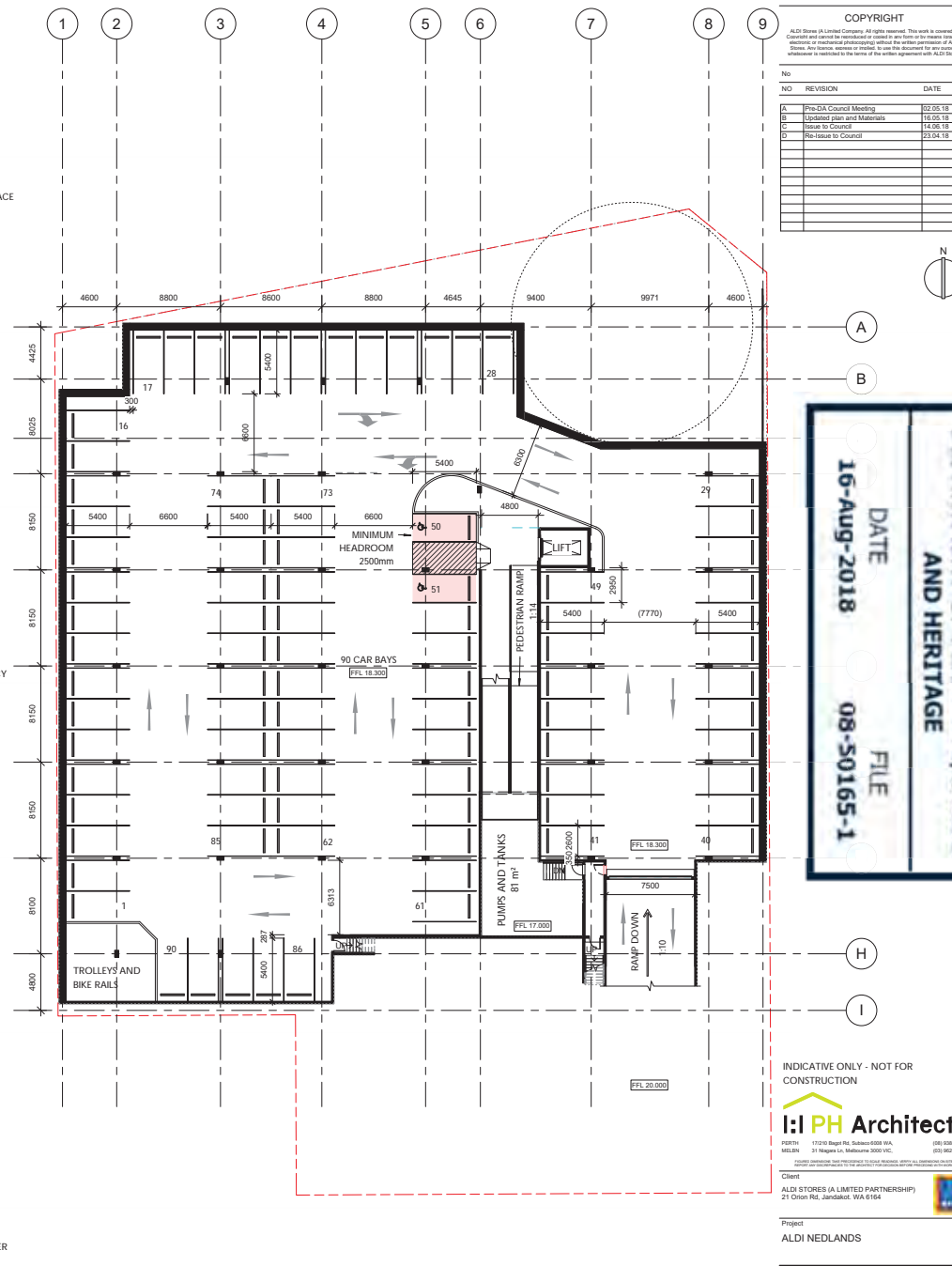
DEVELOPMENT
ASSESSMENT PANEL
APPROVED
14-Nov-2018

COPYRIGHT

NO	REVISION	DATE
A	Pre-DA Council Meeting	02/05/18
B	Update plan and Materials	16/05/18
C	Issue to Council	14/06/18
D	Re-issue to Council	23/04/18



1 Ground Floor
A204 1:200



2 Basement
A201 1:200

DEPARTMENT OF PLANNING, LANDS AND HERITAGE
DATE 16-Aug-2018
FILE 08-S0165-1

INDICATIVE ONLY - NOT FOR CONSTRUCTION

I:PH Architects
FOURTH 17/22 Regent Rd, Subiaco 6008 WA, (08) 9388 5311
MELBURN 31 Nepean Ln, Melbourne 3000 VIC, (03) 9624 4700

Client
ALDI STORES (A LIMITED PARTNERSHIP)
21 Orion Rd, Jandakot, WA 6164

Project
ALDI NEGLANDS

Drawing Title
PLANS

Date	Job Number	Scale @ A1
12/11/17	A1432	1:200
Drawing Number	Revision	
A102	D	

City of Nedlands
Received
23 July 2018



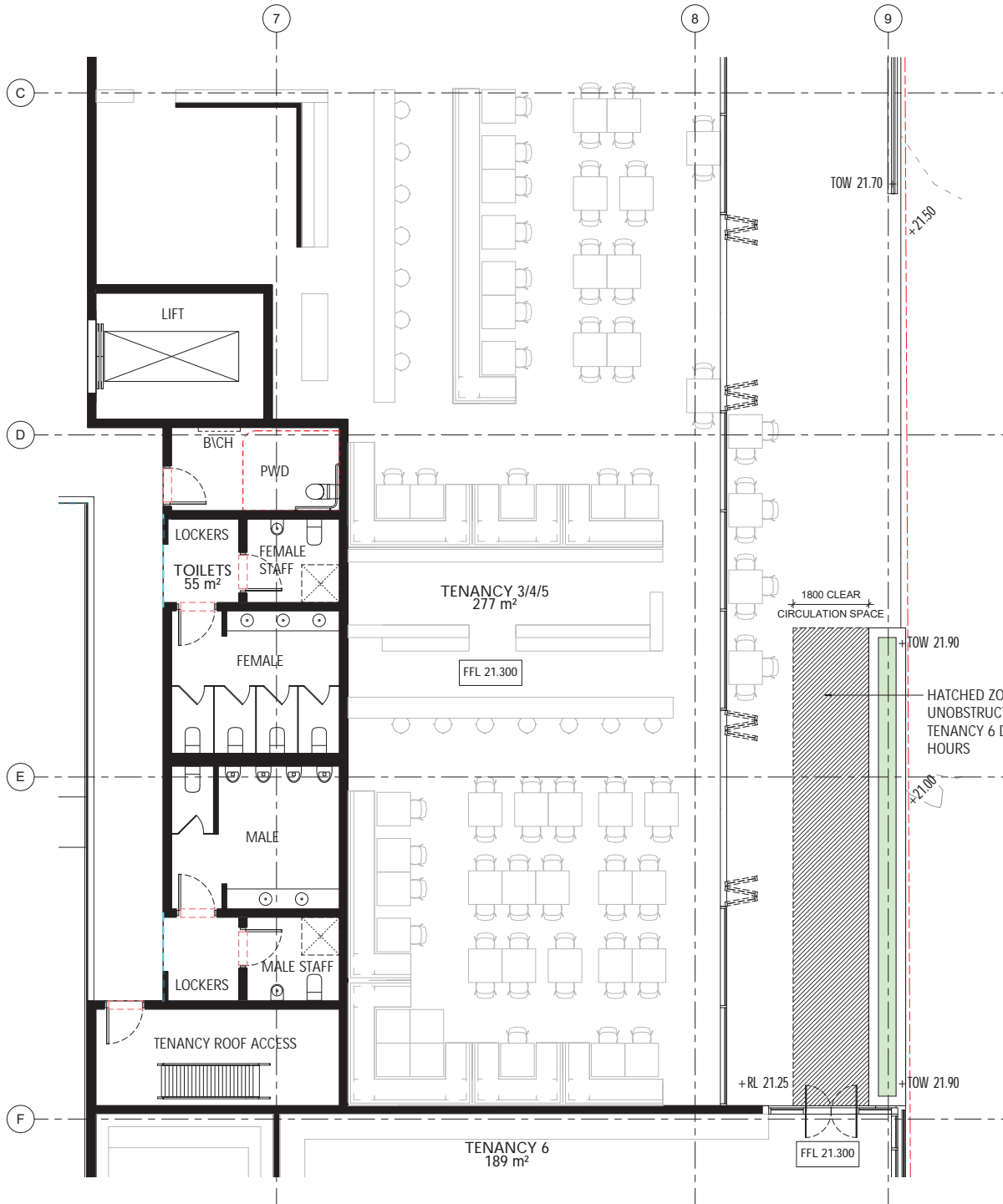
COPYRIGHT

ALDI Stores (A Limited Company). All rights reserved. This work is covered by Copyright and cannot be reproduced or stored in any form or by any means (electronic or mechanical, photocopying) without the written permission of ALDI Stores. Any further written or verbal, in and the document for any purpose whatsoever is prohibited by the terms of the written agreement with ALDI Stores.

No	REVISION	DATE
A	Re-issue to Council	23/04/18

City of Nedlands
Received
23 July 2018

SANITARY FACILITIES	
ALDI STAFF	STAFF (10) PROVIDED: 1 UNISEX PWD TOILET AS PER NCC F2.2 (c) UNISEX PWD FACILITY COUNTED ONCE FOR EACH SEX
TENANCIES	MAXIMUM CAPACITY: 200 MALES - PROVIDED 2 WC / 4 URINALS / 2 WASH BASINS 200 FEMALES - PROVIDED 5 WC / 3 WASH BASINS AS PER NCC F2.2 (c) UNISEX PWD FACILITY COUNTED ONCE FOR EACH SEX
TENANCY STAFF	ANTICIPATED MAXIMUM TOTAL STAFF - 20 10 MALES - 1 WC / 1 WASH BASIN 10 FEMALES - PROVIDED 1 WC / 1 WASH BASIN
SANITARY FACILITIES IN ACCORDANCE WITH NCC TABLE F2.3	



1 TENANCY PLAN VIEW
A102 1:50

DEPARTMENT OF PLANNING, LANDS AND HERITAGE

DATE 16-Aug-2018

FILE 08-50165-1

I:|PH Architects

PERTH 112/12 Regent Rd, Subiaco 6008 WA (08) 9398 1591
MELB 31 Magenta Ln, Melbourne 3000 VIC (03) 9234 4750

Client
ALDI STORES (A LIMITED PARTNERSHIP)
21 Orion Rd, Jandakot, WA 6164

Project
ALDI NEDLANDS

Drawing Title
DETAILED TENANCY AREA

Date 12/11/17 Job Number A1432 Scale @ A1 1:50
Drawing Number Revision
A104 A

LEGEND:

1. Terracotta Panels - Terracotta / Sand Mix
2. White wash panels
3. Red / Terracotta Face brick, White brick Capping and Feature
4. Planted Green Trellace
5. Sunshade
6. Aluminium Glazing
7. Precast concrete panels - Natural / Paint Finish
8. Stained Columns
9. Plant Louvers
10. Planters

DEPARTMENT OF PLANNING, LANDS AND HERITAGE

DATE: 16-Aug-2018
FILE: 08-50165-1

DEVELOPMENT ASSESSMENT PANEL

APPROVED
14-Nov-2018

COPYRIGHT

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written permission of the copyright owner.

No.	REVISION	DATE
1	Pre-Set (Initial) Drawing	22.08.18
2	Updated plan and elevations	18.08.18
3	Issue for Council	16.08.18
4	Pre-Set (Final) Drawing	23.08.18



City of Nedlands Received 23 July 2018

INDICATIVE ONLY - NOT FOR CONSTRUCTION

I:PH Architects

ALDI STORES (A LIMITED LIABILITY PARTNERSHIP) 27 Stone Hill, Westland, WA 6150

Project: ALDI NEDLANDS

Drawing Title: ELEVATIONS - SHEET 1

Date: 14/11/2018
Job Number: A1242
Drawing Number: A204
Scale: 1:100
Revision: D

LEGEND:

- 1. Terracotta Panels - Terracotta / Sand Mix
- 2. White wash panels
- 3. Red / Terracotta Face brick, White brick Lapping and Features
- 4. Planted Green Trellace
- 5. Sunshade
- 6. Aluminium Glazing
- 7. Precast concrete panels - Natural / Paint Finish
- 8. Slatted Columns
- 9. Plant Louvers
- 10. Planters

DEPARTMENT OF PLANNING, LANDS AND HERITAGE

DATE FILE
16-Aug-2018 08-50165-1

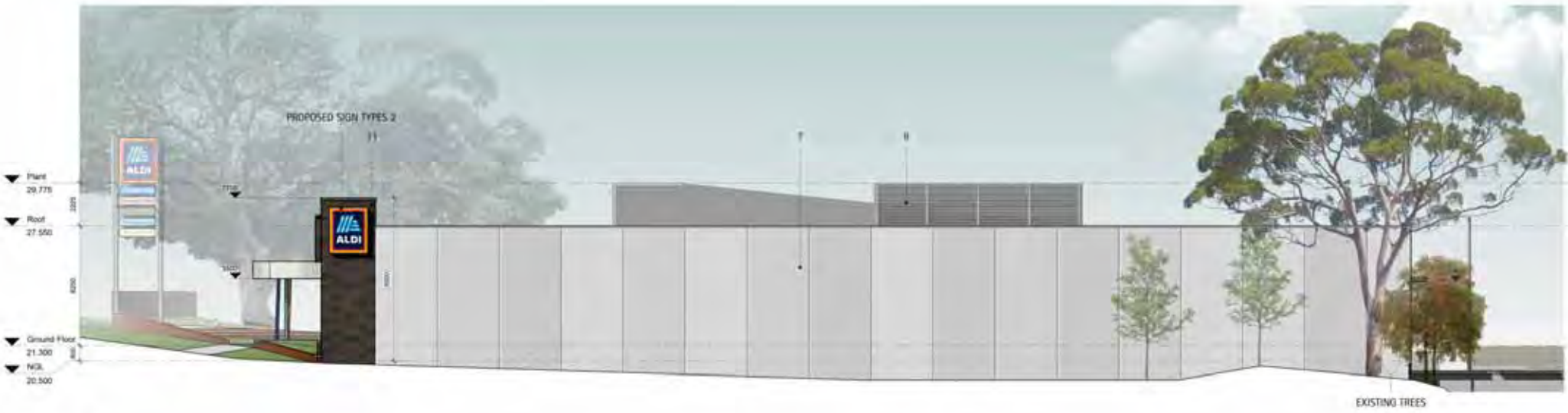
DEVELOPMENT ASSESSMENT PANEL

APPROVED
 14-Nov-2018

COPYRIGHT

All Rights Reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage or retrieval system, without the prior written permission of the copyright owner.

No.	DESCRIPTION	DATE
1	Pre-Design Meeting	20.08.18
2	Finalised plan and drawings	28.08.18
3	Issue for Council	14.09.18



2 West
 1:50



1 South
 1:50

City of Nedlands
 Received
 23 July 2018

INDICATIVE ONLY - NOT FOR CONSTRUCTION

I:PH Architects

ALDI STORES IN LIMITED PARTNERSHIP
 11 Elton Rd, Leederville WA 6008

Project: ALDI NEDLANDS

Drawing Title: ELEVATIONS - SHEET 2

Date: 12/08/2018 Job Number: ALDND Scale: @ 1:50
 Drawing Number: A205 Revision: C

NEDLANDS SQUARE

DEVELOPMENT APPLICATION - ARCHITECTURAL DRAWINGS

DRAWING LIST

No.	Sheet Name	Rev	Description	Date
SD001	COVER SHEET	L	REVISED DA	04/06/20
SD002	VIEW FROM FLORENCE ROAD AND STIRLING HIGHWAY CORNER	E	REVISED DA	21/05/20
SD003	VIEW OF FLORENCE ROAD ENTRY	E	REVISED DA	21/05/20
SD004	VIEW OF PLAZA FROM STIRLING STREET ENTRY	E	REVISED DA	21/05/20
SD005	VIEW OF PLAZA FROM SUPERMARKET ENTRY	E	REVISED DA	21/05/20
SD006	VIEW OF RETAIL SHOPFRONTS ALONG PLAZA	E	REVISED DA	21/05/20
SD010	LOCATION & SURVEY PLAN	G	REVISED DA	08/05/20
SD011	SITE PLAN - OVERALL	U	REVISED DA	08/05/20
SD100	EXISTING AND DEMOLITION PLAN	G	REVISED DA	08/05/20
SD200	UNDERCROFT	CC	REVISED DA	04/06/20
SD201	GROUND FLOOR	CC	REVISED DA	04/06/20
SD202	LEVEL 1	BB	REVISED DA	21/05/20
SD206	ROOF PLAN	H	REVISED DA	08/05/20
SD210	UNDERCROFT - INDICATIVE RESIDENTIAL STAGE	D	REVISED DA	04/06/20
SD211	GROUND FLOOR - INDICATIVE RESIDENTIAL STAGE	C	REVISED DA	08/05/20
SD212	LEVEL 1 - INDICATIVE RESIDENTIAL STAGE	C	REVISED DA	08/05/20
SD213	LEVEL 2 - INDICATIVE RESIDENTIAL STAGE	C	REVISED DA	08/05/20
SD214	LEVEL 3 - INDICATIVE RESIDENTIAL STAGE	C	REVISED DA	08/05/20
SD215	LEVEL 4 - INDICATIVE RESIDENTIAL STAGE	C	REVISED DA	08/05/20
SD280	DELIVERIES AND WASTE COLLECTION ROUTE	B	REVISED DA	08/05/20
SD281	PEDESTRIAN MOVEMENT DIAGRAM - UNDERCROFT	A	REVISED DA	08/05/20
SD282	PEDESTRIAN MOVEMENT DIAGRAM - GROUND LEVEL	A	REVISED DA	08/05/20
SD290	OVERSHADOWING DIAGRAMS	K	REVISED DA	04/06/20
SD291	OVERSHADOWING DIAGRAMS	A	REVISED DA	04/06/20
SD400	PROPOSED ELEVATIONS - EXTERNAL	N	REVISED DA	21/05/20
SD401	PROPOSED ELEVATIONS - EXTERNAL	L	REVISED DA	21/05/20
SD402	PROPOSED ELEVATION - INTERNAL	M	REVISED DA	04/06/20
SD600	SECTION AA	B	REVISED DA	08/05/20
SD601	SECTION BB	B	REVISED DA	08/05/20
SD602	SECTION CC	B	REVISED DA	08/05/20
SD603	LANEWAY TRELLIS	A	REVISED DA	04/06/20
A900(DA)	SIGNAGE - LAYOUT PLAN	G	REVISED DA	08/05/20
A901(DA)	SIGNAGE - WOOLWORTHS & BWS SIGNAGE SIGHTLINES	H	REVISED DA	08/05/20
A902(DA)	EXTERNAL SIGNAGE - LOCATION PLAN	J	REVISED DA	04/06/20
A903(DA)	EXTERNAL SIGNAGE - ELEVATIONS	K	REVISED DA	21/05/20
A904(DA)	EXTERNAL SIGNAGE - ELEVATIONS	J	REVISED DA	21/05/20
A908(DA)	INTERNAL SIGNAGE - ELEVATIONS	F	REVISED DA	21/05/20
A910(DA)	SIGNAGE - SCHEDULE	H	REVISED DA	08/05/20

SHEETS: 38

OVERALL AREA (NLA)

Tenancy	Count	Area
UNDERCROFT		
COMMERCIAL	2	310 m ²
COMMERCIAL	2	310 m ²
GROUND FLOOR		
COMMERCIAL	1	522 m ²
FOOD & BEVERAGE	2	594 m ²
KIOSK	2	50 m ²
LIQUOR	1	250 m ²
SPECIALTY	2	720 m ²
SUPERMARKET	1	3357 m ²
	9	5493 m ²
LEVEL 1		
COMMERCIAL	5	1951 m ²
COMMERCIAL	5	1951 m ²
TOTAL NLA :	16	7754 m ²

CAR PARKING PROVIDED - OVERALL

Type	Count
UNDERCROFT	
5400 x 3000 Drive-Thru Pick-Up	4
5500 x 2600 Disabled Bays	4
5500 x 2600 Parents Parking	8
5500 x 2600 Standard Parking	181
	197
ON-STREET	
6600 x 2100 Parallel Bays	4
8600 x 2100 Parallel Loading Bays	1
	5
LONG TERM BICYCLE PARKING	
PFL PUSHBIKE CRADLE	7
	7
LEVEL 1	
5500 x 2600 Disabled Bays	2
5500 x 2600 Standard Parking	161
	163
LANEWAY	
5400 x 2600 Standard Parking	29
	29
TOTAL BAY:	401

MOTORCYCLE PARKING PROVIDED

Type	Count
UNDERCROFT	
2500 x 1200 Motorcycle Parking	10
MOTORCYCLE PARKING :	10

BICYCLE PARKING PROVIDED - OVERALL

TYPE	Count
LONG TERM BICYCLE PARKING	7
SHORT TERM BICYCLE PARKING	10
	17

KIT COMPLIANCE CHECKLIST	REQUIRED	COMPLIANT	COMMENTS IF NON-COMPLIANT, WHAT IS ACTUALLY PROVIDED
	Y/N	Y/N	
(A) CAR PARK RATIO 5 CAR SPACES PER 100m ² OF GLA	Y	Y	5 BAYS/ 100m ²
(B) SHADE SAILS MIN. 35% OF CAR BAYS REQUIRED TO BE COVERED	Y	Y	
(C) CAR BAY SIZE MINIMUM 2.6 x 5.5m	Y	Y	
(D) CAR PARK AISLE WIDTH MINIMUM 6.5m	Y	Y	
(E) 80% OF CARS WITH 100m RADIUS OF SUPERMARKET ENTRY	Y	Y	
(F) 2 WAY CAR PARK CIRCULATION THROUGHOUT	Y	Y	
(G) MIN. 1:40 FALL ACROSS CAR PARK	Y	Y	
(H) TROLLEY BAYS MINIMUM 1 PER 40 CAR BAYS	Y	Y	1 PER 20 CAR BAYS
(J) CAR PARK ACCESS POINTS MINIMUM 7.2m WIDE SPLAY	Y	Y	



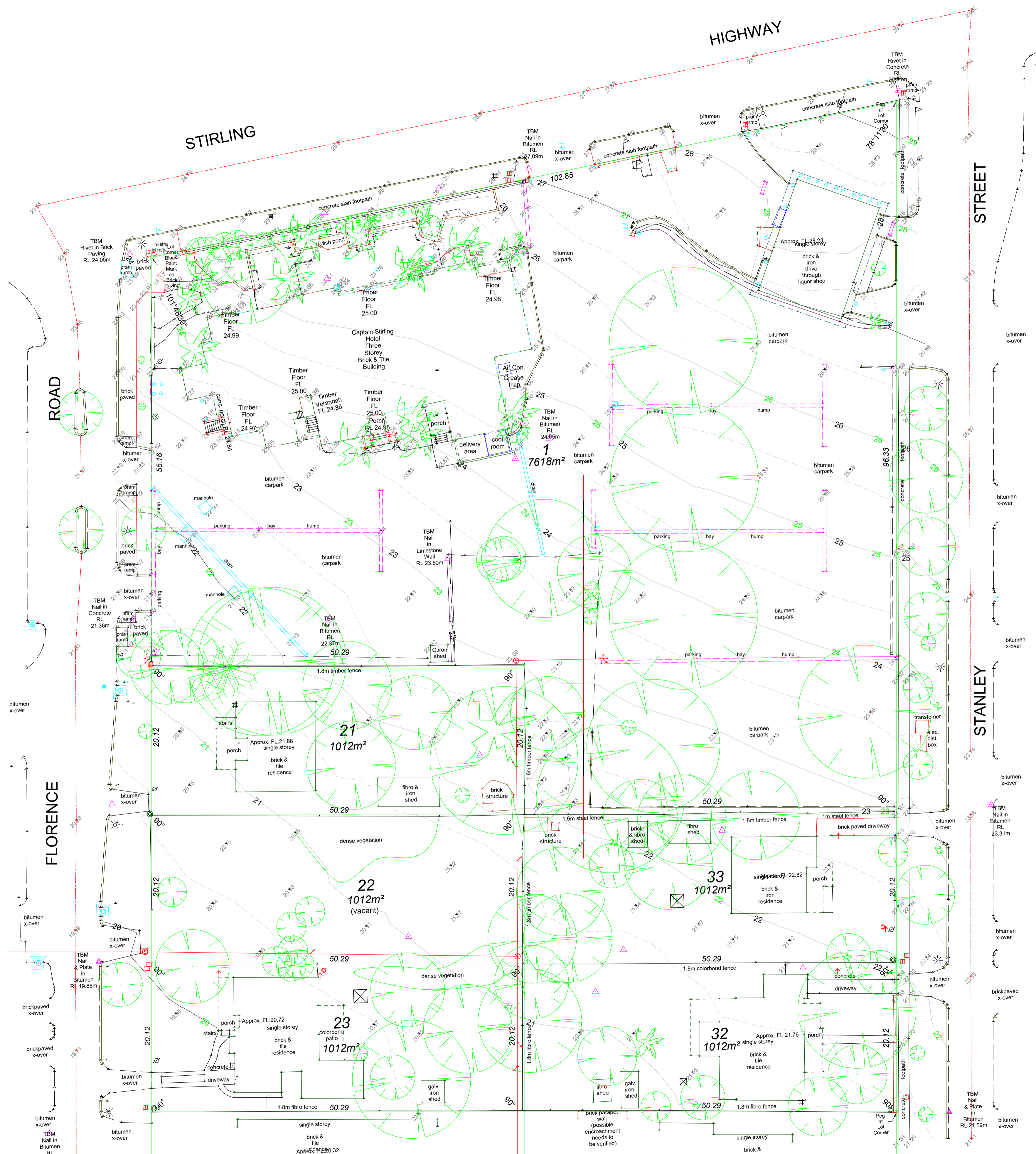




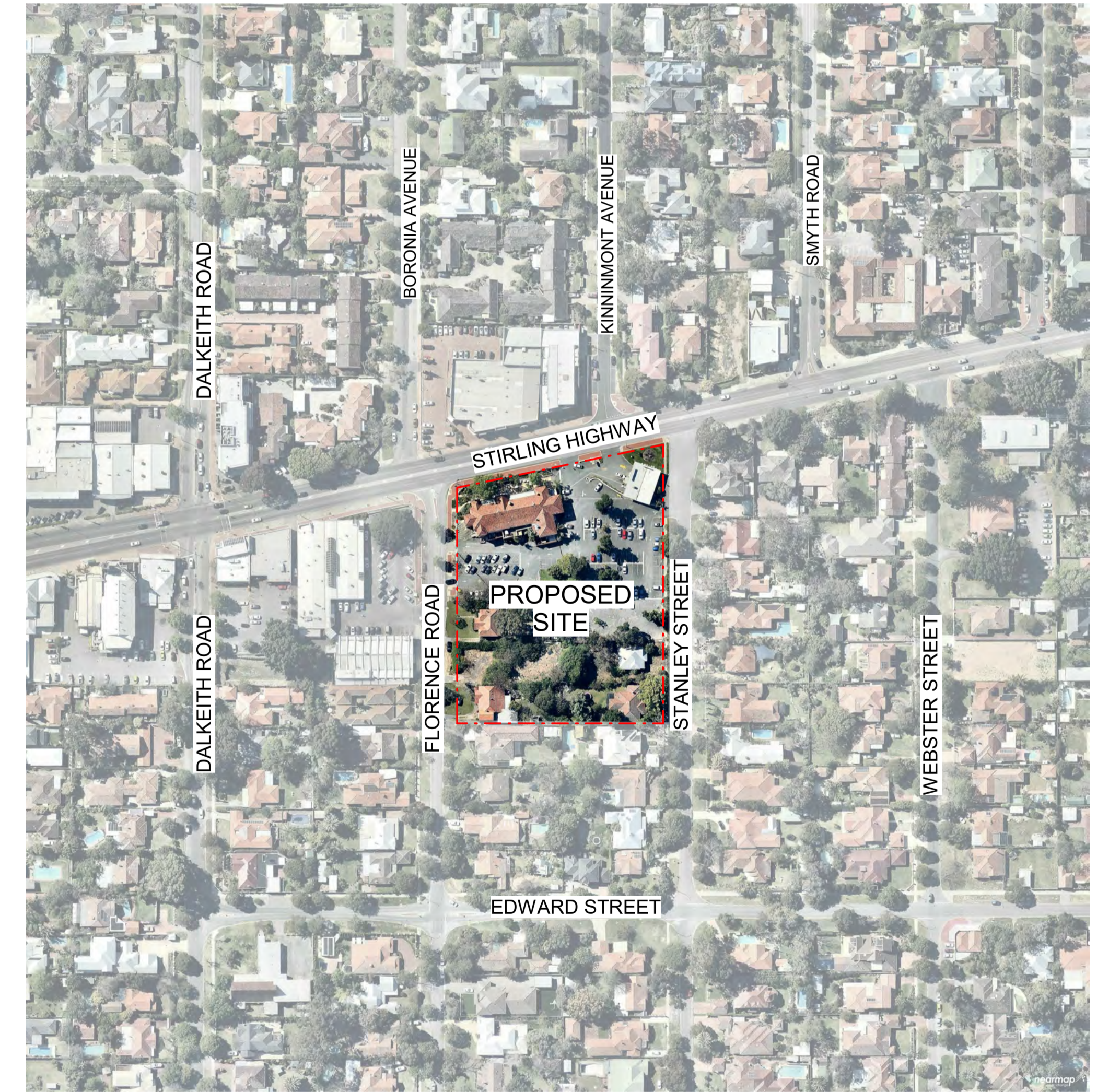








SERVICE LEGEND			
WATER	DRAINAGE	POWER	TELSTRA
STOP VALVE	SW MANHOLE	CONSUMER POLE	TELSTRA MARKER
HYDRANT	GRATE	POWER POLE	TELSTRA PIT
FLUSH POINT	SIDE ENTRY PIT	LIGHT POLE	TELSTRA MH
WATER TAP	UNDEFINED MANHOLE	STAY POLE	GAS
WATER MARKER	SEWERAGE	S.WIRE ANCHOR	GAS MARKER
WATER METER	SEWER MANHOLE	U.G CABLE BOX	GAS METER
	INSPECT. SHAFT	CABLE MH	GAS VALVE
	INSPECT. OPENING	CABLE DOME	
LINE STYLES	ROAD CENTRELINE	FEATURES	SURVEY
SEWER LINE	ROAD CENTRELINE	STREET SIGN	PEG FOUND
TOP OF BANK	TOP OF WALL	CLOTHES HOIST	PEG DISTURBED
BASE OF BANK	BASE OF WALL	BORE COVER	PEG GONE
POWER LINE	BUILDING LINE	GATE	CONTROL POINT
FENCE	TOP OF KERB	0.5m CONTOUR INTERVAL	DATUM
BOUNDARY	WINDOW		



LOCATION PLAN
1 : 2000

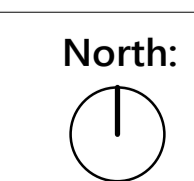
SURVEY PLAN
1 : 300



LOCATION & SURVEY PLAN
NEDLANDS SQUARE

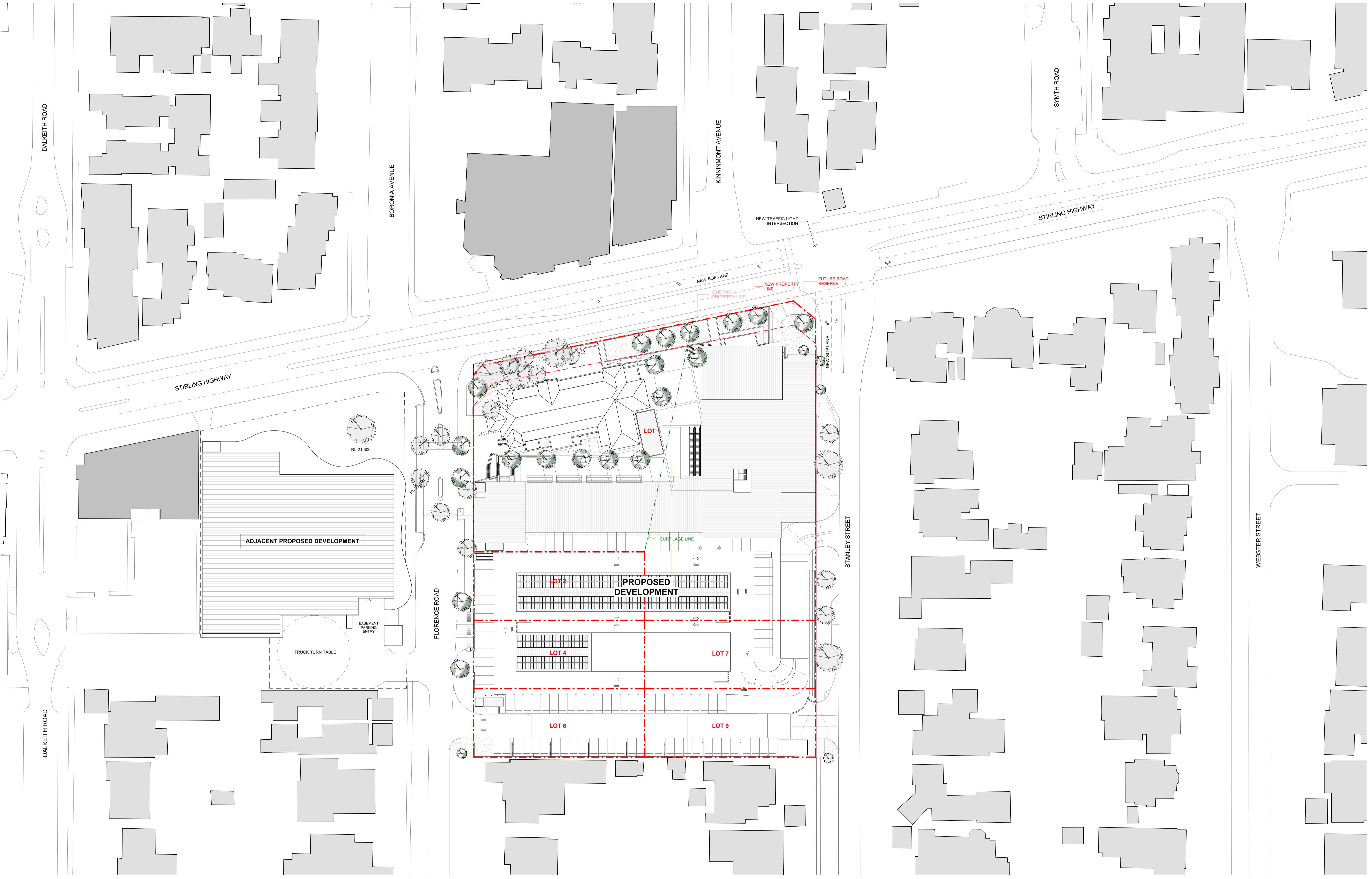
Status: **REVISED DA** FOR REVIEW
Path: C:\Users\I.azhar\Documents\Revit Local Files\2019\43444 - Nedlands Neighbourhood Centre_I.azhar.rvt

Scale: 1:300 @ A1
© Hames Sharley:



Project Number: 43444
Drawing Number: SD010
Revision: G
Date: 08/05/20





FLORENCE ROAD

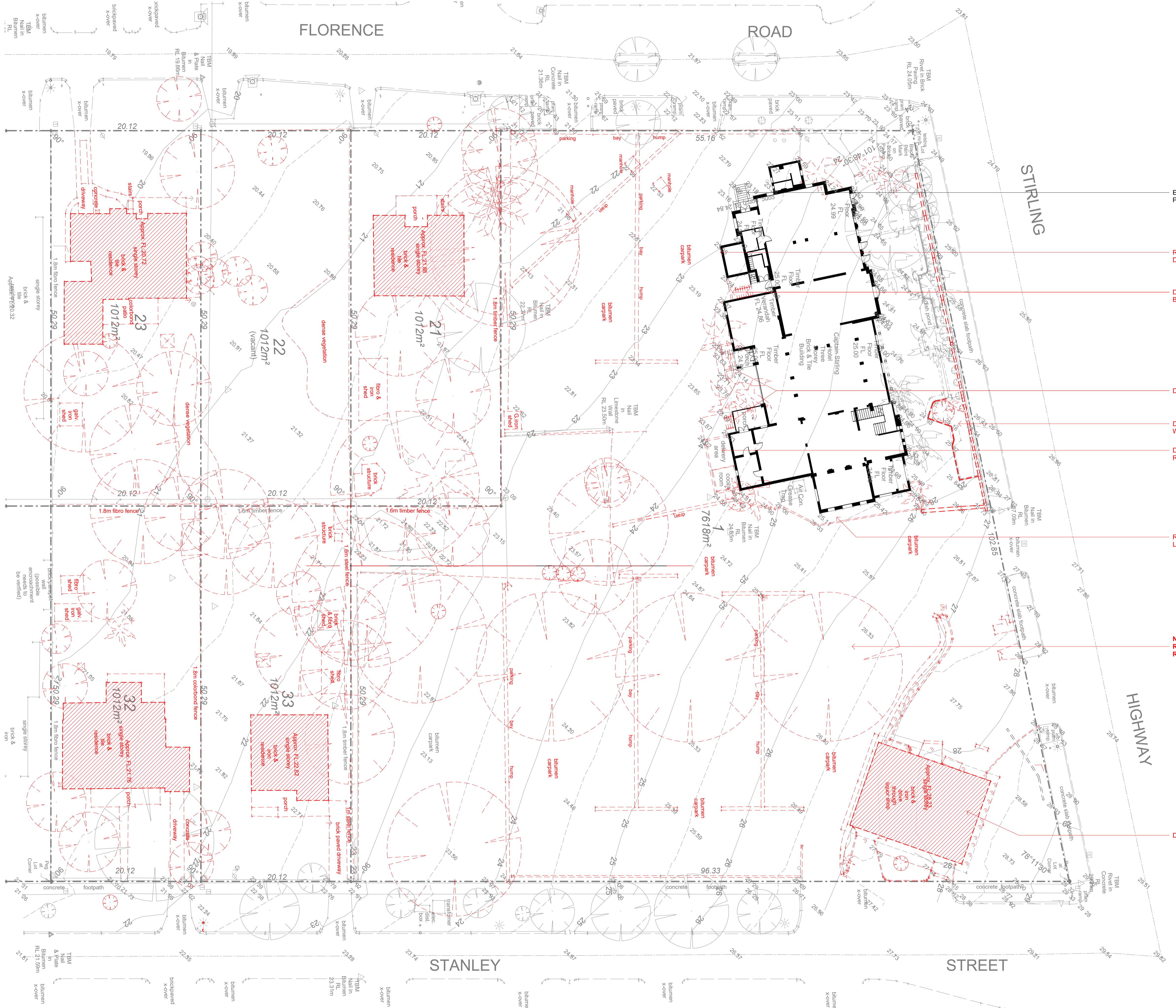
STIRLING HIGHWAY

STIRLING HIGHWAY

HIGHWAY

STANLEY STREET

STANLEY STREET



EXISTING STAIR TO BE INTEGRATED WITH PROPOSED ENTRY STAIR

REMOVE EXISTING ACCESS DOOR TO BASEMENT STORAGE

DEMOLISH EXISTING HOTEL BOH STAIR AND BULKHEAD

DEMOLISH EXISTING STAIRS

DEMOLISH EXISTING RETAINING WALL AND LANDSCAPING

DEMOLISH EXISTING HOTEL COOL ROOM & DELIVERY EXTENSION

REMOVE EXISTING PERIMETER LANDSCAPING

NOTE: REFER TO LANDSCAPE ARCHITECT'S DETAIL FOR RETAINING OF EXISTING TREES

DEMOLISH EXISTING DRIVE-THRU LIQUOR STORE

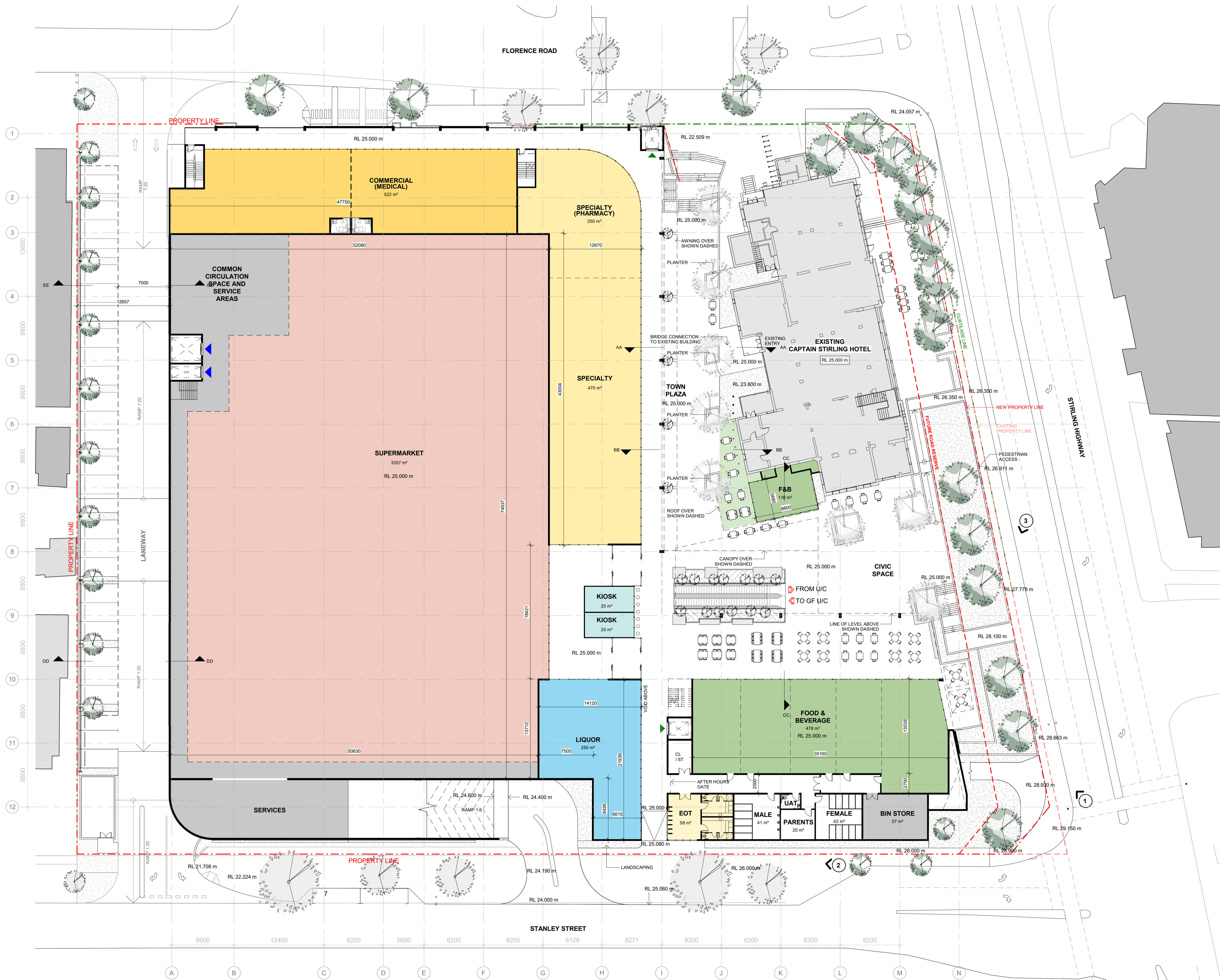


UNDERCROFT FLOOR AREA (NLA)		
Name	Count	Area
COMMERCIAL	2	310 m ²
GROUND FLOOR NLA :	2	310 m ²

PARKING - BASEMENT 1	
Type	Count
LANEWAY	
5400 x 2600 Standard Parking	29
UNDERCROFT	
5400 x 3000 Drive-Thru Pick-Up	4
5500 x 2600 Disabled Bays	4
5500 x 2600 Parents Parking	8
5500 x 2600 Standard Parking	181
TOTAL BAYS	226
MOTORCYCLE BAYS:	10

- TREE LEGEND**
- NEW TREES
 - EXISTING TREES

- RETAIL AREAS**
- CMO
 - COMMERCIAL
 - HOTEL
 - SERVICES



GROUND FLOOR AREA (NLA)		
Name	Count	Area
COMMERCIAL	1	522 m ²
FOOD & BEVERAGE	2	594 m ²
KIOSK	2	50 m ²
LIQUOR	1	250 m ²
SPECIALTY	2	720 m ²
SUPERMARKET	1	3357 m ²
GROUND FLOOR NLA :	9	5493 m²

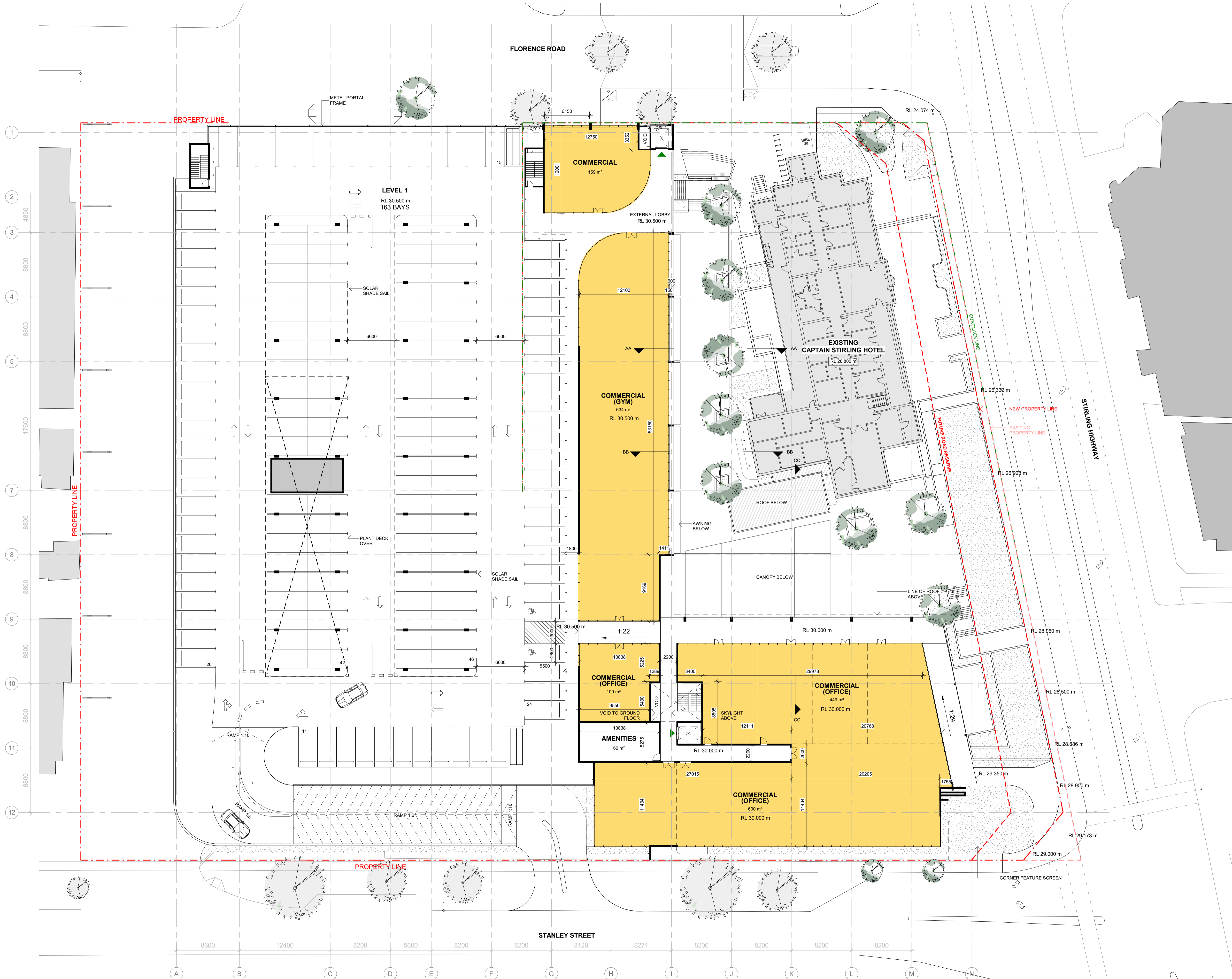


TREE LEGEND

- NEW TREES
- EXISTING TREES

RETAIL AREAS

- AMENITIES
- BACK OF HOUSE
- COMMERCIAL
- EOT
- FOOD & BEVERAGE
- HOTEL
- KIOSK
- LIQUOR
- SERVICES
- SPECIALTY
- SUPERMARKET



LEVEL 1 AREA (NLA)		
Name	Count	Area
COMMERCIAL	5	1951 m²
LEVEL 1 NLA :	5	1951 m²

PARKING - LEVEL 1		
Type	Count	
LEVEL 1		
5500 x 2600 Disabled Bays	2	
5500 x 2600 Standard Parking	161	
TOTAL BAY:	163	

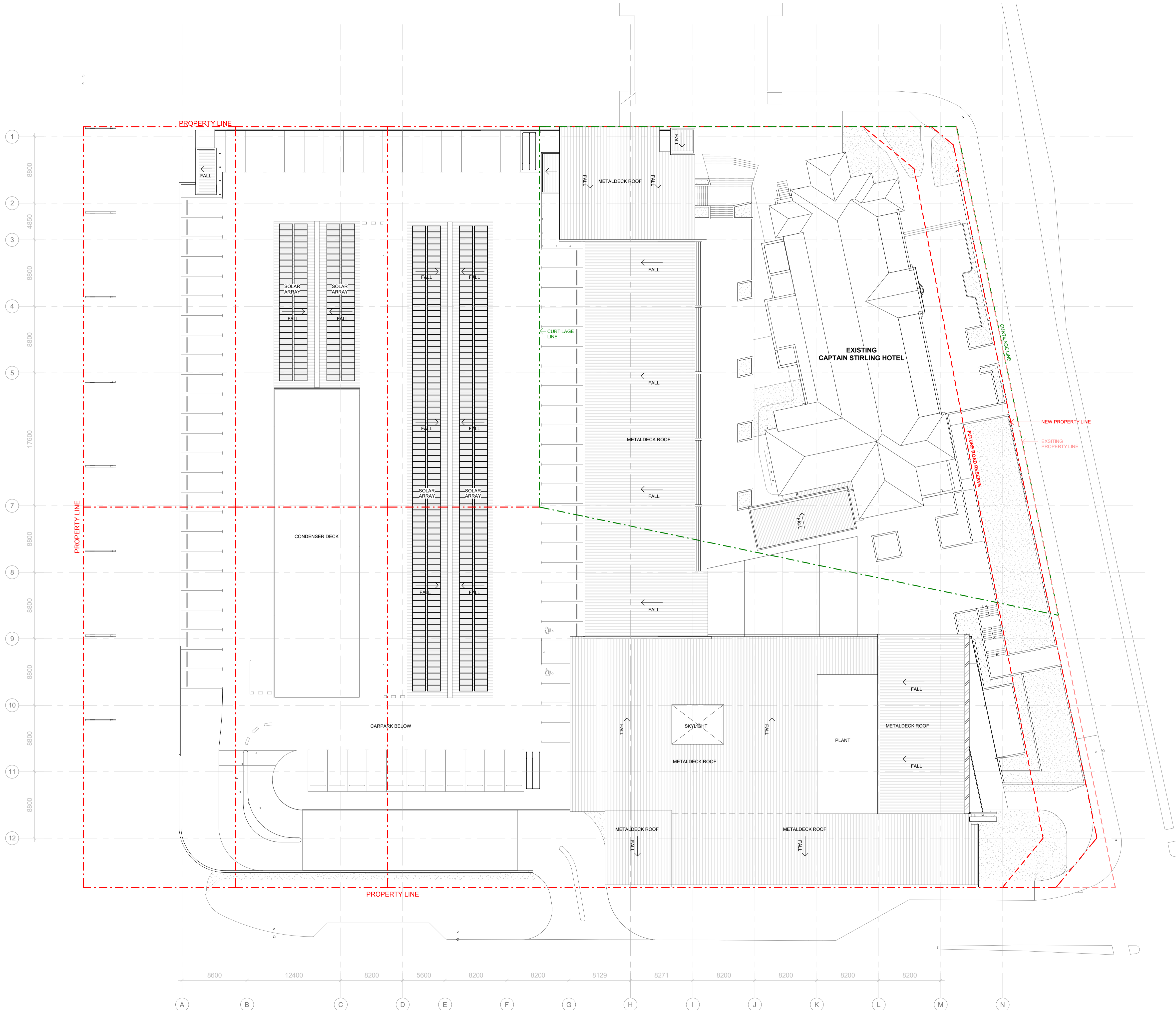
OVERALL AREA (NLA)		
Tenancy	Count	Area
UNDERCROFT		
COMMERCIAL	2	310 m²
GROUND FLOOR		
COMMERCIAL	1	522 m²
FOOD & BEVERAGE	2	594 m²
KIOSK	2	50 m²
LIQUOR	1	250 m²
SPECIALTY	2	720 m²
SUPERMARKET	1	3357 m²
LEVEL 1		
COMMERCIAL	5	1951 m²
TOTAL NLA :	16	7754 m²

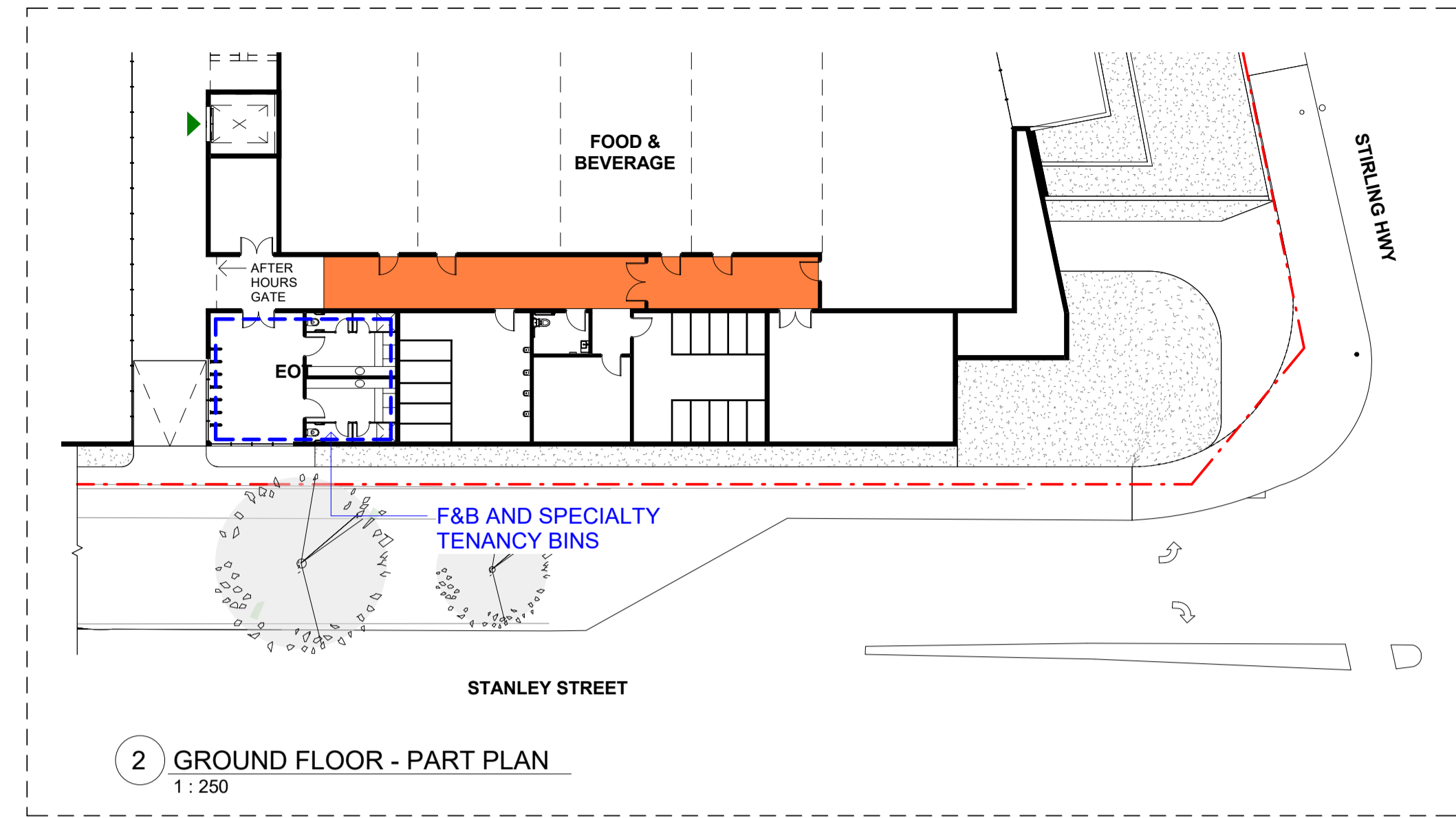
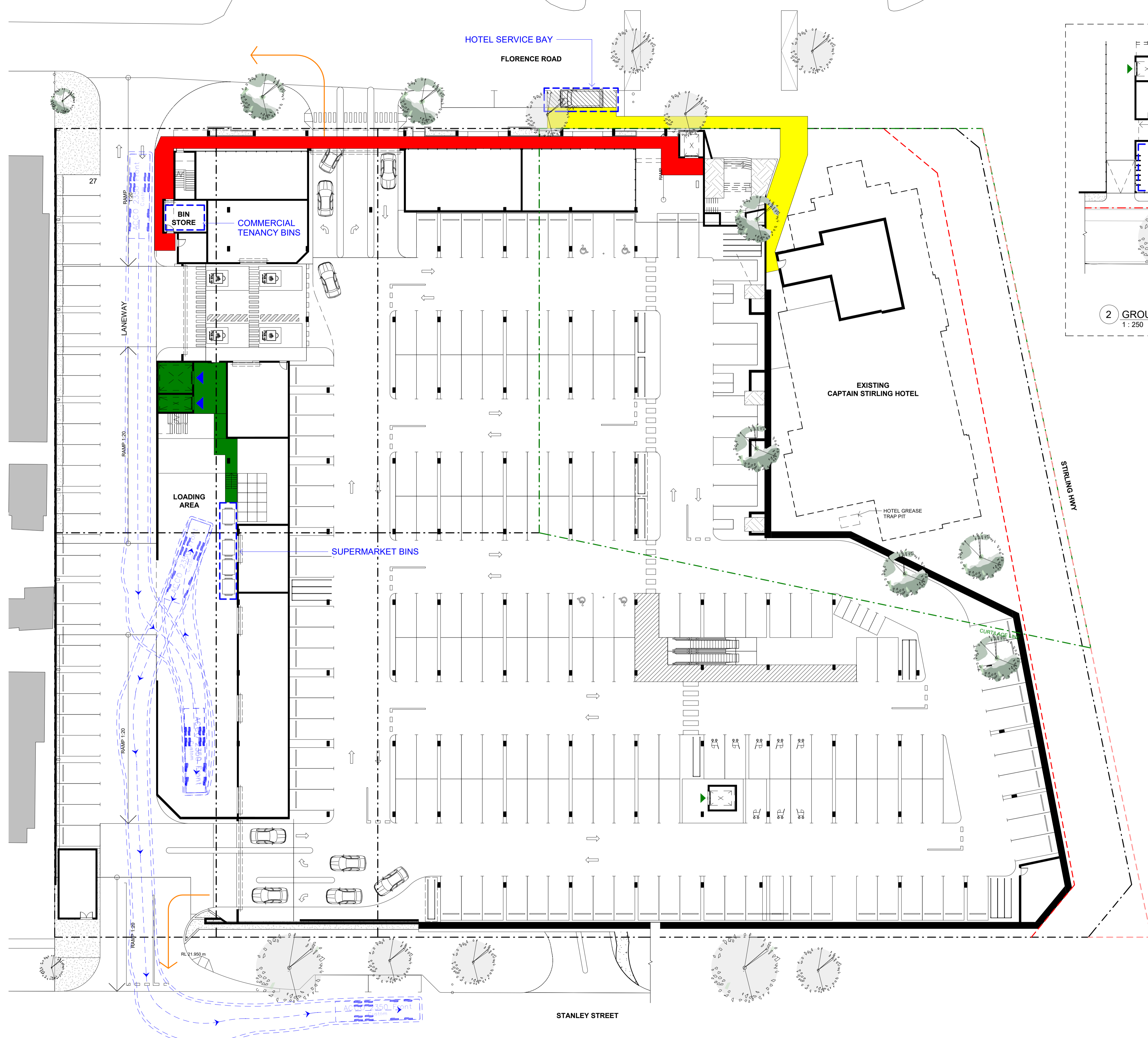
PARKING - OVERALL BY LEVEL		
Type	Count	
UNDERCROFT		
5400 x 2600 Standard Parking	30	
5400 x 3000 Drive-Thru Pick-Up	4	
5500 x 2600 Disabled Bays	4	
5500 x 2600 Parents Parking	8	
5500 x 2600 Standard Parking	181	
GROUND FLOOR		
6600 x 2100 Parallel Bays	4	
6600 x 2100 Parallel Loading Bays	1	
LEVEL 1		
5500 x 2600 Disabled Bays	2	
5500 x 2600 Standard Parking	161	
TOTAL PARKING PROVIDED :	395	

MOTORCYCLE BAYS: 10
TOTAL PARKING REQUIRED : 367 BAYS
 RETAIL PARKING REQUIRED : 247 @ 5 BAYS / 100m²
 COMMERCIAL / MEDICAL PARKING REQUIRED : 70 @ 2.5 BAYS / 100m²
 HOTEL PARKING REQUIRED : 50 BAYS
 MOTORCYCLE PARKING IS NOT INCLUDED IN THE PLANS - CAR BAY NUMBER WILL BE REDUCED BY APPROX 8 BAYS
 SERVICES LAYOUT TO LEVEL 01 IS SUBJECT TO CONSULTANT INPUT AND MAY FURTHER REDUCE PARKING NUMBERS

- TREE LEGEND**
- NEW TREES
 - EXISTING TREES

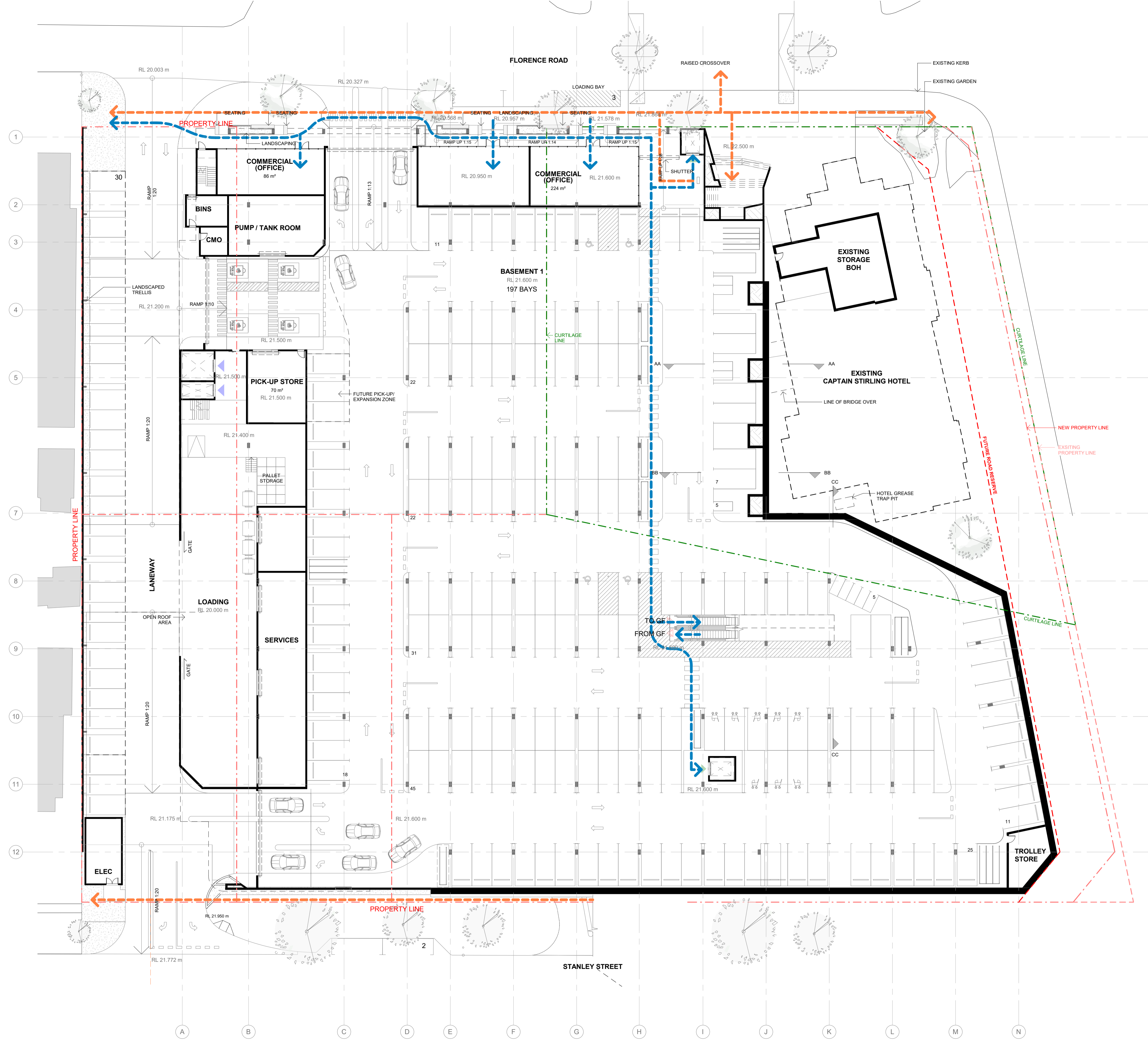
- RETAIL AREAS**
- AMENITIES
 - COMMERCIAL
 - HOTEL
 - PLANT



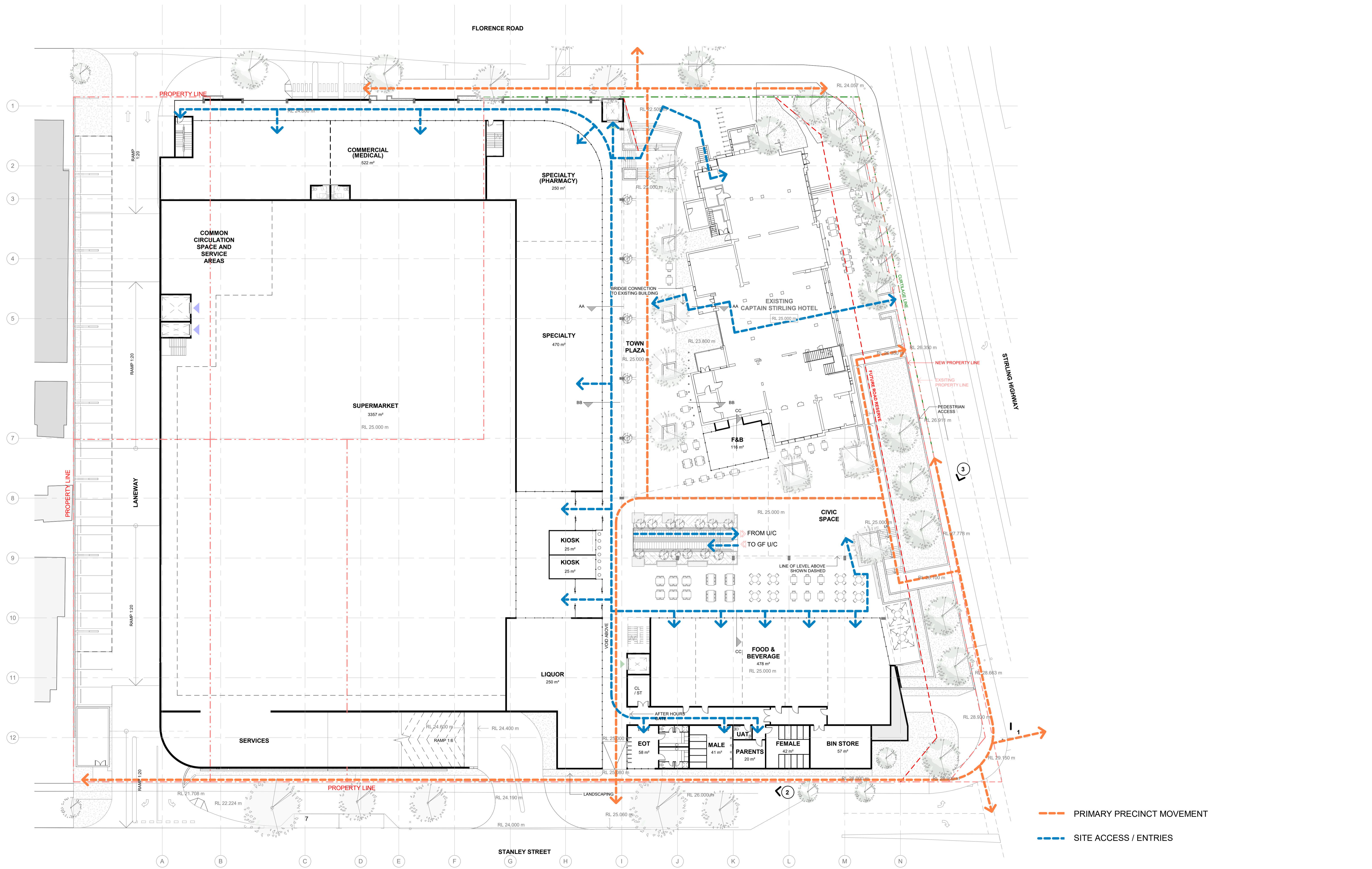


- HOTEL SERVICE ROUTE
- COMMERCIAL TENANCIES SERVICE ROUTE
- F&B AND SPECIALTIES SERVICE ROUTE
- SUPERMARKET SERVICE ROUTE

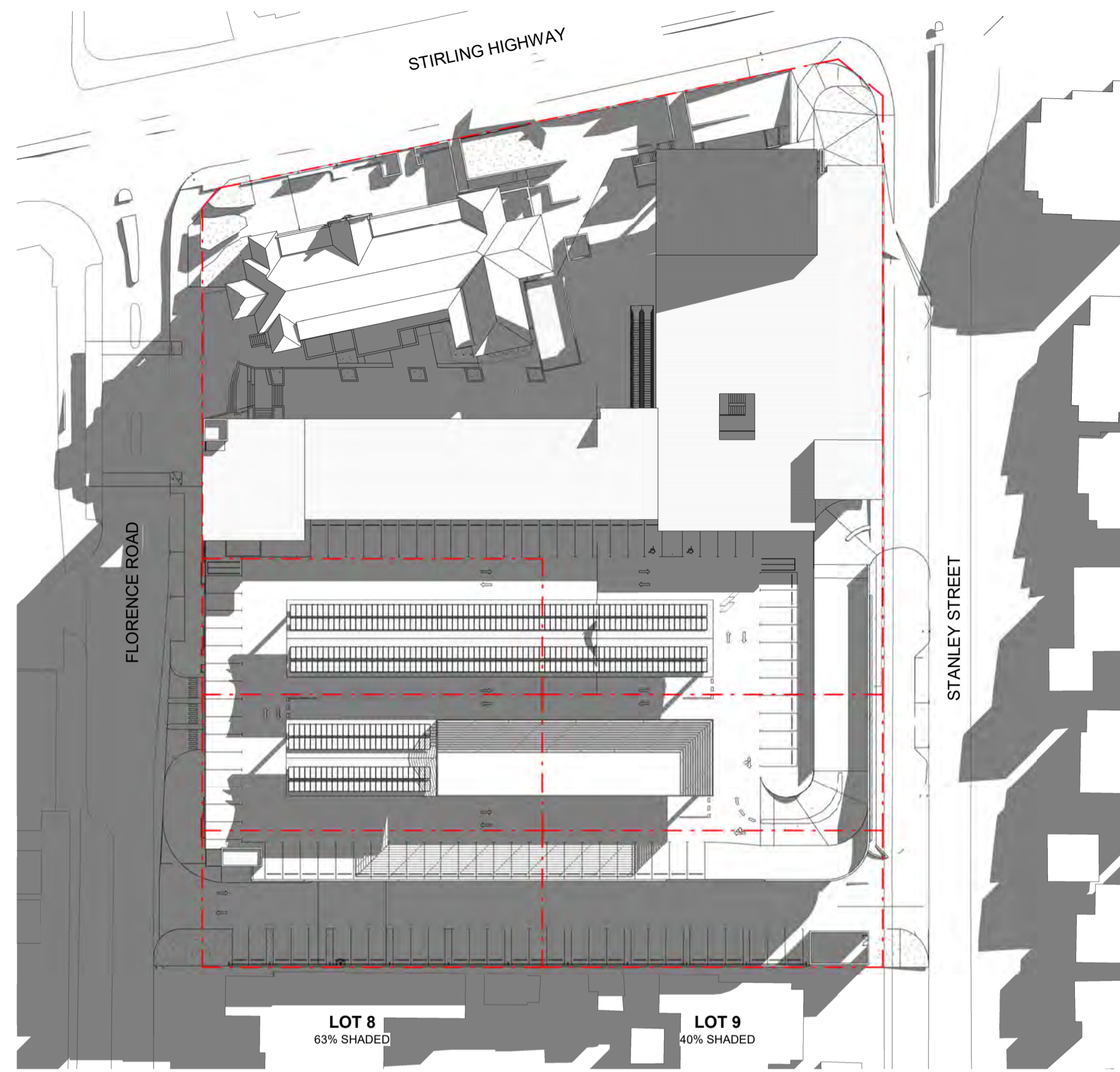
1 UNDERCROFT
1:250



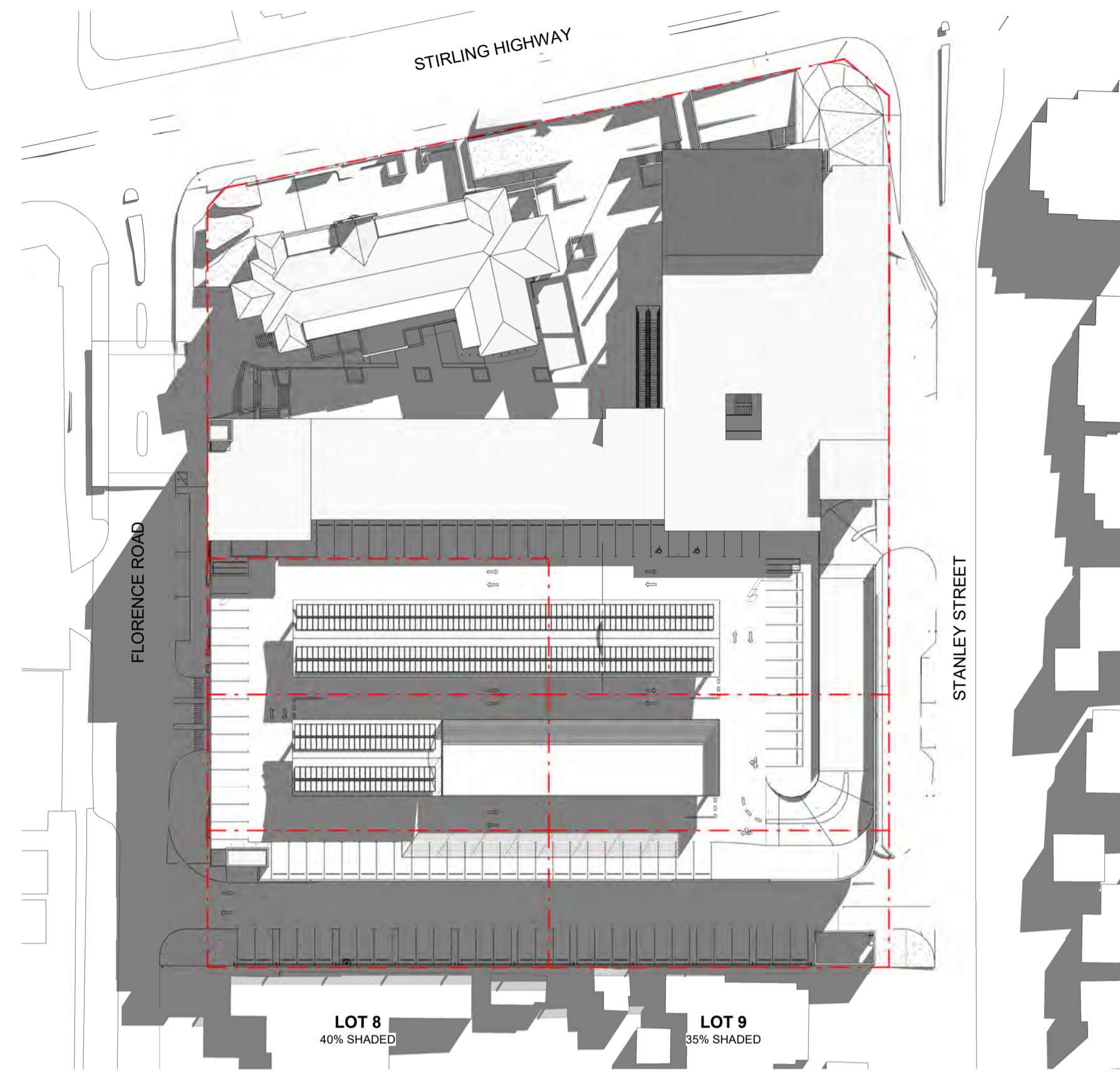
--- PRIMARY PRECINCT MOVEMENT
--- SITE ACCESS / ENTRIES



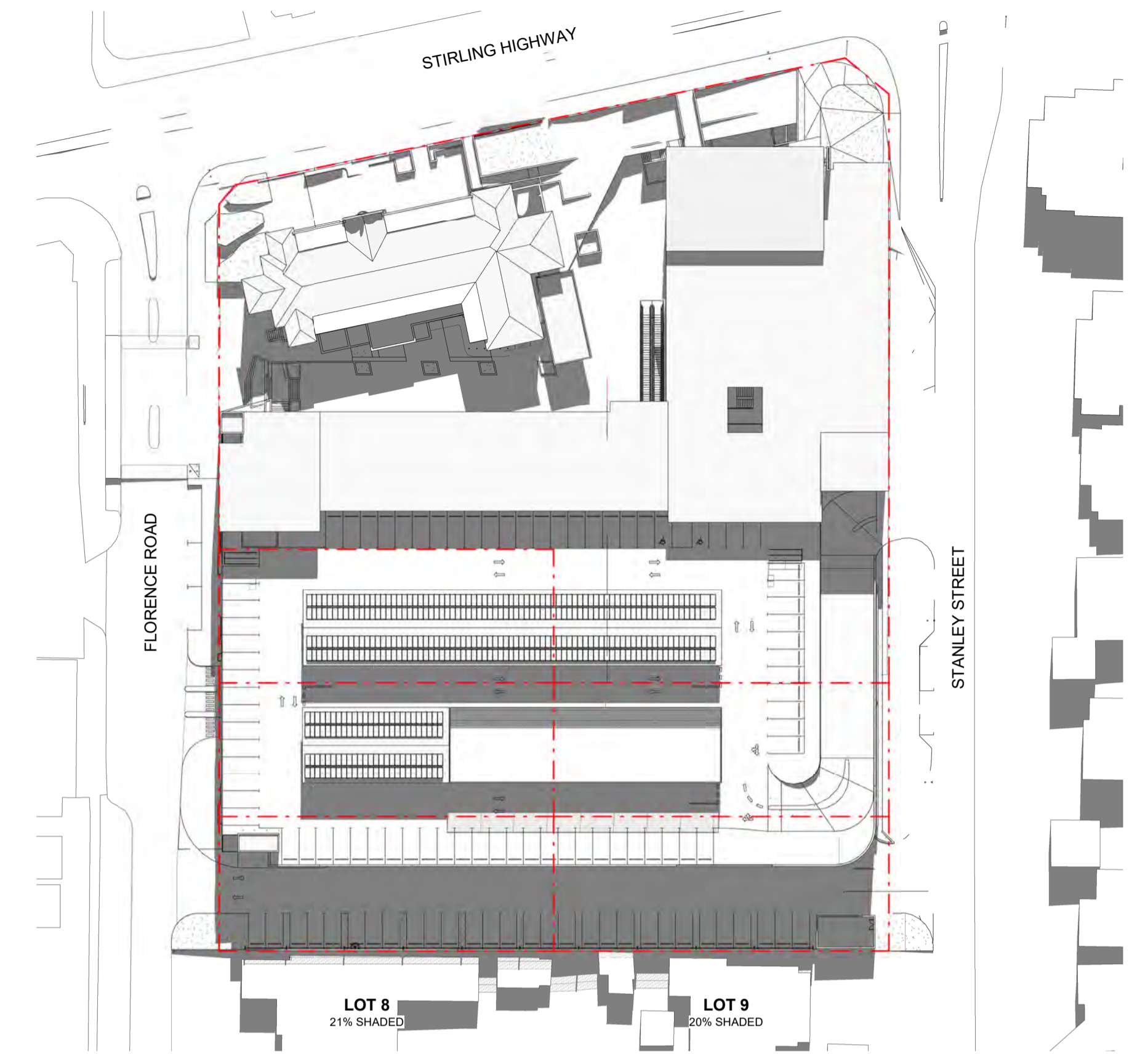
--- PRIMARY PRECINCT MOVEMENT
--- SITE ACCESS / ENTRIES



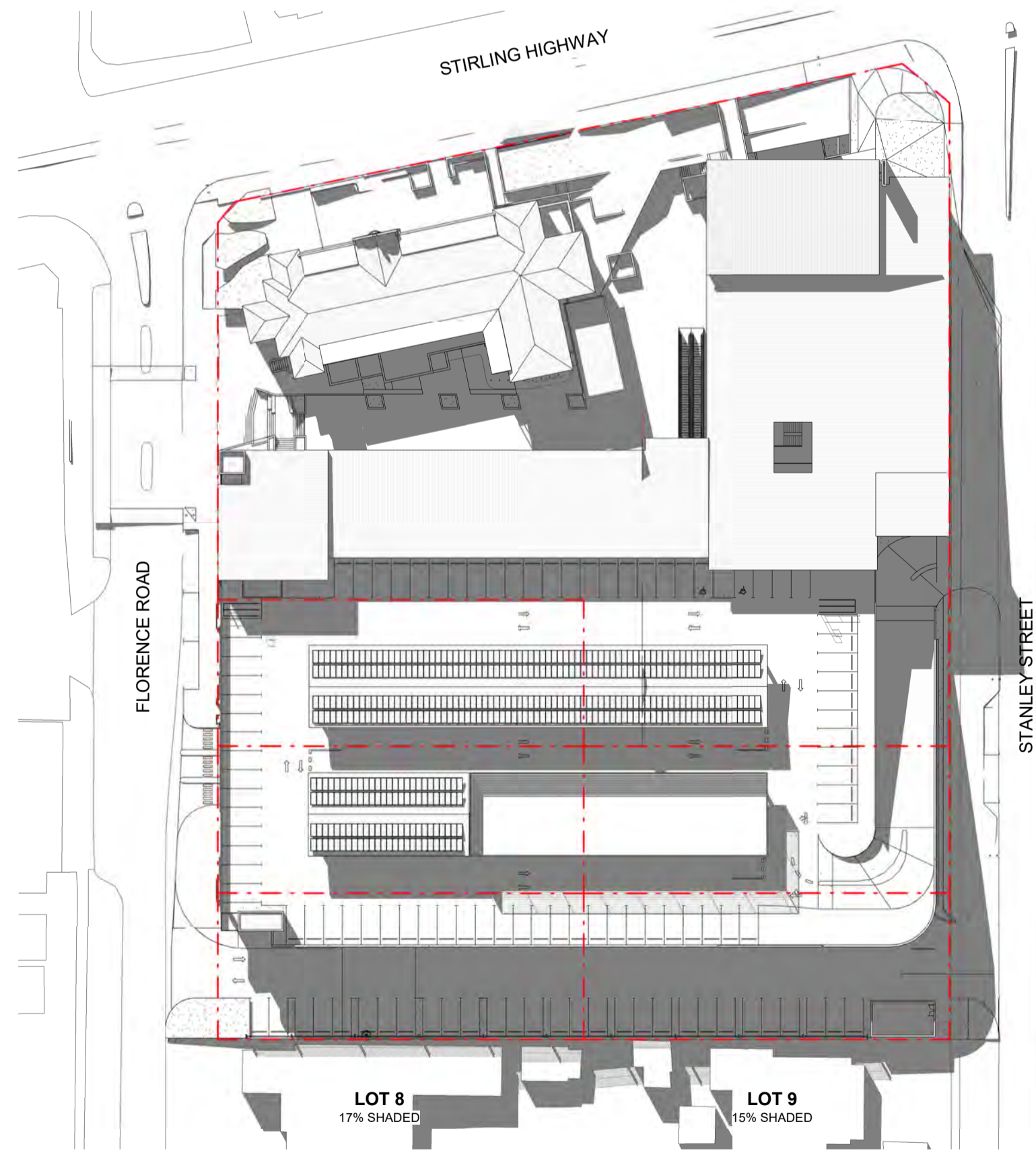
WINTER 9:00AM



WINTER 10:00AM



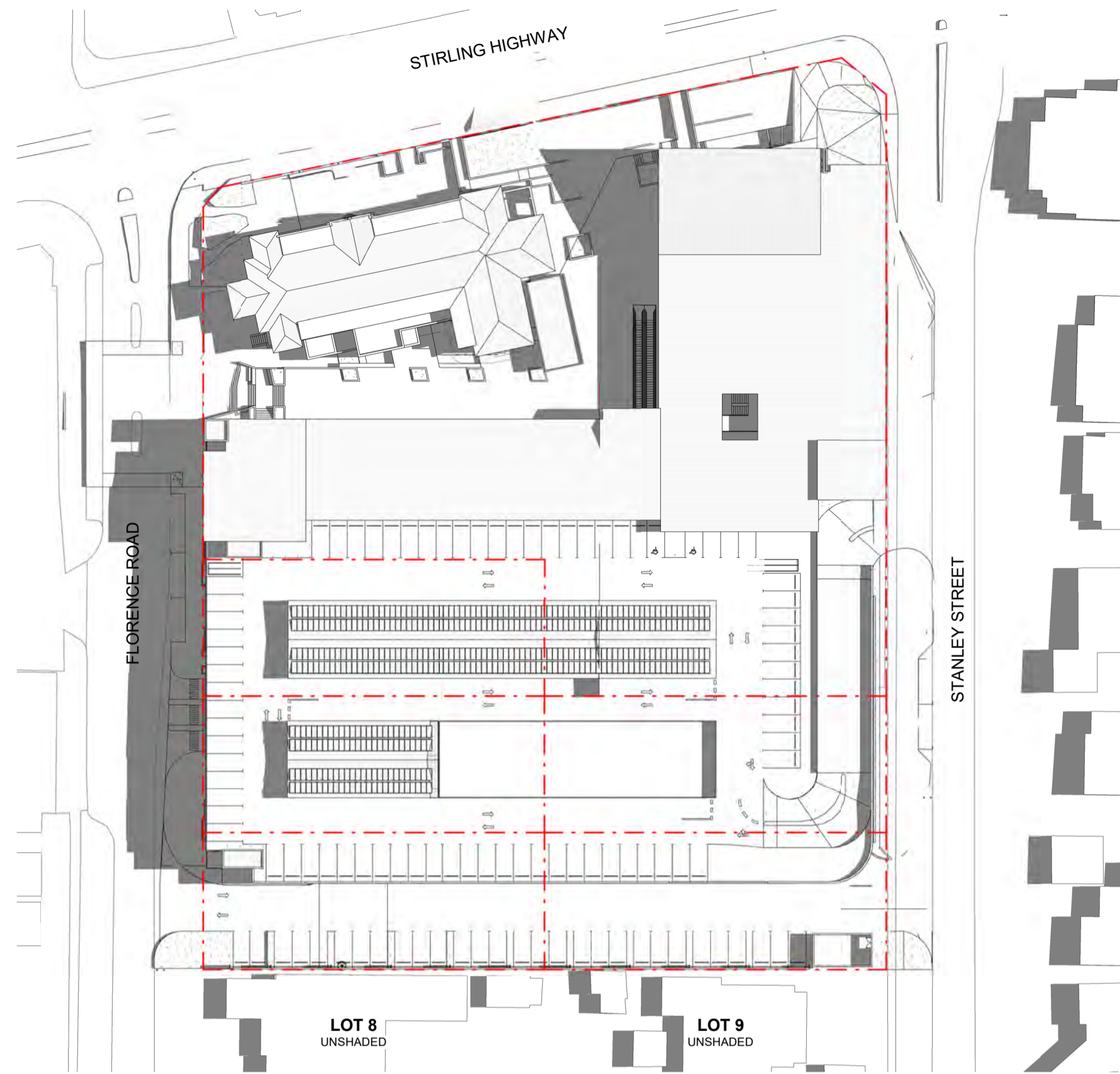
WINTER 12:00PM



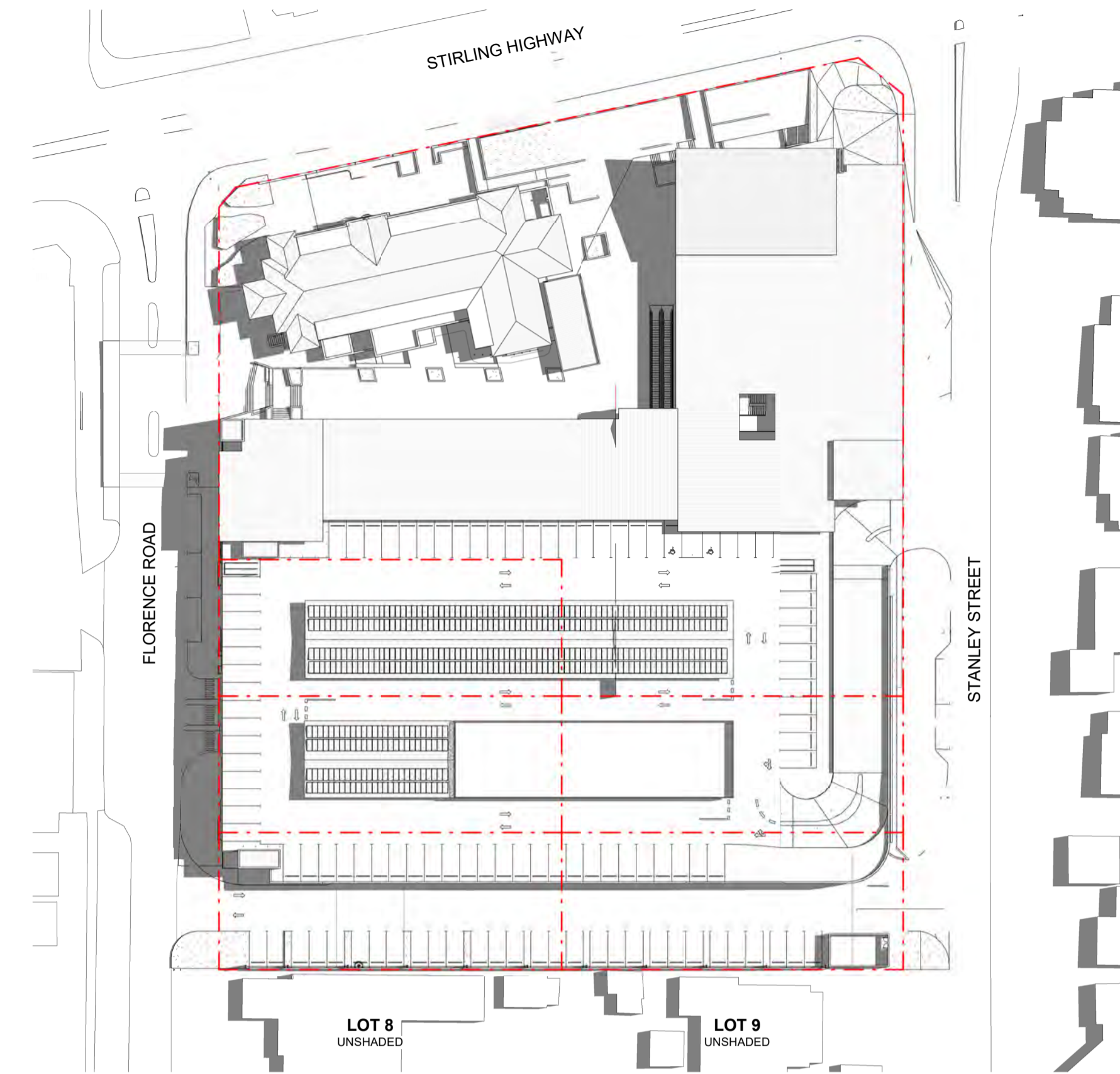
WINTER 2:00PM



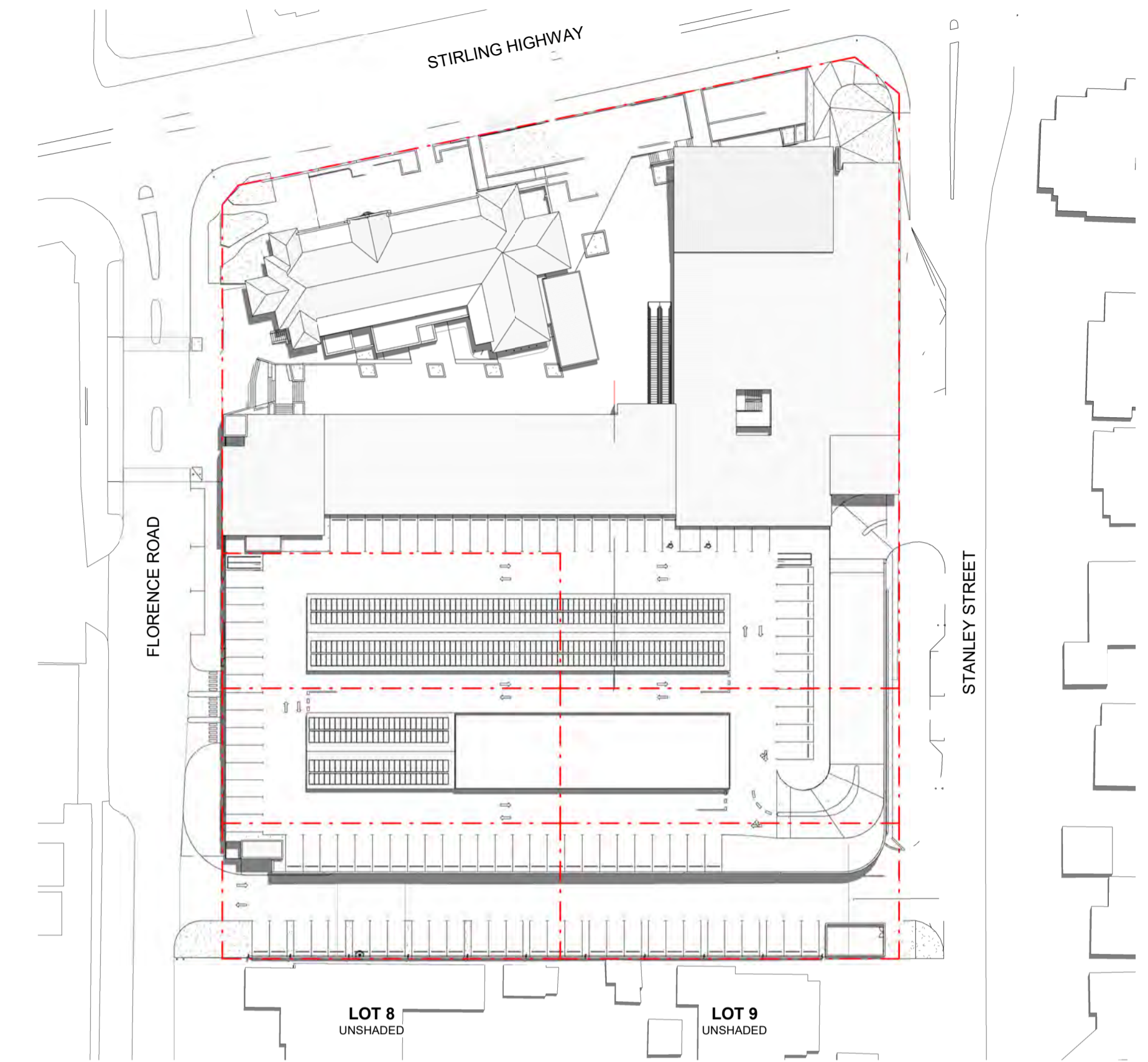
WINTER 4:00PM



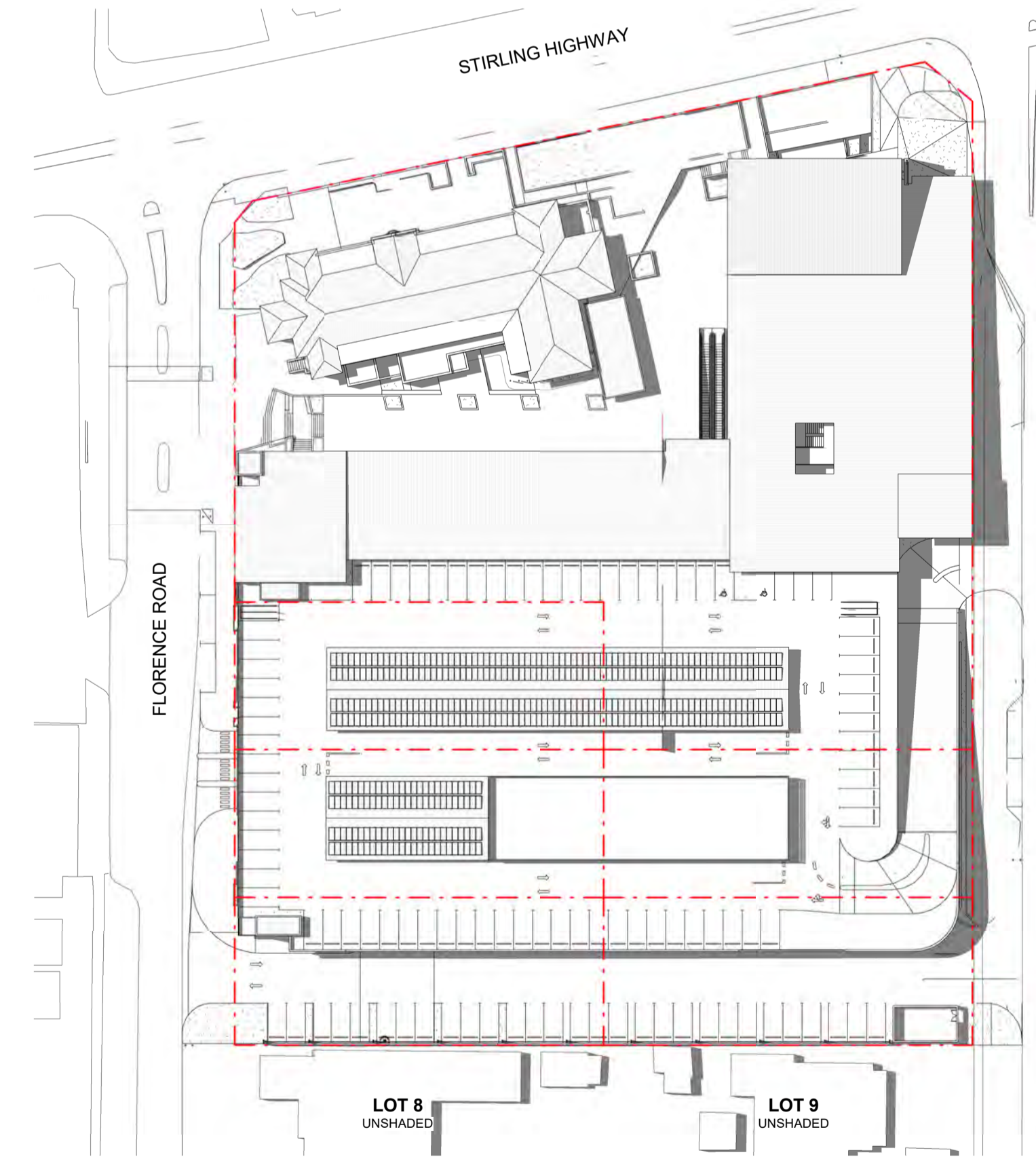
SUMMER 9:00AM



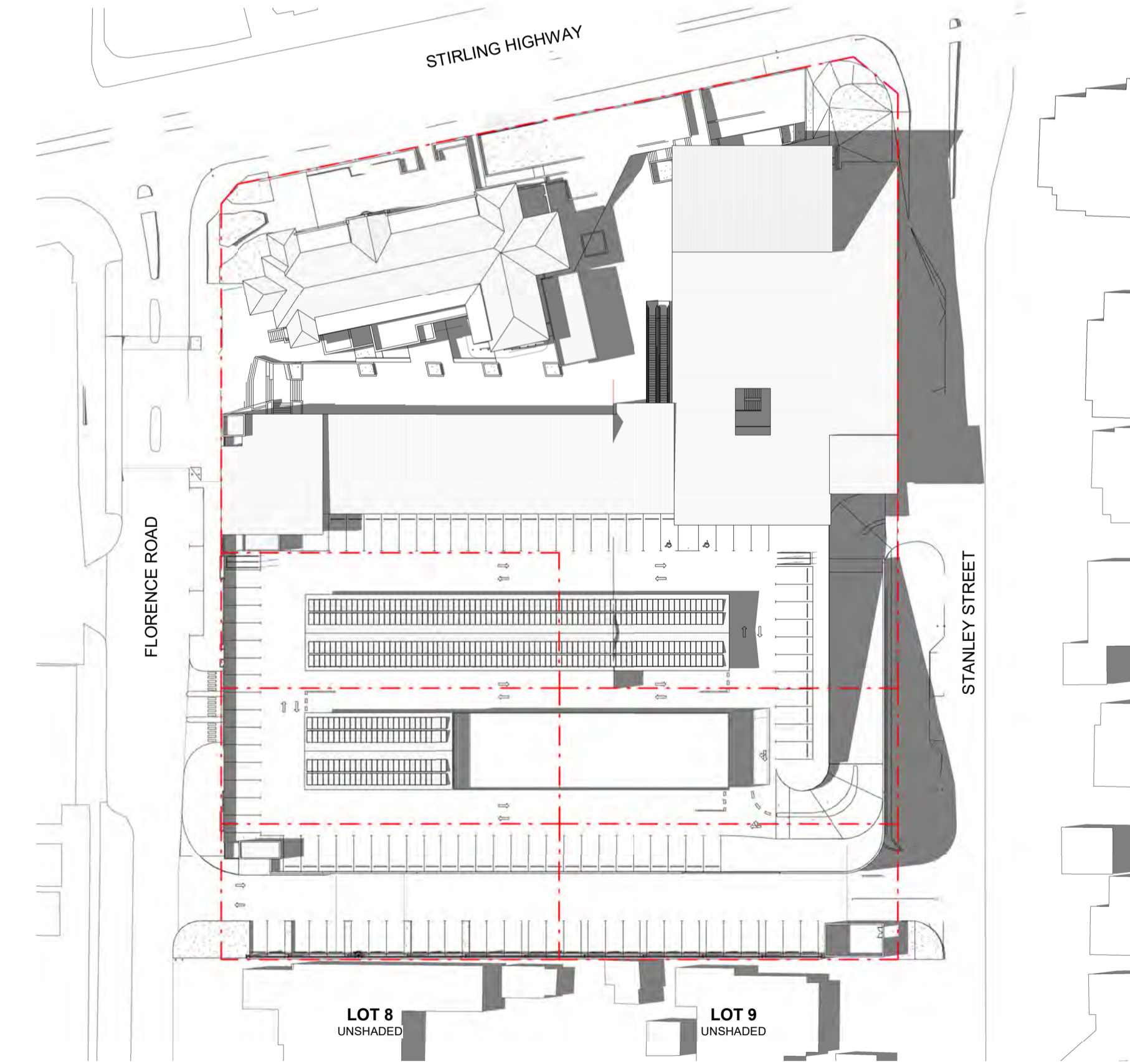
SUMMER 10:00AM



SUMMER 12:00PM



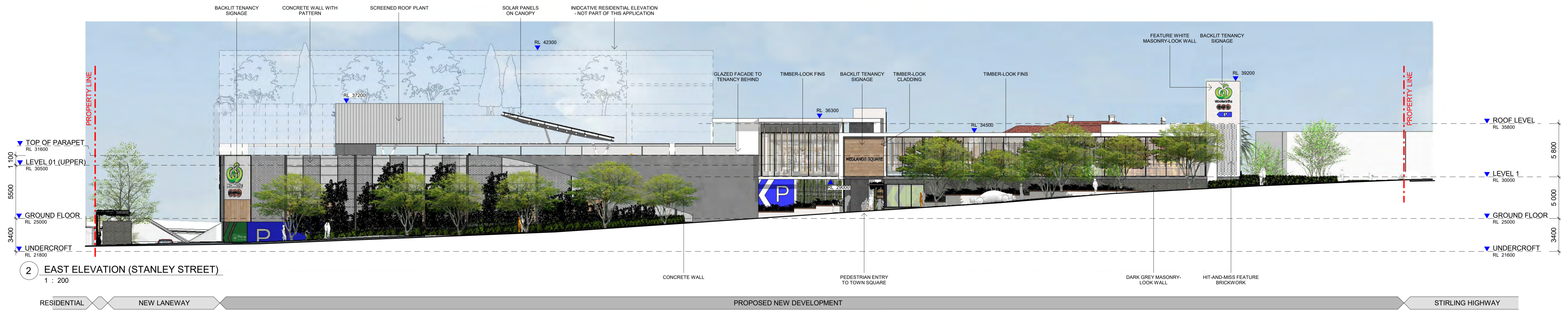
SUMMER 2:00PM



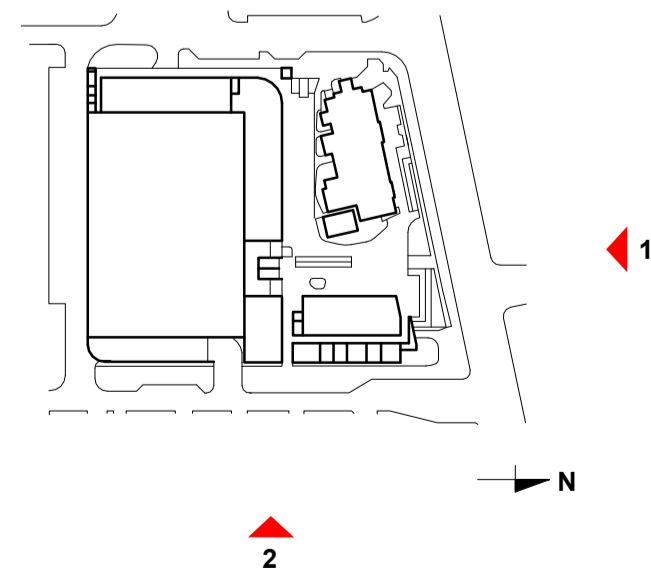
SUMMER 4:00PM

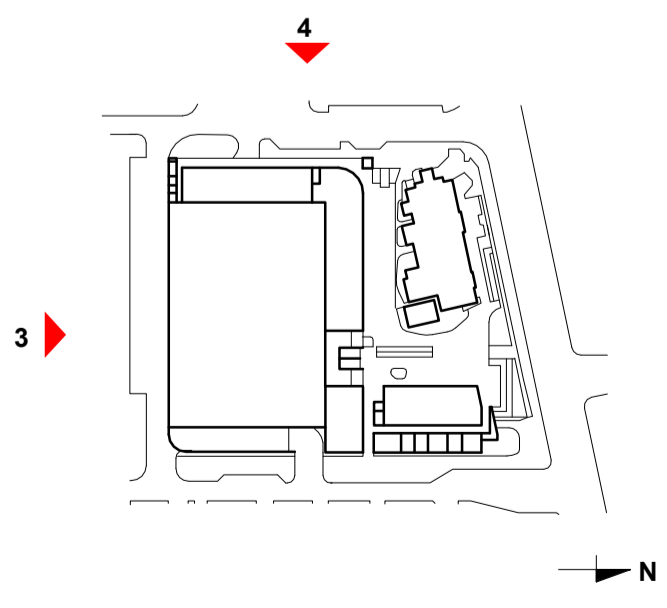
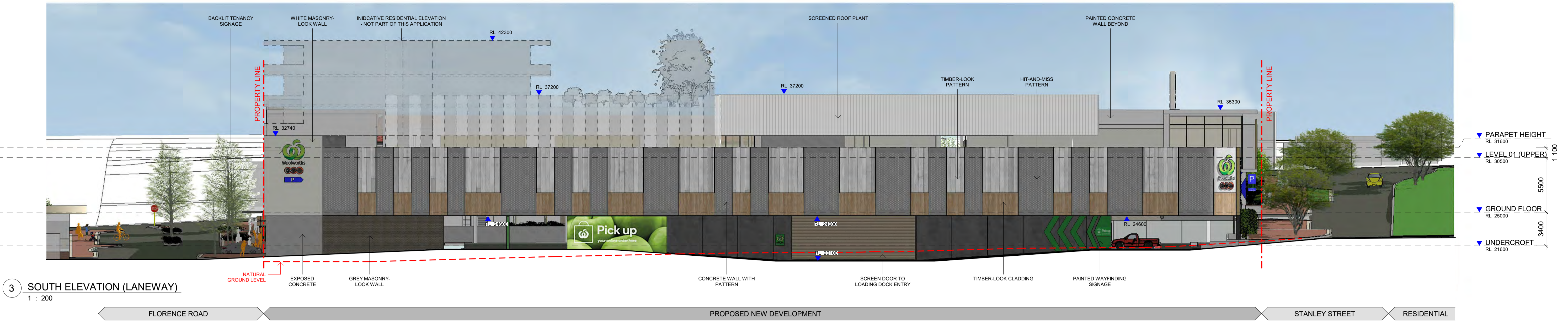


1 NORTH ELEVATION (STIRLING HIGHWAY)
1 : 200



2 EAST ELEVATION (STANLEY STREET)
1 : 200





CONCRETE WALL WITH PATTERN



GREY MASONRY-LOOK WALL



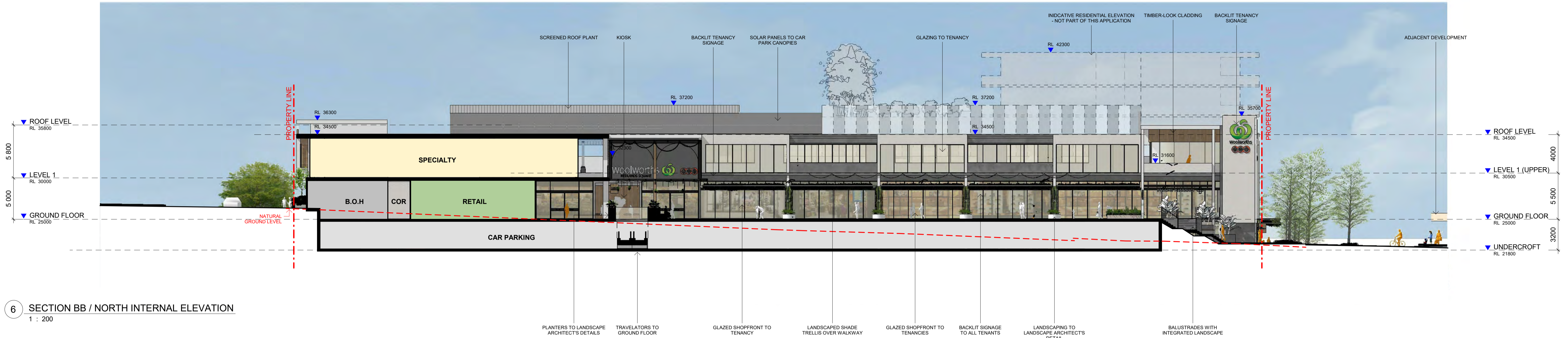
FEATURE WHITE MASONRY-LOOK WALL



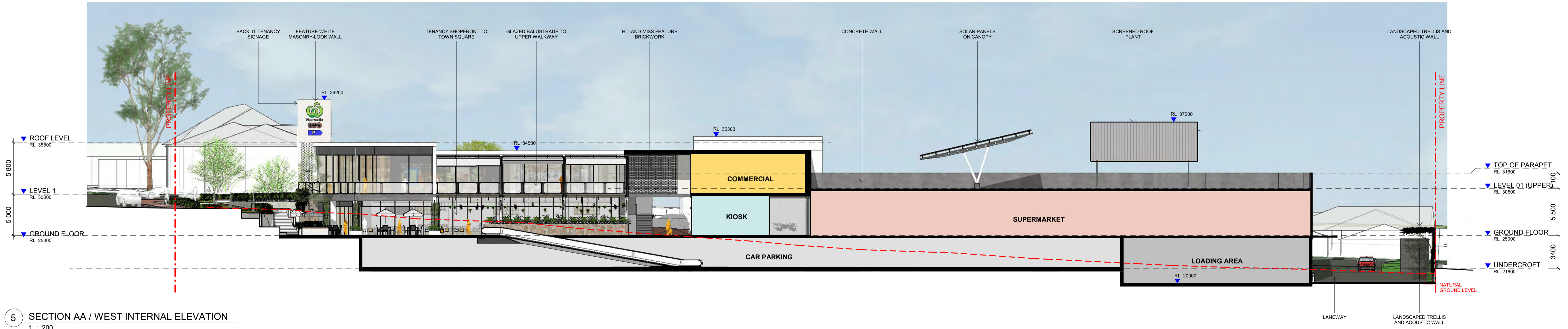
STEPS WITH INTEGRATED LANDSCAPE



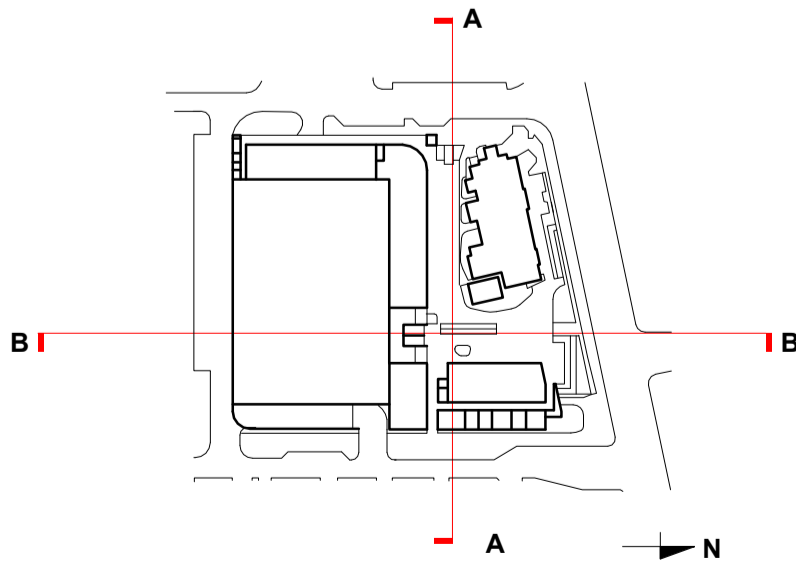
FEATURE SCREENING BATTENS



6 SECTION BB / NORTH INTERNAL ELEVATION
1 : 200



5 SECTION AA / WEST INTERNAL ELEVATION
1 : 200



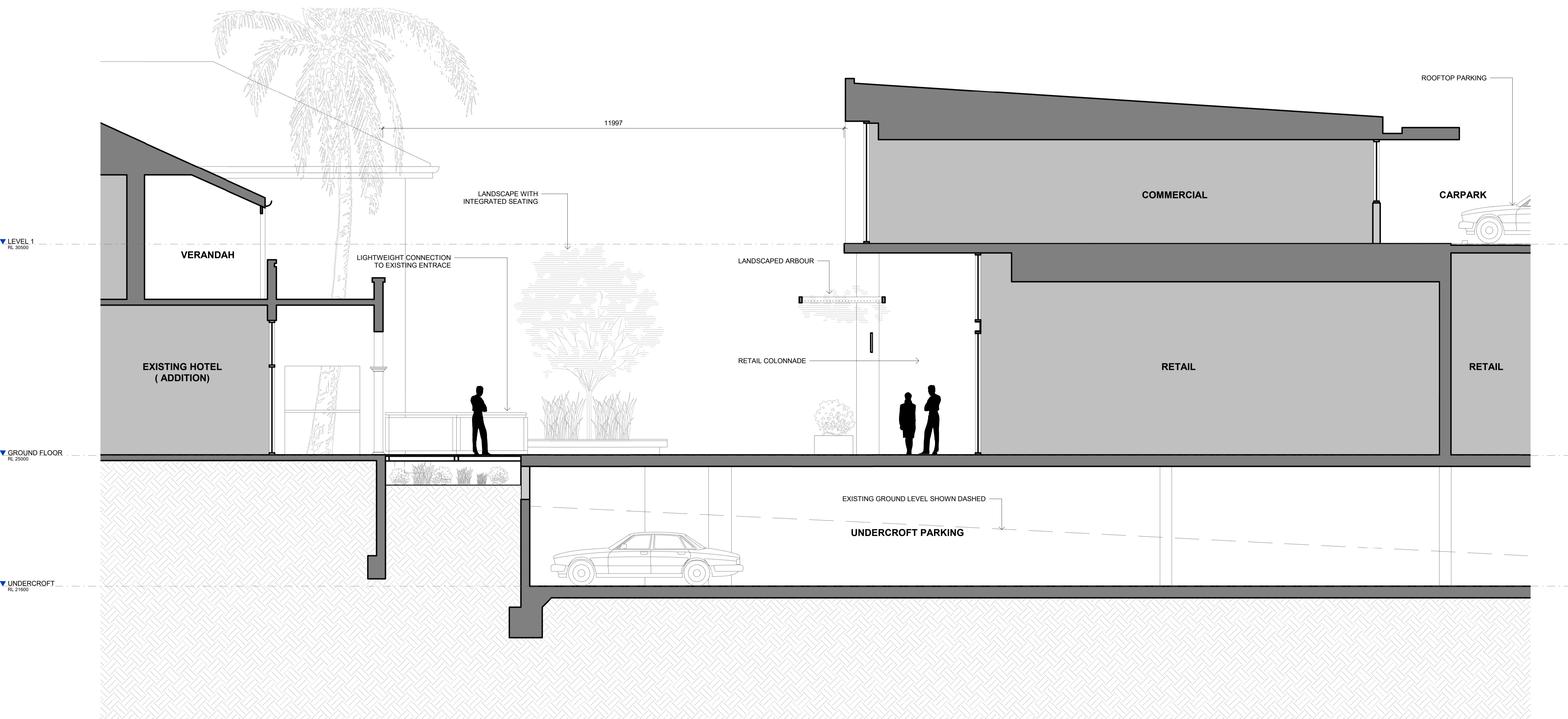
DARK GREY MASONRY-LOOK WALL

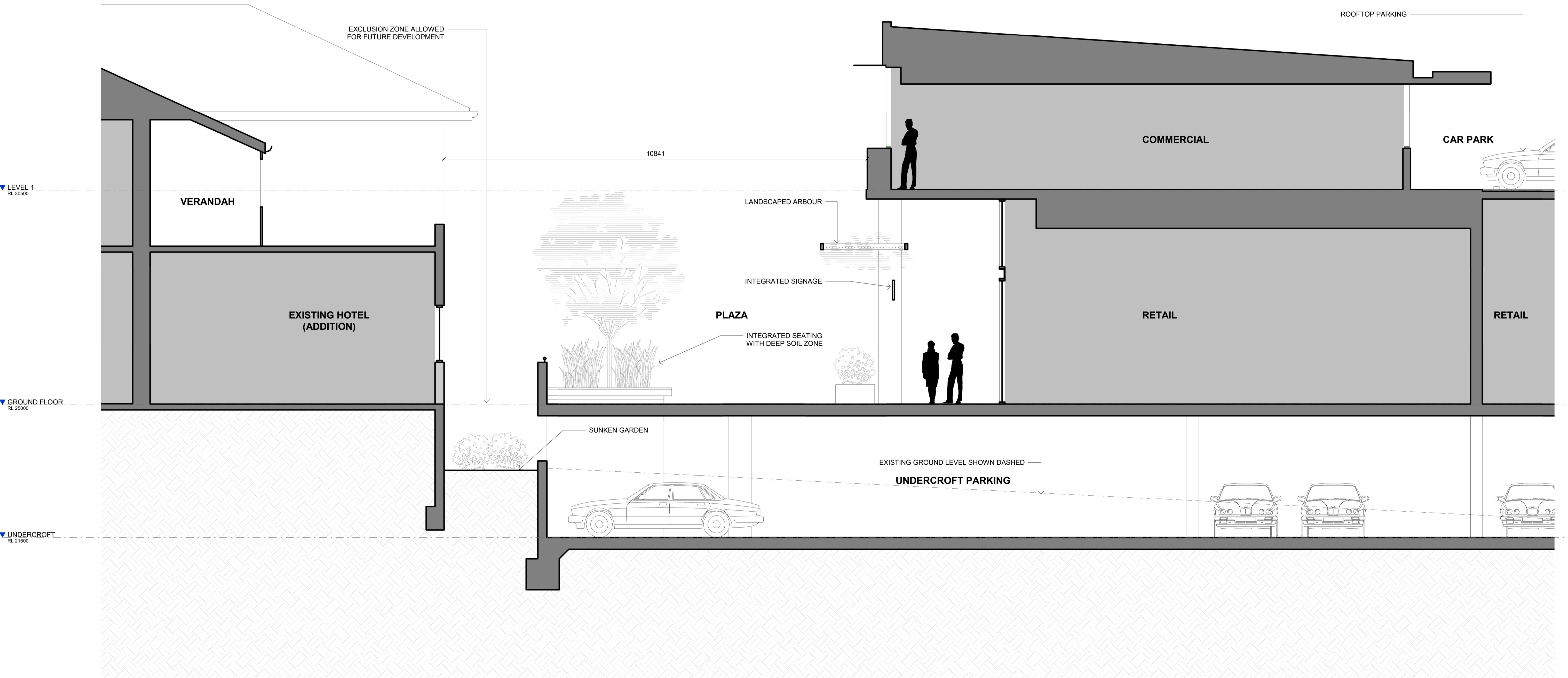


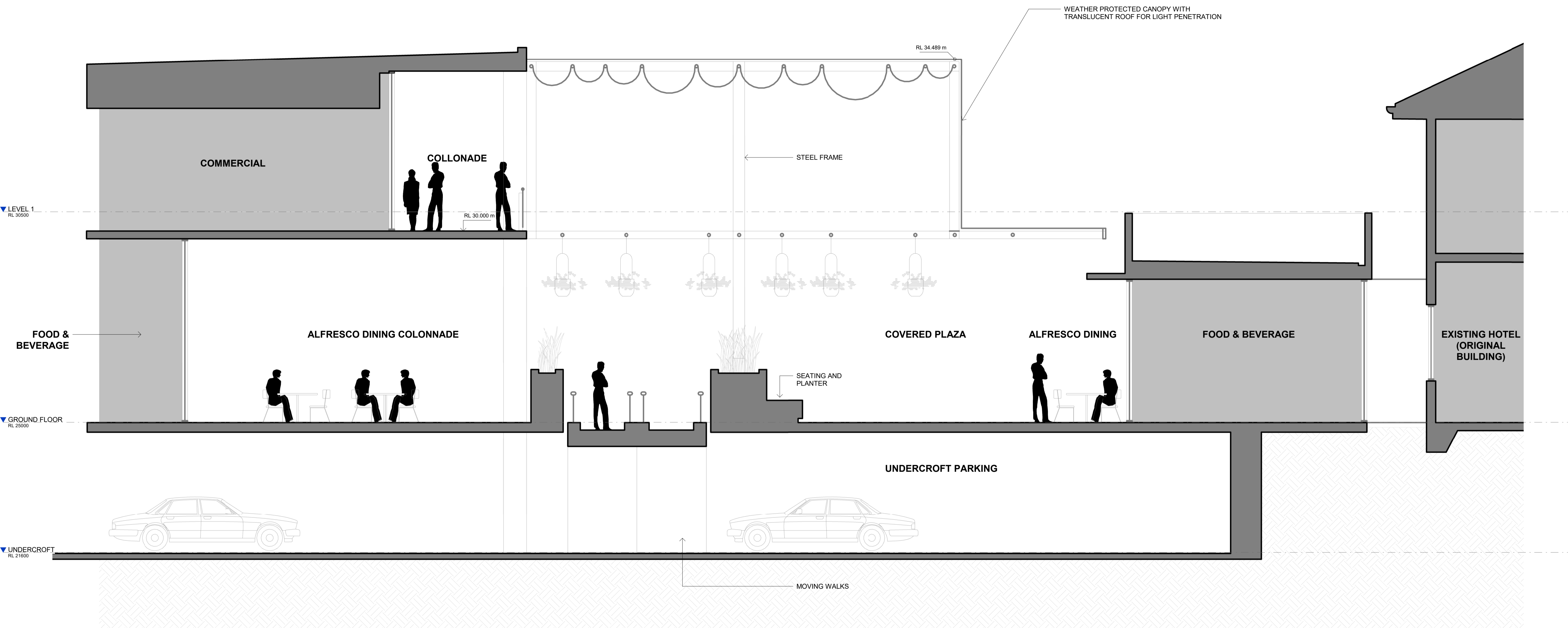
CLIMBING PLANT

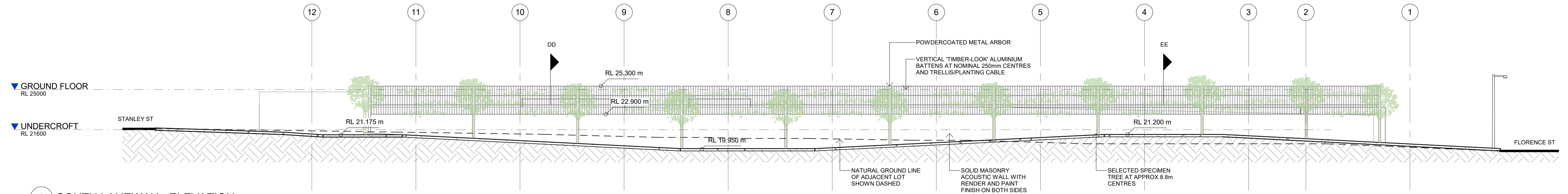


FEATURE BATTENS

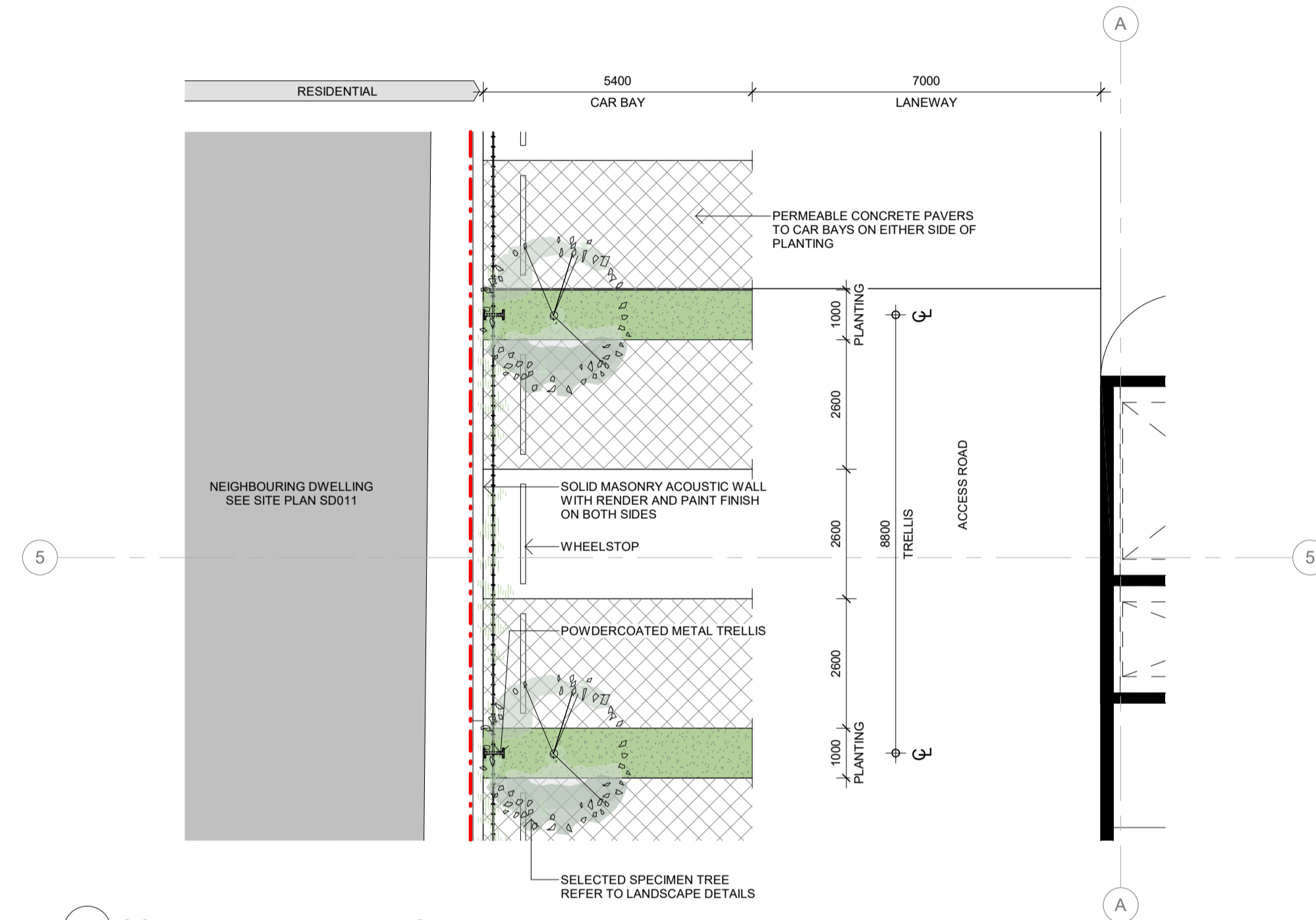




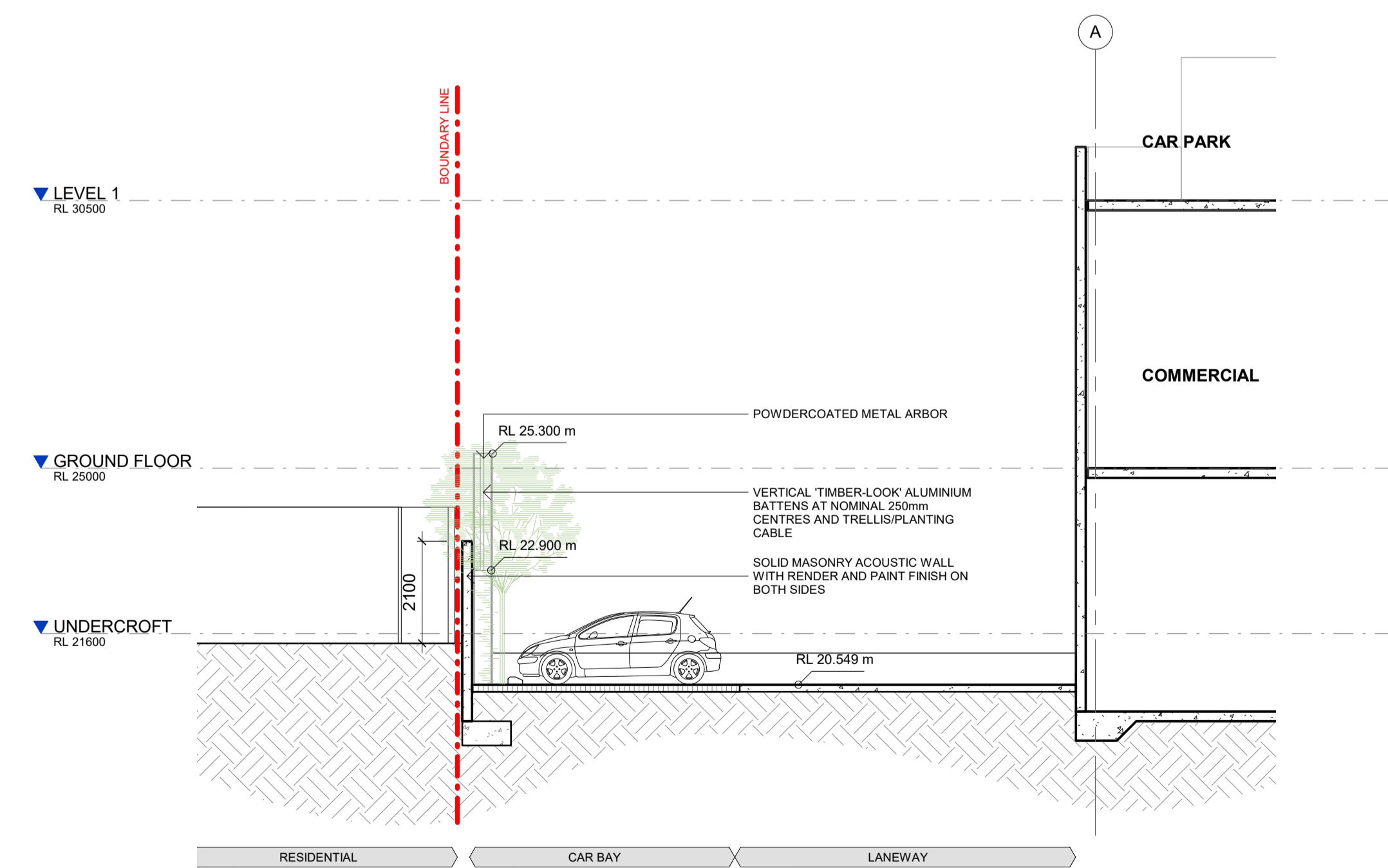




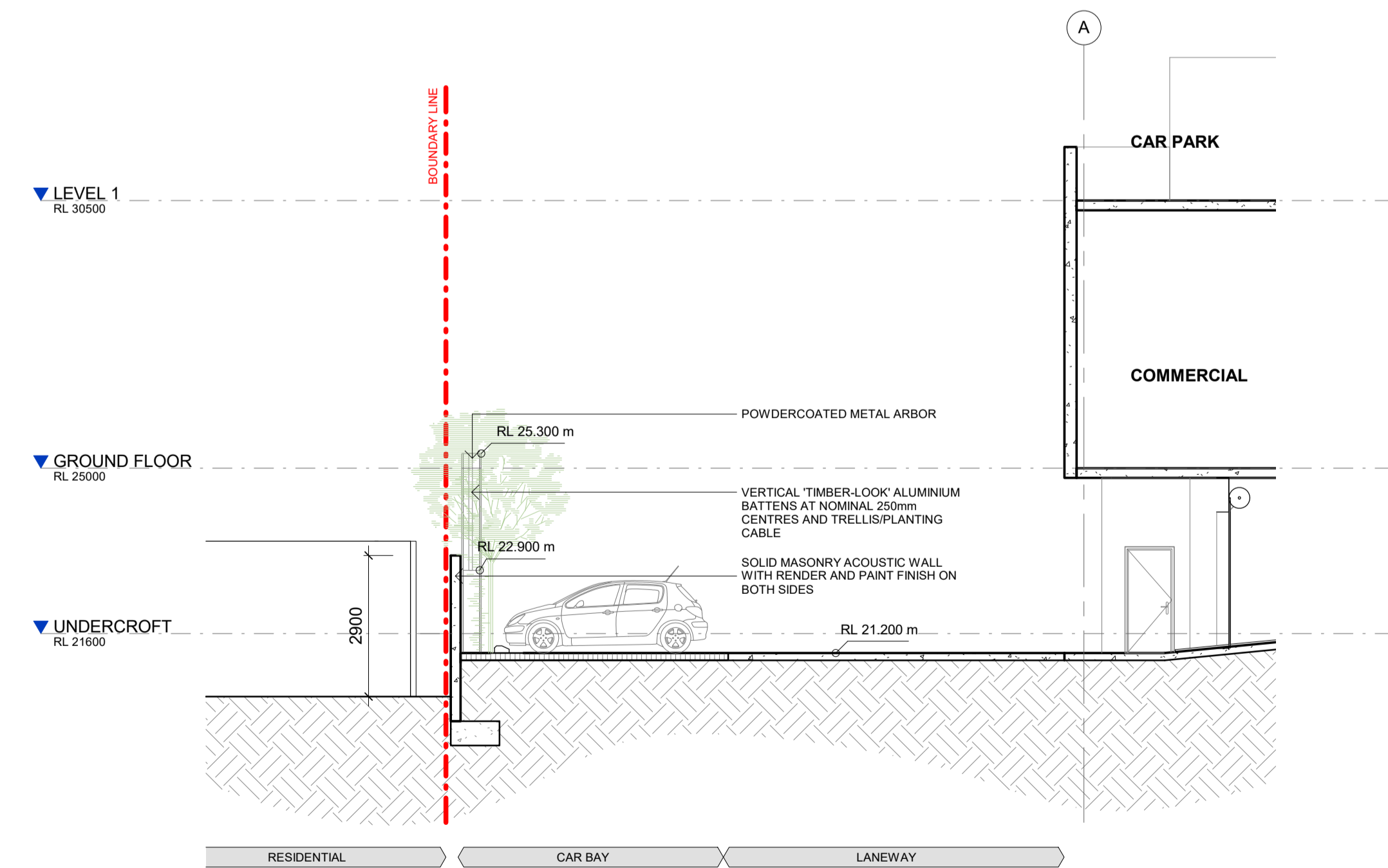
1 SOUTH LANEWAY - ELEVATION
 1 : 200



2 SOUTH LANEWAY - TYPICAL PLAN
 1 : 100



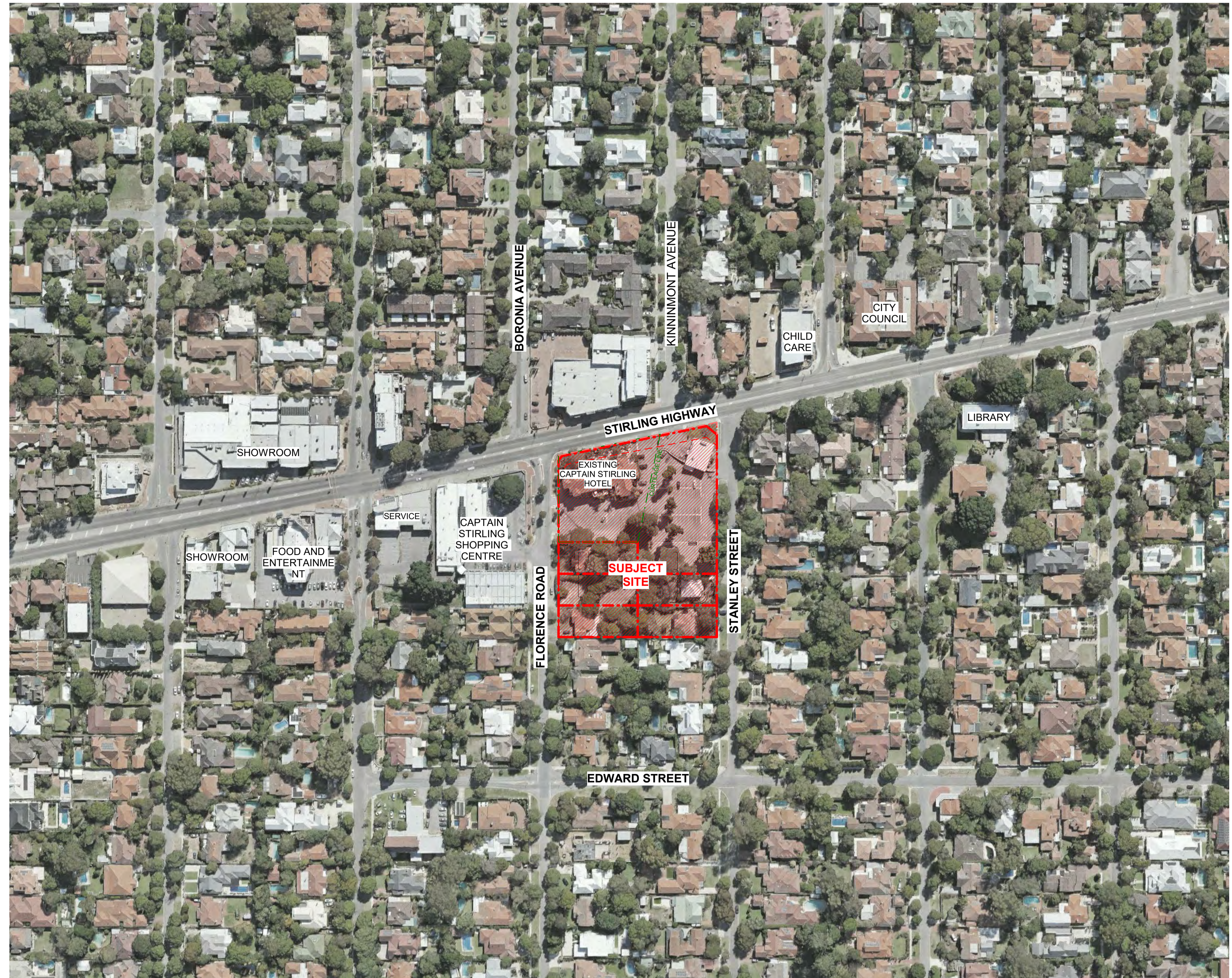
3 SOUTH LANEWAY - DETAIL DD
 1 : 100



4 SOUTH LANEWAY - DETAIL EE
 1 : 100

WOOLWORTHS & BWS SIGNAGE PACKAGE

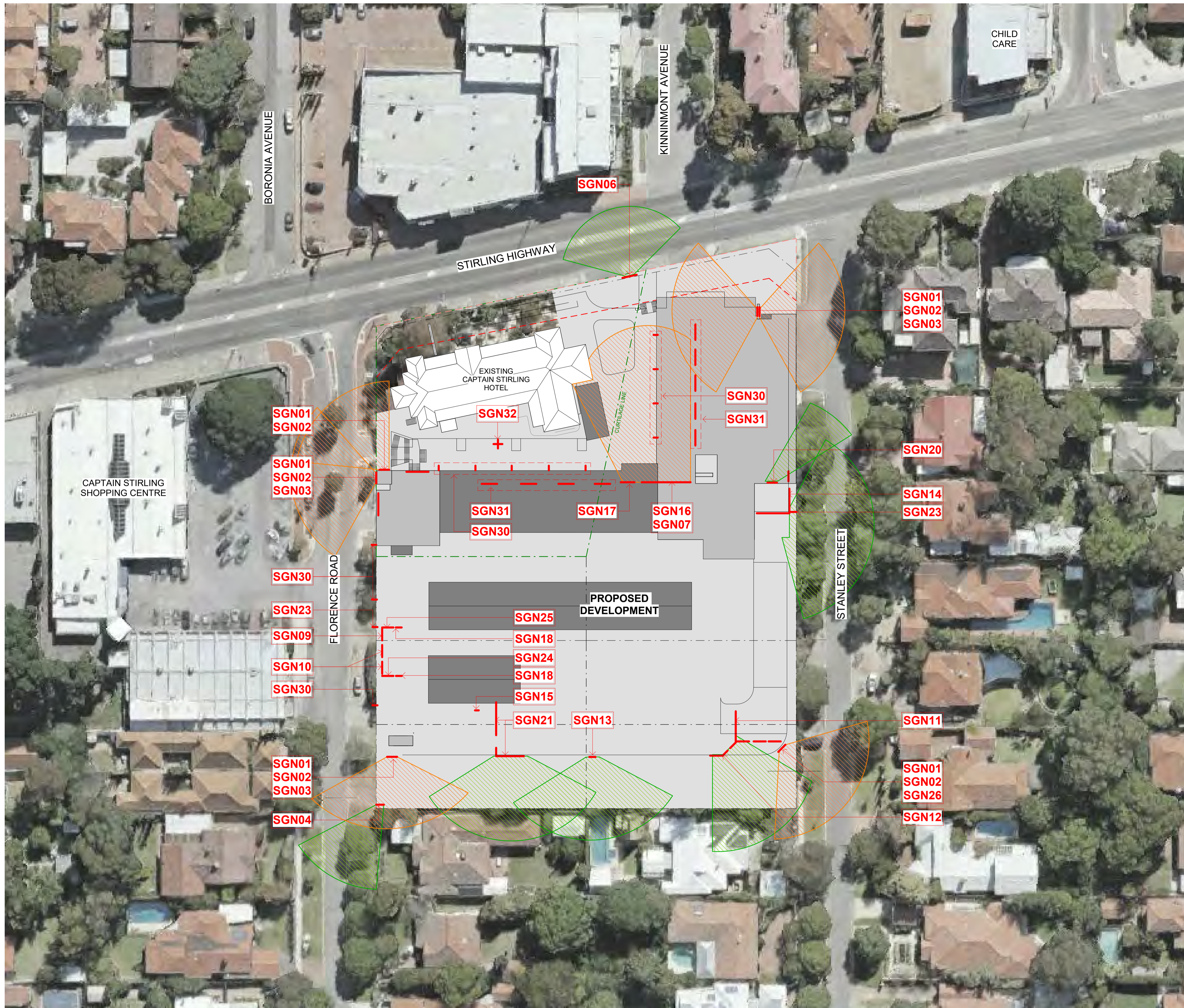
80 STIRLING HIGHWAY, NEDLANDS



SIGNAGE QUESTIONS	PLEASE TICK
1. ARE WE MAXIMIZING BRANDING FROM EXTERNAL ROADS?	
2. WILL THE SIGNAGE CLEARLY HELP THE CUSTOMER NAVIGATE FROM THE EXTERNAL ROADS TO OUR CARPARK, FOR BOTH VEHICLES AND PEDESTRIANS?	
3. DOES THE MALL SIGNAGE CLEARLY HELP THE CUSTOMER NAVIGATE FROM THE CARPARK TO THE STORAGE SHOPFRONT?	

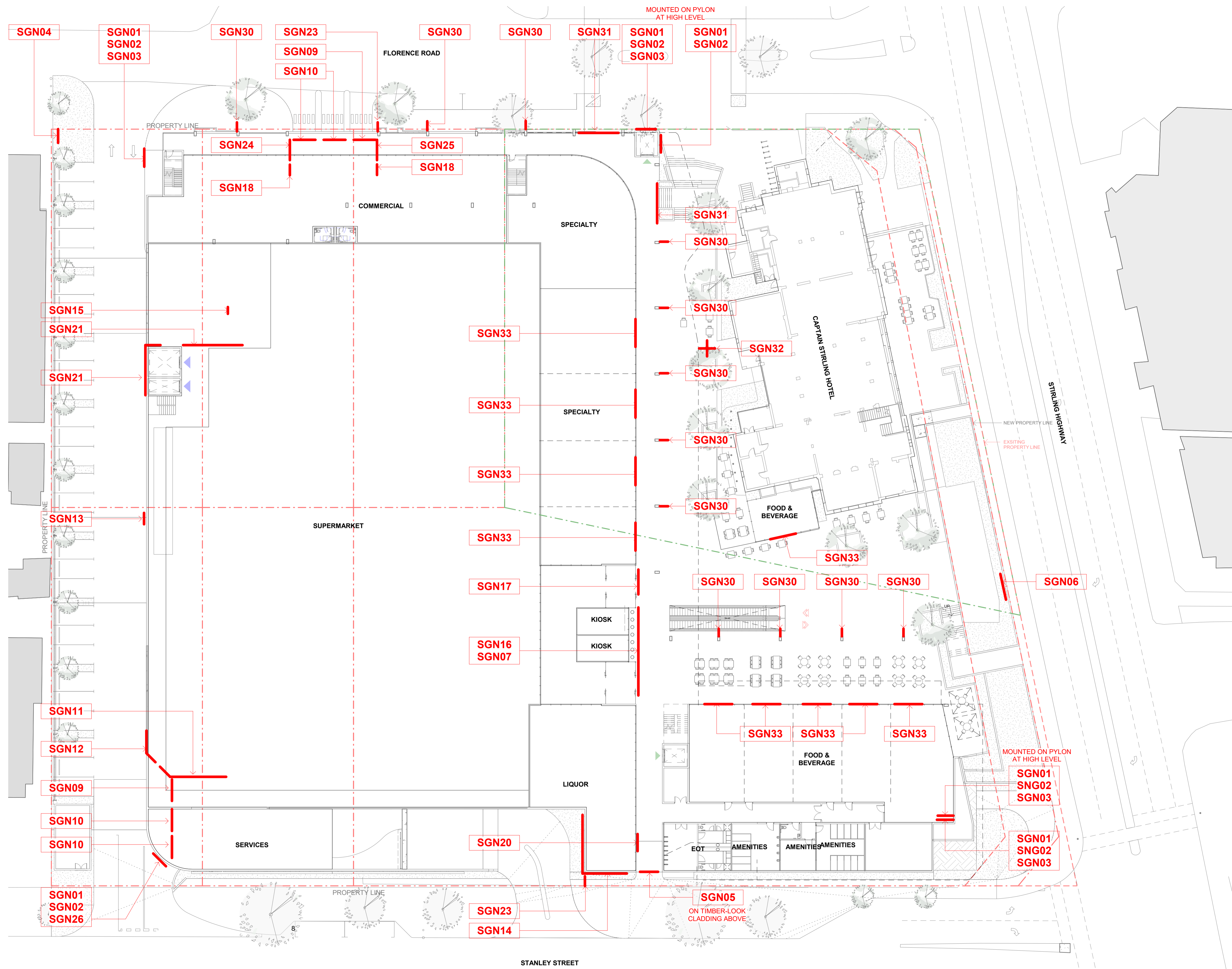
APPROVAL SIGN OFF			
	NAME	INITIAL	DATE
PROPERTY			
BRAND			

THESE PLANS ARE TO BE READ IN CONJUNCTION WITH ALL OTHER PLANS IN THE PACKAGE. A900-A911

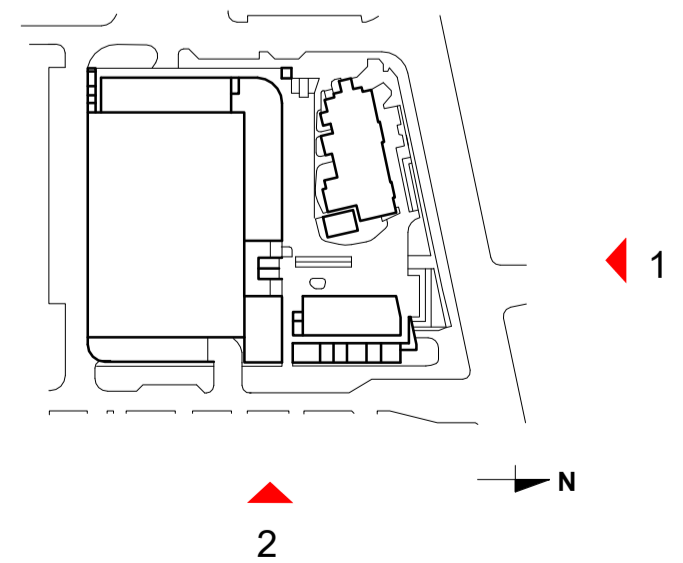
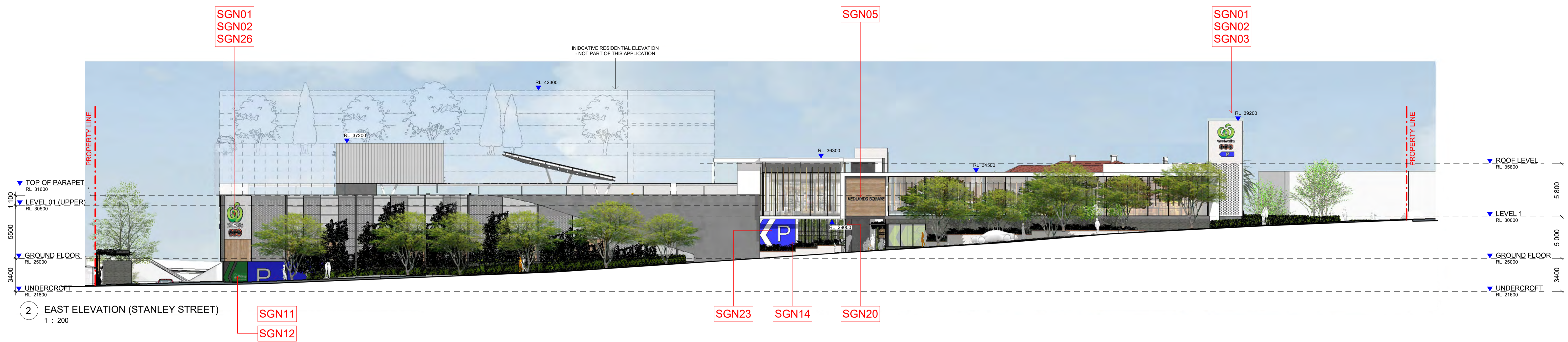


HIGH LEVEL SIGNAGE
 LOW LEVEL SIGNAGE

THESE PLANS ARE TO BE READ IN CONJUNCTION WITH ALL OTHER PLANS IN THE PACKAGE. A900-A911



THESE PLANS ARE TO BE READ IN CONJUNCTION WITH ALL OTHER PLANS IN THE PACKAGE. A900-A911



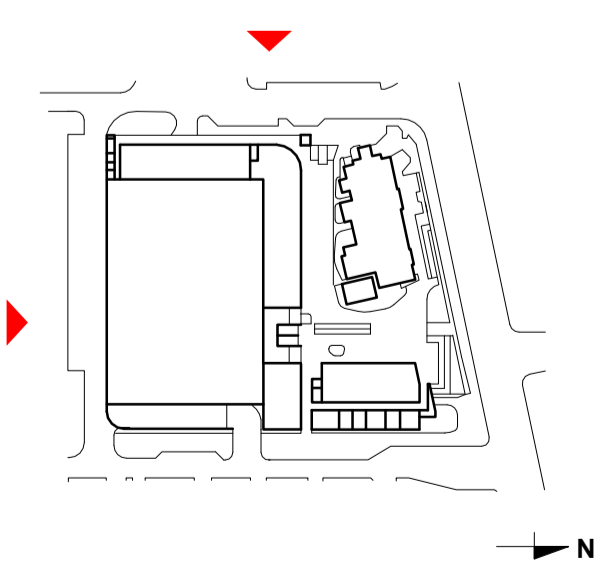
THESE PLANS ARE TO BE READ IN CONJUNCTION WITH ALL OTHER PLANS IN THE PACKAGE. A900-A911



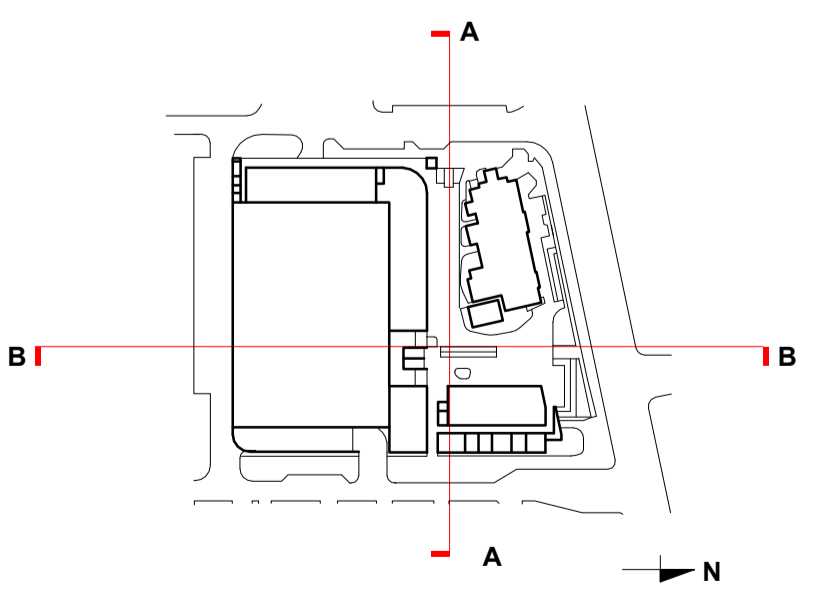
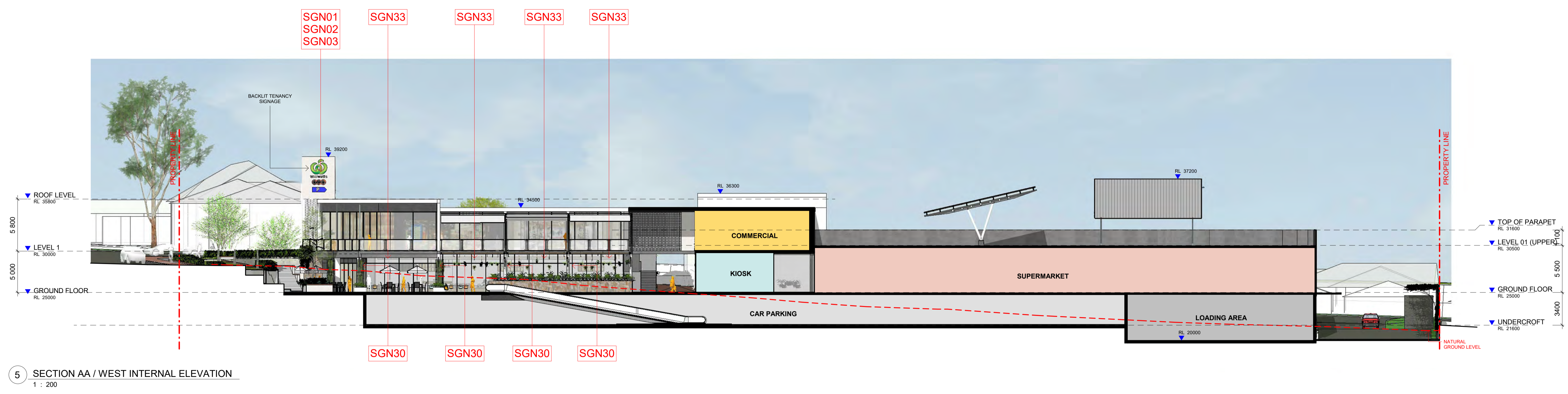
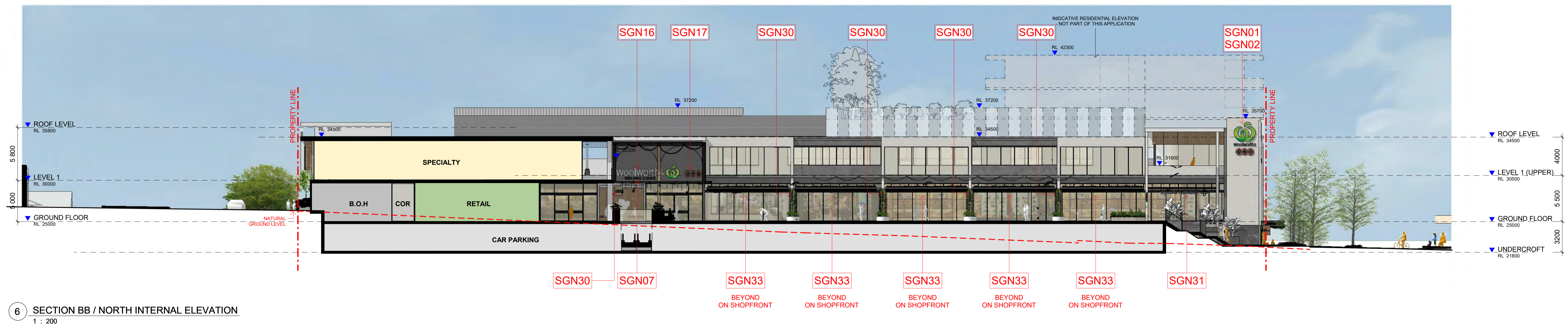
3 SOUTH ELEVATION (LANEWAY)
1 : 200



4 WEST ELEVATION
1 : 200



THESE PLANS ARE TO BE READ IN CONJUNCTION WITH ALL OTHER PLANS IN THE PACKAGE. A900-A911



THESE PLANS ARE TO BE READ IN CONJUNCTION WITH ALL OTHER PLANS IN THE PACKAGE. A900-A911

EXTERNAL SIGNAGE

SIGN NO.	IMAGE	PAGE	NAME	MEASUREMENTS	SIGN NO.	IMAGE	PAGE	NAME	MEASUREMENTS	SIGN NO.	IMAGE	PAGE	NAME	MEASUREMENTS
SGN01		B54	WOOLWORTHS EXTERNAL FACADE SIGNS - 2046mm ICON - MOUNTED ON PYLON	2574mm HIGH x 2262mm WIDE	SGN15		C13	PAINTED ON COLUMN	GRAPHICS TO BE PAINTED 1500mmH ABOVE GROUND 530mm HIGH X 300mm WIDE	SGN26			DIGITAL CAR BAY COUNTER - WALL MOUNTED	700mm HIGH X 2000mm WIDE
SGN02		B52	BWS EXTERNAL FACADE SIGNS - MOUNTED ON PYLON	735mm HIGH ICON	SGN16		B11	WOOLWORTHS EXTERNAL FACADE SIGNS - 1500mm ICON MOUNTED ON ALUMINIUM CLADDING FEATURE SUBSTRATE	1565mm HIGH X 7715mm WIDE	SGN30			TENANCY SIGNAGE - WALL MOUNTED	1000mm HIGH X 800mm WIDE
SGN03			CAR PARK SIGNAGE - MOUNTED ON PYLON	500mm HIGH x 1250mm WIDE	SGN17		B11	BWS EXTERNAL FACADE SIGNS - 975mm ICON MOUNTED ON ALUMINIUM CLADDING FEATURE SUBSTRATE	1565mm HIGH X 2000mm WIDE	SGN31			TENANCY SIGNAGE - SUSPENDED	1500mm HIGH X 8300mm WIDE
SGN04		SIMILAR TO C7	PICK UP SIGNAGE GRAPHIC - MOUNTED ON LOW-LEVEL TOTEM	970mm HIGH x 3200mm WIDE	SGN18		B55	CUSTOM WELCOME GRAPHIC (VINYL OR PAINTED)	1500mm HIGH X 3100mm WIDE	SGN32			MULTI-DIRECTIONAL TOTEM SIGN	2850mm HIGH X 2000mm WIDE
SGN05			CENTRE SIGNAGE - MOUNTED ON TIMBER-LOOK CLADDING	310mm HIGH x 3775mm WIDE	SGN20		B52	BWS EXTERNAL FACADE SIGNS - MOUNTED ON SHOPFRONT	735mm HIGH ICON	SGN33			TENANCY SHOPFRONT SIGNAGE ZONE	450mm HIGH X 2300mm WIDE
SGN06			CENTRE SIGNAGE - MOUNTED ON LOW-LEVEL TOTEM		SGN21		C20	PICK UP - DESTINATION ZONE PHOTOGRAPHY WALL	6400mm HIGH X 3600mm WIDE					
SGN07			CENTRE SIGNAGE - BELOW WOOLWORTHS EXTERNAL FACADE SIGN	260mm HIGH x 3150mm WIDE	SGN22		C17	PICK UP - DESTINATION ZONE GROUND MARKING	2933mm HIGH X 2000mm WIDE					
SGN09			PARKING SIGNAGE - CUSTOM GANTRY SIGN	500mm HIGH x 3500mm WIDE	SGN23			PARKING SIGNAGE GRAPHIC & DIGITAL CAR BAY COUNTER - WALL MOUNTED	1600mm HIGH X 800mm WIDE					
SGN10			PARKING SIGNAGE - CUSTOM GANTRY SIGN	500mm HIGH x 3500mm WIDE	SGN24			PICK UP SIGNAGE GRAPHIC - PAINTED ON WALL	1400mm HIGH X 4800mm WIDE					
SGN11			PARKING SIGNAGE GRAPHIC - PAINTED ON WALL	3300mm HIGH	SGN25			PICK UP SIGNAGE GRAPHIC - PAINTED ON WALL	1400mm HIGH X 4800mm WIDE					
SGN12			PICK UP SIGNAGE GRAPHIC - PAINTED ON WALL	3300mm HIGH										
SGN13		B43	CAR PARK SIGNAGE - LOADING DOCK	1200mm HIGH x 930mm WIDE										
SGN14			PARKING SIGNAGE GRAPHIC - PAINTED ON WALL	3300mm HIGH										

REFER PAGES NO. TO WW SIGNAGE DESIGN BRIEF 2018.1 WSPEC-SD-SM-REVB

THESE PLANS ARE TO BE READ IN CONJUNCTION WITH ALL OTHER PLANS IN THE PACKAGE. A900-A911



Our Ref CS:JH:NEDL:45926
Your Ref



Stirling Law Chambers
220 Stirling Highway
Claremont WA 6010
Tel (08) 9383 3133
Fax (08) 9383 4935
Email: mcleods@mcleods.com.au

3 June 2020

Ms Claire Willey
Senior Urban Planner - Statutory
City of Nedlands
PO Box 9
NEDLANDS WA 6909

By email: cwilley@nedlands.wa.gov.au

Dear Claire

Creation of laneways

I refer to your e-mail of 20 May 2020 seeking advice in connection with the widening or creation of laneways pursuant to clause 32.3 of LPS3.

Background

1. Your e-mail sets out the background to the City's query in some detail and I will not repeat it. However, it is worthwhile to reproduce the relevant existing and proposed Scheme provisions.
2. Clause 32.3 of LPS3 is in the following terms:

32.3	All zoned land	<p>Ceding of rights-of-way and laneway widening.</p> <p>(1) The owner of land affected by a right-of-way or laneway identified by the scheme, structure plan, local development plan, activity centre plan or local planning policy is to, at the time of developing or subdividing the land:</p> <p>(a) cede to the local government free of cost that part of the land affected by the right-of-way or laneway; and</p> <p>(b) construct the relevant section of the right-of-way or laneway to the satisfaction of the local government.</p> <p>(2) The intention expressed in sub-clause (1) may be reinforced by a condition of subdivision or development approval.</p>
------	----------------	---

3. The Council on 26 May 2020 considered a proposal to amend clause 32.3 by modifying clause (1) and adding a new clause (3) as follows:

*'32.3(1) Where land is affected by and gains benefit from the provision of a right-of-way or laneway identified by the scheme, a structure plan, a local development plan, an activity centre plan or a local planning policy, **the owner is to**, at the time of developing or subdividing the land:*

- a) cede to the local government free of cost that part of the land affected by the right-of-way or laneway; and*
- b) construct the relevant section of the right-of-way or laneway to the satisfaction of the local government.*

32.3(3) Where part of a lot has been transferred free of cost to the Crown for the purpose of widening a road or right-of-way or for the purpose of ceding the land for a new right-of-way or laneway, the area ceded shall be included for the purpose of calculating the minimum and average site area and plot ratio in determining development potential.'

4. The amendments have been proposed in order to address concerns about the reasonableness of requiring land to be ceded free of cost for the purposes of a laneway.
5. Currently, clause 32.3(1) refers to land being '*ceded to the local government free of cost*', whereas proposed clause 32.3(3) refers to the land being '*transferred free of cost to the Crown*'. This inconsistency in terminology has given rise to a number of queries, which I will attempt to address below.
6. In addition, the City has enquired about the benefits and disadvantages of creating laneways via easement rather than via a right-of-way.

How is a laneway created?

7. Historically, in older suburbs laneways were often created initially as private roads or rights of way, pursuant to s.167A of the Transfer of Land Act 1928 (TLA). These private ROWs were not dedicated to the public use, but remained in private ownership and operated as an easement appurtenant to the lots abutting the ROW on the original plan of subdivision.
8. Private ROWs commonly give rise to considerable practical and legal difficulties for local governments where there is a need to develop or amend the private ROW. The City may encounter these issues if it intends to widen old existing ROWs.

-
9. Crown land ROWs were also formerly created by the Minister for Lands under the Land Act 1933 or earlier legislation. These ROWs are not subject to private access rights in favour of adjoining landowners under s.167A of the TLA. These ROWs remain Crown land and are actually access way reserves.
 10. Contemporary laneways are typically created with the legal status of a public right-of-way.¹
 11. New ROWs are created by the approval of a subdivision plan by the WAPC. Pursuant to section 152 of the *Planning and Development Act 2005 (P & D Act)*, where the WAPC approves a subdivision subject to a condition that one or more portions of land shown on a diagram or plan of survey are vest in the Crown for the purpose of (among other things) a right-of-way, then the land the subject of the right-of-way shown in the plan vests in the Crown without the need for any other conveyance or transfer, or the payment of any fee.
 12. The ROW then becomes Crown land and is taken to be reserved under section 41 of the *Land Administration Act (LA Act)* for the purpose of a right-of-way.²
 13. Following the reservation of the right-of-way, the Minister will then typically place the care, control and management of the right-of-way in the applicable local government.³
 14. The process contemplated by clause 32.3(1) is intended to capture the idea of the laneway land being ceded to the Crown, and of the responsibility for its care, control and management being given to the City. In practice, that will require the landowner to lodge a plan of subdivision which shows the 'laneway' portion of land as a right-of-way subject to the operation of s.152 of the P&D Act.

Should the land be ceded to the City or ceded to the Crown?

15. The WAPC's Model Subdivision Conditions Schedule includes a number of standard conditions which provide for the ceding of land as a right-of-way, and for ceding of land more generally for other public purposes under section 152 of the P & D Act. The terms of the standard subdivision conditions provide for vesting in the Crown under section 152 of the P & D Act and for the land to be ceded free of cost.⁴
16. The legal mechanism for the creation of contemporary ROWs requires that the land becomes Crown land, which is then used for the public purpose of a ROW under the care, control and management of the local government. Clause 32.3 of the Scheme is intended to reflect and cater for that legal mechanism. Therefore, it would be

¹ A laneway can also be dedicated as a road. Sometimes dedication is used as a method of curing problems associated with historic private ROWs. Planning Bulletin 33 – Rights-of-way or Laneways in Established Areas discusses the merits of widening existing rights-of-way in established areas.

² Via P& D Act section 152(3).

³ This is achieved by an order made under section 46 of the Land Administration Act.

⁴ See standard condition T14 in relation to ceding land as a new ROW.

preferable for the Scheme provisions to refer to the requirement for land identified as a laneway or ROW to be ceded free of cost to the Crown as a ROW.

17. Land *could be* ceded to the City for the purpose of creating a laneway (ROW), but doing so would require:

- The laneway land to be shown on a plan of subdivision as a new lot;
- The laneway land to be transferred into the ownership of the City⁵;
- The City to then convert the privately owned land into a public ROW.

I cannot see any benefit to the City in having land transferred into its private ownership for the purpose of creating a laneway.

18. In order to achieve consistency in terminology, and in order to better reflect the legal mechanism for the creation of ROWs, it would be preferable for some minor changes to be made to both proposed cll. 32.3(1) and 32.3(3), as follows:

‘32.3(1) Where land is affected by and gains benefit from the provision of a right-of-way or laneway identified by the scheme, a structure plan, a local development plan, an activity centre plan or a local planning policy, the owner is to, at the time of developing or subdividing the land:

*a) cede to the ~~local government~~ **Crown** free of cost that part of the land affected by the right-of-way or laneway; and*

b) construct the relevant section of the right-of-way or laneway to the satisfaction of the local government.

*32.3(3) Where part of a lot has been ~~transferred~~ **ceded** free of cost to the Crown for the purpose of widening a road or right-of-way or for the purpose of ~~ceding the land for a new right-of-way or laneway~~, the area ceded shall be included for the purpose of calculating the minimum and average site area and plot ratio in determining development potential.’*

Benefits and disadvantages of creating a laneway easement

19. Both a ROW and an easement⁶ can create rights of access over land, which are adequate for a laneway. The fundamental difference between an easement and a right-of-way is that the easement land remains land in private ownership.

⁵ This requires a formal Transfer of Land document to be prepared, executed and registered at Landgate.

⁶ The applicable form of easement would be a public access easement in gross favour of the City, pursuant to ss. 195 and 196 of the LA Act.

-
20. The foundational principle for the creation of a ROW is that the ROW is required for a public purpose, namely the purpose of access, both to the land which abuts the right-of-way and between any streets which connect to the right-of-way. Therefore, there is something of a conflict in principle between the private ownership of easement land intended for use as a laneway, and the public purpose of that use.
21. From the perspective of the landowner, the possible benefits of retaining ownership of land required for a laneway and creating access rights via easement may include:
- Retaining some additional development potential, if the land area is counted in the assessment of applicable development standards. The proposed new cl.32.3(3) is intended to address this issue.
 - It may be possible for the owner to develop over, or under, the easement land, without intruding on or limiting the required public access.
 - Retaining ownership may allow a degree of control over future changes to or works on the laneway.
 - If for any reason the easement is surrendered by the City in the future, the laneway land would become unencumbered.
 - These benefits may be reflected in some additional land value (when compared to the situation of the laneway land being ceded free of cost).
22. The disadvantages to the landowner may include:
- Increased exposure to risk if an accident occurs on the laneway, with associated insurance costs.
 - Responsibility for maintaining the easement.
23. From the perspective of the City, a potential advantage to allowing laneways to be created via an easement is that the easement deed will typically provide for the landowner to be responsible for the construction and maintenance of the easement. If the landowner is made responsible for construction and maintenance of the laneway easement, that may somewhat reduce the City's public liability risk. However, that 'advantage' is often illusory in practice, as mentioned below.
24. The potential disadvantages from the City's perspective would include:
- The process for the creation of the easement is somewhat more complex, as it requires the preparation of a legal agreement.
 - While typically the owner is made responsible for the construction and maintenance of the easement, over time it is common for laneways to take on the character of public road, with the associated expectation that the local government should be responsible for its maintenance. The retention of private ownership can complicate attempts by the local government to itself maintain the laneway, or to improve its standard.
 - Similarly, the owner may be resistant to requests by the local government for the owner to maintain or improve the laneway.

-
- Where the laneway is the subject of multiple adjoining easements (as would be the case for the proposed Doonan Road/Jenkins Avenue laneway, for example), it can be impractical, or at least difficult, to require and coordinate maintenance of the easement between multiple owners.
 - If there is a future need to alter the extent of the laneway, private ownership can complicate that process.
 - The owner may assert the right to develop over, or under, the laneway. This may also require the preparation of additional legal agreements, to protect the City's interest (e.g. indemnification of the City with respect to any damage caused to the owner's development by users of the easement).
25. Essentially, the disadvantages to the City will generally arise from the lack of autonomy in decision-making and control over a laneway which is in private ownership. In practice it is typically easier (and expected) for the local government to be responsible for the care, control and maintenance of laneways.
26. I do not perceive that the public liability risk to the City⁷ would be materially different depending on whether a laneway is created via a ROW or via an easement, or that the choice will make any material difference to the cost of the City's insurance. As mentioned above, the City may have a somewhat reduced risk exposure if the owner is responsible for the maintenance of the laneway.

I trust that the above advice is satisfactory for present purposes, but if any further advice or explanation of this advice is required please let me know.

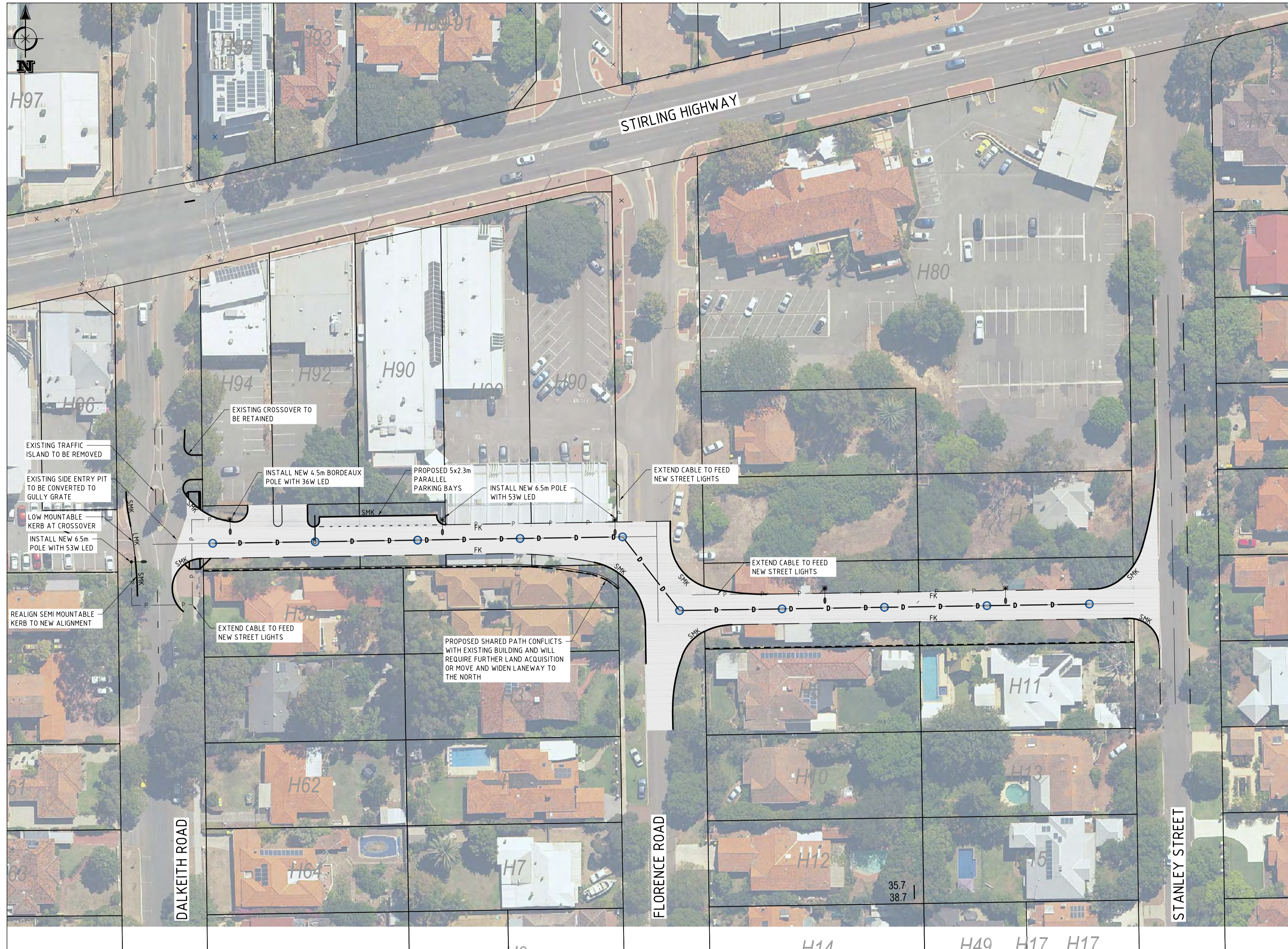
Yours sincerely



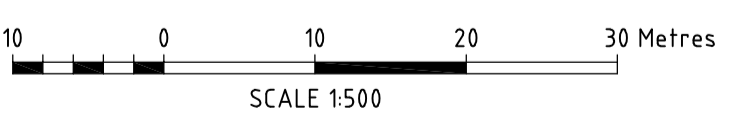
Craig Slarke
Partner

Contact: Craig Slarke
Direct line: 08 9424 6235
Email: cslarke@mcleods.com.au

⁷ In that regard, section 196(7) of the LA Act provides that for the purposes of the Occupiers' Liability Act 1985, a local government is not an occupier of the land over which a public access easement is granted. It follows that the local government does not take on the duty of care of an occupier.



PLAN
SCALE 1:500



LEGEND

(EXISTING)
ROAD DRAINAGE CONTOUR

(PROPOSED)
KERB - FLUSH
KERB - SEMI MOUNTABLE
KERB - MOUNTABLE
KERB - LOW MOUNTABLE

ASPHALT

Ø1800 x 1800 DEEP SOAKWELL WITH OFFSET GRATE

NOISE WALL

Ø1500 x 1500 DEEP HOUSE CONNECTION PIT WITH TRAFFICABLE LID

PROPOSED LED STREET LIGHT TO CITY OF NEDLANDS STANDARD

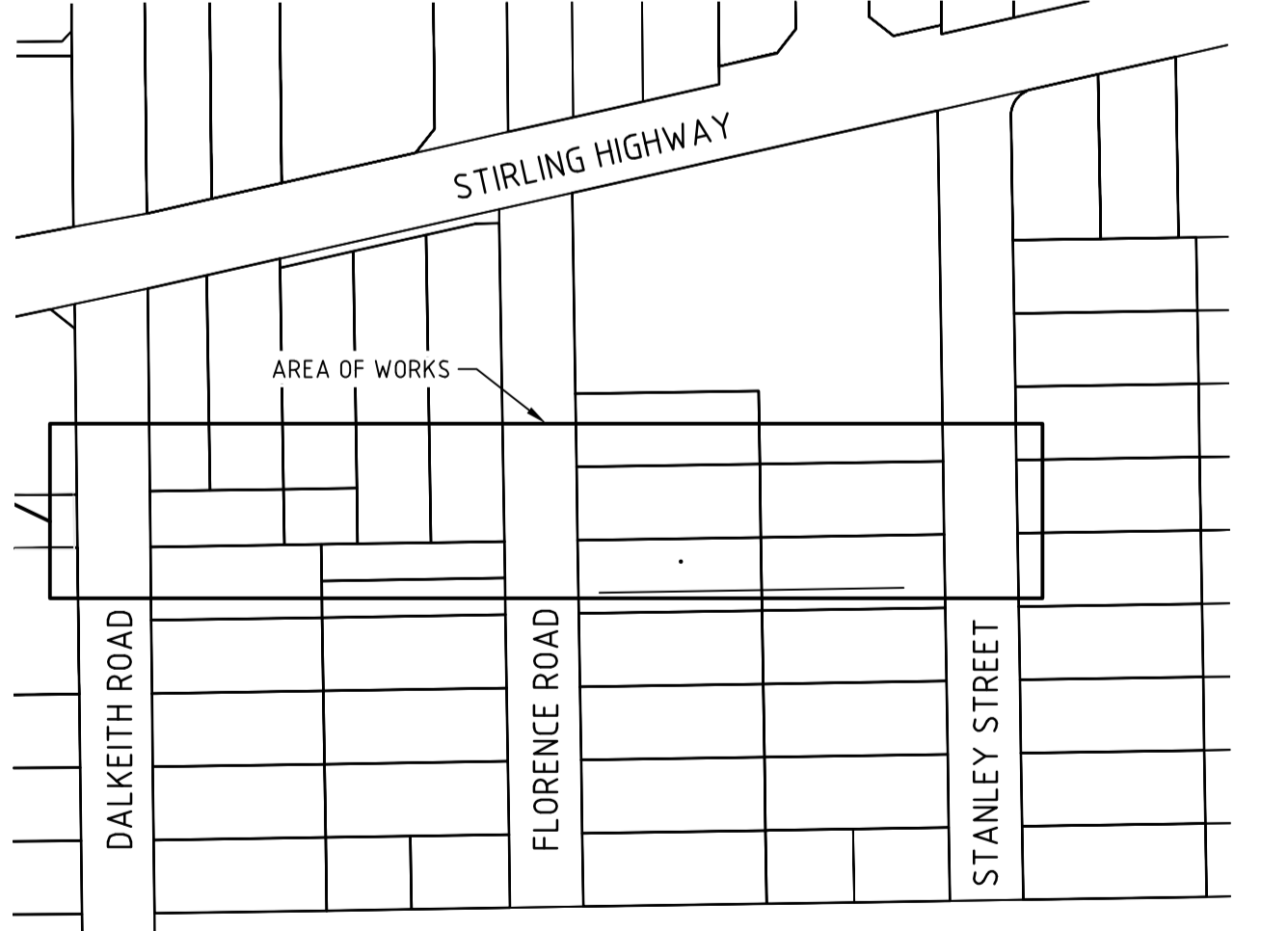
PROPOSED DRAINAGE

PROPOSED UNDERGROUND POWER

PEDESTRIAN ACCESS CROSSOVER

- GENERAL NOTES**
- ALL DIMENSIONS IN METRES U.N.O
 - ALL DETAIL DIMENSIONS IN MILLIMETRES U.N.O
- CONSTRUCTION NOTES:**
- TOP SOIL IS TO BE STOCK PILED ON SITE AND RESPREAD AROUND THE VERGES ON COMPLETION OF EARTHWORKS TO BATTERS
 - CONTRACTOR TO MAINTAIN ACCESS TO EXISTING LOTS AT ALL TIMES DURING CONSTRUCTION
 - PROVIDE STREET NAME SIGNS TO ALL INTERSECTIONS TO LOCAL AUTHORITY STANDARDS.
- SERVICES AND RESTORATION:**
- EXISTING SERVICES MARKED ON THESE DRAWINGS ARE APPROXIMATE AND ARE UNCONFIRMED.
 - THE CONTRACTOR SHALL BE SOLELY AND ENTIRELY RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING SERVICES AND STRUCTURES WITHIN AND ADJOINING THE SITE WHICH ARE OR MAY BE INTERFERED WITH DURING THE PROPOSED WORKS.
 - THE CONTRACTOR SHALL TAKE WHATEVER MEANS NECESSARY TO DETERMINE AND CONFIRM THE LOCATIONS AND LEVEL OF ANY AND ALL UNDERGROUND SERVICES PRIOR TO COMMENCEMENT OF CONSTRUCTION IN ORDER TO DETERMINE IF CLASHES WITH THE PROPOSED WORKS WILL OCCUR. DIAL 1100.
 - THE INVESTIGATION OF THE EXISTING SERVICES SHALL BE COMPLETED IN A TIMELY MANNER SUCH THAT THE PROGRAM OF THE WORKS IS NOT DELAYED SHOULD A CLASH OCCUR.
 - IF THERE ARE CLASHES WITH PROPOSED SERVICES THEN THE SUPERINTENDENT SHALL BE IMMEDIATELY NOTIFIED SO THAT A COURSE OF ACTION CAN BE DETERMINED WITH THE CONTRACTOR AND THE RELEVANT SERVICE AUTHORITIES.
 - IF THE CONTRACTOR DOES NOT FOLLOW THIS PROCESS THEN NO EXTENSION OF TIMES WILL BE GRANTED FOR ANY DELAYS ARISING OUT OF THE CLASH.
- SITE CLEARING:**
- CLEAR LANEWAY AND SERVICE ALIGNMENTS. ALL VEGETATION LOCATED OUTSIDE THESE ZONES SHALL BE PROTECTED.

- LIST OF DRAWINGS**
- 16434-CI-R01 ROADS LAYOUT - OPTION A
 - 16434-CI-R02 ROADS LAYOUT - OPTION B
 - 16434-CI-R03 DETAILS



LOCALITY PLAN
SCALE 1:2500

REVISION	DESCRIPTION	DESIGN	DRAWN	CHECKED	DATE
B	UPDATED OPTION B TO NEW ALIGNMENT	MD	MD	MF	29-06-29
A	INITIAL DRAWING	MD	MD	MF	12-04-28

COPYRIGHT OF ALL THIS DRAWING IS RESERVED BY THE CONSULTANT. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DRAWING RELATING TO THE PROJECT FOR ACCURATE COORDINATION OF SERVICES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR SITE CHECKING ALL DIMENSIONS BEFORE PREPARATION OF WORKING DRAWINGS OR COMMENCEMENT OF WORK. THIS DRAWING IS THE PROPERTY OF THE CONSULTANT AND SHALL BE RETURNED UPON REQUEST.

McDowall Affleck

DESIGNERS | PROJECT MANAGERS | CONSTRUCTORS

69 Great Northern Hwy Midland
Western Australia 6056
PO Box 1377 Midland WA 6936

T +61 8 9274 6444 F +61 8 9250 3433
E manager@mapl.net.au
W www.mcdowallaffleck.com.au

THIS IS ISSUED FOR

INFORMATION
COMMENT
APPROVAL
TENDER

SCALE: AS SHOWN
SHEET SIZE: A1
DATE: AHD
WAPC: N/A

ALL DIMENSIONS IN METERS
DO NOT SCALE

CLIENT: CITY OF NEDLANDS

PROJECT: DALKEITH ROAD LANEWAY NEDLANDS

TITLE: ROADS LAYOUT OPTION A

ENGINEER SIGN: [Signature]

DRAWING NUMBER: 16434-CI R02_B

REVISION: B

13.6 Winsor Cinema – State Heritage Listing

Please note: This item was brought forward see page 96.

13.7 Nedlands Town Centre – Florence Road Precinct – Update and Direction

Council	28 July 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
A/Director	Ross Jutras-Minett – Acting Director Planning & Development
CEO	Mark Goodlet
Attachments	Nil
Confidential Attachments	Nil

Councillor Wetherall – Impartiality Interest

Councillor Wetherall disclosed an impartiality interest, his interest being that this Policy may relate to matters before the Metro Inner North JDAP Meetings of which he is a member, as appointed by Council, and as a consequence, there may be a perception that his impartiality on the matters may be affected. Councillor Wetherall declared that he would consider these matters on their merits and vote accordingly.

Councillor Smyth – Impartiality Interest

Councillor Smyth disclosed an impartiality interest, her interest being that this Policy may relate to matters before the Metro Inner North JDAP Meetings of which she is a member, as appointed by Council, and as a consequence, there may be a perception that her impartiality on the matters may be affected. Councillor Smyth declared that she would consider these matters on their merits and vote accordingly.

Councillor Bennett – Impartiality Interest

Councillor Bennett disclosed an impartiality interest, his interest being that this Policy may relate to matters before the Metro Inner North JDAP Meetings of which he is a member, as appointed by Council, and as a consequence, there may be a perception that his impartiality on the matters may be affected. Councillor Bennett declared that he would consider these matters on their merits and vote accordingly.

Mayor de Lacy – Impartiality Interest

Mayor de Lacy disclosed an impartiality interest, her interest being that this Policy may relate to matters before the Metro Inner North JDAP Meetings of which she is a member, as appointed by Council, and as a consequence, there may be a perception that her impartiality on the matters may be affected. Mayor de Lacy declared that she would consider these matters on their merits and vote accordingly.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Senathirajah
Seconded – Councillor Hay

That the Recommendation to Council be adopted.
(Printed below for ease of reference)

CARRIED UNANIMOUSLY 12/-

Council Resolution / Recommendation to Council

Council:

- 1. authorises the CEO to investigate and prepare costed concepts for:
 - a) development of the laneway connection between Dalkeith Road and Florence Road, Nedlands;**
 - b) future use and development of the Lots 50 and 51 (Number 56) Dalkeith Road and resolution of the drainage function;**
 - c) traffic, engineering and urban design works associated with the proposed Florence Road ‘main street’; and****
- 2. requests the concepts and costings for Dalkeith - Florence Road laneway, future use of lots 50 and 51 Dalkeith Road, drainage, and Florence Road ‘main street’ be presented to Council in September;**
- 3. allocates funds of \$70,000 to enable concepts and costings to be prepared, with the budget adjustment to be made in the 2020-21 mid-year budget review; and**
- 4. instructs the CEO to provide a further report to Council on the development of a contribution framework/plan for public and community infrastructure associated with Local Planning Scheme No 3 by October 2020.**

Executive Summary

This report provides an update to Council on the current status of the Woolworths Development Application (recently deferred by the JDAP) and seeks Council's direction on several important matters relating to the public realm and traffic access in the Nedlands Town Centre.

This report also seeks Council's direction to progress an urban design proposal which is needed for Florence Road (located between the approved Aldi development and the proposed Woolworths development) and progress the proposed Dalkeith Road – Florence Road laneway.

A separate, but associated item is also included on this agenda for final Council adoption of the Local Planning Policy (Dalkeith Road – Stanley Street Laneway and Built Form Requirements) which needs to be adopted to enable establishment of laneways associated with these developments.

Discussion/Overview

Background

On 29 June 2020 the Metro Inner-North JDAP (the JDAP) unanimously deferred consideration of the Woolworths Development Application for 90 days for the following reasons:

1. To provide greater certainty on the traffic, transport and access issues;
2. To provide further information on heritage issues; and
3. To address the integration of the project in the Nedlands Town Centre.

The JDAP considered that there was insufficient information on three key items to decide on the proposal and deferred the matter to allow time for further information to be provided. The matter will need to be represented to the JDAP no later than 29 September 2020.

It is therefore necessary for the City's administration to urgently undertake further work to provide advice back to the JDAP and importantly for Council to provide direction in respect two public realm aspects for the development of this precinct:

- The laneway between Florence Road and Dalkeith Road, and the use of City land, Lot 50 and 51 (Number 56) Dalkeith Road (the sump), recently acquired by the City as part of a land-swap for this purpose from Water Corporation.
- The urban design treatment of Florence Road between the proposed Woolworth development and the proposed Aldi development.

For the City to impose valid planning conditions for these works and for existing planning conditions to be optimally satisfied, it is necessary for Council to have plans, together with a cost estimate, for the works.

Previously, on 14 November 2018 (under the previously Local Planning Scheme) Aldi received development approval for their supermarket proposal located on the west side of Florence Road, at 90 Stirling Highway. This approval included a condition which required a Deed to ensure that the development facilitates public through access from Dalkeith Road to Florence Road should future access from the west be made available via the City's Lots 50 and 51 (Number 56) Dalkeith Road.

The City of Nedlands has developed the draft Nedlands Town Centre Precinct Plan (NTCPP) to guide the future development of the Nedlands Town Centre under the new Local Planning Scheme. This document (currently in draft) contains a concept for urban design improvements in the precinct, most relevantly for this project, to Florence Road, to create a 'main street' with a shared vehicle and pedestrian place which can be activated by the community (Refer - Figure 1 below).

IMAGE - CONCEPT FOR PEDESTRIAN FOCUSED FLORENCE ROAD



Figure 1 - Florence Road Concept Plan – from the Draft Nedlands Town Centre Precinct Plan

The City has also developed a Local Planning Policy (Dalkeith Road – Stanley Street Laneway and Built Form Requirements) to facilitate laneways at the rear of the proposed Aldi and Woolworths developments. This Local Planning Policy has been advertised and is separately listed on the agenda for adoption by

Council. It is important this local planning policy is adopted by Council to enable appropriate and informed planning conditions to be applied to the Woolworths development application and for existing planning conditions relating to the ALDI development approval to be optimally satisfied.

Comment

In this report Council is being asked to support the progress of these concepts as the JDAP has deferred consideration of the Woolworth development application pending further key items of information. This will require Council to agree a position on public realm and transport/access matters before the JDAP reconsiders the Woolworths development application in late September 2020. A further report will be presented to Council in September to enable adoption of a formal position on the matters detailed below:

Laneway - Dalkeith Road to Florence Road

It is apparent from the previous Aldi development approval and the current Woolworths development application that the laneway proposed between Dalkeith Road to Florence road (at the rear of the Aldi site) is required for the effective operation of both developments and to facilitate a new 'main street' environment in Florence Road, all consistent with the draft Nedlands Town Centre Precinct Plan. Note there is no current immediate requirement for Council to develop this laneway. It is only necessary to facilitate the obvious optimal solution to a number of traffic related issues associated with the development of firstly, the Woolworths site, and secondly the Aldi site and the timing for the construction of the laneway will likely need to align with these developments.

Lots 50 (Number 56) Dalkeith Road was recently acquired by the City, as freehold property, as part of a land-swap for this purpose from Water Corporation. Lot 51 (also number 56) Dalkeith Road was already in freehold ownership of the City. The lots effectively abut the Aldi site to the west and are intended to be used to facilitate the final part of the laneway connection between Aldi and Dalkeith Road, and also to provide laneway access for the proposed Woolworths development. While this site is currently a drainage sump, this function is proposed to be relocated, either partially or fully if feasible, and the site used for the required laneway. Under the City's Local Planning Scheme 3 the site is zoned R-AC1, and therefore, as freehold City land, has potential commercial value, and the September report to Council would also consider options for future development of these lots.



Figure 2 – Aerial Photo of Number 56 Dalkeith Road required for future laneway connecting Dalkeith Road and Florence Road

As the Woolworths development proposal effectively requires this laneway connection between Florence Road and Dalkeith Road to operate optimally, it is important for the City to develop concepts and costings to enable appropriate cost contributions to be considered as part of any proposed conditions of approval. Approval is sought from Council to progress the concepts and costing for the laneway works and to examine options for dealing with the drainage and development of 56 Dalkeith Road.

Urban Design - Florence Road 'Main Street'

The draft Nedlands Town Centre Precinct Plan also shows a new 'main street' proposed for the section of Florence Road located between the proposed Aldi and Woolworths developments (Refer – Figure 1).

As the Woolworths development proposal will also need to integrate and interface with the future Florence Road 'main street' it is important that the City develop design concepts and costings to enable appropriate cost contributions for these works to be considered as part of possible conditions of approval.

Approval is also sought from Council to progress the urban design concepts and costing for the urban design works for Florence Road. This will include an examination of the traffic movement in the precinct as well as civil works and an urban design plan.

Key Relevant Previous Council Decisions:

Council previously considered the Nedlands Town Centre when it considered the draft Nedlands Town Centre Precinct Plan for advertising on 24 September 2019. The recommendations in this report are consistent with the public realm works identified in the draft plan.

Consultation

Initial consultation on the draft Nedlands Town Centre Precinct Plan has been conducted (concluding on 4 April 2020). This plan identified the laneways and the urban design enhancements to Florence Road. This plan was initially developed with community and stakeholder input. The policy is currently under review pending built form modelling in the Nedlands Town Centre. No additional consultation is proposed as part of this current phase; however, may this occur pending the outcomes of the built form modelling review. Further consultation may also be undertaken for the detailed design of the Florence Road 'main street' upgrade.

Strategic Implications

The actions outlined in the report will progress the development of the Nedlands Town Centre and in particular the public realm and traffic relates matters associated with redevelopment of adjoining key sites in the Centre. These actions are fully aligned with key strategic outcomes which will benefit the City of Nedlands community.

Should Council not proceed with these actions at this time, it is likely the City will need to undertake and fully fund these works in the future, without contributions that may be possible as part of a development approval.

To provide a strategic and coordinated approach to infrastructure contributions, Council needs to develop a contributions framework to support the new local planning scheme and specific contributions plans for individual precincts, such as the Nedlands Town Centre. The draft State Planning Policy 7.2 - Precinct Design Guidelines confirms "Precinct plans should also consider funding models for the development of precincts that best suit the economic opportunities and likely development outcomes". The draft State Planning Policy identifies options available to support the redevelopment of precincts which include development contributions (through a development contributions plan), impact mitigation payments, inclusionary zoning/provisions and value capture. A recommendation is provided for a report to Council outlining the work involved to establish this important framework for contributions to public and community infrastructure, required due to the significant increases in development potential provided under Local Planning Scheme 3.

Budget/Financial Implications

No specific budget allocation has been provided in the 2020-21 Budget to enable these investigations and design concepts. However, given the current development proposal and recent JDAP deferral there is a need to urgently progress these concepts to ensure the future development of the Woolworths site aligns with the Council's vision for this part of the Nedlands Town Centre.

It is estimated funding of up to \$70,000 will be required and Council will need to authorise this unbudgeted expenditure. The necessary budget adjustments will be made at mid-year budget review, based on utilization of the 20/21 adopted surplus budget.

It is necessary to progress this work to enable design concepts and cost estimates for public realm works to be developed and appropriate cost contributions to be considered as part of conditions of potential approval associated with the adjoining Woolworths development proposal.

13.8 Local Planning Scheme 3 – Local Planning Policy Waste Management Guidelines

Council Date	28 July 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
Director	Ross Jutras-Minett – Acting Director Planning & Development
CEO	Mark Goodlet
Reference	Nil
Previous Item	PD38.19 – OCM 24 September 2019 PD53.19 – OCM 17 December 2019 PD06.20 – OCM 31 March 2020
Attachments	<ol style="list-style-type: none"> 1. Tracked Changes Draft Waste Management Local Planning Policy (LPP) 2. Tracked Change Draft Waste Management Guidelines 3. Draft Waste Management Local Planning Policy (LPP) and Guidelines

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor McManus
Seconded – Councillor Poliwka

That the Recommendation to Council be adopted.
(Printed below for ease of reference)

CARRIED 9/3
(Against: Crs. Horley Bennett & Coghlan)

Council Resolution / Recommendation to Council

Council prepares, and advertises for a period of 21 days, in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2, Part 2, Clause 4, the Waste Management and Guidelines Local Planning Policy.

Executive Summary

The City's Waste Local Planning Policy (Waste LPP) and Guidelines were adopted in March 2020 by Council. One of the key objectives of the Waste LPP is to reduce the impact of waste collection on the streetscape. Since adoption of this policy, however, planning applications have been received that

demonstrate the policy's requirement for 'inside-servicing' for development applications exceeding 5 dwellings has resulted in proposed adverse built form outcomes. In consultation with Council, the City has made minor changes to the policy to be in line with best practice and encourage better built form outcomes.

Administration have reviewed the Waste Management Local Planning Policy and Guidelines and is recommending that the proposed changes be adopted by Council to advertise. Administration are suggesting minor changes be made to the policy, such as allowing for larger bin sizes, and flexibility where the City sees appropriate for medium scale development with larger verge area, whilst still achieving the objectives of safety and amenity. Administration have discussed the proposed changes with Council prior to the August 2020 meeting at the 7 July 2020 briefing.

The policy may require West Australian Planning Commission (WAPC) approval. Once the policy is adopted by Council following readvertising, if required it will be forwarded to the WAPC for approval.

Background

Prior to the adoption of LPP – Waste Guidelines, Waste Management Plans were required by the City on an ad hoc basis for development applications which are considered to generate surplus waste above the normal household. Prior to Local Planning Scheme No.3 (LPS 3) there were fewer opportunities to develop grouped or multiple dwellings, therefore the waste management of development of that nature was dealt with on a case-by-case basis. To develop a more holistic approach to waste management Council adopted the Waste Management LPP and Guidelines in March 2020.

Development applications which have been received by the City since the adoption of the Waste Management LPP and Guidelines have shown that the policy is creating proposed undesired and unforeseen built form outcomes. These include large plate heights of the first floor, and wide vehicle access points on medium size developments to allow the 2.8m high and 8m long waste trucks to access and egress the site.

Administration have proposed minor modifications to the Policy and Guidelines in an effort to create better built form outcomes whilst maintaining aspects of amenity and safety in relation to waste services.

Detail

All aspects of waste management should be considered in the initial design stage of a development. This includes, but is not limited to waste generation, recycling, storage, truck accessibility and collection options.

Early consideration of waste management requirements will ensure effective integration of facilities into the design of the development, so that visual amenity, convenience, efficiency and health and safety is maintained at a high standard.

The policy details when a waste management plan is required and the overall objectives of waste management within the City. The guidelines component (Appendix One) provides the technical information in relation to the City's specifications for waste management and what must be included in the waste management plan.

Modifications to the Policy

Modifications to the Policy and Guidelines can be viewed through Attachments 1 and 2. Majority of the changes made are minor and nature and were discussed with Council at the July Council Briefing.

The three major changes to the policy are:

1. Allowance of ten bins instead of eight on the verge;
2. Allowance of 360L bins as well as 240L bins on the verge; and
3. Allowance for more bins on verge if the development has a dual frontage or amalgamated lots where appropriate to do so.

Ten bins on the verge is in line with other local governments and best practice. Also permitting both 360L and 240L bins will allow for more medium size developments to be able to place bins on the verge, thus creating better built form outcomes. The 360L bins and the 240L bins as shown below in Figure 1 are relatively similar in size but allow for a greater volume of waste to be placed in the bin, therefore the amenity impact minimal based on the bin size.



All measurements are in millimeters.

Figure 1: 360L bin and 240L bin size

Often developments which amalgamate multiple lots can create a better built form outcome which can result in less crossovers and a better utilisation of space. If two lots were developed separately, they would each be allowed to locate the maximum number of bins on the verge. Administration is of the view that where low-to-medium intensity development takes place over two lots there should be discretion available to allow for more bins on the verge as there is more unobstructed bin space. The allowance for more bins would again like all circumstances be on a case-by-case basis and would only apply to those developments which would be of a medium-scale where an inside service is not needed. Properties which have a dual frontage may also be allowed more bins on the verge, with the idea of allowing bins on both verges. In certain circumstances where one of the verges is a safe active street or a main road such as Stirling Highway this may not be appropriate and therefore will be assessed on a case by case basis. The proposed changes do not seek to alter the City's requirements for high-intensity developments to have internal servicing.

The provisions of the Waste LPP conflict with several streetscape elements of the R-Codes Volume 2. Legal advice has been provided to the City which confirms that applicants can seek Private Collection. Rather than the City collecting waste on assigned days and times, private collection would result in waste collection of infill developments occurring in a haphazard manner. In light of this advice the City believes that the recommended changes will allow the flexibility needed so that the City retains control of its waste management, whilst maintaining the core objectives of safety and amenity. Not only is waste management a large revenue stream for the City but by having the City maintain control over waste management it can be run more efficiently and monitored by the City in relation to noise and hours of collection.

All other changes are minor in nature and are bringing other clauses in line with the above-mentioned changes.

Consultation

If Council resolves to prepare the draft LPP, it will be advertised for 21 days in accordance with Schedule 2, Part 2, Division 2, Clause 4 of the Planning and Development (Local Planning Scheme) Regulations 2015 (P&D Regs.2015) and the City's Consultation LPP. This will include a notice being published in the newspaper, details being included on the City's website and the Your Voice engagement portal.

Following the advertising period, the policy will be presented back to Council for it to consider any submissions received and to:

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

The Waste Management LPP may be referred to WAPC should the policy be adopted by Council.

Strategic Implications

How well does it fit with our strategic direction?

The modifications, LPP and Guidelines fit with the City's strategic direction of having a robust planning framework under Local Planning Scheme No. 3.

Who benefits?

The City benefits from having a clear and robust Waste Management LPP and Guidelines which is an agreed position by the City. Developers also benefit because they can clearly see the expectations of the City when designing their developments to incorporate waste.

Does it involve a tolerable risk?

There is no risk involved.

Do we have the information we need?

All information required is provided within this report and attachments.

Budget/Financial Implications

Can we afford it?

There is no cost involved in the modifications to the Policy.

How does the option impact upon rates?

There is no impact on rates.

Statutory Provisions

Planning and Development (Local Planning Schemes) Regulations 2015
Under Schedule 2, Part 2, Clause 3(1) of the Planning Regulations the City may prepare a local planning policy in respect to any matter related to the planning and development of the Scheme area.

Once Council resolves to prepare a local planning policy it must publish a notice of the proposed policy in a newspaper circulating in the area for a period not less than 21 days.

Conclusion

The suggested modifications to the Waste Management LPP and guidelines will create opportunities for better built form outcomes as opposed to the current policy provisions adopted in March 2020. The minor modifications to the Policy and Guidelines seek to create better built form outcomes whilst maintaining aspects of amenity and safety in relation to waste services.

As such, it is recommended that Council endorses administration's recommendation to prepare (adopt to advertise) the Waste Management LPP and Guidelines with suggested modifications.



LOCAL PLANNING POLICY – WASTE MANAGEMENT

1.0 PURPOSE

1.1 This policy details the requirements relating to waste management and minimisation to be considered in the design of any proposed development as per the City's Waste Management Guidelines.

2.0 APPLICATION OF POLICY

2.1 This policy applies to the development on land that is reserved or zoned within the City of Nedlands, with the exception of:

- (a) The erection or extension of a single house;
- (b) The erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house or grouped dwelling.

~~2.2~~ Where the Residential Design Codes (R-Codes) Volume 1 apply, this ~~policy~~ augments policy replaces the deemed to comply provisions of Part 5.4.4 C4.6 of ~~the R-Codes Volume 1 and~~.

~~2.2.3~~ 2.2.3 Where the Residential Design Codes (R-Codes) Volume 2 apply, this policy is in addition to the Acceptable Outcomes in Part 4.17 of the R-Codes Volume 2 – Apartments.

~~2.3.2.4~~ 2.3.2.4 Where this Policy is inconsistent with the provisions of a specific Local Planning Policy or Local Development Plan, or Precinct Plan that applies to a particular site or area; the provisions of that specific Local Planning Policy, Precinct Plan or Local Development Plan prevail.

3.0 OBJECTIVES

- 3.1 Provide for waste management and minimisation in a manner that protects the environment, with a greater emphasis on higher levels of resource recovery and increased recycling.
- 3.2 To minimise the impacts of waste storage and collection facilities on the streetscape, public realm, building entries and the amenity for residents.
- 3.3 To allow for occupants to have convenient, safe and equitable access to both waste and recycling facilities on site.
- 3.4 To ensure industry best practice waste management design and operation for consistently high quality developments.

Commented [RC1]: This has been reworded to be clearer for the WAPC and application of the Policy.



4.0 POLICY MEASURES

4.1 Waste Management Plans

4.1.1 A Waste Management Plan shall be submitted as part of the following categories of Development Application:

- (a) Residential
 - (i) ~~5-6~~ or more multiple dwellings;
 - (ii) ~~5-6~~ or more grouped dwellings;
 - (iii) ~~5-6~~ or more aged or dependant persons dwellings/beds;
 - (iv) Short-Term Accommodation uses (as defined in the Short-Term Accommodation Policy);
 - (v) All proposals where there is insufficient lot, road or verge frontage for collection vehicle access (as determined by the City).
- (b) Mixed Use Developments
 - (i) All mixed-use developments.
- (c) Commercial, Industrial and Other Non-Residential Development
 - (i) All non-residential development that will generate waste.
- (d) Any other proposal the City considers will affect resource recovery.

Note 1: Change of use applications that will not result in increased waste collection requirements or frequency as determined by the City are not required to submit a Waste Management Plan.

4.1.2 Waste Management Plan (WMP) must include details but not limited to -

- (a) Land use type and Built Form (including but not limited to number of dwellings, bedrooms and storeys, size of commercial tenancy);
- (b) Bin Access and Storage;
- (c) Waste generation/Capacity;
- (d) Truck accessibility and manoeuvring;
- (e) Internal service collection arrangements (including swept path analysis where applicable);
- (f) Waste systems;
- (g) Signage;
- (h) Collection/placement options; and
- (i) Additional waste requirements.



- 4.1.3 The development shall be undertaken and operate in conformity with the Waste Management Plan approved by the City. This will be ensured in perpetuity via an appropriate condition of the development approval.

5.0 RELATED LEGISLATION

- 5.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.
- 5.2 This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:
- (a) State Planning Policy 7.3 – Residential Design Codes Volume 1
 - (b) State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments
- 5.3 This policy should be read in conjunction with the City of Nedlands Waste Management Guidelines.

6.0 VARIATIONS TO POLICY

- 6.1 Where a variation to this policy or the guidelines is sought, consideration shall be given to the objectives of the policy.

Council Resolution Number	PD06.20
Implementation Date	31 March 2020
Date Reviewed/Modified	DD MM YYYY

WASTE MANAGEMENT LOCAL PLANNING POLICY

APPENDIX ONE WASTE MANAGEMENT GUIDELINES

1.0 INTRODUCTION

- 1.1 The guidelines are for developers, architects, waste consultants in their preparation of development applications to comply with the Waste Management Local Planning Policy.

2.0 PURPOSE

- 2.1 All aspects of waste management should be considered in the initial design phase of a development, to ensure effective integration of waste facilities into the design where visual amenity is maintained to a high standard, improves convenience, efficiency and protects the health and safety of all stakeholders.
- 2.2 A Waste Management Plan shall be submitted as per the Waste Management Local Planning Policy.

3.0 WASTE AND RECYCLING GENERATION

3.1 Residential

- 3.1.1 The City's collection service operates 7am-7pm on any day that is not a Public Holiday or Sunday (generally Monday to Saturday); and 9am – 7pm a Public Holiday or Sunday.
- 3.1.2 The City's minimum residential waste and recycling allocation per rateable property is 1 x 120 litres per week for waste and 1 x 240 litres per fortnight for recycling. The waste and recycling requirements for residents in multi-unit dwellings are as shown in Table 1 below.

Table 1

Dwelling size	Waste (litres per /week)	Recycling (litres per fortnight)
Studio/One bedroom	80	240
Two Bedroom	120	240
Three plus bedrooms	120	240

- 3.1.3 The City provides second recycling bins to residents free of charge. Therefore, developers should consider extra space for storage of additional recycling bins. Also, green waste will also need to be catered for onsite, depending on the scale and nature of the development. The Waste Management Plan will also need to take this into consideration.
- 3.1.4 The City may introduce Food organic and Garden organic (FOGO) bin in the future. Bin allocation for (FOGO) 240L bin will also needs to be catered for

onsite. The minimum of 40L waste generation rate allocation per property per week is acceptable.

3.1.5 The City will allow for a maximum of 10 x 240L or 360L waste bins and 4 x 240L recycle bins to be placed on the verge for kerbside collection.

(a) More than 8-10 bins will require internal service arrangements unless approved by the City in line with Clause 3.1.5(b).

(b) Where development sites have dual frontages or have amalgamated multiple lots and thus have a larger than average verge space the City may consider it appropriate to permit more than 10 bins on the verge.

Notes: placement of the bins on the verge shall not be less than half a metre between each bin.

Commented [RC1]: Added to allow for 10 bins total on the verge. Also request to not specify recycle or waste due to this being determined by the litres required for a development. Also as per Waste Services comments larger 360L bins can be accommodated also.

Commented [RC2]: To allow for properties that now have two verge areas due to amalgamation or corner properties to be fairly treated.

Formatted: Font: 10 pt, Font color: Red

3.2 Commercial

3.2.1 Waste and recycling generation for commercial developments are expected to be developed by the applicant and supported by waste generated modelling by a qualified waste consultant.

3.2.2 Commercial properties are not required to utilise the City's waste services and can seek private commercial waste collection arrangements.

3.2.3 Should the owner/s wish to utilise the City's commercial waste service, a written request is required, and approval will be considered at the sole discretion of the City.

3.2.4 However, commercial developments are encouraged to adhere to the residential waste management requirements to allow flexibility of choice to use the City's service.

Note- The City's residential collection service timelines must not be disrupted and take precedence over any other collection and deliveries. e.g. commercial waste collection and delivery collections.

4.0 BIN SIZE AND COLOUR

4.1 The Waste Management Plan must provide details on the proposed bin sizes. The City's available bin sizes and dimensions are shown in Table 2 and 3 below.

Notes: Please refer to the City's waste generation rates (table 1) to finalise bin numbers and the total bin area.

Table 2

Waste Stream	Colour
Residential Waste	Dark green body with dark green/white lid
Commercial Waste	Dark green body with red lid
Recycling	Dark green body with yellow lid
Green Waste (Optional Service)	Dark green body with lime green lid

Table 3

Size (Litres)	Width (m)	Depth (m)	Height (m)
120	0.5	0.6	1.0
240	0.6	0.8	1.1
360	0.7	0.9	1.1
660	1.3	0.8	1.2
1,100	1.4	1.3	1.5

Notes- The City encourages large multi-unit developments (10 or more dwellings) to utilise larger bin option (660L or 1100L).

5.0 COLLECTION FREQUENCY

- 5.1 The City currently offers weekly waste collection and fortnightly recycling collections to residential properties. The City can provide residential waste and recycling collections up to 2 times per week depending on the density of the development.
- 5.2 City of Nedlands collects residential waste at the following frequencies:
- 1 to 55 apartments = 1 collection per week
 - 56 to 250 apartments = 2 collections per week

Note: Additional collection frequency approval is at the City's discretion and will incur additional fees and charges for residents.

6.0 INTERNAL SERVICE COLLECTION

- 6.1 Internal service collection performed only by rear loader waste truck with the ability to service 240L, 360L, 660L and 1100L bins only.
- 6.2 Internal service collections should be provided ~~for 5 or more multiple and grouped dwellings residential developments where the bins cannot be approved on the verge in line with Clause 3.1.5~~ all mixed-use developments, all commercial developments and any other proposals where there is insufficient lot, road or verge frontage for collection or vehicle access as determined by the City. Transfer of bins within the bin location and to the waste presentation point should only be undertaken by the City's waste contractor.
- 6.3 The City may consider on-street collection where it is impractical or unsafe to collect within the property. Progress of a design not taking into consideration inside service requirements is not considered an acceptable reason.
- 6.4 Internal service collection should follow the below:
- The waste presentation point shall be within the private property as verge presentation is not permitted.

Commented [RC3]: This has been altered to make consistent with Clause 3.1.5



- (b) The bin storage area shall be located in a position that is easy access for users and collection staff. The path for wheeling bins between the waste presentation point and the waste collection truck must be a flat surface (≤ 1.20 , no steps or dock levellers) free of obstacles and a safe distance from parking bays and vehicle ramps.
- (c) The maximum walking distance between the last bin (furthest) at the bin's presentation point and the waste truck for all bin sizes and waste type shall not exceed 10 metres.
- (d) Access to the collection point must be available from 7am-4pm.

Note -All residential developments requiring an annual internal service collection will attract a fee in addition to annual waste charges. Residents and/or caretakers will not be responsible for the presentation and removal of the bins from/to bin storage/collection location.

7.0 WASTE TRUCK ACCESSIBILITY AND MANOEUVRING-

7.1 Any residential development where the bins cannot be approved on the verge in line with Clause 3.1.5 of 5 or more dwellings shall require waste trucks to service all waste from within the property, ~~as verge presentation is not permitted~~. The design shall demonstrate the City's minimum compliance requirement of: -

Commented [RC4]: This has been changed to be consistent with Clause 3.1.5

- (a) Waste trucks must enter and exit the site in a forward gear, with all manoeuvring carried out on site. Submission of swept path analysis to demonstrate this is required using a waste truck length as specified in 22.2;
- (b) Rear lifts waste trucks will need a clearance height in line with 22.2 and shall be clear of awnings, upper floors etc;
- (c) Both the driver and passenger should be able to safely enter and exit the vehicle before and after collection, allowing both doors to fully open; and
- (d) To allow safe operating conditions of the rear loader waste truck, there should be practical and convenient access for both the driver and passenger to access the rear of the vehicle with a minimum 800mm and a 2m operating space at the rear of the vehicle.

7.2 Smaller trucks as specified under Clause 22.2 may be considered by the City in the following circumstances: -

- (a) Where a development poses 40 dwellings or less; or
- (b) Otherwise approved by the City.

8.0 EMBAYMENT OPTIONS

8.1 Embayment options within the private property may be considered subject to approval from the City in special circumstances.

9.0 BIN STORAGE AREA

9.1 Depending on the number of dwellings residents may have individual bin areas or shared communal bin areas shown in Table 4 below.

Table 4

Development Type	Bin area	Bin Size (litres)		
		Waste	Recycling	Green waste
1-5 dwellings	Individual	120L/240L	240L	240L
6-9 dwellings Shared	Shared Communal	240L	240L	240L
10 or more dwellings Shared	Shared Communal	660L/1100L	660L/1100L	240L

9.2 Developments with shared bins must include an easily accessible communal bin storage area within the development. In the case of mixed-use developments separate residential and commercial bin storage areas are required.

9.3 A bin storage area (or enclosure) must be provided on the premises where bins are stored and collected from as per the following requirements:

- (a) Easily accessible to allow for the removal of the receptacles;
- (b) Adequate circulation space for manoeuvring bins within the storage area must be allowed;
- (c) Provide for collection that limits pedestrian and vehicle disruption;
- (d) The bin storage area is to be provided with a permanent water supply and drainage facility; for washdown. The bin area is to be screened by a gate, brick walls or other suitable materials to a height not less than 1.8m;

Note-for further clarification, please refer to the City's Environmental Health Services.
- (e) Each waste stream must be separated and clearly labelled;
- (f) Residential waste needs to have a separate area from commercial waste;
- (g) Developments that include residential dwellings shall include a dedicated area for the temporary storage of large bulky items awaiting disposal
- (h) Design should not encourage the emission of odour outside the bin enclosure area;
- (i) Bin storage areas shall be located within the building (not on the verge), so they are not visible from the public realm, or screened from public view with a quality material compatible with the building design



- (j) The bin area is to be accessible via a suitably constructed service road that will allow waste truck vehicle movement;
- (k) Provided with a ramp into the bin storage area having a gradient of no steeper than 1:8 unless otherwise approved by the City; and
- (l) Where a mixed-use development is proposed (residential and any other use), the residential waste and recycling bin storage areas are to be self-contained and separate from commercial bin storage areas.
- (m) For all properties that have lockable waste presentation point, the City requires relevant access i.e. key or remote device.

10.0 COLLECTION OF BINS

10.1 Bins, ready for collection, shall be presented in a manner that has minimal impact on the public realm.

10.2 Where it cannot be demonstrated that the required number of bins ~~for 4 dwellings or less as discussed in Clause 3.1.5~~ can be practically accommodated on the verge for collection, bin storage areas shall be designed to allow for collection of waste from within the private site.

~~10.3 Any development of 5 or more dwellings, a bin storage area shall be designed to allow collection of all waste bins from within the site. All waste bins shall not be placed on the verge area for collection.~~

Commented [RC5]: Changed to make consistent with Clause 3.1.5

Notes; The City's waste contractor will only collect allocated "City of Nedlands" bins from the Centralised Residential bin storage as inside service.

11.0 WASTE SYSTEMS FOR MULTI-UNIT DWELLINGS

11.1 A detailed description of the waste system proposed must be provided, which shall include in-apartment source separation systems, chutes, carousels, in chute compaction equipment, transportable compactors, bin lifters and tugs or towing devices.

Developers must ensure that it is as easy to dispose of recyclable materials as a waste stream and that there is an adequate provision for the segregation of waste streams without contamination. Hard waste and charity goods should be taken to an easily accessible, secure and safe drop-off point on-site.

11.2 The following waste options exist for multiunit developments:

- (a) Option 1: Use 660L bins for waste and 660L bins for recycling with bins stored in communal storage area(s). Residents may be required to transfer all waste and recycling from their dwelling direct to the bin storage area(s).
- (b) Option 2: A dual chute system for waste and recycling leading to a central waste and recycling collection area in the basement or ground level.



Notes; All internal bins located at each unit/level to manage the internal waste will be purchased and maintained by the developer by private arrangement.

11.3 Detailed descriptions of the waste systems must be provided, including but not limited to:

- (a) Number of chutes;
- (b) No of bin carousels;
- (c) Compaction equipment; and
- (d) Bin tugs and towing devices.

12.0 WASTE CHUTE

12.1 The minimum waste system requirement based on Multiple Dwelling development size shown on Table 5 below.

Table 5

Number of floors/storeys	Preferred Waste System
Less than 6	Resident accessible bin store at ground level or basement level
6 or more	Dual chutes providing for both waste and recycling on each level

12.2 Termination of chutes into mobile bins is required to have skirting, or other equivalent system, to reduce any materials leaving the bin on impact. Where chute systems are installed, the City requires bins to have reinforced bases for bin longevity.

12.3 Where waste chutes are utilised, the approved waste compacted by a ratio of 2:1.

12.4 Chutes must be ventilated to ensure that air does not flow from the chutes through the service openings. All ongoing maintenance of chute systems, including cleaning is the responsibility of the building manager/strata management.

12.5 The City is aware of emerging technology regarding organic waste management. Alternate technology for the diversion of organic from landfill will be considered in place of a triple chute system.

13.0 WASTE COMPACTORS

13.1 Developments over 250 apartments or a total stream volume of 25,000 litres of waste and/or 25,000 litres of recycling per week are required to provide a compactor. Compactors should be designed to hold at least 1 week's residential



waste or multiple thereof. Waste compaction ratio is 2:1. Higher rates can result in Occupational Health and Safety issues and/or mechanical damage.

- 13.2 The compaction systems should compact directly into the receptacle to reduce the requirement to manually handle the waste receptacle. For its operational reliability, compactors require regular maintenance and sufficient space (i.e. additional waste receptacles) must be allocated to store at least 3 days of uncompacted waste in case the compactor is out of service.

For clarification, at a compaction rate of 2:1 this will require 1.5x the calculated compacted bin capacity as specified in 3.1.2, as a minimum to be provided when a compactor is included in the waste management plan. Compliance with 3.1.4 is still required at the total calculated bin capacity.

- 13.3 Developer's shall liaise with the City to ensure the City's collection contractor vehicles can collect the compactor proposed for each development. Any compactor proposal will need to be agreed with the City.

- 13.4 The use of chutes and compactors for the recyclable waste stream will be considered on a case-by-case basis, may not be appropriate, and compaction of organic waste streams is not appropriate (Ref. WALGA Multiple Dwelling Waste Management Plan Guidelines Appendix 2).

Commented [RC6]: Remove this reference as this only is applicable for Multiple Dwellings and not Grouped Dwellings and therefore leaves the city open when Grouped dwellings are proposing compactors.

Note: The responsible entity (strata/corporate body) shall be liable for all bin replacement costs and/or repair costs relating to damage caused as a result of the bin compaction process.

14.0 SIGNAGE

- 14.1 Signs within the bin storage area must demonstrate correct recycling and reduce contamination.
- 14.2 Clear signage and coloured bins (red for waste) and (yellow for recycling) to be placed in each bin storage area on each level.

15.0 BULK WASTE (Residential properties only)-

- 15.1 Development plans shall indicate the allocation of a dedicated area to place bulk bins (twice a year) for bulk rubbish collections. The City offers two hard waste collections and two green waste collections for residents.
- 15.2 The City's bulk collection contractor will provide a 10m² bulk bin during the bulk collection (twice per annum). Hard waste items from multi-unit developments are not permitted to be placed on the verge area for collection.
- 15.3 On-site hard waste storage must be provided as follows:
- (a) 1 to 55 apartments = Minimum area of 5m²
 - (b) 56 - 200 apartments = Minimum are of 10m²



15.4 A hard waste collection area must be provided for collection contractors that is immediate to the truck collection location.

16.0 COLLECTION AND CONTRACTORS

16.1 All residential properties must utilise the City's waste service unless approved by the City. However, commercial properties can engage private contractors for the services.

Commented [RC7]: Due to legal advice showing that private collection could be an option this change has been made. The City would like all residential waste to be collected by the City unless it is not able to be achieved and then private collection may be considered as a last resort.

17.0 COMPLIANCE WITH WASTE MANAGEMENT PLAN

17.1 Responsibility for ensuring compliance with the Waste Management Plan and the cleaning of the bin storage area/s and facilities must be allocated to a person of appropriate authority (i.e. property manager, strata manager, caretaker).

18.0 NOTIFICATION ON TITLE

18.1 Section 70A Notification for Waste (where applicable)

18.1.1 Prior to commencement of development, the owner must register over the Certificate of Title to the land the subject of the proposed development a notification, under section 70A of the *Transfer of Land Act 1893*, notifying prospective purchaser that the refuse charges imposed on lot owners by the City as part of its annual rates and charges will be higher than standard refuse charges, due to the additional services provided by the City or the use of small waste trucks, in respect of the collection of refuse from the development.

18.1.2 The section 70A Notification shall be prepared by the City's solicitors to the satisfaction of the City of Nedlands and all costs of and incidental to the preparation of any registration of the section 70A Notification including the City's solicitor's costs shall be met by the owner of the land.

18.2 Entry to private property.

18.2.3 The responsible entity (strata/corporate body) is responsible for the maintenance of the common property (including roads) within the development and shall indemnify the Principal and its Contractors against any and all costs, expenses, liability, loss, claims or proceedings whatsoever in respect of personal injury to or the death of any person, and in respect of any injury or damage whatsoever to any property or person, arising out of or in the course of or caused by the carrying out of work.

19.0 ADDITIONAL INFORMATION REQUIRED

19.1 Please ensure that all plans included in the Waste Management Plan are drawn to either a 1:100 or 1:200 to assist with the assessment process with information below:

- (a) Typical commercial floor showing waste and recycling drop-off points;



- (b) Bin rooms including any bins and compactors;
- (c) Bin presentation location (on-site) with bin alignment shown;
- (d) Residential and commercial floor levels illustrating waste and recycling storage;
- (e) Bin storage areas including any chutes, carousels and bins;
- (f) Bin numbers and size of bins;
- (g) Bin presentation location with bin alignment (verge presentation - if applicable) shown;
- (h) Ramp grades;
- (i) Access to bin storage area and/or chutes; and
- (j) Swept path analysis illustrating sufficient access to collect bins.

20.0 DISCLAIMER

20.1 The above information is provided as a guide only and the City of Nedlands disclaims any liability for any damages sustained by any person acting on the basis of this information. It is recommended that initial discussions with the City's Planning and Development Services and Technical Services should be held to address waste management at the early stages of the development proposal.

21.0 DEFINITIONS

Multiple Dwellings	As per Residential Design Codes.
Grouped Dwelling	As per Residential Design Codes.
Multi-unit Dwelling	5-6 or more multiple dwellings 5-6 or more grouped dwellings 5-6 or more aged or dependant persons dwellings/beds



22.0 APPENDIX

22.1 Waste Management Plan Template

- 22.1.1 Land Use Type
- 22.1.2 Waste Collection method
- 22.1.3 Bin enclosure/storage area;
- 22.1.4 Proposed waste system;
- 22.1.5 Collection frequency;
- 22.1.6 Waste truck manoeuvring and accessibility;
- 22.1.7 Waste capacity;
- 22.1.8 Waste presentation location;
- 22.1.9 Signage;
- 22.1.10 Bulk waste placement arrangements;
- 22.1.11 Waste management drawings/figures; and
- 22.1.12 Any additional waste requirements (e.g. bulk waste or charity bins).



22.2 Collection Vehicle Specifications based on Rear loader waste truck

(a) Standard Truck Dimensions

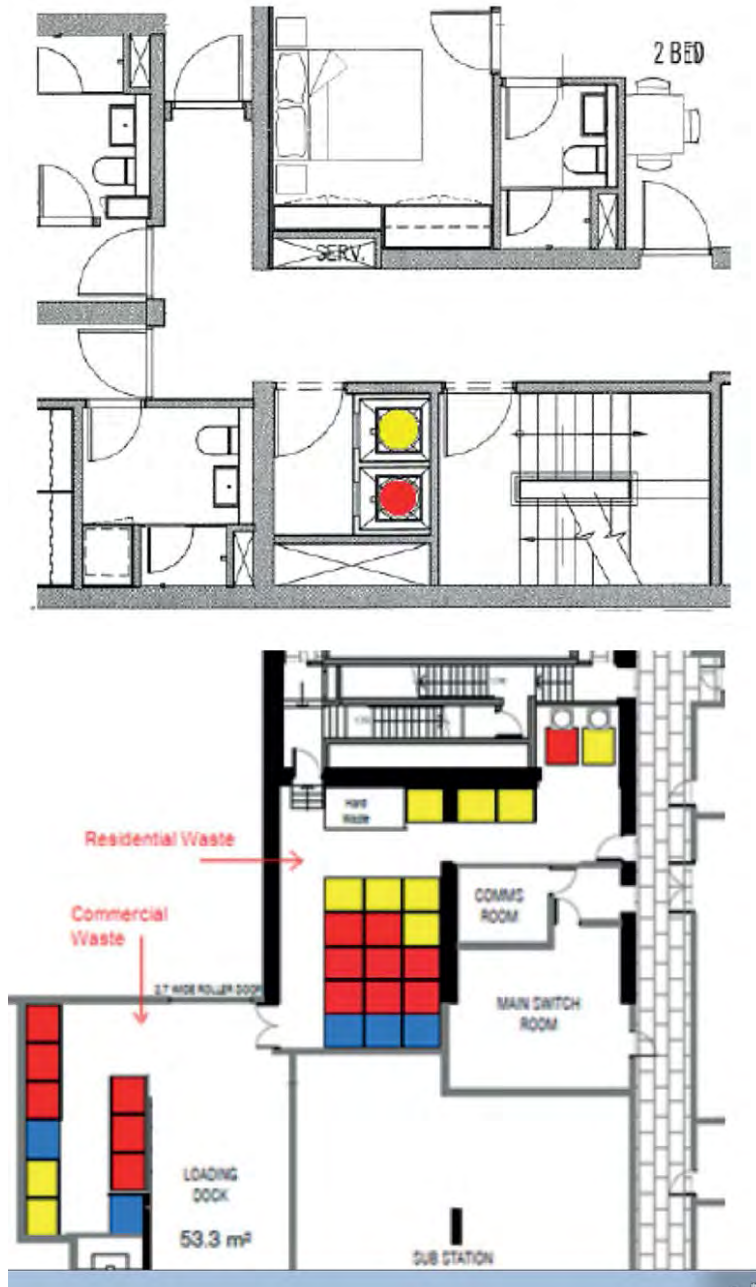
Parameter	Vehicle Dimension (m)
Overall length	8.5
Overall width	3.0
Overall height (travel)	3.5
Height when lifting bins	3.8

(b) Smaller Truck Dimensions

Parameter	Vehicle Dimension (m)
Overall length	7.5
Overall width	3.0
Overall height (travel)	2.8
Height when lifting bins	2.8

*Note: Small waste truck specifications are based on approximately 3 tonne truck.
WMP requires to demonstrate all waste streams (Waste and Recycling) collection can service the development in one single collection.
This vehicle can service bins only ranging from 120L -660L.*

22.3 Example of waste bin and recycling bin layout at bin storage area levels





LOCAL PLANNING POLICY – WASTE MANAGEMENT

1.0 PURPOSE

- 1.1 This policy details the requirements relating to waste management and minimisation to be considered in the design of any proposed development as per the City's Waste Management Guidelines.

2.0 APPLICATION OF POLICY

- 2.1 This policy applies to the development on land that is reserved or zoned within the City of Nedlands, with the exception of:
- (a) The erection or extension of a single house;
 - (b) The erection or extension of an ancillary dwelling, outbuilding, external fixture, boundary wall or fence, patio, pergola, veranda, garage, carport or swimming pool on the same lot as a single house or grouped dwelling.
- 2.2 Where the Residential Design Codes (R-Codes) Volume 1 apply, this policy replaces the deemed to comply provisions of Part 5.4.4 C4.6.
- 2.3 Where the Residential Design Codes (R-Codes) Volume 2 apply, this policy is in addition to the Acceptable Outcomes in Part 4.17.
- 2.4 Where this Policy is inconsistent with the provisions of a specific Local Planning Policy or Local Development Plan, or Precinct Plan that applies to a particular site or area; the provisions of that specific Local Planning Policy, Precinct Plan or Local Development Plan prevail.

3.0 OBJECTIVES

- 3.1 Provide for waste management and minimisation in a manner that protects the environment, with a greater emphasis on higher levels of resource recovery and increased recycling.
- 3.2 To minimise the impacts of waste storage and collection facilities on the streetscape, public realm, building entries and the amenity for residents.
- 3.3 To allow for occupants to have convenient, safe and equitable access to both waste and recycling facilities on site.
- 3.4 To ensure industry best practice waste management design and operation for consistently high quality developments.



4.0 POLICY MEASURES

4.1 Waste Management Plans

4.1.1 A Waste Management Plan shall be submitted as part of the following categories of Development Application:

(a) Residential

- (i) 6 or more multiple dwellings;
- (ii) 6 or more grouped dwellings;
- (iii) 6 or more aged or dependant persons dwellings/beds;
- (iv) Short-Term Accommodation uses (as defined in the Short-Term Accommodation Policy);
- (v) All proposals where there is insufficient lot, road or verge frontage for collection vehicle access (as determined by the City).

(b) Mixed Use Developments

- (i) All mixed-use developments.

(c) Commercial, Industrial and Other Non-Residential Development

- (i) All non-residential development that will generate waste.

(d) Any other proposal the City considers will affect resource recovery.

Note 1: Change of use applications that will not result in increased waste collection requirements or frequency as determined by the City are not required to submit a Waste Management Plan.

4.1.2 Waste Management Plan (WMP) must include details but not limited to -

- (a) Land use type and Built Form (including but not limited to number of dwellings, bedrooms and storeys, size of commercial tenancy);
- (b) Bin Access and Storage;
- (c) Waste generation/Capacity;
- (d) Truck accessibility and manoeuvring;
- (e) Internal service collection arrangements (including swept path analysis where applicable);
- (f) Waste systems;
- (g) Signage;
- (h) Collection/placement options; and
- (i) Additional waste requirements.



4.1.3 The development shall be undertaken and operate in conformity with the Waste Management Plan approved by the City. This will be ensured in perpetuity via an appropriate condition of the development approval.

5.0 RELATED LEGISLATION

5.1 This policy has been prepared in accordance with Schedule 2 Part 2 Clause 4 of the Planning and Development (Local Planning Schemes) Regulations 2015.

5.2 This policy should be read in conjunction with the following additional planning instruments and its requirements apply unless specifically stipulated elsewhere in any of the below:

(a) State Planning Policy 7.3 – Residential Design Codes Volume 1

(b) State Planning Policy 7.3 – Residential Design Codes Volume 2 – Apartments

5.3 This policy should be read in conjunction with the City of Nedlands Waste Management Guidelines.

6.0 VARIATIONS TO POLICY

6.1 Where a variation to this policy or the guidelines is sought, consideration shall be given to the objectives of the policy.

Council Resolution Number	PD06.20
Implementation Date	31 March 2020
Date Reviewed/Modified	DD MM YYYY



WASTE MANAGEMENT LOCAL PLANNING POLICY

APPENDIX ONE WASTE MANAGEMENT GUIDELINES

1.0 INTRODUCTION

1.1 The guidelines are for developers, architects, waste consultants in their preparation of development applications to comply with the Waste Management Local Planning Policy.

2.0 PURPOSE

2.1 All aspects of waste management should be considered in the initial design phase of a development, to ensure effective integration of waste facilities into the design where visual amenity is maintained to a high standard, improves convenience, efficiency and protects the health and safety of all stakeholders.

2.2 A Waste Management Plan shall be submitted as per the Waste Management Local Planning Policy.

3.0 WASTE AND RECYCLING GENERATION

3.1 Residential

3.1.1 The City’s collection service operates 7am-7pm on any day that is not a Public Holiday or Sunday (generally Monday to Saturday); and 9am – 7pm a Public Holiday or Sunday.

3.1.2 The City’s minimum residential waste and recycling allocation per rateable property is 1 x 120 litres per week for waste and 1 x 240 litres per fortnight for recycling. The waste and recycling requirements for residents in multi-unit dwellings are as shown in Table 1 below.

Table 1

Dwelling size	Waste (litres per /week)	Recycling (litres per fortnight)
Studio/One bedroom	80	240
Two Bedroom	120	240
Three plus bedrooms	120	240

3.1.3 The City provides second recycling bins to residents free of charge. Therefore, developers should consider extra space for storage of additional recycling bins. Also, green waste will also need to be catered for onsite, depending on the scale and nature of the development. The Waste Management Plan will also need to take this into consideration.

3.1.4 The City may introduce Food organic and Garden organic (FOGO) bin in the future. Bin allocation for (FOGO) 240L bin will also needs to be catered for



onsite. The minimum of 40L waste generation rate allocation per property per week is acceptable.

- 3.1.5 The City will allow for a maximum of 10 x 240L or 360L bins to be placed on the verge for kerbside collection.
 - (a) More than 10 bins will require internal service arrangements unless approved by the City in line with Clause 3.1.5(b).
 - (b) Where development sites have dual frontages or have amalgamated multiple lots and thus have a larger than average verge space the City may consider it appropriate to permit more than 10 bins on the verge.

Notes: placement of the bins on the verge shall not be less than half a metre between each bin

3.2 Commercial

- 3.2.1 Waste and recycling generation for commercial developments are expected to be developed by the applicant and supported by waste generated modelling by a qualified waste consultant.
- 3.2.2 Commercial properties are not required to utilise the City’s waste services and can seek private commercial waste collection arrangements.
- 3.2.3 Should the owner/s wish to utilise the City’s commercial waste service, a written request is required, and approval will be considered at the sole discretion of the City.
- 3.2.4 However, commercial developments are encouraged to adhere to the residential waste management requirements to allow flexibility of choice to use the City’s service.

Note- The City’s residential collection service timelines must not be disrupted and take precedence over any other collection and deliveries. e.g. commercial waste collection and delivery collections.

4.0 BIN SIZE AND COLOUR

- 4.1 The Waste Management Plan must provide details on the proposed bin sizes. The City’s available bin sizes and dimensions are shown in Table 2 and 3 below.

Notes: Please refer to the City’s waste generation rates (table 1) to finalise bin numbers and the total bin area.

Table 2

Waste Stream	Colour
Residential Waste	Dark green body with dark green/white lid
Commercial Waste	Dark green body with red lid
Recycling	Dark green body with yellow lid
Green Waste (Optional Service)	Dark green body with lime green lid

**Table 3**

Size (Litres)	Width (m)	Depth (m)	Height (m)
120	0.5	0.6	1.0
240	0.6	0.8	1.1
360	0.7	0.9	1.1
660	1.3	0.8	1.2
1,100	1.4	1.3	1.5

Notes- The City encourages large multi-unit developments (10 or more dwellings) to utilise larger bin option (660L or 1100L).

5.0 COLLECTION FREQUENCY

5.1 The City currently offers weekly waste collection and fortnightly recycling collections to residential properties. The City can provide residential waste and recycling collections up to 2 times per week depending on the density of the development.

5.2 City of Nedlands collects residential waste at the following frequencies:

- (a) 1 to 55 apartments = 1 collection per week
- (b) 56 to 250 apartments = 2 collections per week

Note: Additional collection frequency approval is at the City 's discretion and will incur additional fees and charges for residents.

6.0 INTERNAL SERVICE COLLECTION

6.1 Internal service collection performed only by rear loader waste truck with the ability to service 240L, 360L, 660L and 1100L bins only.

6.2 Internal service collections should be provided residential developments where the bins cannot be approved on the verge in line with Clause 3.1.5 all mixed-use developments, all commercial developments and any other proposals where there is insufficient lot, road or verge frontage for collection or vehicle access as determined by the City. Transfer of bins within the bin location and to the waste presentation point should only be undertaken by the City's waste contractor.

6.3 The City may consider on-street collection where it is impractical or unsafe to collect within the property. Progress of a design not taking into consideration inside service requirements is not considered an acceptable reason.

6.4 Internal service collection should follow the below:

- (a) The waste presentation point shall be within the private property as verge presentation is not permitted.



- (b) The bin storage area shall be located in a position that is easy access for users and collection staff. The path for wheeling bins between the waste presentation point and the waste collection truck must be a flat surface (≤ 1.20 , no steps or dock levellers) free of obstacles and a safe distance from parking bays and vehicle ramps.
- (c) The maximum walking distance between the last bin (furthest) at the bin's presentation point and the waste truck for all bin sizes and waste type shall not exceed 10 metres.
- (d) Access to the collection point must be available from 7am-4pm.

Note -All residential developments requiring an annual internal service collection will attract a fee in addition to annual waste charges. Residents and/or caretakers will not be responsible for the presentation and removal of the bins from/to bin storage/collection location.

7.0 WASTE TRUCK ACCESSIBILITY AND MANOEUVRING-

7.1 Any residential development where the bins cannot be approved on the verge in line with Clause 3.1.5 shall require waste trucks to service all waste from within the property. The design shall demonstrate the City's minimum compliance requirement of: -

- (a) Waste trucks must enter and exit the site in a forward gear, with all manoeuvring carried out on site. Submission of swept path analysis to demonstrate this is required using a waste truck length as specified in 22.2;
- (b) Rear lifts waste trucks will need a clearance height in line with 22.2 and shall be clear of awnings, upper floors etc;
- (c) Both the driver and passenger should be able to safely enter and exit the vehicle before and after collection, allowing both doors to fully open; and
- (d) To allow safe operating conditions of the rear loader waste truck, there should be practical and convenient access for both the driver and passenger to access the rear of the vehicle with a minimum 800mm and a 2m operating space at the rear of the vehicle.

7.2 Smaller trucks as specified under Clause 22.2 may be considered by the City in the following circumstances: -

- (a) Where a development poses 40 dwellings or less; or
- (b) Otherwise approved by the City.

8.0 EMBAYMENT OPTIONS

8.1 Embayment options within the private property may be considered subject to approval from the City in special circumstances.



9.0 BIN STORAGE AREA

9.1 Depending on the number of dwellings residents may have individual bin areas or shared communal bin areas shown in Table 4 below.

Table 4

Development Type	Bin area	Bin Size (litres)		
		Waste	Recycling	Green waste
1-5 dwellings	Individual	120L/240L	240L	240L
6-9 dwellings Shared	Shared Communal	240L	240L	240L
10 or more dwellings Shared	Shared Communal	660L/1100L	660L/1100L	240L

9.2 Developments with shared bins must include an easily accessible communal bin storage area within the development. In the case of mixed-use developments separate residential and commercial bin storage areas are required.

9.3 A bin storage area (or enclosure) must be provided on the premises where bins are stored and collected from as per the following requirements:

- (a) Easily accessible to allow for the removal of the receptacles;
 - (b) Adequate circulation space for manoeuvring bins within the storage area must be allowed;
 - (c) Provide for collection that limits pedestrian and vehicle disruption;
 - (d) The bin storage area is to be provided with a permanent water supply and drainage facility; for washdown. The bin area is to be screened by a gate, brick walls or other suitable materials to a height not less than 1.8m;
- Note-for further clarification, please refer to the City's Environmental Health Services.*
- (e) Each waste stream must be separated and clearly labelled;
 - (f) Residential waste needs to have a separate area from commercial waste;
 - (g) Developments that include residential dwellings shall include a dedicated area for the temporary storage of large bulky items awaiting disposal
 - (h) Design should not encourage the emission of odour outside the bin enclosure area;
 - (i) Bin storage areas shall be located within the building (not on the verge), so they are not visible from the public realm, or screened from public view with a quality material compatible with the building design



- (j) The bin area is to be accessible via a suitably constructed service road that will allow waste truck vehicle movement;
- (k) Provided with a ramp into the bin storage area having a gradient of no steeper than 1:8 unless otherwise approved by the City; and
- (l) Where a mixed-use development is proposed (residential and any other use), the residential waste and recycling bin storage areas are to be self-contained and separate from commercial bin storage areas.
- (m) For all properties that have lockable waste presentation point, the City requires relevant access i.e. key or remote device.

10.0 COLLECTION OF BINS

- 10.1 Bins, ready for collection, shall be presented in a manner that has minimal impact on the public realm.
- 10.2 Where it cannot be demonstrated that the required number of bins as discussed in Clause 3.1.5 can be practically accommodated on the verge for collection, bin storage areas shall be designed to allow for collection of waste from within the private site.

Notes; The City's waste contractor will only collect allocated "City of Nedlands" bins from the Centralised Residential bin storage as inside service.

11.0 WASTE SYSTEMS FOR MULTI-UNIT DWELLINGS

- 11.1 A detailed description of the waste system proposed must be provided, which shall include in-apartment source separation systems, chutes, carousels, in chute compaction equipment, transportable compactors, bin lifters and tugs or towing devices.

Developers must ensure that it is as easy to dispose of recyclable materials as a waste stream and that there is an adequate provision for the segregation of waste streams without contamination. Hard waste and charity goods should be taken to an easily accessible, secure and safe drop-off point on-site.

- 11.2 The following waste options exist for multiunit developments:

- (a) Option 1: Use 660L bins for waste and 660L bins for recycling with bins stored in communal storage area(s). Residents may be required to transfer all waste and recycling from their dwelling direct to the bin storage area(s).
- (b) Option 2: A dual chute system for waste and recycling leading to a central waste and recycling collection area in the basement or ground level.

Notes; All internal bins located at each unit/level to manage the internal waste will be purchased and maintained by the developer by private arrangement.

- 11.3 Detailed descriptions of the waste systems must be provided, including but not limited to:



- (a) Number of chutes;
- (b) No of bin carousels;
- (c) Compaction equipment; and
- (d) Bin tugs and towing devices.

12.0 WASTE CHUTE

12.1 The minimum waste system requirement based on Multiple Dwelling development size shown on Table 5 below.

Table 5

Number of floors/storeys	Preferred Waste System
Less than 6	Resident accessible bin store at ground level or basement level
6 or more	Dual chutes providing for both waste and recycling on each level

- 12.2 Termination of chutes into mobile bins is required to have skirting, or other equivalent system, to reduce any materials leaving the bin on impact. Where chute systems are installed, the City requires bins to have reinforced bases for bin longevity.
- 12.3 Where waste chutes are utilised, the approved waste compacted by a ratio of 2:1.
- 12.4 Chutes must be ventilated to ensure that air does not flow from the chutes through the service openings. All ongoing maintenance of chute systems, including cleaning is the responsibility of the building manager/strata management.
- 12.5 The City is aware of emerging technology regarding organic waste management. Alternate technology for the diversion of organic from landfill will be considered in place of a triple chute system.

13.0 WASTE COMPACTORS

- 13.1 Developments over 250 apartments or a total stream volume of 25,000 litres of waste and/or 25,000 litres of recycling per week are required to provide a compactor. Compactors should be designed to hold at least 1 week's residential waste or multiple thereof. Waste compaction ratio is 2:1. Higher rates can result in Occupational Health and Safety issues and/or mechanical damage.
- 13.2 The compaction systems should compact directly into the receptacle to reduce the requirement to manually handle the waste receptacle. For its operational reliability, compactors require regular maintenance and sufficient space (i.e.



additional waste receptacles) must be allocated to store at least 3 days of uncompacted waste in case the compactor is out of service.

For clarification, at a compaction rate of 2:1 this will require 1.5x the calculated compacted bin capacity as specified in 3.1.2, as a minimum to be provided when a compactor is included in the waste management plan. Compliance with 3.1.4 is still required at the total calculated bin capacity.

13.3 Developer's shall liaise with the City to ensure the City's collection contractor vehicles can collect the compactor proposed for each development. Any compactor proposal will need to be agreed with the City.

13.4 The use of chutes and compactors for the recyclable waste stream will be considered on a case-by-case basis.

Note: The responsible entity (strata/corporate body) shall be liable for all bin replacement costs and/or repair costs relating to damage caused as a result of the bin compaction process.

14.0 SIGNAGE

14.1 Signs within the bin storage area must demonstrate correct recycling and reduce contamination.

14.2 Clear signage and coloured bins (red for waste) and (yellow for recycling) to be placed in each bin storage area on each level.

15.0 BULK WASTE (Residential properties only)-

15.1 Development plans shall indicate the allocation of a dedicated area to place bulk bins (twice a year) for bulk rubbish collections. The City offers two hard waste collections and two green waste collections for residents.

15.2 The City's bulk collection contractor will provide a 10m² bulk bin during the bulk collection (twice per annum). Hard waste items from multi-unit developments are not permitted to be placed on the verge area for collection.

15.3 On-site hard waste storage must be provided as follows:

(a) 1 to 55 apartments = Minimum area of 5m²

(b) 56 - 200 apartments = Minimum area of 10m²

15.4 A hard waste collection area must be provided for collection contractors that is immediate to the truck collection location.

16.0 COLLECTION AND CONTRACTORS

16.1 All residential properties must utilise the City's waste service unless approved by the City. However, commercial properties can engage private contractors for the services.



17.0 COMPLIANCE WITH WASTE MANAGEMENT PLAN

17.1 Responsibility for ensuring compliance with the Waste Management Plan and the cleaning of the bin storage area/s and facilities must be allocated to a person of appropriate authority (i.e. property manager, strata manager, caretaker).

18.0 NOTIFICATION ON TITLE

18.1 Section 70A Notification for Waste (where applicable)

18.1.1 Prior to commencement of development, the owner must register over the Certificate of Title to the land the subject of the proposed development a notification, under section 70A of the *Transfer of Land Act 1893*, notifying prospective purchaser that the refuse charges imposed on lot owners by the City as part of its annual rates and charges will be higher than standard refuse charges, due to the additional services provided by the City or the use of small waste trucks, in respect of the collection of refuse from the development.

18.1.2 The section 70A Notification shall be prepared by the City's solicitors to the satisfaction of the City of Nedlands and all costs of and incidental to the preparation of any registration of the section 70A Notification including the City's solicitor's costs shall be met by the owner of the land.

18.2 Entry to private property.

18.2.3 The responsible entity (strata/corporate body) is responsible for the maintenance of the common property (including roads) within the development and shall indemnify the Principal and its Contractors against any and all costs, expenses, liability, loss, claims or proceedings whatsoever in respect of personal injury to or the death of any person, and in respect of any injury or damage whatsoever to any property or person, arising out of or in the course of or caused by the carrying out of work.

19.0 ADDITIONAL INFORMATION REQUIRED

19.1 Please ensure that all plans included in the Waste Management Plan are drawn to either a 1:100 or 1:200 to assist with the assessment process with information below:

- (a) Typical commercial floor showing waste and recycling drop-off points;
- (b) Bin rooms including any bins and compactors;
- (c) Bin presentation location (on-site) with bin alignment shown;
- (d) Residential and commercial floor levels illustrating waste and recycling storage;
- (e) Bin storage areas including any chutes, carousels and bins;



- (f) Bin numbers and size of bins;
- (g) Bin presentation location with bin alignment (verge presentation - if applicable) shown;
- (h) Ramp grades;
- (i) Access to bin storage area and/or chutes; and
- (j) Swept path analysis illustrating sufficient access to collect bins.

20.0 DISCLAIMER

20.1 The above information is provided as a guide only and the City of Nedlands disclaims any liability for any damages sustained by any person acting on the basis of this information. It is recommended that initial discussions with the City's Planning and Development Services and Technical Services should be held to address waste management at the early stages of the development proposal.

21.0 DEFINITIONS

Multiple Dwellings	As per Residential Design Codes.
Grouped Dwelling	As per Residential Design Codes.
Multi-unit Dwelling	6 or more multiple dwellings 6 or more grouped dwellings 6 or more aged or dependant persons dwellings/beds



22.0 APPENDIX

22.1 Waste Management Plan Template

22.1.1 Land Use Type

22.1.2 Waste Collection method

22.1.3 Bin enclosure/storage area;

22.1.4 Proposed waste system;

22.1.5 Collection frequency;

22.1.6 Waste truck manoeuvring and accessibility;

22.1.7 Waste capacity;

22.1.8 Waste presentation location;

22.1.9 Signage;

22.1.10 Bulk waste placement arrangements;

22.1.11 Waste management drawings/figures; and

22.1.12 Any additional waste requirements (e.g. bulk waste or charity bins).



22.2 Collection Vehicle Specifications based on Rear loader waste truck

(a) Standard Truck Dimensions

Parameter	Vehicle Dimension (m)
Overall length	8.5
Overall width	3.0
Overall height (travel)	3.5
Height when lifting bins	3.8

(b) Smaller Truck Dimensions

Parameter	Vehicle Dimension (m)
Overall length	7.5
Overall width	3.0
Overall height (travel)	2.8
Height when lifting bins	2.8

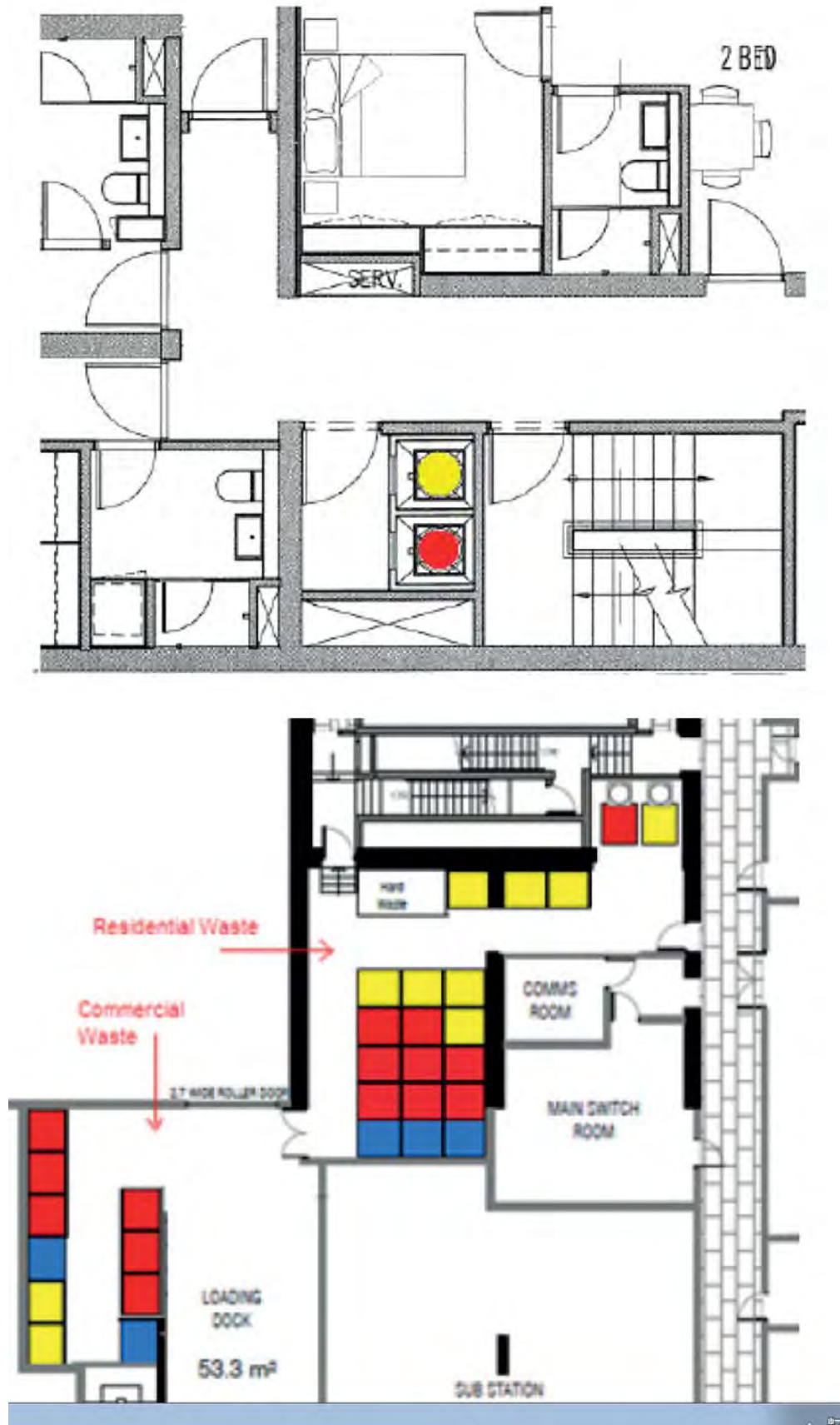
Note: Small waste truck specifications are based on approximately 3 tonne truck.

WMP requires to demonstrate all waste streams (Waste and Recycling) collection can service the development in one single collection.

This vehicle can service bins only ranging from 120L -660L.



22.3 Example of waste bin and recycling bin layout at bin storage area levels



13.9 Carry Forward of Woodchipper Replacement

Council	28 July 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act 1995	Nil.
Director	Jim Duff – Director Technical Services
CEO	Mark Goodlet
Attachments	Nil.
Confidential Attachments	Nil.

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall
 Seconded – Councillor Mangano

That the Recommendation to Council be adopted.
 (Printed below for ease of reference)

CARRIED UNANIMOUSLY 12/-

Council Resolution / Recommendation to Council

Council approves the inclusion of a line item within the 2020/21 plant and equipment capital budget for the replacement of the woodchipper, funded through the deferral of two 2019/20 budget line items for Hino truck replacements into the 2021/22 capital budget.

Executive Summary

Administration reported to Council at its meeting on 26 May 2020 seeking approval to replace the City’s aging wood chipping machine (Chipper). At the meeting, Council resolved to approve the purchase of a replacement Chipper within the 2019/20 budget.

The City was unable to complete the procurement process prior to 30 June 2020 and the capital acquisition was not carried forward. Administration is subsequently seeking to carry forward this purchase as a capital acquisition in the 2020/21 capital budget.

Discussion/Overview

Background

The City's current Chipper is 12 years old and is routinely used by Parks operations to remove tree debris generated during the maintenance of trees in parks, reserves and streetscapes. A recent assessment of the Chipper identified it is in poor condition and it has been rendered non operable as it poses a safety risk. The Chipper is an essential piece of equipment that enables the City to provide a core maintenance service to its community. Ensuring wood chipping operations can be conducted safely is imperative and addressing the poor condition of the Chipper should be considered a budget priority.

Options were investigated for restoring wood chipping operations including repair of the Chipper, leasing a Chipper and replacing the Chipper. Replacement of the Chipper is the recommended option as it aligns with the City's approach to owning plant and equipment and represents best long-term value as the asset has an anticipated asset life of eight (8) years.

Consultation

Nil.

Strategic Implications

How well does it fit with our strategic direction?

Regarding strategic priorities as set out in the Strategic Community Plan 2018-2028, a replacement Chipper would ensure continuity of services in support of the following:

- Provide, retain and maintain public trees in streets and on reserves to at least maintain the urban forest canopy.
- Optimise reuse of recyclable or compostable materials.
- Maintain parks and other green spaces.
- Maintain the level of service for parks, ovals and associated equipment.

Who benefits?

The primary benefits of replacing the Chipper are to ensure continuity of services and to protect the welfare of City staff and the community by fulfilling relevant workplace, equipment and road safety obligations. With an anticipated asset life of eight (8) years, replacing the Chipper represents good value for the City's rate payers.

Does it involve a tolerable risk?

To allow continued use of the current Chipper would represent an unacceptable risk in terms of safety to operators, the community and liability as the City would not meet statutory safety obligations. To have the existing Chipper remain out of service also represents a risk to the City delivering core services to its community. Procuring a new Chipper will mitigate the above safety and service delivery risks.

The recommended option is considered low risk overall as a formal RFQ process was undertaken to ensure good governance and best value in the procurement process. From a whole of asset life perspective, if operational needs or the City's approach to plant and equipment ownership changes in the future, the chipper would still be available for disposal in the same manner as all other plant and equipment.

Do we have the information we need?

Information in relation to the condition of the current Chipper is based on recurrent inspection reports from the repairer/servicing agent. All cost information is based on up to date market analysis.

Budget/Financial Implications

The Chipper is not currently included as a capital expenditure item in the 2020/21 capital budget. There was, however, an allocation of \$120,000 in the 2019/2020 capital budget allocated to the replacement of two Hino trucks. Replacement of these trucks are considered less a priority than replacing the Chipper. The Hino truck assets are in excellent condition with low kilometers. Extending the asset life of these trucks by 24 months represents good value to the City. There are no negative financial, operational or safety impacts in deferring asset replacement of the two trucks into 2021/2022.

Can we afford it?

It is recommended that the new chipper be funded from the 2019/2020 plant and equipment capital budget without any budget increase by deferral of the two Hino trucks into 2021/2022. An increase in operating costs for repair and maintenance of the two trucks across the additional 24 months of service life is not anticipated based on condition and usage.

The existing chipper has been utilised over an extended asset life and a new chipper would have an allocated asset life of eight years. The existing chipper has been requiring frequent repairs and maintenance and a new chipper would not be anticipated to have such high operating costs.

How does the option impact upon rates?

Allocating the budgeted \$120,000 to the procurement of a new Chipper represents roughly 0.5% of rates. The deferral of the replacement of two Hino trucks for 24 months will extend the life of those trucks and will offset any impact on rates.

In the broader context, a review of all fleet assets has been recently undertaken to identify all replacements that can be deferred safely based on condition, kilometers and utilisation, leading to a substantially reduced plant and equipment capital works budget proposal for 2020/2021. This is to ensure there is no upward pressure on rates from a fleet perspective. Within this context, the chipper was still identified as needing immediate replacement and considered a priority one budget item due to safety and legislation.

13.10 Associates Rugby Union Football Club – Application to Vary Liquor Licence

Council	28 July 2020
Applicant	Ms Ellen Tolmie, on behalf of the Associates Rugby Union Football Club
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
CEO	Mark Goodlet
Attachments	Nil
Confidential Attachments	Nil

Councillor Mangano left the meeting at 7.02 pm

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Hay
 Seconded – Councillor Poliwka

That the Recommendation to Council be adopted.
 (Printed below for ease of reference)

Councillor Mangano returned to the meeting at 7.04 pm.

CARRIED 8/4
(Against: Crs. Smyth Bennett Mangano & Coghlan)

Council Resolution / Recommendation to Council

Council:

- 1. endorses the Associates Rugby Union Football Club application to vary the liquor licence trading hours as detailed below:**

Day	Existing Trading Hours	Proposed Trading Hours
Monday	5:30 pm – 10 pm	5:30 pm – 10 pm
Tuesday	6:00 pm – 11 pm	6:00 pm – 11 pm
Wednesday	5:30 pm – 10 pm	5:30 pm – 10 pm
Thursday	6:00 pm – 11 pm	5:00 pm – 11 pm
Friday	7:00 pm – 12 am	5:00 pm – 12 am
Saturday	12:00 pm – 12 am	12:00 pm – 12 am
Sunday	12:00 pm – 8 pm	12:00 pm – 8 pm

2. requests the CEO to provide a letter of consent to Department of Racing Gaming and Liquor.

Executive Summary

This item is now presented to Council for consideration as the lessor of the facility known as Allen Park Upper Pavilion at Allen Park Swanbourne, to the Associates Rugby Union Football Club (ARUFC).

ARUFC have applied to the Department of Racing Gaming and Liquor to vary the club's liquor licence trading hours.

As the Club lease the premises from the City, the Department of Racing Gaming and Liquor require a letter of consent from the owner of the premises confirming there are no objections to the proposed variation and that the club has unrestricted access to the licenced venue during these times. (*Liquor Control Act 1988, Section 72(1)*).

Discussion/Overview

ARUFC was established in 1948 and has been based at Allen Park since 1988. ARUFC have approximately 500 playing members across senior, colts and juniors' teams. The Club leases the upper pavilion, changerooms and toilets from the City.

The lease entitles the Club to exclusive use of the facility however they also make their facilities available to hire to the community. The Club hire the oval during the week for training and all day on Saturdays for fixtures.

The variation to the licenced trading hours has been requested by the Club to allow the club to offer refreshments to parents and supporters on a Thursday afternoon during training and games, and to allow trade earlier on Friday evenings.

Section 72(1) of the *Liquor Control Act 1988* states the licensing authority must not grant an application for approval unless the owner and lessor has consented to the application. As the licenced premises is leased by the ARUFC from the City, the Club requires a letter of consent be provided by the City to the Department of Racing Gaming and Liquor for the proposed variation.

Key Relevant Previous Council Decisions:

N/A

Consultation

Upon receiving an application from the Associates Rugby Union Football Club to vary their liquor Licence trading hours, consultation was completed between the City's Community Development, Health and Planning Services to confirm there are no objections to the application and propose variation. The Council now considers this application.

Planning Service

The City's Planning Services have reviewed the application and confirmed there are no objections to the proposed extension of the liquor trading hours.

Community Development

Community Development Services have reviewed the proposed variation and confirmed there are no objections to this change.

Leased Assets

The City's Leased Assets Coordinator has confirmed there are no objections to the proposed variation. The City's Lease with the Associates Rugby Union Football Club indemnifies the City from any risk associated with the Liquor Licence and ensures compliance to any conditions that DRGL impose on them (such as a House Management Policy etc.). The applicant is to provide a copy of the Liquor Licence and any related Plans to the City, once approved.

Environmental Health Service

The City's Environmental Health Service has reviewed the application and confirm there are no objections to the proposed variation. The Associates Rugby Union Football Club holds a current Public Building approval under the *Health (Public Building) Regulations 1992* for the Clubroom - Bar with a capacity of 200 persons and is registered under the *Food Act 2008* as a Medium Risk Food Business.

The variation is expected to have minimal impact on the surrounding residents. As the change is for an earlier start time for casual refreshments, as opposed to a later closing time, the potential for noise disturbances for surrounding residences is minimal.

Strategic Implications

How well does it fit with our strategic direction?

Consenting to this application supports the ARUFC, a local sporting club within the district, in providing a facility for community engagement among parents of young players. This is in line with the Community Development KFA of providing opportunities for community interaction and supporting local community organisations and sporting clubs.

Who benefits?

The Associates Rugby Union Football Club Community benefits from this change in hours. This assist the club in encouraging members, parents of members, and supporters to engage socially within the Club, allows for the raising revenue, and promotes sustainable sporting club.

Does it involve a tolerable risk?

There is minimal risk associated with this application for a variation. The variation to the trading hours is only one hour earlier on a Thursday afternoon, and two hours earlier on a Friday afternoon. There is no change to the closing time for the licensed facility, and minimal impact on the surrounding residences.

Do we have the information we need?

Yes.

Budget/Financial Implications

There is no expected impact on the City's financial position with regard to this application.

Can we afford it?

Nil cost to the City.

How does the option impact upon rates?

Nil impact on rates.

13.11 Liquor License Extension Request – Old Collegians Football Club

Council	28 July 2020
Applicant	Mr Jack Dowland, on behalf of Collegians Amateur Football Club
Employee Disclosure under section 5.70 Local Government Act 1995	Nil
CEO	Mark Goodlet
Attachments	Nil
Confidential Attachments	Nil

Regulation 11(da) - Council determined that an Extended Trading Permit was not appropriate in this location.

Moved – Councillor Mangano
 Seconded – Councillor Bennett

Council Resolution

That Council does not support the application for an Extended Trading Permit to Collegians Amateur Football Club.

**CARRIED 7/5
 (Against: Mayor de Lacy Crs. McManus
 Hodsdon Poliwka & Wetherall)**

Recommendation to Council

That Council supports the ongoing approval being sought for the Extended Trading Permit application to Collegians Amateur Football Club to consume alcohol in the designated area on David Cruickshank Reserve subject to the following conditions:

1. Collegians Amateur Football Club (the Club) indemnifies the City against any claims for compensation and costs which may arise from the Club hosting sporting games and events on David Cruickshank Reserve.
2. The Club agrees to keep current Public Liability Insurance cover for the extended alcohol consumption on City land in the amount of \$20,000,000. The Club will provide a copy of this certificate to the City noting the City as an interested party.
3. The Club agrees to provide the City with a schedule of dates for the sporting season at the beginning of each calendar year.

4. The Club agrees to obtain Public Building Approval from the City's Environmental Health Service.
5. That the City reserves its right to review this decision at its discretion.

Executive Summary

Collegians Amateur Football Club (CAFC) has lodged a request with the City to support an Extended Trading Permit application, which they have applied to the Department of Racing, Gaming and Liquor. This will allow alcohol to be consumed in a fenced off area on David Cruickshank Reserve, adjacent to Adam Armstrong Pavilion.

CAFC currently has an approved liquor license from Racing, Gaming and Liquor to consume alcohol inside Adam Armstrong Pavilion however due to player expansion of the Club, a need for a greater area for spectators to consume alcohol is required. A permanent variation to their liquor license is not possible as the Club does not have exclusive tenure to the area being used, given it is City managed land.

Therefore, the Club has applied for an ongoing approval for Extended Trading Permits, thereby reducing the administrative burden on the Club and the City, which requires the further endorsement of council.

Discussion/Overview

Collegians Amateur Football Club (CAFC) was established in 1948. The Club has approximately 220 members, 90% of which are from the Western Suburbs. The Club is based at David Cruickshank Reserve in Dalkeith and operates from Adam Armstrong Pavilion. CAFC has a management licence for the facility for the winter sporting season, 1 April – 30 September. The Management Licence commenced on 1 April 2016 for a term of 21 years and will expire on 30 September 2036. The Club hire the oval for training four nights a week and all day on Saturdays for game fixtures.

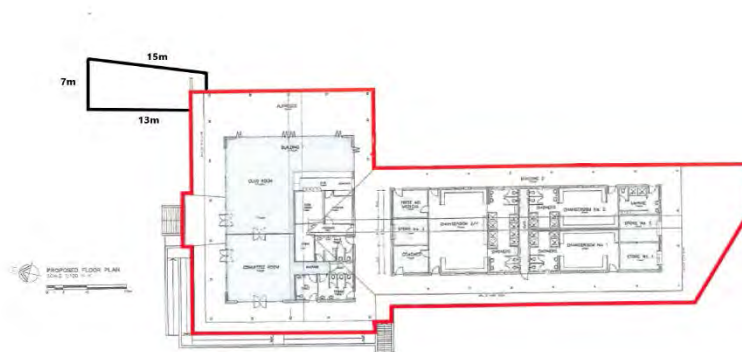
CAFC has experienced growth over the last few years. The Club has advanced into the 'A Grade' competition and has introduced two new teams this year, one being their first women's team, bringing their total number of teams to six. The Club anticipate the increase in teams will result in an increase of supporters and families attending the home fixtures.

On game days, the current Licenced Area can become crowded as people want to watch the games on the oval. An extension to the Licensed Area would allow spectators some more room to enjoy the game day experience. The proposed extension covers an area (as per below - Image 1) and would allow spectators to spread out from the Clubrooms. The extended area would be sectioned off with bunting from 12-6pm only on game days.

Image 1: Proposed area for extension of liquor license – David Cruickshank Reserve



Image 2: Dimensions of proposed extended area



Section 61 of the *Liquor Control Act 1988* provides a direct power for Local Governments to influence any application for the grant of an extended trading permit to allow the sale of liquor in an extended area outside of the licensed premises.

Furthermore, Section 72 of the Act states that the Licensing Authority must not grant an application for approval of a proposed alteration to Licensed Premises unless the applicant satisfies the Licensing Authority that where the Licensed Premises are occupied under a lease, the Lessor, have consented to the application.

Consultation

Upon receiving an application from CAFC to vary the area of the Liquor License, consultation was sought from the City's Community Development, Environmental Health and Planning Services. Furthermore, there were no objections to the application from each of the departments for the proposed variation.

Environmental Health Service

Adam Armstrong Pavilion is an approved Public Building with the City of Nedlands and has a maximum accommodation number of 235 persons. An alteration to the Public Building approval would be required with the proposed extended area and the Club would need to submit a Form 1 – Application to Construct, Extend or Alter a Public Building to the City's Environmental Health Service for assessment. Furthermore, this building is inspected by an Environmental Health Officer on an annual basis to ensure compliance with the *Health (Public Building) Regulations 1992*.

Planning Services

The City's Planning Services have reviewed the application and confirmed that they do not object to the proposed extension of the liquor trading hours.

Community Development

The City's Community Development Service have reviewed the proposed variation and confirmed that they have no objections to this application.

Leased Assets

The City's Leased Assets Coordinator has confirmed they do not object to the proposed variation. The City's Lease with the Collegians Amateur Football Club indemnifies the City from any risk associated with the Liquor License, and ensures compliance to any conditions that Racing, Gaming and Liquor impose on the Club. The applicant is to provide a copy of the Liquor License and any related Plans to the City, once approved.

Key Relevant Previous Council Decisions

PD07.16 – 23 February 2016 – Collegians Amateur Football and Sporting Club Inc. Management Licence at Adam Armstrong Pavilion – David Cruickshank Reserve

Strategic Implications

How well does it fit with our strategic direction?

Consenting to this application supports the CAFC, a local sporting club within the district, in providing a facility for community engagement among young adults in the area. This is in line with the Community Development KFA of providing opportunities for community interaction and supporting local community organisations and sporting clubs.

Who benefits?

The Collegians Amateur Football Club benefits from the increased area for alcohol consumption due to a rapidly expanding club including the addition of the women's football league. This would allow spectators and club members to enjoy a larger area to consume alcohol and watch football games.

Does it involve a tolerable risk?

There is minimal risk associated with this application for a variation as it is a small area extension from the current liquor license approved at Allen Park Pavilion to cater for an increased number of spectators and football participants.

Do we have the information we need?

Yes.

Budget/Financial Implications

There is no expected impact on the City's financial position with regard to this application.

Can we afford it?

Nil cost to the City.

How does the option impact upon rates?

Nil impact on rates.

13.12 Monthly Financial Report – June 2020

Council	28 July 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act	Nil
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	<ol style="list-style-type: none"> 1. Financial Summary (Operating) by Business Units – 30 June 2020 2. Capital Works & Acquisitions – 30 June 2020 3. Statement of Net Current Assets – 30 June 2020 4. Statement of Financial Activity – 30 June 2020 5. Borrowings – 30 June 2020 6. Statement of Financial Position – 30 June 2020 7. Operating Income & Expenditure by Reporting Activity – 30 June 2020 8. Operating Income by Reporting Nature & Type – 30 June 2020

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Wetherall

Seconded – Councillor Senathirajah

That the Recommendation to Council be adopted.

(Printed below for ease of reference)

CARRIED 10/2
(Against: Crs. Bennett & Coghlan)

Council Resolution / Recommendation to Council

Council receives the Monthly Financial Report for 30 June 2020.

Executive Summary

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. Significant variances are highlighted to Council in the attached Monthly Financial Report.

Discussion/Overview

The financial impact of COVID-19 is reflected with effect from April, the Hardship policy endorsed at the Special Council Meeting of 14 April 2020 introduced measures to support the City's many stakeholders these are also reflected in the financials.

The monthly financial management report meets the requirements of *Regulation 34(1) and 34(5) 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. Significant variances are highlighted to Council in the Monthly Financial Report.

This report gives an overview of the revenue and expenses of the City for the year to date 30 June 2020 together with a Statement of Net Current Assets as at 30 June 2020.

The operating revenue at the end of June 2020 was \$34.50m which represents \$244k favourable variance compared to the year-to-date budget.

The operating expense at the end of June 2020 was \$29.01m, which represents \$2.24m favourable variance compared to the year-to-date budget.

The attached Operating Statement compares "Actual" with "Budget" by Business Units. The budget figures for May onwards are the mid-year budget revision figures as approved by the Council in March. Variations from the budget of revenue and expenses by Directorates are highlighted in the following paragraphs.

The monthly financial report for 30 June 2020 is based on transactions recorded until 30 June 2020 and does not represent the final figures of the 2019/20 financial year.

The City will continue to receive supplier invoices for the financial year 30 June 2020 throughout July 2020. Invoices received after the year end have not been included in this report due to the timing of the production of this report. However, for final audited accounts, these invoices and other final journal adjustments as required by Accounting Standards will be included.

The final 7 days of June (22 June to 30 June) salaries were paid in July and therefore not shown as expenses in June 2020. These are being computed to be accrued for the financial year 2019/20. The current effect is a slightly lower salaries cost for the the financial year 2019/20 which will be adjusted in the final financial statements for 30 June 2020.

Governance

Expenditure:	Favourable variance of	\$336,684
Revenue:	Unfavourable variance of	\$ (7,731)

The favourable expenditure variance is mainly due to savings on:

- professional fees of \$208k in Governance,
- office expenses of \$28k in Communications,
- other employee cost of \$78k in HR
- ICT Expenses of \$21k in HR

Corporate and Strategy

Expenditure:	Favourable variance of	\$318,509
Revenue:	Favourable variance of	\$486,449

The favourable expenditure variance is mainly due to:

- Savings on finance and rates professional fees of \$110k
- ICT expenses of \$130k.
- Favourable salaries of \$59k is partly due to savings due to staff not back-filled and partly to June salaries not accrued yet as stated above.

Favourable revenue variance is due to:

- higher rates income of \$90k mainly arising from higher interest income
- Advance payment of 2020/21 FAG grant income of \$415k

Community Development and Services

Expenditure:	Favourable variance of	\$363,257
Revenue:	Unfavourable variance of	\$ (37,601)

The favourable expenditure variance is mainly due to:

- Savings in salaries of \$65k in library due to COVID-19 closure and Tresillian \$15k due to staff not back-filled and \$20k due June salaries not accrued yet as stated above.
- Savings on community donations, special projects and operational activities of \$48k
- Lower Tresillian tutor fees of \$54k and small savings on Tresillian office expenses of \$10k due to COVID-19
- Other and office expense of \$99k not expensed due to COVID-19 and some savings.
- ICT expenses of \$20k not expensed

The unfavourable income variance is mainly due to COVID-19:

- Lower income from community facilities, Tresillian, Positive Aging of \$62k and Community grant income of \$6k, offset by
- Higher income from PRCC and NCC Fees & Charges of \$45k.

Planning and Development

Expenditure: Favourable variance of \$401,913
Revenue: Unfavourable variance of \$ (1,987)

The favourable expenditure variance is mainly due to:

- Savings on operational activities in sustainability and environmental health and conservation of \$121k
- Lower cost of strategic projects of \$139k
- Savings on ranger services other expenses of \$65k
- Salaries of building services are lower by \$101k due to delay in back-filling vacant positions and staff on long service leave.

Small Unfavourable revenue variance is mainly due to timing issues.

Technical Services

Expenditure: Favourable variance of \$ 816,841
Revenue: Unfavourable variance of (\$ 194,540)

The favourable variance is mainly due to:

- Underground power project cost lower by \$146k deferred to next financial year and Western power refund of \$485k
- Salaries lower by \$173k due to vacancies not back-filled and June salaries not accrued yet as stated above.

The unfavourable revenue variance is mainly due to:

- Lower waste charges of \$13k
- Lower income on council property and fees and charges of \$106k mainly due to COVID-19
- Deferred underground power charge of \$100k due to deferment of expense.

Borrowings

At 30 June 2020, we have a balance of borrowings of \$5.86 M as budgeted. There were no additional borrowings for the year in 2019/20 budget.

Net Current Assets Statement

At 30 June 2020, net current assets was \$4.8 M compared to \$2.5 M as at 30 June 2019. Current assets are higher by \$4.7M offset by higher liabilities \$2.3 M.

Cash & cash equivalents are higher by \$3.1m due to refunds from Western Power of \$1.1m and lower operating and capital works by \$2.6 M off-set by higher creditors of \$700k.

Rates outstanding as at 30 June 2020 is \$781k being 3% of rates revenue compared to 30 June 2019 of \$440k being 2% of rates revenue. The increase of 1% is due to a slight delay in commencing debt recovery action due to vacancy in the Rates Officer position and further delay during the initial period of the COVID-19 pandemic. Debt recovery has recommenced since the first week of May. \$488k has been collected up until June. There is an amount outstanding of \$155k as at 30 June 2020 from the Office of the State Revenue for pensioner rebate claims submitted by the City, compared to \$25k as at 30 June 2019.

Sundry debtors outstanding as at 30 June 2020 is \$786k compared to \$1.3 M as at 30 June 2019. Included in the \$1.3m was the refund of \$700k from Western Power for the Underground Power Project.

Capital Works Programme

As at 30 June, the expenditure on capital works were \$6.99M with additional capital commitments of \$2.11 M which is 88% of a total budget of \$10.40 M.

Reclassification of On-cost - Budget 2020/21

The following projects on-cost are reclassified to align with the correct projects with a small cost savings of \$7,076 to the capital works budget 2020/21:

Project	Budgeted oncost	Reclassified oncost
	\$	\$
Charles Court Reserve	4,300	2,392
David Cruickshank Reserve	4,300	6,450
Allen Park	4,300	3,876
College Park	4,300	3,876
Charles Court Reserve	4,300	-
Charles Court Reserve	4,300	-
Masons Gardens	4,300	-
David Cruickshank Reserve	4,300	-
Charles Court Reserve	4,300	5,148
Charles Court Reserve	4,300	7,692
Birdwood Parade Reserve	4,300	-
Swanbourne Beach Reserve	4,300	1,514
College Green Walkway	4,300	6,723
Peace Memorial Rose Garden	4,300	-
Directors Gardens	4,300	-
Grainger Reserve	4,300	-
Hamilton Park	4,300	21,875
Daran Park	4,300	13,778
Charles Court Reserve	4,300	6,450
College Green Walkway	4,300	3,815
Directors Gardens	4,300	-
Grainger Reserve	4,300	-
Mt Claremont Reserve	4,300	-
Bishop Reserve	4,300	12,535
Total	103,200	96,124

Employee Data

Description	Number
Number of employees (total of full-time, part-time and casual employees) as of the last day of the previous month	175
Number of contract staff (temporary/agency staff) as of the last day of the previous month	4
*FTE (Full Time Equivalent) count as of the last day of the previous month	156.09
Number of unfilled staff positions at the end of each month	18

There is an increase by 4 in total active employee numbers (175) compared to previous month (171). There is a small increase in occupied FTE with the filling of substantive roles and the increase in hours against established FTE with the return of parental leave employee to increased hours and a small increase in casual FTE, with the resumption of services post COVID-19 phase 1 and 2 lockdown.

Conclusion

The statement of financial activity for the period ended 30 June 2020 indicates that operating expenses are under the year-to-date budget by 7% or \$2.2m, while revenue is above the Budget by 0.71% or \$244k.

Key Relevant Previous Council Decisions:

Nil.

Consultation

N/A

Strategic Implications

The 2019/20 approved budget is in line with the City's strategic direction. Our operations and capital spend and income is undertaken in line with and measured against the budget.

The 2019/20 approved budget ensured that there is an equitable distribution of benefits in the community

The 2019/20 budget was prepared in line with the City's level of tolerance of risk and it is managed through budgetary review and control.

The approved budget was based on zero based budgeting concept which requires all income and expenses to be thoroughly reviewed against data and information available to perform the City's services at a sustainable level.

Budget/Financial Implications

As outlined in the Monthly Financial Report.

The approved budget is prepared taking into consideration the Long-Term Financial Plan and current economic situation. The approved budget was in a small deficit position of \$12,000 and the City is able to manage the cost.

The approved 19/20 budget included a rates increase of 2.95%.



CITY OF NEDLANDS
FINANCIAL SUMMARY - OPERATING - BY BUSINESS UNIT
AS AT 30 JUNE 2020

City of Nedlands

Row Labels	Master Account (desc)	June Actual YTD	June Budget YTD	Variance
Governance				
CEO's Office				
Governance				
Expense				
20420	Salaries - Governance	861,093	777,930	(83,163)
20421	Other Employee Costs - Governance	12,466	11,310	(1,156)
20423	Office - Governance	18,817	11,700	(7,117)
20425	Depreciation - Governance	98,251	97,500	(751)
20427	Finance - Governance	266,364	266,360	(4)
20428	Insurance - Governance	14,442	31,300	16,858
20430	Other Expense - Governance	10,933	30,707	19,774
20434	Professional Fees - Governance	176,969	385,300	208,331
20450	Special Projects - Governance / PC93	203,333	165,000	(38,333)
Expense Total		1,662,667	1,777,107	114,440
Income				
50410	Sundry Income - Governance	(122,663)	(114,500)	8,163
Income Total		(122,663)	(114,500)	8,163
Governance Total		1,540,004	1,662,607	122,603
Communications				
Expense				
28320	Salaries - Communications	309,822	323,338	13,516
28321	Other Employee Costs - Communications	1,547	3,360	1,813
28322	Staff Recruitment - Communications	0	500	500
28323	Office - Communications	45,497	73,800	28,303
28327	Finance - Communications	83,208	83,210	2
28330	Other Expense - Communications	920	1,500	580
28335	ICT Expenses - Communications	29,050	31,020	1,970
28350	Special Projects - Communications / PC 90	18,184	17,000	(1,184)
Expense Total		488,229	533,728	45,499
Communications Total		488,229	533,728	45,499
Human Resources				
Expense				
20520	Salaries - HR	421,917	428,397	6,480
20521	Other Employee Costs - HR	196,073	274,280	78,207
20522	Staff Recruitment - HR	9,079	22,000	12,921
20523	Office - HR	1,808	5,500	3,692
20525	Depreciation - HR	0	500	500
20527	Finance - HR	(855,096)	(855,097)	(1)
20528	Insurance - HR	112,947	116,000	3,053
20530	Other Expense - HR	0	1,000	1,000
20534	Professional Fees - HR	16,218	15,000	(1,218)
20535	ICT Expenses - HR	13,068	35,000	21,932
Expense Total		(83,985)	42,580	126,565
Income				
50510	Contributions & Reimbursements - HR	(4,106)	(20,000)	(15,894)
Income Total		(4,106)	(20,000)	(15,894)
Human Resources Total		(88,091)	22,580	110,671
Members Of Council				
Expense				
20323	Office - MOC	28,856	35,000	6,144
20325	Depreciation - MOC	821	900	79
20329	Members of Council - MOC	515,660	536,192	20,532
20330	Other Expense - MOC	6,576	30,000	23,424



CITY OF NEDLANDS
FINANCIAL SUMMARY - OPERATING - BY BUSINESS UNIT
AS AT 30 JUNE 2020

City of Nedlands

Row Labels	Master Account (desc)	June Actual YTD	June Budget YTD	Variance
Expense Total		551,913	602,092	50,179
Members Of Council Total		551,913	602,092	50,179
CEO's Office Total		2,492,054	2,821,007	328,953
Governance Total		2,492,054	2,821,007	328,953
Corporate & Strategy				
Corporate Strategy & Systems				
Customer Services				
Expense				
21320	Salaries - Customer Service	379,768	488,817	109,049
21321	Other Employee Costs - Customer Service	5,025	6,570	1,545
21323	Office - Customer Service	6,332	6,500	168
21327	Finance - Customer Service	(550,644)	(550,648)	(4)
21330	Other Expense - Customer Service	13,885	12,000	(1,885)
21350	Special Projects - Customer Service	11,955	0	(11,955)
Expense Total		(133,680)	(36,761)	96,919
Income				
51301	Fees & Charges - Customer Services	(1,108)	(600)	508
Income Total		(1,108)	(600)	508
Customer Services Total		(134,788)	(37,361)	97,427
ICT				
Expense				
21720	Salaries - ICT	399,818	361,598	(38,220)
21721	Other Employee Costs - ICT	6,959	11,550	4,591
21723	Office - ICT	103,500	37,000	(66,500)
21724	Motor Vehicles - ICT	7,630	7,000	(630)
21725	Depreciation - ICT	61,249	70,800	9,551
21727	Finance - ICT	(1,556,112)	(1,556,108)	4
21730	Other Expense - ICT	7,789	7,000	(789)
21734	Professional Fees - ICT	40,910	36,000	(4,910)
21735	ICT Expenses - ICT	713,759	844,000	130,241
Expense Total		(214,497)	(181,160)	33,337
ICT Total		(214,497)	(181,160)	33,337
Corporate Strategy & Systems Total		(349,285)	(218,521)	130,764
Finance				
Rates				
Expense				
21920	Salaries - Rates	83,406	108,584	25,178
21921	Other Employee Costs - Rates	(797)	970	1,767
21923	Office - Rates	15,059	15,100	41
21927	Finance - Rates	195,681	169,044	(26,637)
21930	Other Expense - Rates	13,705	20,000	6,295
21934	Professional Fees - Rates	9,308	60,000	50,692
Expense Total		316,361	373,698	57,337
Income				
51908	Rates - Rates	(24,613,525)	(24,523,000)	90,525
Income Total		(24,613,525)	(24,523,000)	90,525
Rates Total		(24,297,164)	(24,149,302)	147,862
General Finance				
Expense				
21420	Salaries - Finance	979,746	943,475	(36,271)
21421	Other Employee Costs - Finance	14,998	20,904	5,906
21423	Office - Finance	45,891	51,150	5,259
21424	Motor Vehicles - Finance	11,937	10,800	(1,137)



CITY OF NEDLANDS
FINANCIAL SUMMARY - OPERATING - BY BUSINESS UNIT
AS AT 30 JUNE 2020

City of Nedlands

Row Labels	Master Account (desc)	June Actual YTD	June Budget YTD	Variance
21425	Depreciation - Finance	851	500	(351)
21427	Finance - Finance	(945,393)	(954,962)	(9,569)
21430	Other Expense - Finance	1,293	1,000	(293)
21434	Professional Fees - Finance	42,500	102,000	59,500
21449	Loss Sale of Assets - Finance	653	0	(653)
21450	Special Projects - Finance	0	12,500	12,500
Expense Total		152,476	187,367	34,891
Income				
51401	Fees & Charges - Finance	(59,726)	(55,200)	4,526
51410	Sundry Income - Finance	(27,474)	(29,000)	(1,526)
Income Total		(87,200)	(84,200)	3,000
General Finance Total		65,276	103,167	37,891
General Purpose				
Expense				
21627	Finance - General Purpose	25,891	43,892	18,001
21631	Interest - General Purpose	235,312	238,615	3,303
Expense Total		261,203	282,507	21,304
Income				
51604	Grants Operating - General Purpose	(786,478)	(363,000)	423,478
51607	Interest - General Purpose	(268,938)	(300,000)	(31,062)
Income Total		(1,055,416)	(663,000)	392,416
General Purpose Total		(794,213)	(380,493)	413,720
Shared Services				
Expense				
21523	Office - Shared Services	82,162	53,500	(28,662)
21527	Finance - Shared Services	(195,000)	(130,500)	64,500
21534	Professional Fees - Shared Services	38,117	77,000	38,883
Expense Total		(74,721)	0	74,721
Shared Services Total		(74,721)	0	74,721
Finance Total		(25,100,822)	(24,426,628)	674,194
Corporate & Strategy Total		(25,450,108)	(24,645,149)	804,959
Community Development				
Community Development				
Community Development				
Expense				
28120	Salaries - Community Development	478,009	482,797	4,788
28121	Other Employee Costs - Community Development	6,020	8,390	2,370
28123	Office - Community Development	1,154	1,100	(54)
28124	Motor Vehicles - Community Development	8,235	8,000	(235)
28125	Depreciation - Community Development	1,301	1,800	499
28127	Finance - Community Development	186,792	186,793	1
28128	Insurance - Community Development	6,181	6,275	94
28130	Other Expense - Community Development	4,312	7,500	3,188
28134	Professional Fees - Community Development	0	1,500	1,500
28137	Donations - Community Development	110,103	117,900	7,797
28150	Special Projects - Community Development	43,148	57,000	13,852
28151	OPRL Activities - Community Development / PC82-87	121,800	148,200	26,400
Expense Total		967,056	1,027,255	60,199
Income				
58101	Fees & Charges - Community Development	(7,951)	(14,000)	(6,049)
58104	Grants Operating - Community Development	(21,000)	(24,000)	(3,000)
58106	Contributions & Reimburse - Community Development	(3,313)	(5,000)	(1,687)
Income Total		(32,264)	(43,000)	(10,736)



CITY OF NEDLANDS
FINANCIAL SUMMARY - OPERATING - BY BUSINESS UNIT
AS AT 30 JUNE 2020

City of Nedlands

Row Labels	Master Account (desc)	June Actual YTD	June Budget YTD	Variance
Community Development Total		934,792	984,255	49,463
Community Facilities				
Income				
58201	Fees & Charges - Community Facilities	(1,424)	(1,000)	424
58209	Council Property - Community Facilities	(137,270)	(179,350)	(42,080)
Income Total		(138,693)	(180,350)	(41,657)
Community Facilities Total		(138,693)	(180,350)	(41,657)
Volunteer Services VRC				
Expense				
29320	Salaries - Volunteer Services VRC	92,943	92,309	(634)
29321	Other Employee Cost - Volunteer Services VRC	(789)	980	1,769
29323	Office - Volunteer Services VRC	866	2,150	1,284
29327	Finance - Volunteer Services VRC	19,020	19,025	5
29328	Insurance - Volunteer Services VRC	642	0	(642)
29330	Other Expense - Volunteer Services VRC	667	4,650	3,983
Expense Total		113,349	119,114	5,765
Income				
59304	Grants Operating - Volunteer Services VRC	(30,756)	(30,310)	446
Income Total		(30,756)	(30,310)	446
Volunteer Services VRC Total		82,593	88,804	6,211
Volunteer Services NVS				
Expense				
29220	Salaries - Volunteer Services NVS	31,047	29,794	(1,253)
29221	Other Employee Costs - Volunteer Services NVS	(1,328)	320	1,648
29223	Office - Volunteer Services NVS	0	100	100
29227	Finance - Volunteer Services NVS	16,332	16,334	2
29230	Other Expense - Volunteer Services NVS	384	2,600	2,216
29250	Special Projects - Volunteer Services NVS	2,709	3,000	291
Expense Total		49,145	52,148	3,003
Volunteer Services NVS Total		49,145	52,148	3,003
Tresillian Community Centre				
Expense				
29120	Salaries - Tresillian CC	244,463	262,118	17,655
29121	Other Employee Costs - Tresillian CC	1,593	3,460	1,867
29123	Office - Tresillian CC	15,509	25,000	9,491
29125	Depreciation - Tresillian CC	2,258	700	(1,558)
29127	Finance - Tresillian CC	81,162	81,152	(10)
29130	Other Expense - Tresillian CC	5,099	7,500	2,401
29136	Courses - Tresillian CC	186,748	240,800	54,052
29150	Exhibition - Tresillian CC	18,286	21,200	2,914
Expense Total		555,118	641,930	86,812
Income				
59101	Fees & Charges - Tresillian CC	(368,902)	(388,300)	(19,398)
59109	Council Property - Tresillian CC	(27,770)	(36,000)	(8,230)
51906	Contributions & Reimbursement - Tresillian CC	(3)	(500)	(497)
Income Total		(396,676)	(424,800)	(28,124)
Tresillian Community Centre Total		158,442	217,130	58,688
Community Development Total		1,086,279	1,161,987	75,708
Community Services Centres				
Nedlands Community Care				
Expense				
28620	Salaries - NCC	855,425	859,939	4,514
28621	Other Employee Costs - NCC	14,708	15,020	312



CITY OF NEDLANDS
FINANCIAL SUMMARY - OPERATING - BY BUSINESS UNIT
AS AT 30 JUNE 2020

City of Nedlands

Row Labels	Master Account (desc)	June Actual YTD	June Budget YTD	Variance
28623	Office - NCC	4,266	8,000	3,734
28624	Motor Vehicles - NCC	97,322	107,000	9,678
28625	Depreciation - NCC	16,570	26,700	10,130
28626	Utility - NCC	10,758	18,500	7,742
28627	Finance - NCC	249,792	249,793	1
28628	Insurance - NCC	2,718	0	(2,718)
28630	Other Expense - NCC	42,075	42,100	25
28635	ICT Expenses - NCC	4,136	5,000	864
28664	Hacc Unit Cost - NCC / PC66	8,690	0	(8,690)
Expense Total		1,306,461	1,332,052	25,591
Income				
58601	Fees & Charges - NCC	(127,436)	(96,000)	31,436
58604	Grants Operating - NCC	(1,068,556)	(1,032,900)	35,656
58610	Sundry Income - NCC	0	(2,000)	(2,000)
Income Total		(1,195,992)	(1,130,900)	65,092
Nedlands Community Care Total		110,469	201,152	90,683
Positive Ageing				
Expense				
27420	Salaries - Positive Ageing	77,191	76,312	(879)
27421	Other Employee Costs - Positive Ageing	(936)	800	1,736
27427	Finance - Positive Ageing	29,460	29,460	0
28437	Donations - Positive Ageing	3,784	5,000	1,216
28450	Other Expense - Positive Ageing	34,355	64,000	29,645
Expense Total		143,855	175,572	31,717
Income				
58420	Fees & Charges - Positive Ageing	(51,403)	(88,000)	(36,597)
Income Total		(51,403)	(88,000)	(36,597)
Positive Ageing Total		92,452	87,572	(4,880)
Point Resolution Child Care				
Expense				
28820	Salaries - PRCC	517,100	519,690	2,590
28821	Other Employee Costs - PRCC	5,889	7,450	1,561
28823	Office - PRCC	3,887	9,200	5,313
28824	Motor Vehicles - PRCC	8,235	7,000	(1,235)
28825	Depreciation - PRCC	872	900	28
28826	Utility - PRCC	5,650	9,300	3,650
28827	Finance - PRCC	101,532	101,433	(99)
28828	Insurance - PRCC	415	0	(415)
28830	Other Expense - PRCC	30,954	29,000	(1,954)
28835	ICT Expenses - PRCC	0	4,100	4,100
Expense Total		674,535	688,073	13,538
Income				
58801	Fees & Charges - PRCC	(663,570)	(650,000)	13,570
Income Total		(663,570)	(650,000)	13,570
Point Resolution Child Care Total		10,966	38,073	27,107
Mt Claremont Library				
Expense				
28523	Office - Mt Claremont Library	5,180	10,500	5,320
28527	Finance - Mt Claremont Library	101,028	101,029	1
28530	Other Expense - Mt Claremont Library	29,799	37,200	7,401
28535	ICT Expenses - Mt Claremont Library	8,652	13,000	4,348
Expense Total		144,659	161,729	17,070
Income				



CITY OF NEDLANDS
FINANCIAL SUMMARY - OPERATING - BY BUSINESS UNIT
AS AT 30 JUNE 2020

City of Nedlands

Row Labels	Master Account (desc)	June Actual YTD	June Budget YTD	Variance
58501	Fees & Charges - Mt Claremont Library	(1,035)	(600)	435
58510	Sundry Income - Mt Claremont Library	(518)	(400)	118
58511	Fines & Penalties - Mt Claremont Library	(562)	(500)	62
Income Total		(2,115)	(1,500)	615
Mt Claremont Library Total		142,544	160,229	17,685
Nedlands Library				
Expense				
28720	Salaries - Library Services	954,538	1,027,372	72,834
28721	Other Employee Costs - Library Services	21,367	23,870	2,503
28723	Office - Nedlands Library	26,859	45,500	18,641
28724	Motor Vehicles - Nedlands Library	18,117	18,300	183
28725	Depreciation - Nedlands Library	13,490	13,200	(290)
28727	Finance - Nedlands Library	541,404	541,399	(5)
28730	Other Expense - Nedlands Library	90,526	103,700	13,174
28731	Grants Expenditure - Nedlands Library	1,000	1,300	300
28734	Professional Fees - Nedlands Library	0	1,000	1,000
28735	ICT Expenses - Nedlands Library	26,978	35,100	8,122
28750	Special Projects - Nedlands Library	0	3,100	3,100
Expense Total		1,694,279	1,813,841	119,562
Income				
58701	Fees & Charges - Nedland Library	(6,130)	(5,500)	630
58704	Grants Operating - Nedlands Library	(1,000)	(1,300)	(300)
58710	Sundry Income - Nedlands Library	(4,490)	(5,500)	(1,010)
58711	Fines & Penalties - Nedlands Library	(2,970)	(2,500)	470
Income Total		(14,591)	(14,800)	(209)
Nedlands Library Total		1,679,688	1,799,041	119,353
Community Services Centres Total		2,036,119	2,286,067	249,948
Community Development Total		3,122,397	3,448,054	325,657
Planning & Development Services				
Planning Services				
Town Planning - Administration				
Expense				
24820	Salaries - Town Planning Admin	116,501	114,398	(2,103)
24821	Other Employee Costs - Town Planning Admin	19,280	38,880	19,600
24823	Office - Town Planning Admin	23,665	13,250	(10,415)
24824	Motor Vehicles - Town Planning Admin	35,935	41,000	5,065
24825	Depreciation - Town Planning Admin	153	200	47
24827	Finance - Town Planning Admin	347,196	347,200	4
24830	Other Expense - Town Planning Admin	0	5,000	5,000
Expense Total		542,730	559,928	17,198
Income				
54801	Fees & Charges - Town Planning Admin	(799,823)	(757,000)	42,823
54811	Fines & Penalties - Town Planning	0	(1,500)	(1,500)
Income Total		(799,823)	(758,500)	41,323
Town Planning - Administration Total		(257,093)	(198,572)	58,521
Statutory Planning				
Expense				
24320	Salaries - Statutory Planning	669,286	560,466	(108,820)
24321	Other Employee Costs - Statutory Planning	755	0	(755)
24334	Professional Fees - Statutory Planning	56,740	70,000	13,260
Expense Total		726,782	630,466	(96,316)
Statutory Planning Total		726,782	630,466	(96,316)
Strategic Planning				



CITY OF NEDLANDS
FINANCIAL SUMMARY - OPERATING - BY BUSINESS UNIT
AS AT 30 JUNE 2020

City of Nedlands

Row Labels	Master Account (desc)	June Actual YTD	June Budget YTD	Variance
Expense				
24857	Strategic Projects - Strategic Planning	103,778	243,312	139,534
24920	Salaries - Strategic Planning	467,104	522,544	55,440
24921	Other Employee Costs - Strategic Planning	755	0	(755)
24934	Professional Fees - Strategic Planning	0	20,000	20,000
Expense Total		571,637	785,856	214,219
Strategic Planning Total		571,637	785,856	214,219
Planning Services Total		1,041,325	1,217,750	176,425
Health & Compliance				
Sustainability				
Expense				
24620	Salaries - Sustainability	34,585	32,101	(2,484)
24621	Other Employee Costs - Sustainability	(1,271)	340	1,611
24624	Motor Vehicles - Sustainability	19,182	19,000	(182)
24625	Depreciation - Sustainability	1,449	1,600	151
24627	Finance - Sustainability	24,024	24,025	1
24634	Professional Fees - Sustainability	1,265	0	(1,265)
24638	Operational Activities - Sustainability / PC79	16,555	49,000	32,445
Expense Total		95,789	126,066	30,277
Sustainability Total		95,789	126,066	30,277
Environmental Health				
Expense				
24720	Salaries - Environmental Health	479,989	444,857	(35,132)
24721	Other Employee Costs - Environmental Health	13,603	20,410	6,807
24723	Office - Environmental Health	2,095	5,000	2,905
24725	Depreciation - Environmental Health	6,457	6,500	43
24727	Finance - Environmental Health	116,904	116,899	(5)
24730	Other Expense - Environmental Health	2,091	33,200	31,109
24751	OPRL Activities - Environmental Health PC76,77,78	22,116	67,500	45,384
Expense Total		643,254	694,366	51,112
Income				
54701	Fees & Charges - Environmental Health	(86,447)	(75,000)	11,447
54710	Sundry Income - Environmental Health	(2,657)	(1,000)	1,657
54711	Fines & Penalties - Environmental Health	(18,029)	(43,000)	(24,971)
Income Total		(107,133)	(119,000)	(11,867)
Environmental Health Total		536,121	575,366	39,245
Environmental Conservation				
Expense				
24220	Salaries - Environmental Conservation	20,498	0	(20,498)
24221	Other Employee Costs - Environmental Conservation	2,238	2,800	562
24223	Office - Environmental Conservation	797	1,000	203
24227	Finance - Environmental Conservation	63,456	63,450	(6)
24230	Other Expense - Environmental Conservation	1,577	1,500	(77)
24237	Donations - Environmental Conservation	1,673	2,250	577
24251	OPRL Activities - Environ Conservation / PC80	762,405	805,740	43,335
Expense Total		852,643	876,740	24,097
Income				
54204	Grants Operating - Environmental Conservation	(35,775)	(41,350)	(5,575)
54210	Sundry Income - Environmental Conservation	(15,144)	(15,144)	0
Income Total		(50,920)	(56,494)	(5,574)
Environmental Conservation Total		801,723	820,246	18,523
Ranger Services				
Expense				



CITY OF NEDLANDS
FINANCIAL SUMMARY - OPERATING - BY BUSINESS UNIT
AS AT 30 JUNE 2020

City of Nedlands

Row Labels	Master Account (desc)	June Actual YTD	June Budget YTD	Variance
21120	Salaries - Ranger Services	638,710	626,952	(11,758)
21121	Other Employee Costs - Ranger Services	13,621	12,750	(871)
21123	Office - Ranger Services	8,483	9,300	817
21124	Motor Vehicles - Ranger Services	58,089	63,000	4,911
21125	Depreciation - Ranger Services	5,980	6,200	220
21127	Finance - Ranger Services	191,849	170,102	(21,747)
21130	Other Expense - Ranger Services	15,913	81,450	65,537
21135	ICT Expenses - Ranger Services	9,852	10,000	148
21137	Donations - Ranger Services	1,000	1,000	0
Expense Total		943,498	980,754	37,256
Income				
51101	Fees & Charges - Ranger Services	(64,293)	(67,000)	(2,707)
51106	Contributions & Reimbursements- Rangers Services	(31,116)	(30,000)	1,116
51111	Fines & Penalties - Rangers Services	(301,424)	(412,500)	(111,076)
Income Total		(396,833)	(509,500)	(112,667)
Ranger Services Total		546,665	471,254	(75,411)
Health & Compliance Total		1,980,299	1,992,932	12,633
Building Services				
Building Services				
Expense				
24420	Salaries - Building Services	750,355	851,516	101,161
24421	Other Employee Costs - Building Services	15,437	38,770	23,333
24423	Office - Building Services	4,261	3,400	(861)
24424	Motor Vehicles - Building Services	29,006	26,800	(2,206)
24425	Depreciation - Building Services	242	300	58
24427	Finance - Building Services	256,512	256,516	4
24430	Other Expense - Building Services	2,668	3,700	1,032
24434	Professional Fees - Building Services	3,450	5,000	1,550
Expense Total		1,061,932	1,186,002	124,070
Income				
54401	Fees & Charges - Building Services	(571,644)	(504,800)	66,844
54410	Sundry Income - Building Services	(28,791)	(20,000)	8,791
54411	Fines & Penalties - Building Services	(24,163)	(13,000)	11,163
Income Total		(624,598)	(537,800)	86,798
Building Services Total		437,334	648,202	210,868
Building Services Total		437,334	648,202	210,868
Planning & Development Services Total		3,458,958	3,858,884	399,926
Technical Services				
Engineering				
Infrastructure Services				
Expense				
26220	Salaries - Infrastructure Svs	2,292,391	2,445,074	152,683
26221	Other Employee Costs - Infrastructure Svs	94,872	117,440	22,568
26223	Office - Infrastructure Svs	20,628	32,500	11,872
26224	Motor Vehicles - Infrastructure Svs	33,566	53,000	19,434
26225	Depreciation - Infrastructure Svs	12,082	15,700	3,618
26227	Finance - Infrastructure Svs	(1,881,665)	(2,893,913)	(1,012,248)
26228	Insurance - Infrastructure Svs	134,319	135,000	681
26230	Other Expense - Infrastructure Svs	66,355	63,000	(3,355)
26234	Professional Fees - Infrastructure Svs	115,303	71,100	(44,203)
26235	ICT Expenses - Infrastructure Svs	1,530	15,900	14,370
36101	Project Contribution - Infrastructure	(429,824)	220,000	649,824
Expense Total		459,558	274,801	(184,757)



CITY OF NEDLANDS
FINANCIAL SUMMARY - OPERATING - BY BUSINESS UNIT
AS AT 30 JUNE 2020

City of Nedlands

Row Labels	Master Account (desc)	June Actual YTD	June Budget YTD	Variance
Income				
56206	Contributions & Reimbursement - Infrastructure Svcs	(9,886)	(110,000)	(100,114)
50202	Service Charges - Infrastructure Svcs	(31,447)	(23,800)	7,647
56201	Fees & Charges - Infrastructure Svcs	(3,658)	(10,000)	(6,342)
Income Total		(44,991)	(143,800)	(98,809)
Infrastructure Services Total		414,566	131,001	(283,565)
Plant Operating				
Expense				
26521	Other Employee Costs - Plant Operating	1,628	1,300	(328)
26525	Depreciation - Plant Operating	291,480	307,000	15,520
26527	Finance - Plant Operating	(1,130,960)	(1,196,000)	(65,040)
26532	Plant - Plant Operating	494,629	674,500	179,871
26533	Minor Parts & Workshop Tools - Plant Operating	25,859	92,300	66,441
26549	Loss Sale of Assets - Plant Operating	23,565	108,507	84,942
Expense Total		(293,800)	(12,393)	281,407
Income				
56501	Fees & Charges - Plant Operating	(50,752)	(60,000)	(9,248)
56510	Sundry Income - Plant operating	(3,191)	(3,000)	191
56515	Profit Sale of Assets - Plant Operating	(77,691)	(85,000)	(7,309)
Income Total		(131,635)	(148,000)	(16,365)
Plant Operating Total		(425,435)	(160,393)	265,042
Streets Roads and Depots				
Expense				
26625	Depreciation - Streets Roads & Depots	2,127,170	2,127,000	(170)
26626	Utility - Streets Roads & Depots	479,798	583,000	103,202
26630	Other Expense - Streets Roads & Depots	48,722	60,000	11,278
26640	Reinstatement - Streets Roads & Depot	1,502	7,000	5,498
26667	Maintenance - Road Maintenance / PC51	711,403	680,500	(30,903)
26668	Maintenance - Drainage Maintenance / PC52	536,279	515,300	(20,979)
26669	Maintenance - Footpath Maintenance / PC53	217,457	165,200	(52,257)
26670	Maintenance - Parking Signs / PC54	126,912	87,500	(39,412)
26671	Maintenance - Right of Way Maintenance / PC55	89,522	87,500	(2,022)
26672	Maintenance - Bus Shelter Maintenance / PC56	12,265	11,600	(665)
26673	Maintenance - Graffiti Control / PC57	8,777	19,500	10,723
26674	Maintenance - Streets Roads & Depot / PC89	134,403	151,500	17,097
Expense Total		4,494,210	4,495,600	1,390
Income				
56601	Fees & Charges - Streets Roads & Depots	(57,166)	(80,000)	(22,834)
56604	Grants Operating - Streets Roads & Depots	(70,251)	(70,200)	51
56606	Contributions & Reimburse - Streets Roads & Depots	(25,817)	(10,000)	15,817
56610	Sundry Income - Streets Roads & Depots	(181)	0	181
Income Total		(153,415)	(160,200)	(6,785)
Streets Roads and Depots Total		4,340,795	4,335,400	(5,395)
Waste Minimisation				
Expense				
24520	Salaries - Waste Minimisation	244,053	247,589	3,536
24521	Other Employee Costs - Waste Minimisation	2,444	6,670	4,226
24524	Motor Vehicles - Waste Minimisation	11,365	9,200	(2,165)
24527	Finance - Waste Minimisation	179,120	179,106	(14)
24538	Purchase of Product - Waste Minimisation	2,919	3,000	81
24552	Residential Kerbside - Waste Minimisation / PC71	1,755,595	1,882,200	126,605
24553	Residential Bulk - Waste Minimisation / PC72	115,222	472,000	356,778
24554	Commercial - Waste Minimisation / PC73	98,251	102,800	4,549



CITY OF NEDLANDS
FINANCIAL SUMMARY - OPERATING - BY BUSINESS UNIT
AS AT 30 JUNE 2020

City of Nedlands

Row Labels	Master Account (desc)	June Actual YTD	June Budget YTD	Variance
24555	Public Waste - Waste Minimisation / PC74	112,421	104,300	(8,121)
24556	Waste Strategy - Waste Minimisation / PC75	6,346	84,300	77,954
Expense Total		2,527,736	3,091,165	563,429
Income				
54501	Fees & Charges - Waste Minimisation	(3,294,381)	(3,307,078)	(12,697)
Income Total		(3,294,381)	(3,307,078)	(12,697)
Waste Minimisation Total		(766,645)	(215,913)	550,732
Building Maintenance				
Expense				
24120	Salaries - Building Maintenance	404,906	425,345	20,439
24121	Other Employee Costs - Building Maintenance	4,939	7,410	2,471
24123	Office - Building Maintenance	663	0	(663)
24124	Motor Vehicles - Building Maintenance	35,520	36,500	980
24125	Depreciation - Building Maintenance	732,163	732,400	237
24126	Utility - Building Maintenance PC41,42,43	227,182	288,850	61,668
24127	Finance - Building Maintenance	(147,804)	(147,804)	0
24128	Insurance - Building Maintenance PC40	74,006	74,000	(6)
24130	Other Expense - Building Maintenance	25,635	30,000	4,365
24133	Building - Building Maintenance PC58	1,338,404	1,408,500	70,096
24135	ICT Expenses - Building Maintenance	0	2,500	2,500
Expense Total		2,695,615	2,857,701	162,086
Income				
54106	Contributions & Reimbursement - Building Maintenance	(112,299)	(115,000)	(2,701)
54109	Council Property - Building Maintenance	(206,314)	(274,250)	(67,936)
54110	Sundry Income - Building Maintenance	(480)	0	480
Income Total		(319,093)	(389,250)	(70,157)
Building Maintenance Total		2,376,521	2,468,451	91,930
Engineering Total		5,939,802	6,558,546	618,744
Parks Services				
Parks Services				
Expense				
26360	Depreciation - Parks Services	694,931	695,000	69
26365	Maintenance - Parks Services / PC59	4,423,135	4,416,350	(6,785)
Expense Total		5,118,065	5,111,350	(6,715)
Income				
56301	Fees & Charges - Parks & Ovals	(669)	(1,500)	(831)
56306	Contributions & Reimbursements - Parks Services	(87,314)	(67,400)	19,914
56309	Council Property - Parks Services	(56,582)	(68,000)	(11,418)
56310	Sundry Income - Parks Services	(23,173)	(21,000)	2,173
56312	Fines & Penalties - Parks & Ovals	(1,435)	(1,000)	435
Income Total		(169,173)	(158,900)	10,273
Parks Services Total		4,948,892	4,952,450	3,558
Parks Services Total		4,948,892	4,952,450	3,558
Technical Services Total		10,888,695	11,510,996	622,301
City of Nedlands Total		(5,488,004)	(3,006,208)	2,481,796



CITY OF NEDLANDS
CAPITAL WORKS & ACQUISITIONS
AS AT 30 JUNE 2020

L1	L1 Desc / N L2 - Desc	June Actual YTD	Committed Balance	Annual Budget	Budget Available
2	Footpath Rehabilitation				
	2452 School Sports Facility	0	0	30,000	30,000
	200 Monash Avn-Paving of Verge(infrn of Sch)	0	81,662	112,875	31,213
	609 Stirling Highway-Kinninmont to smyth	13,397	82,690	104,336	8,249
	610 Stirling Highway-Portland to Williams	116,025	0	96,097	-19,928
	611 Stirling Highway-Robinson to Weld	141,347	0	134,547	-6,800
	Footpath Rehabilitation Total	270,769	164,352	477,855	42,734
3	Road Rehabilitation				
	2143 Brockway Road	3,923	0	0	-3,923
	2070 Waroonga Road	173,214	0	147,396	-25,818
	2071 Rockton Road	145,382	0	127,453	-17,929
	2318 Gerygone Lane	0	0	208,819	208,819
	612 Campsie St-Verdun Street to cul-de-sac	192,901	8,314	228,480	27,265
	615 Micrantha Lane-Williams Rd to Clifton St	27,436	0	21,000	-6,436
	616 Ringneck Ln drainage-Brick Paving and in	125,933	25	113,600	-12,358
	Road Rehabilitation Total	1,046,937	8,339	1,224,895	169,619
4	Drainage Rehabilitation				
	2001 Railway Road	32,189	0	80,189	48,000
	Drainage Rehabilitation Total	32,189	0	80,189	48,000
5	Street Furniture / Bus Shelter				
	501 City Wide Street Lights - INSTL LED	54,447	0	45,000	-9,447
	502 West Hollywood - LED smart control	2,982	0	0	-2,982
	Street Furniture / Bus Shelter Total	57,429	0	45,000	-12,429
6	Grant Funded Projects				
	2001 Railway Road	18,680	42,999	64,000	2,321
	2003 Alfred Road	171,625	218,981	194,700	-195,906
	2010 Broadway	45	0	0	-45
	2012 Waratah Avenue	235,327	6,729	227,415	-14,641
	2015 Birdwood Parade	11,308	16,366	50,996	23,322
	2037 Elizabeth Street	1,165,698	813,551	1,916,025	-63,224
	2198 Hampden Road	105,648	482,810	235,700	-352,758
	2225 Stephenson Avenue	0	0	30,000	30,000
	2143 Brockway Road	25,722	4,889	346,599	315,988
	617 Narla Rd-Swanway Cres to Servetus St	126,519	0	120,300	-6,219
	618 Rosedale St-Gunn St to Alderbury St	117,776	0	119,734	1,958
	635 Alfred Road-Brockway to Mimosa	0	0	57,150	57,150
	2041 Elizabeth St-Broadwy to Bay Rd(Drainage)	229,526	0	400,000	170,474
	Grant Funded Projects Total	2,207,873	1,586,325	3,762,619	-31,579
11	Building Construction				
	4003 Broome St - Council Depot	225,507	38,626	142,500	-121,633
	4004 Webster St - Drabble House	274,594	2,625	225,348	-51,871
	4005 Drabble House Flat - 8A Webster St	2,910	0	0	-2,910
	4007 140 Melvista Ave - JC Smith Pavilion	19,102	659	28,400	8,639
	4009 53 Jutland Pde - PRCC	890	4,473	0	-5,363
	4011 105 Montgomery Ave - MTC Library	18,091	0	0	-18,091
	4015 118 Wood St - Friends of Allen Park	1,650	0	0	-1,650
	4016 67 Stirling Highway - Maisonettes	74,690	0	78,747	4,057
	4021 110 Smyth Road - Cottage Bldg	29,528	8,370	50,000	12,102
	4052 Allen Park (Master Plan)	15,620	0	55,400	39,780
	4159 8 Draper St - Hackett Hall	5,680	5,393	201,600	190,527
	4164 100A Princess Rd - College Park Family Centre	587	1,901	0	-2,488
	4201 John XXIII Ave - Council Depot	1,095	0	0	-1,095
	619 Charles Court Reserve Toilets-Renovation	34,570	598	42,069	6,901
	620 Mt Claremont Library-Re roof	102,568	91,012	383,400	189,820
	Building Construction Total	807,082	153,657	1,207,464	246,725
12	Off Street Parking				
	406 Maisonettes Carpark - Resurface	50,776	0	51,266	491
	Off Street Parking Total	50,776	0	51,266	491
14	Parks & Reserves Construction				
	4052 Allen Park	0	15,134	44,872	29,738
	4059 Beatrice Road Reserve	6,198	0	6,390	192
	4062 Blain Park	0	0	23,572	23,572
	4069 Carrington Park	20,234	3,275	26,128	2,619
	4089 Hamilton Park	1,268	0	30,814	29,546
	4092 Hollywood Tennis Court Reserve	3,791	0	5,680	1,889
	4094 Jones Park	30,684	3,784	31,240	-3,228



CITY OF NEDLANDS
CAPITAL WORKS & ACQUISITIONS
AS AT 30 JUNE 2020

L1	L1 Desc / N L2 - Desc	June Actual YTD	Committed Balance	Annual Budget	Budget Available
	4098 Leura Park	5,357	0	6,674	1,317
	4115 New Court Gardens	6,816	124	71,000	64,060
	4118 Peace Memorial Rose Garden	9,211	0	9,088	-123
	4141 WA Bridge Club Surrounds	28,352	19,865	27,020	-21,197
	4173 Cottesloe Golf Club	0	0	50,000	50,000
	732 Allen Park (LO) - INST floodlight	200,815	28,490	271,147	41,842
	734 Asquith Reserve - Redevelopment	78,477	4,090	90,500	7,933
	737 Bishop Rd Rsv - Enviro-scape manster pln	8,896	22,440	66,097	34,761
	739 Brockman Rsv - UG playground	73,114	0	73,114	1
	752 Hamilton Park - UG irrigation system	0	0	24,224	24,224
	754 Hollyhwood Rsv - UG pathway	23,816	0	37,404	13,588
	767 Pt Res Rsv - UG irrigation system	139,745	0	152,242	12,497
	769 St Johns Wood Blv POS - INST playground	138,068	0	136,196	-1,872
	904 Swanbourne Beach Oval - rehabilitation	240	25,133	0	-25,373
	771 Jones Park - Bushfence Bollards Gate&Eco	48,697	8,127	49,624	-7,200
	621 Blain Park-Replace Drinking Fountain	5,805	0	82,770	76,965
	622 College Park-Replace Gates toTennis Cour	2,457	0	5,680	3,223
	624 Hollywood Tennis Crt Rsv-Replace floodli	64,252	0	62,200	-2,052
	625 Iris Ave Gardens-Install 90m recycled pl	10,472	0	9,230	-1,242
	626 Melvista Oval-Replace Park Benches(2)	6,088	0	6,816	728
	627 Melvista Oval-Replace Fitness Equipment	12,070	0	12,354	284
	628 Melvista Oval-Replace Basketball Backwar	3,514	0	9,372	5,858
	631 Peace Memo Gardens-Renew Bore(38m)	0	15,643	41,607	25,964
	632 Point Resolution Reserve-Upgrade of fina	0	0	28,400	28,400
	633 Swanbourne Greenway Project	38,513	11,789	48,280	-2,022
	634 Tresillian Gardens-Upgrade old Playgroun	38,401	0	38,454	53
	5108 Mt Claremont Oval	12,368	0	29,820	17,452
	Parks & Reserves Construction Total	1,338,611	157,894	1,928,902	432,399
15	Plant & Equipment				
	7500 Technical Svs - Engineering	355,937	0	283,000	-72,937
	7501 Development Svs - Town Planning	42,322	0	0	-42,322
	7502 Development Svs - Building Svs	19,303	0	23,000	3,697
	7505 Planning & Development Svs - Ranger Svs	129,419	0	132,000	2,581
	7507 Development Svs - Environmental Health	67,554	0	66,000	-1,554
	7508 Corporate & Strategy - Finance	0	0	45,000	45,000
	7509 Technical Svs - Parks Svs	76,977	0	389,000	312,023
	7515 Corporate & Strategy - ICT	61,068	0	33,000	-28,068
	Plant & Equipment Total	752,580	0	971,000	218,420
16	ICT Capital Projects				
	6054 Software	15,794	0	0	-15,794
	6060 Software - IP Phone	-577	0	0	577
	6062 Firewall at Administration	40,607	0	40,000	-607
	6063 Replace SSD on VDI nodes	0	9,944	20,000	10,056
	6064 Ipads for councillors	11,697	0	15,000	3,303
	6066 Administration Comms Rack Cleanup Aups R	733	24,999	30,000	4,268
	6067 Printers & Copiers	0	0	109,514	109,514
	ICT Capital Projects Total	68,254	34,943	214,514	111,317
18	Furniture & Fixture				
	4008 60 Stirling Hwy - Nedlands Library	119	0	0	-119
	Furniture & Fixture Total	119	0	0	-119
19	Public Art				
	9000 City Wide	61,108	0	0	-61,108
	9001 Public Arts Work	0	0	61,000	61,000
	Public Art Total	61,108	0	61,000	-108
20	Major Projects - Parks				
	4071 Charles Ct Reserve	13,524	0	43,524	30,000
	901 Beaton Park - AAPS Stage 2	159	0	0	-159
	903 Charles Crt Rsv - CNST riverwall S4-1	36,634	0	66,066	29,433
	904 Swanbourne Beach Oval - rehabilitation	244,643	0	270,000	25,357
	Major Projects - Parks Total	294,959	0	379,590	84,631
City of Nedlands Total		6,988,685	2,105,510	10,404,294	1,310,100



CITY OF NEDLANDS
STATEMENT OF NET CURRENT ASSETS
CLOSING FUNDS
AS AT 30 JUNE 2020

	2019/20	2018/19
	YTD 30 JUNE 2020	YTD 30 JUNE 2019
Current Assets		
Cash & Cash Equivalents	16,492,576	13,030,918
Receivable - Rates Outstanding (inc Rebates)	781,195	440,333
Receivable - Sundry Debtors	785,930	1,319,548
Receivable - Self Supporting Loan	3,447	13,630
Receivable - UGP	9,577	138,453
GST Receivable	101,782	539,456
Prepayments	337,339	170,828
Less: Provision for Doubtful Debts	(9,282)	(9,282)
Inventories	16,323	15,725
	18,518,888	15,659,609
Current Liabilities		
Payable - Sundry Creditors	(5,116,859)	(4,405,161)
Payable - ESL	52,235	(35,256)
Accrued Salaries and Wages	(28,576)	(341,845)
Employee Provisions	(2,421,149)	(2,274,759)
Borrowings	(1,753,066)	(1,693,964)
	(9,267,414)	(8,750,986)
Unadjusted Net Current Assets	9,251,473	6,908,624
Less: Restricted Reserves	(6,200,566)	(6,095,373)
Less: Current Self Supporting Loan Liability	(3,447)	(13,630)
Add Back: Borrowings	1,753,066	1,693,964
Net Current Assets	4,800,527	2,493,585



CITY OF NEDLANDS
STATEMENT OF FINANCIAL ACTIVITY
BY DIRECTORATES
FOR THE PERIOD ENDED 30 JUNE 2020

Note	2019-20 June Budget \$	June 20 YTD Actual \$	June 20 YTD Variance \$	Variance %
Operating Income				
Governance	134,500	126,769	(7,731)	-5.75%
Corporate & Strategy	25,270,800	25,757,249	486,449	1.92%
Community Development & Services	2,563,660	2,526,059	(37,601)	-1.47%
Planning & Development Services	1,981,294	1,979,307	(1,987)	-0.10%
Technical Services	4,307,228	4,112,688	(194,540)	-4.52%
	34,257,482	34,502,073	244,591	0.71%
Operating Expense				
Governance	(2,955,507)	(2,618,823)	336,684	11.39%
Corporate & Strategy	(625,651)	(307,142)	318,509	50.91%
Community Development & Services	(6,011,714)	(5,648,457)	363,257	6.04%
Planning & Development Services	(5,840,178)	(5,438,265)	401,913	6.88%
Technical Services	(15,818,224)	(15,001,383)	816,841	5.16%
	(31,251,274)	(29,014,069)	2,237,205	7.16%
Capital Income				
Grants Capital	2,809,770	1,629,860		
Capital Contribution	0	374,621		
Proceeds from Disposal of Assets	491,636	513,577		
New Borrowings	0	0		
Self Supporting Loan Principal Repayments	13,630	10,183		
Transfer from Reserve	2,457,862	2,271,638		
	5,772,898	4,799,879		
Capital Expenditure				
Land & Buildings	(1,207,463)	(807,082)		
Infrastructure - Road	(5,596,822)	(3,608,544)		
Infrastructure - Parks	(2,353,492)	(1,632,993)		
Plant & Equipment	(971,000)	(810,009)		
Furniture & Equipment	(275,514)	(130,058)		
Repayment of Debentures	(1,691,065)	(1,691,065)		
Transfer to Reserves	(2,168,566)	(2,376,830)		
	(14,263,922)	(11,056,580)		
Total Operating and Non-Operating	(5,484,816)	(768,697)		
Adjustment - Non Cash Items				
Depreciation	4,105,400	4,067,770		
Receivables/Provisions/Other Accruals	(58)	20,143		
Change in accounting policy	(1,150,000)	(958,802)		
(Profit) on Sale of Assets	(85,000)	(77,691)		
Loss on Sale of Assets	108,507	24,217		
ADD - Surplus/(Deficit) 1 July b/f	2,493,592	2,493,587		
LESS - Surplus/(Deficit) 30 June c/f	(12,375)	4,800,527		
	5,484,816	768,697		



**SUMMARY STATEMENT OF BORROWING ACTIVITY
FOR THE PERIOD ENDING 30 JUNE 2020**

Purpose

Loan 179 - Road Infrastructures
Loan 181 - Building and Road Infrastructures
Loan 182 - Building
Loan 183 - Building
Loan 184 - Building
Loan 185 - Building
Loan 187 - Underground Power (CON)
Loan 188 - Underground Power (W.Hollywood Res)
Loan 189 - Underground Power (Alfred & MTC Res)
Loan 190 - Underground Power (Alderbury Res)

Self Supporting Loans

Loan 186 - Dalkeith Bowling Club

Total

Interest Rate Per Annum	Actual YTD 30 JUNE 2020				
	Principal 01-Jul-19 \$	New loans \$	Principal Repayment \$	Principal 30-Jun-20 \$	Interest(YTD) \$
6.04%	654,992	0	(115,781)	539211	36,389
5.91%	498,901	0	(242,135)	256766	22,992
4.67%	649,125	0	(250,646)	398479	25,967
2.78%	1,031,607	0	(160,250)	871357	26,646
3.12%	921,181	0	(129,895)	791286	26,555
3.12%	435,974	0	(61,476)	374498	12,608
2.64%	2,464,759	0	(633,675)	1831084	58,831
3.07%	645,499	0	(66,873)	578626	18,118
3.07%	94,279	0	(9,767)	84512	2,638
3.07%	66,956	0	(6,937)	60019	1,884
	7,463,273	0	(1,677,435)	5785838	232,630
3.07%	92,445	0	(13,630)	78815	2,682
				0	
	7,555,718	0	(1,691,065)	5,864,653	235,312

Adopted Budget 2019/20		
New loans \$	Principal 30-Jun-20 \$	Interest \$
0	539,211	36,972
0	256,766	24,184
0	398,479	25,967
0	871,357	27,018
0	791,286	27,231
0	374,498	12,888
0	1,831,084	58,831
0	578,626	18,277
0	84,512	2,669
0	60,019	1,896
0	5,785,838	235,933
0	78,815	2,682
0	5,864,653	238,615



CITY OF NEDLANDS
STATEMENT OF FINANCIAL POSITION
AS AT 30 JUNE 2020

	2019/2020 YTD 30 JUNE 2020 \$	2018/2019 YTD 30 JUNE 2019 \$
Current Assets		
Cash & Cash Equivalents	16,492,576	13,030,918
Trade & Other Receivables	1,672,650	2,442,138
Inventories	16,323	15,725
Other - Prepayments & Accruals	337,339	170,828
Total Current Assets	18,518,888	15,659,609
Non Current Assets		
Other Receivables	1,285,349	1,306,051
Other Financial Assets	140,137	140,137
Property, Plant & Equipment Infrastructure	345,913,048	345,984,718
	90,170,412	87,638,047
Total Non Current Assets	437,508,945	435,068,953
Total Assets	456,027,833	450,728,562
Current Liabilities		
Trade & Other Payables	5,093,202	4,782,262
Current Borrowings	1,753,066	1,693,964
Employee Provisions	2,421,149	2,274,759
Total Current Liabilities	9,267,416	8,750,986
Non Current Liabilities		
Long Term Borrowings	4,111,586	5,861,752
Deferred Liability	54,001	54,001
Employee Provisions	474,196	474,196
Total Non Current Liabilities	4,639,783	6,389,949
Total Liabilities	13,907,200	15,140,935
Net Assets	442,120,633	435,587,627
Equity		
Retained Surplus	82,373,418	75,945,606
Reserves - Cash Backed	6,200,566	6,095,369
Revaluation Surplus	353,546,650	353,546,652
Total Equity	442,120,633	435,587,627



**SUMMARY STATEMENT OF FINANCIAL ACTIVITY - OPERATING
BY REPORTING ACTIVITY
FOR THE PERIOD ENDING 30 JUNE 2020**

Reporting Activity	June 20 YTD Budget	June 20 YTD Actual	Variance Indicators				2019-20 Annual Budget	Var. Scale	Comment Ref
			\$	%	Flag	F/U			
Income:									
Community Leadership	114,500	122,663	8,163	7%	▶	F	114,500	●	
Corporate Administration	767,800	1,147,831	380,031	49%	▶	F	767,800	●	
Community Capacity Building	678,460	598,389	(80,071)	(12%)	▶	U	678,460	● Lower Tresillian income	
Community Care	1,868,900	1,910,964	42,064	2%	▶	F	1,868,900	●	
Libraries	16,300	16,706	406	2%	▶	F	16,300	●	
Building & Development Control	1,296,300	1,424,421	128,121	10%	▶	F	1,296,300	●	
Environmental Health Services	119,000	107,133	(11,867)	(10%)	▶	U	119,000	●	
Rangers & Public Safety	509,500	396,833	(112,667)	(22%)	▶	U	509,500	● Lower fine income due to COVID - 19 Lower underground power service charges and fees and charges in Infrastructure	
Engineering & Asset Management	143,800	44,991	(98,809)	(69%)	▶	U	143,800	●	
Parks & Natural Areas	215,394	220,093	4,699	2%	▶	F	215,394	●	
Roads, Paths & Drains	308,200	285,049	(23,151)	(8%)	▶	U	308,200	●	
Community Building Management	389,250	319,093	(70,157)	(18%)	▶	U	389,250	● Lower income from council property	
Waste Management	3,307,078	3,294,381	(12,697)	(0%)	▶	U	3,307,078	●	
Rates & Property Services	24,523,000	24,613,525	90,525	0%	▶	F	24,523,000	●	
Total Income	34,257,482	34,502,073		1%	▶	F	34,257,482		

* **Note:** Total Income includes Operating Income & Capital Grants but not Asset Sale Proceeds

Legend

Favourable Variance to Budget F ▶
Unfavourable Variance to Budget U ▶

Legend

Favourable Variance > 10% ●
Variance between -10% (U) and +10% (F) ●
Unfavourable Variance > 10% ●



**SUMMARY STATEMENT OF FINANCIAL ACTIVITY - OPERATING
BY REPORTING ACTIVITY
FOR THE PERIOD ENDING 30 JUNE 2020**

Reporting Activity	June 20	June 20	Variance Indicators				2019-20	Var.	Comment Ref
	YTD Budget	YTD Actual	\$	%	Flag	F/U	Annual Budget	Scale	
Expenditure:									
Community Leadership	2,379,199	2,214,580	164,619	7%	▶	F	2,379,199	●	
Corporate Administration	828,261	395,024	433,237	52%	▶	F	828,261	●	
Community Capacity Building	1,840,447	1,684,668	155,779	8%	▶	F	1,840,447	●	
Community Care	2,195,697	2,124,851	70,846	3%	▶	F	2,195,697	●	
Libraries	1,975,570	1,838,938	136,632	7%	▶	F	1,975,570	●	
Building & Development Control	2,376,396	2,331,443	44,953	2%	▶	F	2,376,396	●	
Strategic Urban Planning	911,922	667,426	244,496	27%	▶	F	911,922	●	
Environmental Health Services	694,366	643,254	51,112	7%	▶	F	694,366	●	
Rangers & Public Safety	980,754	943,498	37,256	4%	▶	F	980,754	●	
Engineering & Asset Management	274,801	459,558	(184,757)	67%	▶	U	274,801	●	Lower oncost charge
Parks & Natural Areas	5,988,090	5,970,709	17,381	0%	▶	F	5,988,090	●	
Roads, Paths & Drains	4,483,207	4,200,410	282,797	6%	▶	F	4,483,207	●	
Community Building Management	2,857,701	2,695,615	162,086	6%	▶	F	2,857,701	●	
Waste Management	3,091,165	2,527,736	563,429	18%	▶	F	3,091,165	●	
Rates & Property Services	373,698	316,361	57,337	15%	▶	F	373,698	●	
Total Operating Expenditure	31,251,274	29,014,069		7%	▶	F	31,251,274		
Net Operating Result	3,006,208	5,488,004					3,006,208		

Legend

Favourable Variance to Budget F ▶
Unfavourable Variance to Budget U ▶

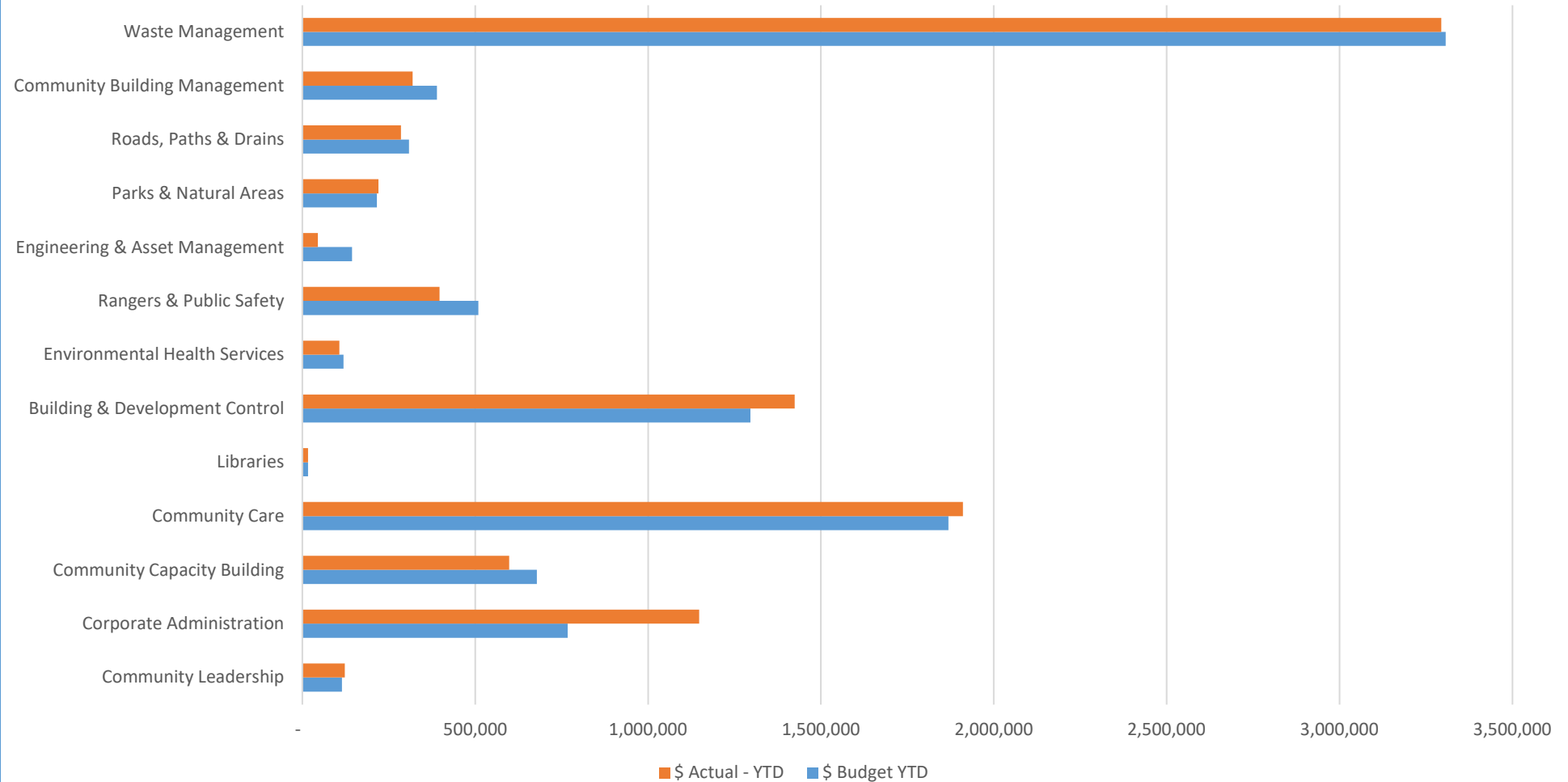
Legend

Favourable Variance > 10% ●
Variance between -10% (U) and +10% (F) ●
Unfavourable Variance > 10% ●



**GRAPHICAL SUMMARY OF FINANCIAL ACTIVITY - OPERATING
BY REPORTING ACTIVITY
FOR THE PERIOD ENDING 30 JUNE 2020**

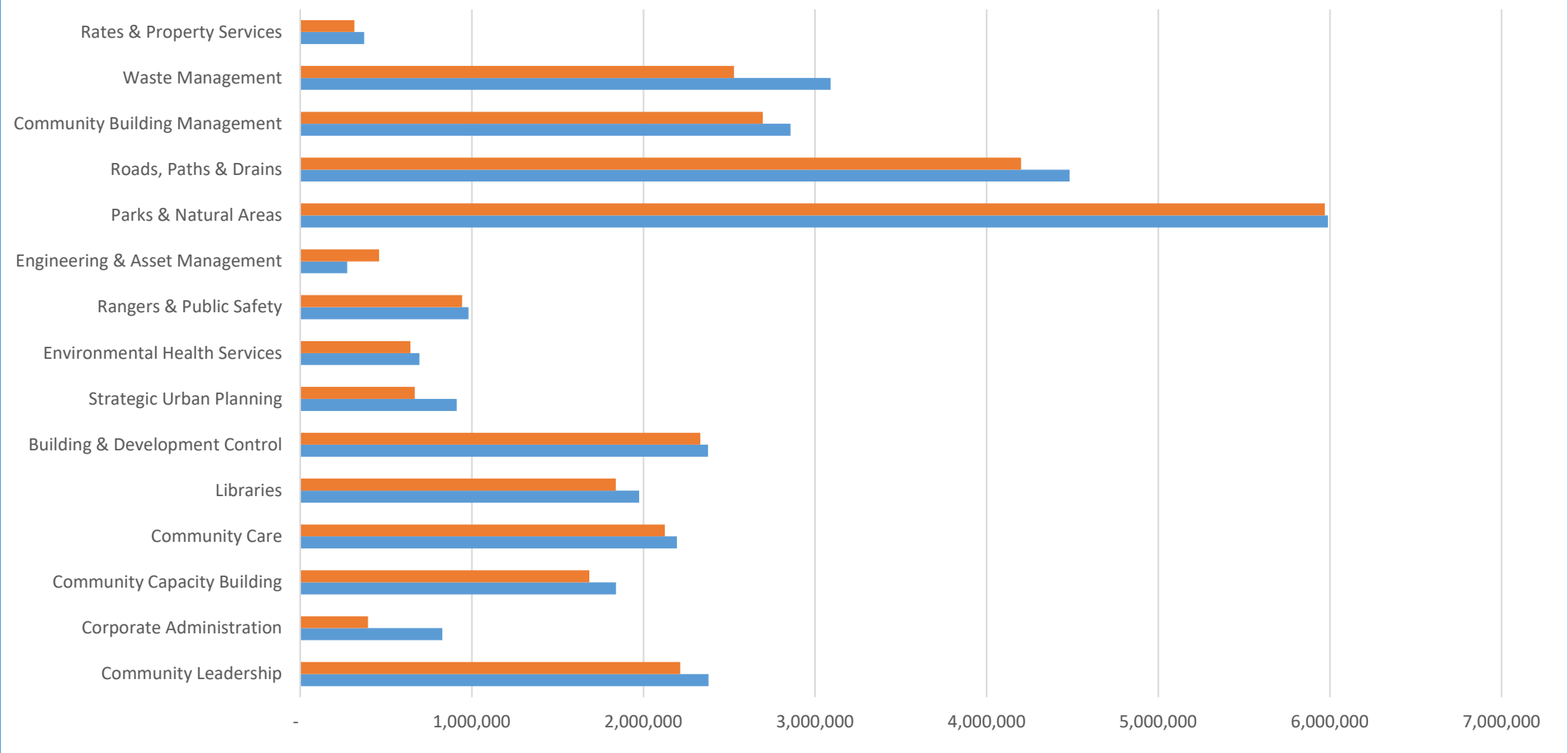
Income - YTD by Reporting Activity (Excluding Rates)





**GRAPHICAL SUMMARY OF FINANCIAL ACTIVITY - OPERATING
BY REPORTING ACTIVITY
FOR THE PERIOD ENDING 30 JUNE 2020**

Operating Expenditure - YTD by Reporting Activity





CITY OF NEDLANDS
SUMMARY STATEMENT OF FINANCIAL ACTIVITY - INCOME
BY REPORTING NATURE & TYPE
FOR THE PERIOD ENDING 30 JUNE 2020

Reporting Activity	June 20 YTD Budget	June 20 YTD Actual	Variance Indicators				2019-20 Annual Budget	Var. Scale
			\$	%	Flag	F/U		
Income:								
Operating Income								
Rates	24,523,000	24,613,525	90,525	0%	▶	F	24,523,000	●
Service Charges (UGP)	23,800	31,447	7,647	32%	▶	F	23,800	●
Fees & Charges	6,161,578	6,217,518	55,940	1%	▶	F	6,161,578	●
Fines & Penalties	474,000	348,583	(125,417)	(26%)	▶	U	474,000	●
Interest Revenue	300,000	268,938	(31,062)	(10%)	▶	U	300,000	●
Operating Grants	1,563,060	2,013,817	450,757	29%	▶	F	1,563,060	●
Contributions	915,500	701,791	(213,709)	(23%)	▶	U	915,500	●
Other Revenue	296,544	306,454	9,910	3%	▶	F	296,544	●
Operating Income	34,257,482	34,502,073					34,257,482	
Capital Income								
Capital Grants and Contribution	2,575,623	2,004,481	(571,142)	(22%)	▶	U	2,809,770	●
Asset Sale Proceeds	450,666	513,626	62,960	14%	▶	F	491,636	●
Sub Total - Capital Income	3,026,289	2,518,107					3,301,406	
Total Income	37,283,771	37,020,180		(1%)	▶	U	37,558,888	

Lower environmental health and parking fines penalties
 Lower interest rate
 UGP contribution of \$100k not realised as amount expensed is lower and lower income from council properties..

Capital grants received but to be accounted as income upon completion of capital works.

Legend

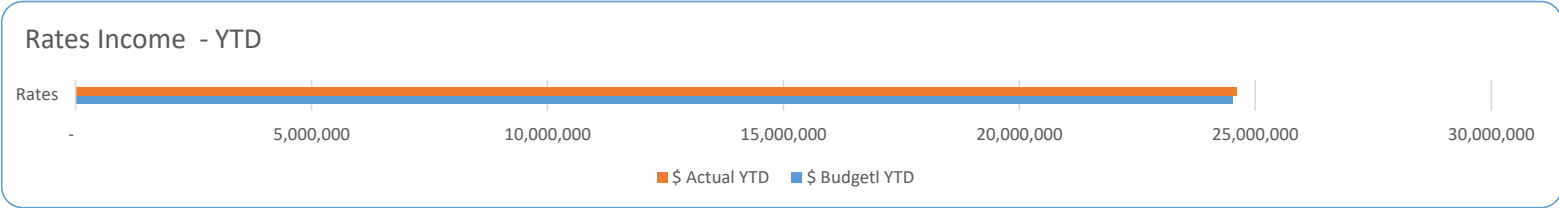
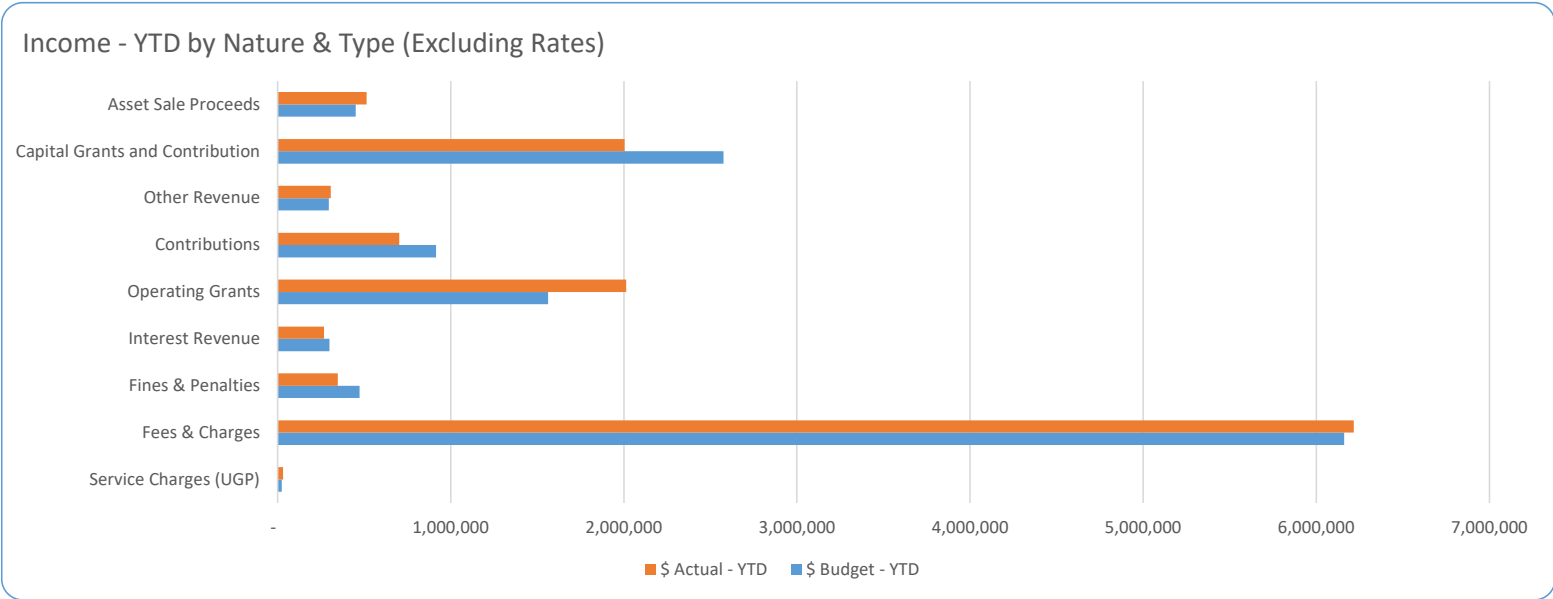
Favourable Variance to Budget F ▶
 Unfavourable Variance to Budget U ▶

Legend

Favourable Variance > 10% ●
 Variance between -10% (U) and +10% (F) ●
 Unfavourable Variance > 10% ●



CITY OF NEDLANDS
SUMMARY STATEMENT OF FINANCIAL ACTIVITY - INCOME
BY REPORTING NATURE & TYPE
FOR THE PERIOD ENDING 30 JUNE 2020



13.13 Monthly Investment Report – June 2020

Council	28 July 2020
Applicant	City of Nedlands
Employee Disclosure under section 5.70 Local Government Act	Nil.
Director	Lorraine Driscoll – Director Corporate & Strategy
Attachments	Investment Report for the period ended 30 June 2020

Regulation 11(da) – Not Applicable – Recommendation Adopted

Moved – Councillor Mangano
 Seconded – Councillor Senathirajah

That the Recommendation to Council be adopted.
 (Printed below for ease of reference)

CARRIED UNANIMOUSLY 12/-

Council Resolution / Recommendation to Council

Council receives the Investment Report for the period ended 30 June 2020.

Executive Summary

In accordance with the Council’s Investment Policy, Administration is required to present a summary of investments to Council on a monthly basis.

Discussion/Overview

Council’s Investment of Funds report meets the requirements of Section 6.14 of the Local Government Act 1995.

The Investment Policy of the City, which is reviewed each year by the Audit and Risk Committee of Council, is structured to minimise any risks associated with the City’s cash investments. The officers adhere to this Policy, and continuously monitor market conditions to ensure that the City obtains attractive and optimum yields without compromising on risk management.

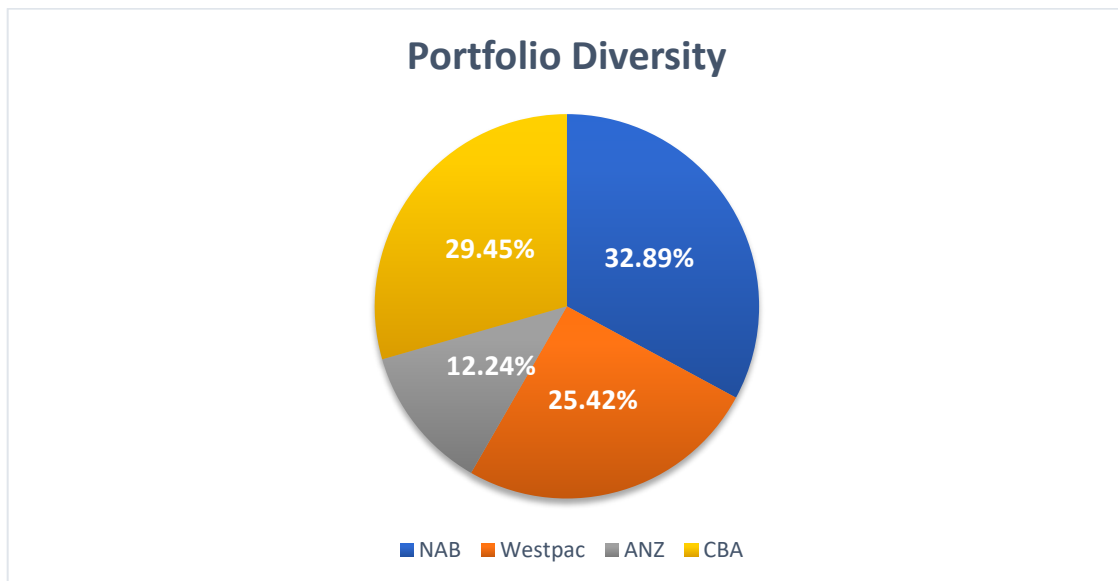
The Investment Summary shows that as at 30 June 2020 and 30 June 2019 the City held the following funds in investments:

	30-June-2020	30-June-2019
Municipal Funds	\$ 3,915,352	\$ 3,091,076
Reserve Funds	\$ 5,898,917	\$ 6,109,065
Total investments	<u>\$ 9,814,269</u>	<u>\$ 9,200,141</u>
Cash & Bank balance	\$ 6,678,307	\$ 3,830,777
Total cash and cash equivalent	\$ 16,492,576	\$ 13,030,918

The total interest earned from investments as at 30 June 2020 was \$223,962

The Investment Portfolio comprises holdings in the following institutions:

Financial Institution	Funds Invested	Interest Rate	Proportion of Portfolio
NAB	\$3,227,639	0.85% - 0.92%	32.89%
Westpac	\$2,494,929	0.85% - 1.05%	25.42%
ANZ	\$1,201,123	0.40% - 0.47%	12.24%
CBA	\$2,890,578	0.48% - 0.76%	29.45%
Total	\$9,814,269		100.00%



Conclusion

The Investment Report is presented to Council.

Key Relevant Previous Council Decisions:

Nil.

Consultation

Required by legislation:

Yes

No

Required by City of Redlands policy:

Yes

No

Strategic Implications

The investment of surplus funds in the 2019/20 approved budget is in line with the City's strategic direction.

The 2019/20 approved budget ensured that there is an equitable distribution of benefits in the community

The 2019/20 budget was prepared in line with the City's level of tolerance of risk and it is managed through budgetary review and control.

The interest income on investment in the 2019/20 approved budget was based on economic and financial data available at the time of preparation of the budget.

Budget/Financial Implications

Due to lower interest rates, the June YTD Actual interest income from all sources is \$268,938 compared to the annual budget of \$300,000.

The approved budget is prepared taking into consideration the Long-Term Financial Plan and current economic situation. The approved budget was in a small surplus position and the City is able to manage the cost.

The approved budget had an increase of 2.95% increase on the rates.



**INVESTMENTS REPORT
FOR THE PERIOD ENDED 30 JUNE 2020**

Particulars	Interest	Invest.	Maturity	Period	NAB	Westpac	ANZ	CBA	Total	Interest
	Rate	Date	Date	Days	*AA-/Stable/A-1+	*AA-/Stable/A-1+	*AA-/Stable/A-1+	*AA-/Stable/A-1+		YTD Accumulated
RESERVE INVESTMENTS										
Plant Replacement	0.76%	1-Apr-20	1-Jul-20	91				34,547.21	34,547.21	\$510.04
City Development - Western Zone	0.76%	1-Apr-20	1-Jul-20	91				174,373.71	174,373.71	\$2,204.62
City Development - Western Zone	0.70%	21-Jun-20	21-Dec-20	183				65,854.00	65,854.00	\$955.84
Business system reserve	0.76%	1-Apr-20	1-Jul-20	91				142,071.48	142,071.48	\$1,926.49
All abilities play space	0.76%	1-Apr-20	1-Jul-20	91				97,420.43	97,420.43	\$1,321.01
North Street	0.86%	20-Jun-20	20-Sep-20	92		373,605.66			373,605.66	\$12,625.35
Welfare - General	0.60%	15-Jun-20	17-Aug-20	63				318,709.93	318,709.93	\$4,837.33
Welfare - NCC	0.56%	1-Jun-20	1-Sep-20	92				359,528.36	359,528.36	\$2,074.42
Welfare - PRCC	0.70%	23-Jun-20	21-Dec-20	181				15,692.12	15,692.12	\$238.93
Services - Tawarri 1	0.86%	20-Jun-20	20-Sep-20	92		68,479.78			68,479.78	\$1,122.05
Services General	0.92%	28-May-20	28-Aug-20	92	25,767.65				25,767.65	\$422.56
Services - Tawarri 2	0.70%	11-Jun-20	11-Sep-20	92			117,069.81		117,069.81	\$1,764.49
Insurance	0.70%	11-Jun-20	11-Sep-20	92			65,147.95		65,147.95	\$981.91
Undrground power	0.85%	25-Jun-20	25-Sep-20	92	770,080.14				770,080.14	\$10,917.04
Waste Management	0.76%	1-Apr-20	1-Jul-20	91				510,934.35	510,934.35	\$6,459.77
City Development - Swanbourne	0.60%	15-Jun-20	17-Aug-20	63				134,499.83	134,499.83	\$2,170.70
City Building - General	0.86%	20-Jun-20	20-Sep-20	92		413,926.76			413,926.76	\$6,782.29
City Building - PRCC	0.70%	23-Jun-20	21-Dec-20	181				26,081.40	26,081.40	\$411.70
Business system Reserve	0.88%	24-Jun-20	24-Sep-20	92	408,874.27				408,874.27	\$3,124.14
Public Art Reserves	0.88%	24-Jun-20	24-Sep-20	92	97,392.77				97,392.77	\$4,084.10
Waste Management Reserve	0.88%	24-Jun-20	24-Sep-20	92	571,905.77				571,905.77	\$9,187.61
City Development Reserve	0.88%	24-Jun-20	24-Sep-20	92	33,776.90				33,776.90	\$2,153.61
Building Replacement Reserve	0.88%	24-Jun-20	24-Sep-20	92	305,351.26				305,351.26	\$5,160.03
All ability play space	0.85%	25-Jun-20	25-Sep-20	92	183,250.62				183,250.62	\$1,571.16
Major projects	0.85%	2-Jun-20	2-Sep-20	92		584,575.40			584,575.40	\$21,750.02
TOTAL RESERVE INVESTMENTS					2,396,399.38	1,440,587.61	182,217.76	1,879,712.82	5,898,917.57	\$104,757.24
MUNICIPAL INVESTMENTS										
Muni Investment NS60	1.05%	30-Jun-20	31-Jul-20	31		1,054,340.98			1,054,340.98	\$18,262.37
Muni Investment #4 - WBC - CLOSED						0.00			0.00	\$6,924.65
Muni Investment #4 - WBC - CLOSED						0.00			0.00	\$11,143.84
Muni Investment #6 - WBC - CLOSED						0.00			0.00	\$9,588.75
Muni Investment #1 - CBA - CLOSED							0.00		0.00	\$4,255.15
Muni Investment #2 - CBA	0.48%	15-Jun-20	15-Jul-20	30				1,010,865.72	1,010,865.72	\$10,865.72
Muni Investment #7 - NAB					0.00				0.00	\$14,880.70
Muni Investment #8 - ANZ	0.40%	9-Jun-20	9-Jul-20	30			1,018,905.22		1,018,905.22	\$18,905.22
Muni Investment #3 - CBA - CLOSED							0.00		0.00	\$8,445.76
Muni Investment #10 - NAB - CLOSED									0.00	\$11,584.12
Muni Investment #153 - WBC - CLOSED									0.00	\$4,241.10
Muni Investment #12 - NAB	0.88%	24-Jun-20	24-Sep-20	92	352,202				352,202.11	\$52.10
Muni Investment #13 - NAB-	0.85%	25-Jun-20	25-Sep-20	92	479,038				479,037.76	\$55.77
TOTAL MUNICIPAL INVESTMENTS					831,239.87	1,054,340.98	1,018,905.22	1,010,865.72	3,915,351.79	\$119,205.25
TOTAL					3,227,639.25	2,494,928.59	1,201,122.98	2,890,578.54	9,814,269.36	\$223,962.49

13.14 List of Delegated Authorities – June 2020

Moved – Councillor Senathirajah
 Seconded – Councillor Poliwka

The attached List of Delegated Authorities for the month of June 2020 be received.

CARRIED UNANIMOUSLY 12/-

Date of use of delegation of authority	Title	Position exercising delegated authority	Act	Section of Act	Applicant / CoN / Property Owner / Other
June 2020					
2/06/2020	BA56399 Certified Building Permit - Pool and Barrier	Manager Building Services	Building Act 2011	s20.1	Freedom Pools and Spas
3/06/2020	BA56484 Uncertified building permit - Carport	Manager Building Services	Building Act 2011	s20.1	Great Aussie Patios
3/06/2020	BA56409 Demolition Permit - Full site	Manager Building Services	Building Act 2011	s21.1	Brajkovich Demolition and Salvage Pty Ltd
3/06/2020	BA56333 Certified building permit - Refurbishment	Manager Building Services	Building Act 2011	s20.1	Budo Group Pty Ltd
4/06/2020	BA51515 Building Approval Certificate - Garage	Manager Building Services	Building Act 2011	s58.1	Mrs D Jones
4/06/2020	BA54050 Uncertified building permit - Fireplace	Manager Building Services	Building Act 2011	s20.1	Bauen Projects WA Pty Ltd

4/06/2020	BA56556 Certified building permit - Additions and Alterations	Manager Building Services	Building Act 2011	s20.1	Dale Alcock Homes Pty Ltd
5/06/2020	BA55709 Uncertified building permit - Internal Alterations	Manager Building Services	Building Act 2011	s20.1	S T Culloty
5/06/2020	BA56201 Deomlition Permit - Full Site	Manager Building Services	Building Act 2011	s21.1	Bellaluca Construction & Stone Pty Ltd
5/06/2020	BA55897 Certified building permit - Dwelling and Pool	Manager Building Services	Building Act 2011	s20.1	Create Homes Pty Ltd
5/06/2020	3043270 - 3043347 - 3041537 - Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	9.21\6.12(1)	Rim Yohannes
5/06/2020	BA56510 Demolition Permit - Full Site	Manager Building Services	Building Act 2011	s21.1	Civil Con Holdings Pty Ltd
8/06/2020	BA50649 Uncertified building permit - Patio	Manager Building Services	Building Act 2011	s20.1	Softwoods Timberyards Pty Ltd
8/06/2020	BA56058 Certified building permit - Dwelling and Pool	Manager Building Services	Building Act 2011	s20.1	Formview Building Pty Ltd
3/06/2020	BA56484 Uncertified building permit - Carport	Manager Building Services	Building Act 2011	s20.1	Great Aussie Patios
3/06/2020	BA56409 Demolition Permit - Full site	Manager Building Services	Building Act 2011	s21.1	Brajkovich Demolition and Salvage Pty Ltd

3/06/2020	BA56333 Certified building permit - Refurbishment	Manager Building Services	Building Act 2011	s20.1	Budo Group Pty Ltd
4/06/2020	BA51515 Building Approval Certificate - Garage	Manager Building Services	Building Act 2011	s58.1	Mrs D Jones
4/06/2020	BA54050 Uncertified building permit - Fireplace	Manager Building Services	Building Act 2011	s20.1	Bauen Projects WA Pty Ltd
4/06/2020	BA56556 Certified building permit - Additions and Alterations	Manager Building Services	Building Act 2011	s20.1	Dale Alcock Homes Pty Ltd
5/06/2020	BA55709 Uncertified building permit - Internal Alterations	Manager Building Services	Building Act 2011	s20.1	S T Culloty
5/06/2020	BA56201 Deomlition Permit - Full Site	Manager Building Services	Building Act 2011	s21.1	Bellaluca Construction & Stone Pty Ltd
5/06/2020	BA55897 Certified building permit - Dwelling and Pool	Manager Building Services	Building Act 2011	s20.1	Create Homes Pty Ltd
5/06/2020	3043270 - 3043347 - 3041537 - Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	9.21\6.12(1)	Rim Yohannes
5/06/2020	BA56510 Demolition Permit - Full Site	Manager Building Services	Building Act 2011	s21.1	Civil Con Holdings Pty Ltd
8/06/2020	BA50649 Uncertified building permit - Patio	Manager Building Services	Building Act 2011	s20.1	Softwoods Timberyards Pty Ltd
8/06/2020	BA56058 Certified building permit - Dwelling and Pool	Manager Building Services	Building Act 2011	s20.1	Formview Building Pty Ltd

9/06/2020	BA55840 Certified building permit - Alterations	Manager Building Services	Building Act 2011	s20.1	Addstyle Constructions Pty Ltd
9/06/2020	BA55946 Certified building permit - Pool and Fence	Manager Building Services	Building Act 2011	s20.1	S L Tafti
9/06/2020	BA55553 Certified building permit - 3 Dwellings	Manager Building Services	Building Act 2011	s20.1	Webb and Brown Neaves
9/06/2020	(APP) DA19-42231 - 16 Viking Road, Dalkeith - Single House	Manager Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Element Advisory Pty Ltd
9/06/2020	(APP) DA19-42705 9 Watkins Road, Dalkeith - Additon (Lift) to Single House	Manager Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	AJ & PL Thompson
9/06/2020	(APP) DA19-40129 22 Wattle Avenue, Dalkeith - Additions to Single House	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Darklight Design
10/06/2020	(APP) DA19-41771 38 Doonan Road, Nedlands - Pool Fence	Manager Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Quality Dolphin Pools
10/06/2020	(APP) DA19-41557 38 Doonan Road, Nedlands - Garage & Garage Outbuilding	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	I M Vella

11/06/2020	3041168 - Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	9.21\6.12(1)	Julian Lake
11/06/2020	BA56419 Certified buidling permit - Shed	Manager Building Services	Building Act 2011	s20.1	Abel Patios and Roofing
12/06/2020	3042289 - Withdrawn Parking Infringement Notice - Officer Error	Manager Health and Compliance	Local Government Act 1995	9.21\6.12(1)	Amy Begadon
12/06/2020	BA55964 Certified building permit - Alterations	Manager Building Services	Building Act 2011	s20.1	Anthony Pty Ltd
12/06/2020	3043364 - Withdrawn Parking Infringement Notice - Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	9.21/6.12(1)	Toby Pearce
12/06/2020	3042272 - Withdrawn Parking Infringement Notice - Officer Error	Manger Health and Compliance		9.21/6.12(1)	Kristen Schmook
15/06/2020	3042273 - Withdrawn Parking Infringement Notice - Officer Error	Manager Health and Compliance	Local Government Act 1995	9.20/6.12(1)	Jennifer Veldman
15/06/2020	3042270 - Withdrawn Parking Infringement Notice - Officer Error	Manager Health and Complaince	Local Government Act 1995	9.20/6.12(1)	Vivienne Nyugen
15/06/2020	3042255 - Withdrawn Parking Infringement Notice - Officer Error	Manager Health and Compliance	Local Government Act 1995	9.20/6.12(1)	Glenda McMurtrie
16/06/2020	BA56168 Extension to Building Permit BA8782	Manager Building Services	Building Act 2011	s32.3	Mr G C Dunthorne

16/06/2020	BA56029 Demolition Permit - Dwelling	Manager Building Services	Building Act 2011	s21.1	Hazelton Property Group Pty Ltd
16/06/2020	BA51589 Demolition Permit - Dwelling	Manager Building Services	Building Act 2011	s21.1	Brajkovich Demolition and Salvage Pty Ltd
17/06/2020	BA54209 Uncertified building permit - Internal Renovation	Manager Building Services	Building Act 2011	s20.1	Y Liu
17/06/2020	(APP) - DA 19-40966 - 24 Viewway, Nedlands - Single House	Manager Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Welink Group Pty Ltd
17/06/2020	BA55471 Uncertified building permit - Dwelling	Manager Building Services	Building Act 2011	s20.1	Mitchell Construction (WA) Pty Ltd
18/06/2020	BA50670 Certified building permit - Dwelling	Manager Building Services	Building Act 2011	s20.1	Coast Homes WA Pty Ltd
18/06/2020	(APP) DA19-41724 - 25 Louise Street, Nedlands - Additions to Single House	Manager Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Nash & Gherinich Architects
18/06/2020	(APP) DA19-41864 - 2 Alfred Road, Mt Claremont - Amendment to DA18-33580	Manager Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Macri Builders Pty Ltd

18/06/2020	(APP) DA19-40930 - 78 Kirwan Street, Floreat - Amendment to DA 18 33156	Manager Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Coast Homes WA Pty Ltd
19/06/2020	(APP) - (DA19-41245) - 22 Florence Road, Nedlands - Carport	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	J F Elliott
19/06/2020	(APP) - (DA19-41872) - 4B James Road, Swanbourne - Carport	Manager Urban Planning	Planning and Development (Local Planning Schemes) Regulations 2015	Regulation 82	Great Aussie Patios
22/06/2020	BA56122 Demolition Permit	Manager Building Services	Building Act 2011	s21.1	AAA Demolition & Tree Service
22/06/2020	BA53567 Certified building permit - Pool	Manager Building Services	Building Act 2011	s20.1	Quality Dolphin Pools
22/06/2020	BA54454 Certified building permit - Pool	Manager Building Services		s20.1	Aquatic Lesuire Technologies
23/06/2020	3041930 - Withdrawn Parking Infringement Notice - Officer Error	Acting Manager health and Compliance	Local Government Act 1995	9.20\6.12(1)	Garry Herron
24/06/2020	BA55867 Building Approval Certificate - Fence	Manager Building Services	Building Act 2011	S58.1	I Ayoub
24/06/2020	BA54299 Certified building permit - Store room	Manager Building Services	Building Act 2011	s20.1	Seabreeze outdoor
25/06/2020	BA55699 Certified building permit - Patio	Manager Building Services	Building Act 2011	s20.1	Sunwise Outdoor Living

25/06/2020	3041590 - Withdrawn Parking Infringement Notice - Other Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	9.20/6.12(1)	Robbie Haines
25/06/2020	BA55399 Certified building permit - Alterations	Manager Building Services	Building Act 2011	s20.1	Ezydoesit Pty Ltd
25/06/2020	BA55427 Certified building permit - Dwelling	Manager Building Services	Building Act 2011	s20.1	Averna Pty Ltd
26/06/2020	BA55413 Uncertified building permit - Pool barrier	Manager Building Services	Building Act 2011	s20.1	Mr S Browne
28/06/2020	BA55683 Certified building permit - Dwelling	Manager Building Services	Building Act 2011	s20.1	Ricciardello Nominees
29/06/2020	3041151 - Withdrawn Parking Infringement Notice - Other Compassionate Grounds	manager Health and Compliance		9.20/6.12(1)	Peter Anticich
29/06/2020	BA55322 Certified building permit - Dwelling	Manager Building Services	Building Act 2011	s20.1	S S Xing
30/06/2020	BA55312 Certified building permit - Dwelling	Manager Building Services	Building Act 2011	s20.1	S S Xing
30/06/2020	BA55335 Certified building permit - Dwelling	Manager Building Services	Building Act 2011	s20.1	S S Xing
24/06/2020	BA54299 Certified building permit - Store room	Manager Building Services	Building Act 2011	s20.1	Seabreeze outdoor
25/06/2020	BA55699 Certified building permit - Patio	Manager Building Services	Building Act 2011	s20.1	Sunwise Outdoor Living
25/06/2020	3041590 - Withdrawn Parking Infringement Notice - Other Compassionate Grounds	Manager Health and Compliance	Local Government Act 1995	9.20/6.12(1)	Robbie Haines

14. Elected Members Notices of Motions of Which Previous Notice Has Been Given

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to a Councillor who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by Administration to the Council meeting considering the motion.

14.1 Councillor Smyth – Design Review Panel Reinstatement

At the Council meeting on 23 June 2020 Councillor Smyth gave notice of her intention to move the following at this meeting.

Moved – Councillor Smyth

Seconded – Councillor Wetherall

That Council:

- 1. resolves to establish a Design Review Panel; and**
- 2. instructs the CEO to; Review and revise the City of Nedlands Previously Draft Design Review Panel Terms of Reference in light of the Advice Notes below;**
- 3. reviews and revise the Previously Draft Design Review Panel Local Planning Policy in light of the Advice Notes below;**
- 4. reviews and reschedules a call for expressions of interest members for the City of Nedlands Design Review Panel, with appointments to the Panel made by Council following its adoption of the Design Review Panel Local Planning Policy;**
- 5. refers Design Review Panel funding options to a Councillor Workshop;**
- 6. refers Design Review modes and thresholds options to a Councillor Workshop, that is based on “Design Review Guide Chapter 7” where levels of escalation and the role of a City Architect are contemplated;**
- 7. Makes arrangements, where appropriate, for complex planning proposals to be considered by another Western Suburbs Design Review Panel or the State Design Review Panel at the proponent’s cost as an interim measure prior to the establishment of the City of Nedlands Design Review Panel; and**
- 8. Gives due regard to the following Advice Notes concerning the implementation and management of a Design Review Panel for the**

City of Nedlands.

Advice Notes:

- a. **Council requires a Design Review Panel member to be connected to the City as either a ratepayer, resident or elector;**
 - b. **Council expects the Design Review Panel presiding member to be highly regarded in their profession and respected by the community;**
 - c. **Council requires Councillors and Staff to be disqualified from being a Design Review Panel member for a period of 2 years after leaving office;**
 - d. **Council requires funding options (Clause 4) to include:**
 - i. **100% cost recovery for development applications, from the applicant; and**
 - ii. **100% subsidy for strategies, policies, master plans, precinct plans, local development plans, structure plans, activity centre plans, local planning schemes and amendments or other matters when requested, by the City. and**
 - e. **Council requires modes and thresholds options (Clause 5) to include:**
 - i. **a tiered approach to Design Review Panel involvement diminishing with large, medium and small developments;**
 - ii. **consideration of a part-time City Architect role; and**
 - iii. **consideration of Community Reference Group role.**
- 9. presents a re-scoped recommendation to the September 2020 Council meeting.**

Councillor Mangano left the meeting at 7.52 pm and returned a 7.55 pm.

Amendment

Moved - Councillor Horley

Seconded - Councillor Bennett

That advice note c be replaced with the following:

Council requires final approval of panel members.

The Amendment was PUT and was

CARRIED 7/5

(Against: Crs. Smyth McManus Poliwka Wetherall & Hay)

Councillor Coghlan left the meeting at 8.04 pm.

Amendment

Moved - Councillor McManus

Seconded - Councillor Mangano

That clause 5. be replaced with advice note d. i. and delete advice note d. ii and renumber following as required.

The AMENDMENT was PUT and was

Councillor Coghlan returned to the meeting at 8.06 pm.

CARRIED 7/5

(Against: Mayor de Lacy Crs. Horley Smyth Hodsdon & Senathirajah)

The Substantive was PUT and was

CARRIED 10/2

(Against: Crs. Mangano & Hay)

Council Resolution

That Council:

- 1. resolves to establish a Design Review Panel; and**
- 2. instructs the CEO to; Review and revise the City of Nedlands Previously Draft Design Review Panel Terms of Reference in light of the Advice Notes below;**
- 3. review and revise the Previously Draft Design Review Panel Local Planning Policy in light of the Advice Notes below;**
- 4. review and reschedule a call for expressions of interest members for the City of Nedlands Design Review Panel, with appointments to the Panel made by Council following its adoption of the Design Review Panel Local Planning Policy;**
- 5. Council requires funding options (Clause 4) to include 100% cost recovery for development applications, from the applicant; and**
- 6. refer Design Review modes and thresholds options to a Councillor Workshop, that is based on “Design Review Guide Chapter 7” where levels of escalation and the role of a City Architect are contemplated;**

- 7. Make arrangements, where appropriate, for complex planning proposals to be considered by another Western Suburbs Design Review Panel or the State Design Review Panel at the proponent's cost as an interim measure prior to the establishment of the City of Nedlands Design Review Panel; and**
- 8. Give due regard to the following Advice Notes concerning the implementation and management of a Design Review Panel for the City of Nedlands.**

Advice Notes:

- a. Council requires a Design Review Panel member to be connected to the City as either a ratepayer, resident or elector;**
- b. Council expects the Design Review Panel presiding member to be highly regarded in their profession and respected by the community;**
- c. Council requires final approval of panel members.**
- d. Council requires modes and thresholds options (Clause 5) to include:**
 - i. a tiered approach to Design Review Panel involvement diminishing with large, medium and small developments;**
 - ii. consideration of a part-time City Architect role; and**
 - iii. consideration of Community Reference Group role.**
- 9. present a re-scoped recommendation to the September 2020 Council meeting.**

Justification

1. A majority of Councillors have expressed a view that the benefits of a modified Design Review Panel Policy and Terms of Reference would outweigh their previous concerns.
2. An adjusted resolution is needed as we cannot simply re-instate the previous motion of the 30th January 2020, because a number of matters have changed including timeframe, budget and scope.
3. It has become apparent that since the gazettal of Local Planning Scheme 3 the number and complexity of Development Applications being lodged in the City requires reinforcement of the structures that underpin the planning support framework. One such structure being the Design Review Panel.

4. Design Review Panels (DRP) are a legitimate part of the Planning Framework and by implication strengthens the City's claims within the Responsible Authority Report (RAR) prepared for the Development Application Panel (DAP).
5. Access to a DRP would greatly improve City Planners' ability to prepare a strong RAR based on sound planning principles and allow engagement with the DRP as an early intervention measure.
6. The Design Review Panel Local Planning Policy, Terms of Reference and Panel appointees are all within the power of Council as the elected body.
7. City of Nedlands could collaborate with other neighbouring Local Government DRPs in shared Precincts such as Perth and Subiaco.
8. Other small Councils such as Claremont and Peppermint Grove may be interested in utilizing the City's DRP.
9. Council Resolution 15.5 DAP Related Development Application Cost & Income dated 31 March 2020 provides for open transparency understanding the costs related to Development Applications and related DRP involvement. Copied below for reference:

"That Council requests the CEO provides a monthly summary of DAP Applications costs and income on a project basis at the completion of each case."

10. Council has expressed its concerns with DRP being:
 - potential for cost escalation;
 - inequitable distribution of costs;
 - inappropriate distribution of power to an unelected body;
 - outside interference with the City's expressed Strategic direct;
 - ideologically, to consider the extent by which the community's right to influence design is balanced against the aspirations of an individual property owner.

Most of these concerns are manageable given reasons 1-7 above. Only the last point is a matter for conscience for the elected members.

Administration Comment

Council is advised that the City has already completed item 3 of Resolution 7.0 from January 30th 2020, however, given the decision being rescinded would advise Council to instruct the CEO to re-advertise the Design Review Panel LPP and Expressions of Interest again for a period of 21 days.

Administration advise that a cost sharing model should be used to encourage the use of the DRP by smaller proponents with an emphasis on pre-lodgement design consultation. Post lodgement DRP should be funded by the applicant as in most cases if the DRP has not provided support prior to lodgement there are generally overall concerns with a project that the designer or applicant has failed to resolve.

Administration would predict approximately 2-3 items would be required to be brought to the DRP per month (1-2 meetings). Each DRP would cost in the order of approximately \$4000 (excluding staff resourcing) with a cost of \$48,000 - \$96,000 per annum. Partial funding by the City in a cost sharing model would be a cost of approximately \$60,000 if for example the first DRP was free and any subsequent DRP's would be at the applicants cost. *Assumption DRP requiring 2 reviews, 1 pre lodgement and 1 post lodgement with half needing the second review. We therefore recommend a budget item of \$60,000 to be added.

If re-advertising were to occur Council is advised that subject to ordinary council report cycle the earliest this could be brought back to Council is October unless a Special Council meeting is called in September.

Administration are supportive of working with other local governments, including other Western Suburbs Local Governments to share our services and costs.

Response to Point 6 Advice Notes

1. Review and revise the City of Nedlands Design Review Panel Terms of Reference in light of the Advice Notes;

Administration advise that based on these advice notes a revised terms of reference and expressions of interest would need to be finalised and calls for Design Review Panel members would need to be re-advertised.

2. Review and revise the Design Review Panel Local Planning Policy in light of the Advice Notes;

Administration advise that the DRP LPP would need to be re-drafted and re-advertised.

3. Review and reschedule a call for expressions of interest members for the City of Nedlands Design Review Panel, with appointments to the Panel made by Council following its adoption of the Design Review Panel Local Planning Policy;

Administration advise no objections to this task.

4. Refer Design Review Panel funding options to a Councillor Workshop;

Administration advise no objections to this task.

5. Refer Design Review modes and thresholds options to a Councillor Workshop, that is based on "Design Review Guide Chapter 7" where levels of escalation and the role of a City Architect are contemplated;

Administration advise that a City Architect would not replace a Design Review Panel. Architecture forms just one component of the existing Design Review process and also includes other specialists as required.

6. Give due regard to these Advice Notes concerning the implementation and management of a Design Review Panel for the City of Nedlands.

Advice Notes

- a) Council requires a Design Review Panel member to be connected to the City as either a ratepayer, resident or elector.

Administration believe that DRP members should be selected based on their technical qualifications and experience rather than based on where they live or whether they are paying rates to the City of Nedlands.

- b) Council expects the Design Review Panel presiding member to be highly regarded in their profession and respected by the community.

Administration agree.

- c) Council requires Councillors and Staff to be disqualified from being a Design Review Panel member for a period of 2 years after leaving office.

Administration do not have an objection to this however question the reasoning behind this requirement.

- d) Council requires funding options (Clause 4) to include:

- i. 100% cost recovery for development applications, from the applicant,

Administration believe that in order to incentivise the use of a Pre-lodgement Design Review Panel that those DRP meetings should be either free or subsidised, and that any post lodgement DRP's, assuming that most of the design issues should be resolved prior to lodgement, that those meetings are fully cost recovered from the applicant.

- ii. 100% subsidy for strategies, policies, master plans, precinct plans, local development plans, structure plans, activity centre plans, local planning schemes and amendments or other matters when requested, by the City.

Administration agree.

- e) Council requires modes and thresholds options (Clause 5) to include:

- i. a tiered approach to Design Review Panel involvement diminishing with large, medium and small developments,
 - ii. consideration of a part-time City Architect role,
 - iii. consideration of Community Reference Group role.

Administration do not object to having an on- staff City Architect, however do not support the replacement of a DRP with a City Architect as it will not capture the same level of expertise and collaboration that a DRP would provide.

7. Present a re-scoped recommendation to the September 2020 Council meeting.

Given the current schedule of work and Council priorities, the earliest that this revised package of LPP and deliverables will be the October 2020 Council meeting.

14.2 Councillor Horley – New Options for Community Events

On the 2 July 2020 Councillor Horley gave notice of her intention to move the following at this meeting.

Moved – Councillor Horley

Seconded – Councillor Bennett

That Council:

1. instructs the CEO to proceed with the planning and delivery of an eclectic mix of community entertainment programs and initiatives for local residents and ratepayers, in addition to the City's special events and community third-party activation and event grants; and
2. approves for inclusion into the 2020/21 annual budget process funds of \$64,000 and where possible reallocated in the next Budget financial review including any operating surplus, subject to the following:
 - a. planning to be of an appropriate scale, process and structure to include local residents and ratepayers of each ward within the City of Nedlands at the most advantageous period and time in which to deliver the local community events;
 - b. comprehensive and appropriate risk assessment, preparation, management planning, limitations relating to overcrowding, flexible logistics and appropriate responses to government health guidelines including those relating to Covid related hygiene, wellness and physical distancing;
 - c. the procurement of goods and services to be cognizant of the possibility of event cancellation and where possible favour suppliers that are willing to enter into contractual arrangements that will reasonably share the financial risks of event cancellation between City and supplier;
 - d. a public education campaign being undertaken at the event communicating key messages on COVID related hygiene, wellness and physical distancing awareness; and
 - e. regular liaison with the appropriate authorities until either the delivery or cancellation of the event, and regularly reporting to Council.

Lost on the CASTING VOTE 6/7

(Against: Mayor de Lacy Crs. McManus Mangano Wetherall Hay Poliwka)

ABSOLUTE MAJORITY REQUIRED

Justification

New options for community events of a smaller and flexible scale 3 oriented towards local residents and ratepayers; with the aim of fostering community wellbeing, cohesion and capacity building, in alignment with the objectives of the City's Strategic Community Plan.

Administration Comment

Safety

Administration is confident that the City can hold the Summer Concerts in a way that is COVID safety compliant. A full, detailed risk assessment will be undertaken, and all the necessary measures taken to ensure appropriate social distancing and hygiene measures. Measures that will be considered include marked areas for discreet family groups; possible ticketing of a fenced event; sanitizing stations; and a public awareness campaign in the lead-up to the concerts and at the events themselves.

Timing

There is a long lead-time for organising the Summer Concerts. If the Concerts are to go ahead, a decision needs to be made by 1 August 2020. This is to enable the booking of bands, equipment, and suppliers in time to secure them for the peak events season of summer. The concerts are held in summer, but the contractors, bands and equipment are all booked in the preceding August, to secure them for the following February.

Community Valuing of Concerts

The Summer Concerts in the Parks series is this community's largest and most highly valued community get-together. Total attendance over the 4 concerts is generally between 4,000 – 7,000. These numbers (average of around 1,500 people per concert) can be safely managed because these are outdoor events with excellent sound quality, and therefore audience members can be appropriately socially distanced. Line markings for family groups can be considered, depending on the state of the pandemic by February 2021. The community consistently rates their satisfaction with the Summer Concerts to be > 90%. In particular, an opportunity to socialise outdoors in the City's beautiful parks is highly valued.

Budget

The budget for the Summer Concerts could be reduced from \$64,000 to \$60,000, by cutting out some of the ancillary activities at the Concerts. This would still allow the community to enjoy a series of safe, appropriately distanced, social events in the outdoors of the City's beautiful parks.

Flexibility

The City is currently planning for services and events in an uncertain environment. The key principle when planning in an environment of change is to plan with flexibility. A flexible approach to planning for the City's events would to be allow for both the possibility of providing the events, if safe to do so; and the possibility of cancelling the event, if required by pandemic conditions at the time. This approach allows the decision on whether the concerts are going ahead or not, to be made closer to the time, when the pandemic-related conditions will be known.

Cancellation Clause

The City will include a cancellation clause in the supplier contracts, to ensure that cancellation due to government directive results in no financial penalty for the City.

Alternatives to Summer Concerts

Should it be envisioned that a series of smaller events are to be delivered Administration will need to consider this and formulate a program, costing, marketing and delivery.

14.3 Councillor Wetherall – Rescission Motion – Summer Concerts

On the 3 July 2020 Councillor Wetherall, Councillor McManus, Councillor Hodsdon, Councillor Poliwka and Councillor Bennett in accordance with Standing Orders Local Law 2009, Part 14 gave notice of their intention to move the following at this meeting.

We, the undersigned wish to rescind a previous Council decision of 30 June 2020, item 6 – Budget 2020/21, Clause 16 in accordance with Standing Orders Local Law 2009, Part 14 as listed below:

Signatories:

1. Councillor Wetherall
2. Councillor McManus
3. Councillor Hodsdon
4. Councillor Poliwka
5. Councillor Bennett

Moved – Councillor Wetherall

Seconded – Councillor McManus

Rescission Motion

That Council revokes clause 16 of item 6 Council Resolution of Special Council Meeting 30 June 2020 as follows:

16. Community Events

Suspends community events (Summer Concerts) at a cost saving of approximately \$66,800 noting that Special Events remain in the budget.

to allow reinstatement of the summer concert program planned for February 2021, together with possible changes to the offerings.

Lost 4/8

(Against: Mayor de Lacy Crs. Horley Smyth Mangano Hodsdon
Coghlan Hay & Senathirajah)

ABSOLUTE MAJORITY REQUIRED

Justification

The arguments in support of rescission are:

1. The status of the COVID pandemic in February 2021 is unknown – maybe good, maybe bad.

2. If it turns bad, Council (or more likely the Government) can always cancel the concerts anyway - why make that decision now if it is unnecessary?
3. The nature of the open-air concerts facilitates easy social distancing for those who want to do it; there is a lot of space in the parklands and the backup facilities, as is the Band are well separated.
4. The concerts are supported by many people and are popular, especially with families. They are one of the best publicity/goodwill things we do for the whole community - young too old. It is important for local government to engage with younger members of our community since it is they who will be called on to contribute and develop local government in future years.
5. The amount of money saved is small relative to some of the last-minute inclusions in the budget, and it is likely that only minor adjustments will be required to accommodate the concerts. The concerts benefit many people, some other budgeted items only benefit the few.
6. The motion allows for some degree of recognition for the staff who have strived for some years to ensure this a successful engagement with our community.
7. As Director Lorraine Driscoll has said, if we are to go ahead a decision must be made soon.

Administration Comment

Safety

Administration is confident that the City can hold the Summer Concerts in a way that is COVID safety compliant. A full, detailed risk assessment will be undertaken, and all the necessary measures taken to ensure appropriate social distancing and hygiene measures. Measures that will be considered include marked areas for discreet family groups; possible ticketing of a fenced event to cap numbers if necessary; sanitizing stations; and a public awareness campaign prior to and at the concerts themselves. Should the pandemic situation worsen considerably by next February, the concerts, along with all other public events, would be cancelled, as required by the state government.

Timing

There is a long lead-time for organising the Summer Concerts. If the Concerts are to go ahead, a decision needs to be made by 1 August 2020. This is to enable the booking of bands, equipment, and suppliers in time to secure them for the peak events season of summer. The concerts are held in summer, but the contractors, bands and equipment are all booked in the preceding August, to secure them for the following February.

Community Valuing of Concerts

The Summer Concerts in the Parks series is this community's largest and most highly valued community socialization event. Total attendance over the 4 concerts is generally between 4,000 – 7,000. These numbers (average of around 1,500 people per concert) can be safely managed because these are outdoor events with excellent sound quality; and therefore, audience members can be appropriately socially distanced. Line markings for family groups can be

considered, depending on the state of the pandemic by February 2021. Attendees consistently rates their satisfaction with the Summer Concerts to be > 90% (Very High). In particular, an opportunity to socialise outdoors in the City's beautiful parks is highly rated by attendees.

Community Response to Cancellation

Community members will generally not yet be aware of the cancellation of the concerts. Most people will not realise the cancellation until January 2021, when they notice the absence of promotion of the concerts. The City usually starts receiving calls about the concerts (asking, for example, which bands are performing) in January each year. Given that the concerts have been held on Sunday evenings in February for over 20 years, most community members will at this stage be unaware that the concerts have been cancelled and will expect them to go be going ahead, unless cancellation is required by changing COVID conditions.

Budget

The budget for the Summer Concerts could be reduced from \$64,000 to \$60,000, by cutting out some of the ancillary activities at the Concerts. This would still allow the community to enjoy a series of safe, appropriately distanced, social events in the outdoors of the City's beautiful parks.

Flexibility

The City is currently planning for services and events in an uncertain environment. The key principle when planning in an environment of change is to plan with flexibility. A flexible approach to planning for the City's events would to be allow for both the possibility of providing the events, if safe to do so; and the possibility of cancelling the event, if required by pandemic conditions at the time. This approach allows the decision on whether the concerts are going ahead or not, to be made closer to the time, when the pandemic-related conditions will be known.

Cancellation Clause

The City will include a cancellation clause in the supplier contracts, to ensure that cancellation due to government directive results in no financial penalty for the City.

14.4 Mayor de Lacy – Mandatory Residential Development in Mixed Use Zone

On the 5 July 2020 Mayor gave notice of her intention to move the following at this meeting.

Please Note: This motion was withdrawn by Mayor de Lacy.

That Council instructs the CEO to prepare a Scheme Amendment to LPS3 which seeks to introduce a Mandatory Residential land use requirement within the Nedlands Town Centre Precinct “Activity Centre” and that the City of Stirling LPS3 Clause 6.8.8 to be used as reference .

That the Draft Scheme Amendment be brought to Council for September for request to consent to advertise.

Justification

The reason for pursuing this scheme amendment via a NoM in July, is the fact it is becoming apparent following the MINJDAP meeting for Woolworths DA this week, and the deliberations previously in the JDAP about 135 Broadway DA, that our scheme is weak where it concerns the need for residential development in the Mixed Use Zone.

An objective of ‘residential development’ in the Mixed Use zone in LPS3 is not strong enough and cannot be enforced the same way a ‘Mandatory Residential’ clause in the scheme could be enforced. The Local Planning Strategy identified that Stirling Highway, Broadway and Hampden Road were Urban Growth Areas where most of the residential density to meet the City’s targets should be located. We must strengthen our scheme provisions to make this happen.

As we heard recently from the Administration, the DPLH prefers to see scheme amendments and not LPPs as means of addressing loopholes in our scheme that are preventing us from achieving the objectives of our Local Planning Strategy.

Administration Response

The City, as part of the development of the Nedlands Town Centre Precinct Plan, will be seeking to incorporate additional provisions to LPS3 to substantiate the required built form, activity and movement elements which will adequately support the development of a Town Centre for Nedlands.

Administration are generally supportive of the requirement to introduce “Mandatory Residential” requirements for all RAC1 and RAC3 zones which are currently zoned “Mixed Use” and by way of objectives, require a significant component of residential development. As discussed, this scheme objective is not entirely prescriptive and allows the decision maker the ability to approve a development with no residential development. This is not seen as an ideal

outcome, particularly for a town centre which relies on immediate population catchments, particularly population within walking distance to ensure its viability and activation.

Through Precinct Planning and Built form modelling and testing it is envisaged that it will become clearer whether some sites in the Mixed Use Zone can or should be solely residential. This provision as proposed for mandatory residential could be applied across the entire zone or in specific areas identified in that local context, and therefore written into the scheme provisions for that specific area. There may however be sites along the highway which Council may want to see developed, that are not in the Town Centre, that may be suitable for solely commercial development such as showrooms or fast food outlets for example, Council will need to decide whether or not it wishes to apply a "Mandatory Residential" provision to all sites along Stirling Highway / Hampden / Broadway / Waratah Village or just in specific areas.

At this stage is it advised that the 'Mandatory Residential' provisions as proposed be specific to the Nedlands Town Centre Precinct, and that this issue be discussed and decided on by Council in each Precinct as they are presented to Council.

The Specifics relating to the Scheme Clauses themselves, and in which section of LPS3 this would sit, would require further discussion with the Scheme's team at DPLH, and for officers to further develop those clauses, with reference to the Scarborough City of Stirling example provided.

14.5 Councillor Mangano – Overgrown Ficus Verge Trees

On the 13 July 2020 Councillor Mangano gave notice of his intention to move the following at this meeting.

Moved – Councillor Mangano

Seconded – Councillor Bennett

Council instructs the CEO to have the 3 very large existing overgrown Ficus verge trees opposite 2 Rene Road and 30 Gallop Road Dalkeith on the verge of Gallop Road, be substantially pruned to reduce their height and remove large branches and growth overhanging Gallop Road and the verges of these properties.

Councillor Smyth left the meeting at 8.54 pm and returned at 8.57 pm.

Lost 4/8

(Against: Mayor de Lacy Crs. McManus Poliwka Wetherall Hay Hodsdon
Horley Senathirajah)

Moved – Councillor Wetherall

Seconded – Councillor McManus

Council Resolution

Council instructs the CEO to investigate the 3 very large existing overgrown Ficus verge trees and their impacts, opposite 2 Rene Road and 30 Gallop Road Dalkeith on the verge of Gallop Road, and provide a report to the Council in September 2020 with recommendations for mitigating any adverse impacts.

CARRIED 10/2

(Against: Crs. Poliwka & Hay)

Justification

On the Council verge of Gallop Road Dalkeith opposite 2 Rene Road and 30 Gallop Road there are 3 massively overgrown Ficus trees with very large branches and foliage overhanging right across Gallop Road and the verges of both these properties to the extent they are now impinging on the boundaries of these properties and seriously impacting on the amenity of the owners of the residences opposite.

They are all extremely high with very thick foliage which results in the properties opposite (2 Rene Road & 30 Gallop Road) being in total shade 24/7 for several months of the year. One tree in particular is extremely lop-sided leaning severely to the south over Gallop Road.

These trees constantly produce large quantities of leaf litter, fallen branches and berries all over these resident's verges, properties, Gallop Road itself, and the pedestrian footpath.

As a result, on many occasions this section of Gallop road is often slippery, wet and dangerous for both traffic and pedestrians.

The road gutters are constantly blocked, and the drainage sumps totally clogged up. The tree roots are extremely invasive and are damaging the road surface, footpath, and drainage system.

Due to the constant snow of leaf litter from these trees maintaining their Gallop road verges and their house roof gutters is an unreasonable constant task for the property owners.

The possibility of installation of roof top solar panels to these properties has not been recommended by installers due to the degree of shading and wind-blown leaf litter.

These trees have not been maintained or cut back in any reasonable manner for many years. They continue to grow massively and present a continuing and increasing maintenance cost to Council.

Council's Street Tree Policy is noted but is considered by the affected property owners of 2 Rene and 30 Gallop Roads to be totally inappropriate and inadequate in acknowledging the degree of extreme overgrowth, shading, safety risk, inconvenience, and lack of amenity that they are currently causing. These Ficus trees are not appropriate as verge trees, and at the very least must be maintained, requiring to be immediately substantially pruned back off Gallop road and reduced considerably in height.

Administration Comment

As an alternative recommendation Administration requests that "Council instructs the CEO to investigate the 3 very large existing overgrown Ficus verge trees and their impacts, opposite 2 Rene Road and 30 Gallop Road Dalkeith on the verge of Gallop Road, and provide a report to the Council in September 2020 with recommendations for mitigating any adverse impacts".

The impact of Ficus trees on verges is known to cause disturbance to properties and City infrastructure due to the size these trees grow to in maturity.

This alternative recommendation will allow a properly qualified and experience horticulturalist to assess the risks related to the Ficus trees and bring the most appropriate course of action to Council, that accords with the Street Tree Council Policy. It may be that pruning, removal or other actions are appropriate in this case.

14.6 Councillor Coghlan – Recission Motion – Residential Aged Care Facilities Local Planning Policy

Please Note: This item was withdrawn as item was covered by CEO Reports.

On the 17 July 2020 Councillor Coghlan, Councillor McManus, Councillor Hodsdon, Councillor Mangano and Councillor Bennett in accordance with Standing Orders Local Law 2009, Part 14 gave notice of their intention to move the following at this meeting.

We, the undersigned wish to rescind a previous Council decision for PD11.20 of 28 April 2020, in accordance with Standing Orders Local Law 2009, Part 14 as listed below:

Signatories:

1. Councillor Coghlan
2. Councillor McManus
3. Councillor Hodsdon
4. Councillor Mangano
5. Councillor Bennett

That Council revokes decision PD11.20 of 28 April 2020:

That Council proceeds to adopt the Residential Aged Care Facilities Local Planning Policy with modifications, as set out in Attachment 2, in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2, Part 2, Clause 4(3)(b)(ii).

Justification

Failure to advertise significant changes:

1. Council resolved to advertise the then draft Residential Aged Care Facilities Local Planning Policy (**Aged Care LPP**) at its Ordinary Council Meeting of 17 December 2019.
2. Council considered the draft Aged Care LPP at its meeting of 28 April 2020 following the completion of the public notice period.
3. Accompanying the Planning and Development Report 11.20 (Administration Report) at Attachment One was a marked-up version of draft Aged Care LPP. The amendments had been made after the public notice period had closed and had not been advertised to the public.
4. The Administration Report made note of amendments as follows:
“The modifications proposed to the draft LPP, which the public have not had the opportunity to comment on, are considered minor in nature and are not considered to warrant further advertising of the draft LPP”.

5. Council, following advice from Administration, accepted the amendments as minor and determined to proceed with the adoption of the draft Aged Care LPP, inclusive of the amendments.
6. It has since become clear that the amendments were not minor in nature, particularly as they relate to clause 4.2 of the Aged Care LPP. The amendments significantly increased what was capable of development on certain land in relation to height and plot ratio:
 - 6.1 The draft LPP as advertised, in respect of lots larger than 2000m² in size, imposed a building height of 3 storeys, and a plot ratio of 0.8.
 - 6.2 The Administration Report recommended amending the development controls to a building height of 4 storeys, and a plot ratio of 1.0.
 - 6.3 The changes represent an increase in height by one third and an increase in plot ratio by one quarter.
7. The Administration Report explained that the increase in height was a necessary product of a typographical error which had meant the development controls of R-60 coding as borrowed from the *State Planning Policy 7.3 - Residential Design Codes, Volume 1* had been inadvertently included at the now clause 4.2.4, when the intention was for them to reflect the development controls of R80 coding.
8. The significance should not have been under played. The Aged Care LPP applies across residential and commercial zones in the City, and the difference between three and four storeys in a residential area is substantial and certainly not minor in nature. The acceptable plot ratio was also amended (and increased), which is similarly significant enough in nature that it ought to have been readvertised.
9. The public ought to have been provided the opportunity for further comment.

Inappropriate vehicle for development control

The Aged Care LPP operates to apply an R-Coding or vary development standards which would ordinarily be imposed by a planning scheme, or through a structure plan or local development plan.

It has become apparent since the adoption of the Aged Care LPP that a local planning policy is an inappropriate mechanism for controlling development when site specific circumstances need to be taken into account.

A local planning policy guides a decision maker to promote rational and consistent decision-making. It is not a document to which strict adherence is required. The effect of this is that development applications are not required to strictly adhere with the provisions of the Aged Care LPP and may be approved regardless.

The Administration Report suggested that a local planning policy was the only mechanism available to the City which would allow for the control of residential aged care facilities as follows:

“LPS3 has no requirement for a Local Development Plan or other development provisions on the subject sites. Due to this, administration resolved to prepare a policy addressing residential aged care facility land uses and providing parameters which will guide the development and redevelopment of sites for the purposes of the land use Residential Aged Care. The draft policy has been prepared in response to a proponent's intention to apply to develop a residential aged care facility on a site within the City, and the current absence of any specific development requirements for this proposal”.

Whilst Council accepted this advice in making the Decision, it has since become apparent that the appropriate mechanism for guiding and controlling development in this regard is through a local development plan or structure plan, depending on the context of the relevant site and/or proposal. This would allow for an integrated and site-specific understanding of how residential aged care facilities should be developed, with proper regard to the context of the relevant locality. The operation of Schedule 2 of the *Planning and Development (Local Schemes) Regulations 2015* (known as the Deemed Provisions) provides that opportunity:

- 9.1 Under clause 47(d) of the Deemed Provisions, a local development plan can be prepared if the WAPC and the local government considers it necessary for the purposes of orderly and proper planning;
- 9.2 Under clause 15(c) of the Deemed Provisions, a structure plan can be prepared if the WAPC considers it necessary for the purposes of orderly and proper planning

There is a clear intention within the City to have better controls in place for residential aged care facilities for the purposes of orderly and proper planning. The WAPC is aligned in that position. The WAPC draft *Position Statement: Residential Aged Care 2019* provides that a local development plan should be prepared if development standards for residential aged care facilities and retirement villages are not specified in the local planning scheme or strategic planning framework.

The City has the capacity to request that the WAPC require a structure plan be prepared when there are multiple land owners involved or require a local development plan when there is a single land owner, and it should be relying on such mechanisms accordingly.

Unintended consequences

It is clear that the Aged Care LPP, with its broad application, has unintended consequences when tested. It is not capable of properly responding to site specific needs or context.

In particular, it has the capacity to allow for significantly intensified commercial development in areas with otherwise low-density residential codings, which could undermine the amenity and character of localities.

The operation of clause 4.2.3 for example means that theoretically, anywhere within the residential zone of the City, a residential block smaller than 2000m²

in size could have a residential aged care facility built on it with R60 development controls applied, including primary setbacks of 2 metres and a height of three storeys. This would be completely inconsistent with the typical residential areas in the district.

Council and the public did not fully appreciate the potential consequences of the Aged Care LPP when considering it.

Why an amendment to the Aged Care LPP would be insufficient

Amending the Aged Care LPP would not sufficiently address the concerns that the document cannot respond to site specific circumstances.

Amending the Aged Care LPP would still allow for certain land in the City to be disproportionally developed in comparison to its locality.

In the meantime, residential aged care facilities will be assessed against relevant planning considerations under the Deemed Provisions which can take into account, amongst other things, the site-specific realities and the appropriateness of the development in its setting.

Administration Comment

Justification points 1-3

1. Council resolved to advertise the then draft Residential Aged Care Facilities Local Planning Policy (Aged Care LPP) at its Ordinary Council Meeting of 17 December 2019.
2. Council considered the draft Aged Care LPP at its meeting of 28 April 2020 following the completion of the public notice period.
3. Accompanying the Planning and Development Report 11.20 (Administration Report) at Attachment One was a marked-up version of draft Aged Care LPP. The amendments had been made after the public notice period had closed and had not been advertised to the public.

Administration notes Points 1-3

Point 4

The Administration Report made note of amendments as follows:

“The modifications proposed to the draft LPP, which the public have not had the opportunity to comment on, are considered minor in nature and are not considered to warrant further advertising of the draft LPP”.

Administration notes point 4 and considers the change to be minor, given that the reference to R80 would match a height of 4 storey. There are no references to R80 in the R Codes which reference 3 storey and the error was typographical

in nature. Council had an opportunity to seek for re-advertising if it considered the change to be major in accordance with the Planning Regulations, this was debated, and the motion was lost. Council then deemed the change to be minor and subsequently approved the LPP with the change as suggested by Administration. If it is genuinely considered by the Council that modifications which were made to the LPP after publication were possibly not properly considered minor, then the appropriate course may be to revisit the matters on which the modifications were made, and to consider whether amendments should be made, and advertised for public consultation in accordance with deemed cl.4 and 5, of the Planning Regulations 2015.

Point 5

Council, following advice from Administration, accepted the amendments as minor and determined to proceed with the adoption of the draft Aged Care LPP, inclusive of the amendments.

Administration notes point 5.

Point 6

It has since become clear that the amendments were not minor in nature, particularly as they relate to clause 4.2 of the Aged Care LPP. The amendments significantly increased what was capable of development on certain land in relation to height and plot ratio:

- The draft LPP as advertised, in respect of lots larger than 2000m² in size, imposed a building height of 3 storeys, and a plot ratio of 0.8.
 - 3.0 The Administration Report recommended amending the development controls to a building height of 4 storeys, and a plot ratio of 1.0.
 - 3.1 The changes represent an increase in height by one third and an increase in plot ratio by one quarter.

Administration reiterates that the R80 reference always relates to 4 storey height as a subsequence of R80 provisions. The LPP did not anticipate a 3 storey height limit. It is also noted that the City received no submissions to the LPP during the advertising period and that advertising has followed due statutory process and procedure in line with the requirements of the Planning Regulations. Administration would have re-advertised the LPP if Council had determined the change to be major but this was not the decision of Council.

Point 7

The Administration Report explained that the increase in height was a necessary product of a typographical error which had meant the development controls of R-60 coding as borrowed from the State Planning Policy 7.3 - Residential Design Codes, Volume 1 had been inadvertently included at the now clause 4.2.4, when the intention was for them to reflect the development controls of R80 coding.

Administration notes that this is correct.

Point 8

The significance should not have been under played. The Aged Care LPP applies across residential and commercial zones in the City, and the difference between three and four storeys in a residential area is substantial and certainly not minor in nature. The acceptable plot ratio was also amended (and increased), which is similarly significant enough in nature that it ought to have been readvertised.

Administration through the Director Planning and Development explained the difference, and that the LPP could be re-advertised or a lower height could be applied at three storeys. Council debated this and ultimately made the decision to accept the change as minor and adopted the LPP.

Point 9

The public ought to have been provided the opportunity for further comment.

Administration notes that Council made a decision that the amendment was minor in nature, that it did not require re-advertising and approved the LPP accordingly. Council now has the opportunity to revise the LPP as tabled at Council, and to re-advertise the suggested changes / amendments.

Point 10

The Aged Care LPP operates to apply an R-Coding or vary development standards which would ordinarily be imposed by a planning scheme, or through a structure plan or local development plan.

Administration have prepared two scheme amendments to address this and have proposed amendments to the LPP which are requested to be given consent to advertise at the July OCM.

Point 11

It has become apparent since the adoption of the Aged Care LPP that a local planning policy is an inappropriate mechanism for controlling development when site specific circumstances need to be taken into account.

Administration agree that an LPP alone does not provide statutory certainty to development outcomes as it is only a due regard document so has prepared both scheme amendment and modified LPP provisions to support the community and its expectations moving forward.

Point 12

A local planning policy guides a decision maker to promote rational and consistent decision-making. It is not a document to which strict adherence is required. The effect of this is that development applications are not required to strictly adhere with the provisions of the Aged Care LPP and may be approved regardless.

Administration are aware that the LPP is a due regard document and is able to be varied. Provisions via a Scheme Amendment should provide more certainty.

Point 13

The Administration Report suggested that a local planning policy was the only mechanism available to the City which would allow for the control of residential aged care facilities as follows:

“LPS3 has no requirement for a Local Development Plan or other development provisions on the subject sites. Due to this, administration resolved to prepare a policy addressing residential aged care facility land uses and providing parameters which will guide the development and redevelopment of sites for the purposes of the land use Residential Aged Care. The draft policy has been prepared in response to a proponent's intention to apply to develop a residential aged care facility on a site within the City, and the current absence of any specific development requirements for this proposal”.

Administration response is that other than by amending the Additional Use provision A9 this statement is correct.

Point 14

Whilst Council accepted this advice in making the Decision, it has since become apparent that the appropriate mechanism for guiding and controlling development in this regard is through a local development plan or structure plan, depending on the context of the relevant site and/or proposal. This would allow for an integrated and site-specific understanding of how residential aged care facilities should be developed, with proper regard to the context of the relevant locality. The operation of Schedule 2 of the Planning and Development (Local Schemes) Regulations 2015 (known as the **Deemed Provisions**) provides that opportunity:

Under clause 47(d) of the Deemed Provisions, a local development plan can be prepared if the WAPC and the local government considers it necessary for the purposes of orderly and proper planning;

Under clause 15(c) of the Deemed Provisions, a structure plan can be prepared if the WAPC considers it necessary for the purposes of orderly and proper planning.

Administration have prepared two scheme amendments and modified version of the LPP prior to receiving the details of this NOM.

Point 15

There is a clear intention within the City to have better controls in place for residential aged care facilities for the purposes of orderly and proper planning. The WAPC is aligned in that position. The WAPC draft Position Statement: Residential Aged Care 2019 provides that a local development plan should be prepared if development standards for residential aged care facilities and retirement villages are not specified in the local planning scheme or strategic planning framework.

Noted, the Administration have prepared two scheme amendments and a modified version of the LPP prior to receiving the details of this NOM. In an email today to the Mayor from administration we have suggested that an Aged Care Strategy would be beneficial to the Nedlands Community, identifying a strategic position and direction associated with the growing needs for residential aged care within our community and its correlation to land use, context and local character within the City of Nedlands.

Point 16

The City has the capacity to request that the WAPC require a structure plan be prepared when there are multiple land owners involved or require a local development plan when there is a single land owner, and it should be relying on such mechanisms accordingly.

It is suggested that a Local Development Plan is the appropriate planning instrument in this instance and that this requirement should form part of any requirement to develop a residential aged care facility within the City of Nedlands.

Point 17

It is clear that the Aged Care LPP, with its broad application, has unintended consequences when tested. It is not capable of properly responding to site specific needs or context.

Administration notes this point. The City has prepared additional planning framework to address the issues that have arisen. It is suggested as per legal advice that the policy be amended to address the issues that are being raised.

Point 18

In particular, it has the capacity to allow for significantly intensified commercial development in areas with otherwise low-density residential codings, which could undermine the amenity and character of localities.

Administration notes this point. The City has prepared additional planning framework to address the issues that have arisen.

Point 19

The operation of clause 4.2.3 for example means that theoretically, anywhere within the residential zone of the City, a residential block small than 2000m² in size could have a residential aged care facility built on it with R60 development controls applied, including primary setbacks of 2 metres and a height of three storeys. This would be completely inconsistent with the typical residential areas in the district.

Administration notes this point. The City has prepared additional planning framework to address the issues that have arisen.

Point 20

Council and the public did not fully appreciate the potential consequences of the Aged Care LPP when considering it.

Administration notes this point. The City has prepared additional planning framework to address the issues that have arisen in response to community feedback. It is suggested that Council consent to the LPP Residential Aged Care Policy being re-advertised with associated amendments. It is noted that the LPP was advertised in accordance with the relevant deemed provisions.

Point 21-23

Amending the Aged Care LPP would not sufficiently address the concerns that the document cannot respond to site specific circumstances.

Amending the Aged Care LPP would still allow for certain land in the City to be disproportionately developed in comparison to its locality.

In the meantime, residential aged care facilities will be assessed against relevant planning considerations under the Deemed Provisions which can take into account, amongst other things, the site-specific realities and the appropriateness of the development in its setting.

Administration advise that the amendment of the LPP needs to be taken into consideration with the two Scheme Amendments that are before Council at this meeting. These two amendments along with the LPP modifications will seek to address Councils and the Community's concerns.

If the LPP adoption decision is rescinded, and the advertising of the Scheme Amendments is not complete, before the current JDAP application is put before the decision maker, there will be few controls in place to guide the decision maker. A modified LPP which has been advertised and that advertising has

been completed will be given 'due regard' by the decision maker, if that process is finalised prior to the 28th August 2020 which is the current RAR due date for the current development application.

Council is advised that legal advice provided suggests that if the Council wish to remove the LPP from the City's Policy Suite, the policy should be revoked.

Under deemed cl.6, a LPP may be revoked –

- '(a) by a subsequent local planning policy that -
 - (i) is prepared in accordance with this Part; and
 - (ii) expressly revokes the local planning policy; or
- (b) by a notice of revocation -
 - (i) prepared by the local government; and
 - (ii) published in the newspaper circulating in the scheme area.'

The Council will need to pass a resolution to revoke the policy if it wants to remove the policy completely.

The Mayor granted a recess for the purposes of a refreshment break.

The meeting adjourned at 9.09 pm and reconvened at 9.17 pm with the following people in attendance:

Councillors	Her Worship the Mayor, C M de Lacy	(Presiding Member)
	Councillor F J O Bennett	Dalkeith Ward
	Councillor A W Mangano	Dalkeith Ward
	Councillor B G Hodsdon	Hollywood Ward
	Councillor P N Poliwka	Hollywood Ward
	Councillor J D Wetherall	Hollywood Ward
	Councillor R A Coghlan	Melvista Ward
	Councillor G A R Hay	Melvista Ward
	Councillor R Senathirajah	Melvista Ward
	Councillor N B J Horley	Coastal Districts Ward
	Councillor L J McManus	Coastal Districts Ward
	Councillor K A Smyth	Coastal Districts Ward
Staff	Mrs N M Ceric	Executive Assistant to CEO & Mayor
	Mrs S J Mettam	Manager Human Resources

Closure of Meeting to the Public

Moved – Councillor McManus

Seconded - Councillor Smyth

That the meeting be closed to the public in accordance with Section 5.23 (d) of the Local Government Act 1995 to allow confidential discussion on the following Item.

**CARRIED 10/2
(Against: Crs. Bennett & Mangano)**

The meeting was closed to the public at 9.19 pm.

15. Elected members notices of motion given at the meeting for consideration at the following ordinary meeting on 25 August 2020

Disclaimer: Where administration has provided any assistance with the framing and/or wording of any motion/amendment to a Councillor who has advised their intention to move it, the assistance has been provided on an impartial basis. The principle and intention expressed in any motion/amendment is solely that of the intended mover and not that of the officer/officers providing the assistance. Under no circumstances is it to be expressed to any party that administration or any Council officer holds a view on this motion other than that expressed in an official written or verbal report by Administration to the Council meeting considering the motion.

Notices of motion for consideration at the Council Meeting to be held on 25 August 2020 to be tabled at this point in accordance with Clause 3.9(2) of Council's Local Law Relating to Standing Orders.

Nil.

16. Urgent Business Approved by the Presiding Member or By Decision

The following items were accepted by the Presiding Member as Urgent Business.

16.1 Councillor Mangano – Scheme Amendment 7

Please note: This item was brought forward see page 101.

16.2 Councillor Coghlan – Public Submission on Proposed Peace Memorial Rose Garden Local Planning Policy

Please note: This item was brought forward see page 103 pm.

17. Confidential Items

17.1 CEO Performance Review

Confidential Report circulated to Councillors.

Closure of Meeting to the Public

Moved – Councillor McManus

Seconded - Councillor Smyth

That the meeting be closed to the public in accordance with Section 5.23 (a) of the Local Government Act 1995 to allow confidential discussion on item 17.1 CEO Performance Review.

**CARRIED 10/2
(Against: Crs. Bennett & Mangano)**

The meeting was closed to the public at 9.19 pm.

Moved - Councillor McManus

Seconded - Councillor Wetherall

That the meeting be reopened to members of the public and the press.

CARRIED UNANIMOUSLY 12/-

The meeting was reopened to members of the public and the press at 10.08 pm.

In accordance with Standing Orders 12.7(3) the Presiding Member read out the motions passed by the Council whilst it was proceeding behind closed doors and the vote of the members to be recorded in the minutes under section 5.21 of the Local Government Act 1995.

Moved – Councillor McManus

Seconded – Councillor Horley

Council Resolution

That Council:

- 1. having considered Councillor feedback on Chief Executive Officer Mark Goodlet’s performance, approves and endorses the finding of “satisfactory” performance;**
- 2. approves the revised draft CEO Key Result Areas (as amended in Confidential Attachment 3) to apply to the CEO for the next 12 months, such KRA’s having been provided to the CEO for review and comment and finalised by the CEO Performance Review Committee; and**
- 3. notes the WA Salaries and Allowances Tribunal determination is to not increase salary bands for the 2020/2021 financial year and recommends to Council that the CEO’s remuneration remains unchanged until the next annual review in 2021.**

**CARRIED 11/1
(Against: Cr. Mangano)**

Declaration of Closure

There being no further business, the Presiding Member declared the meeting closed at 10.11 pm.