

Planning and Development Reports

Committee Consideration – 03 December 2013
Council Resolution – 10 December 2013

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PD57.13	Sunset Transformation Strategy – Sunset Hospital Site Birdwood Parade, Dalkeith
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Committee	03 December 2013
Council	10 December 2013
Applicant	State Government
Owner	State Government
Officer	Peter Mickleson – Director Planning & Development
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File Reference	M13/32955
Previous Item	PD34.12

1.0 Executive Summary

On 31 October 2013, a 'Sunset Transformation Strategy' was released by the State Government which would guide the development of the former Sunset Hospital site over the next 10 to 15 years as an asset for arts, cultural and community use. Consequently, the Sunset Reserve Transformation Bill 2013 has also been developed to provide for reserve and planning changes to expedite the transformation of the former Sunset Hospital site

The purpose of this report is for Council to consider whether it wishes to provide any comment to the Premier of Western Australia or his representative in relation to the proposed Strategy.

1.1 Recommendation to Committee

That the Council advises the Premier of Western Australia that the City of Nedlands supports the proposed Sunset Transformation Strategy.

1.2 Strategic Community Plan

KFA: Natural and Built Environment
 KFA: Community Development

This report addresses the Key Focus Area (KFA) of Natural and Built Environment through requiring adherence to the relevant matters to be considered in any future use of this land. It also addresses the KFA of Community Development, as the proposed future use could be considered with the community purpose of recreation when the site was developed in 1890.

2.0 Background

Property address	No. 94 (Lot 1667) Birdwood Parade, Dalkeith
Lot area	81 320m ²
Zoning:	N/A no local zoning, reserve or density code
Metropolitan Region Scheme	Public Purposes – Hospital

In 1943, the Sunset Hospital nursing home was in operation and housed up to 750 men, with its final closure in 1996.

The former Sunset Hospital site has essentially been vacant since its decommissioning in 1996, and has since that time, been the subject of considerable community discussion with regards to the most appropriate future use for the site.

On 10 January 2013, the Premier of Western Australia announced the development of a master plan for a staged restoration to be transformed into a public place for the use of the community.

On 31 October 2013, a ‘Sunset Transformation Strategy’ was released by the State Government which would guide the development of the site over the next 10 to 15 years into an asset for arts, cultural and community use. As part of the strategy, significant heritage buildings will be retained and progressively restored such as an art gallery, cafe and function centre. The strategy also includes planning for public access to the sites parkland (Refer to Attachment 1). Consequently, the Sunset Reserve Transformation Bill 2013 was also introduced to support this strategy (Refer to Attachment 2).

The purpose of this report is to advise Council of the Strategy and determine if Council wishes to make further comment on the Strategy.

2.1 Key Relevant Previous Council Decisions

As its meeting on 13 December 2005 the Council resolved:

‘That, with regard to the A Class Reserve, known as the Sunset site, the Council advises the Premier of Western Australia that the Nedlands City Council’s position is that the site to be retained for the sole use of recreation, as it was created for that purpose in 1890, for the benefit of all citizens of Western Australia’

The use of the site was again considered by Council at its meeting on 28 August 2012. The Council’s considered the future use of the site and any matters they wished to address, as the State Government was proposing to imminently announce the proposed future use of the site. Council resolved;

‘That the Council advises the Premier of Western Australia at a meeting with him by deputation of the Council that the City of Nedlands wishes to have the following matters considered in any future use or development of the former Sunset Hospital site.

1. *Integrity of the Site: The whole of the site should be retained as an A Class Reserve in one lot in public ownership, with no subdivision permitted. This will not preclude some parts of the site being leased;*

2. *Public Access: It is important that public access is maintained within and through the site including to the reserve adjoining the Swan River. This would not preclude some parts of the site being closed to the public;*

3. *Land Use: It is acknowledged that some form of alternative land use is likely to occur in order to allow the site to be available for public access Any alternate land use should pay due regard to the amenity of the site and its surroundings.*

4. *Heritage: Any buildings that have significant heritage values either in their own right or in combination with other buildings on the site should be retained for interpretive purposes, or adapted for reuse;*

5. *Site Coverage and Built Form: Any new buildings incorporated for new uses, or to enhance existing buildings, should give due regard to the amenity of the site such that site coverage, height and built form preserve the spatial qualities of the site and its surrounds;*

6. *Traffic: Any renewed access to the site will increase traffic in the vicinity. Consideration should be given to the means by which traffic flow can be minimised in areas immediately surrounding the site; and*

7. *Public Consultation: State Government expedites Community Consultation on their vision for this site'.*

2.2 Legislation / Policy

N/A

3.0 Consultation Process

3.1 What consultation process was undertaken?

Required by legislation: Yes No
Required by City of Nedlands policy: Yes No

4.0 Budget / Financial Implications

Within current approved budget: Yes No
Requires further budget consideration: Yes No

5.0 Risk management

There is no risk associated with providing comment to the State Government however the Council may consider the proposed Strategy contains risks in relation to the use of the site which it may wish to make the State Government aware of.

6.0 Discussion

6.1 Introduction

The former Sunset Hospital site has essentially been vacant since its decommissioning in 1996, and has since that time, been the subject of considerable community discussion with regards to the most appropriate future use for the site.

On 31 October 2013, a 'Sunset Transformation Strategy' was released by the State Government which would guide the development of the former Sunset Hospital site over the next 10 to 15 years, for an asset for arts, cultural and community use.

Consequently, the Sunset Reserve Transformation Bill 2013 was also introduced to State Government to support the implementation of the strategy.

6.2 Strategy & Transformation Bill

The 'Sunset Transformation Strategy' was formulated by the State Government which would guide the development of the former Sunset Hospital site over the next 10 to 15 years, for an asset for arts, cultural and community use.

As part of the strategy on the 8 hectare site, more than 97 per cent of the Sunset site will remain an A-Class reserve, whilst significant heritage buildings will be retained and progressively restored such as an art gallery, cafe and function centre. The strategy also includes planning for public access to the sites parkland.

The 'Sunset Reserve Transformation Bill 2013' was introduced to provide for reserve and planning changes to expedite the transformation of the former Sunset Hospital site. This also includes providing for the sale of Lot 302 on Iris Avenue, and amendment to the A-class reserve purpose and associated planning changes.

6.3.1 Amendment to the A-Class Reserve

The amendment proposed is to the purpose of the reserve.

Existing Purpose: Retirement Village, Parks and Recreation, community and ancillary commercial.

Proposed Purpose: Sunset heritage precinct for arts, cultural community and ancillary commercial.

That is removing the reference to 'Retirement Village' and 'Parks and Recreation' and adding reference to 'Sunset Heritage Precinct for Arts' and the word 'cultural'.

This change therefore removes the purpose of the site as being for the use as a retirement village but also interestingly the purpose of 'Parks and Recreation'. However it may be assumed that the continuing purpose of 'Community' could encompass the uses that would ordinarily be associated with 'Parks and Recreation'.

6.3.2 The Sale of Lot 302

As part of the 'Sunset Transformation Strategy' and 'Sunset Reserve Transformation Bill 2013, it is proposed that Lot 302 on Iris Avenue will be subdivided and ownership placed with the Minister of Works. It is intended that the subsequent sale of this site will help fund necessary works on the site. It is likely that significant additional funding will be required in order to achieve the outcome envisioned by the Strategy. It is unclear, at this stage, where this additional funding will come from.

The proposal also requires the amendment to the Metropolitan Region Scheme (MRS) to 'Urban' use, as well as presumably a request or instruction to the City to amend the Town Planning Scheme No.2 (TPS2) so that the site is zoned 'Residential' with a density coding of R12.5.

Council in its 2012 resolution stated that no subdivision of the site should be permitted and the reserve be retain in one lot.

It is possible that if this lot is not sold then the 'seed' funding to start the project will not be available and the site will continue to be dormant as it has been for almost 20 years.

6.3.4 Options

1. Do Nothing: - The Council has already communicated its views in relation to the future use of the site in August 2012. It could be considered that the proposed Strategy for the site is not inconsistent with this view except for the sale of Lot 302;
2. Reaffirm to the Premier the Council's earlier position on the future of the site as set out in the Council resolution from August 2012. This option would reaffirm that the sale of Lot 302, or any of the site, is not supported; or
3. Support the Sunset Transformation Strategy – The Council may wish to make a new representation to the Premier indicating support for the Strategy either including or excluding the sale of Lot 302. Now that the basic concept of the Sunset Transformation Strategy is known and is likely to eventually result in the restoration and public use and enjoyment of the site the Council may wish to support any efforts that will take the site from its current un-used state to something that the public can enjoy.

6.2 Consultation

Not applicable as the Transformation Strategy is not seeking any formal feedback from Council or the wider community.

6.3 Conclusion

The Premier is already aware of Council's view on the future use of the Sunset site. However, now that the Transformation Strategy has been released Administration believe it can be supported by Council as it provides a practical means by which the site can be restored and made available for public use.

7.0 Attachments

1. Sunset Transformation Strategy
2. Sunset Reserve Transformation Bill 2013

PD58.13	Proposed Scheme Amendment No. 201 - Rezone Lot 346 (No. 11) Bedford Street, Nedlands from 'Residential R10' to 'Residential R10 with Additional Use for two (2) Single Houses'
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Committee	03 December 2013
Council	10 December 2013
Applicant	MW Urban Planning and Development
Owner	Mark & Hilary Dolling
Officer	Jason Moore – Strategic Planning Officer
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File Reference	TPN/A201
Previous Item	Nil

1.0 Executive Summary

The purpose of this report is to recommend to Council to initiate proposed Scheme Amendment No. 201. The purpose of the amendment is to change the zoning of lot 346 (No. 11) Bedford Street, Nedlands to enable the property to be subdivided into two (2) separate lots for the proposed amendment in accordance with a Local Area Plan with mandatory provisions to ensure that the buildings ultimately constructed on these lots will blend into the existing streetscape.

1.1 Recommendation to Committee

Council:

1. initiates the proposed scheme amendment to change the zoning of Lot 346 (No. 11) Bedford Street, Nedlands from 'Residential R10' to 'Residential R10 with Additional Use for two single houses' to be developed in accordance with a Local Area Plan attached to the scheme amendment; and
2. instructs Administration to progress the proposal in accordance with requirements of the relevant legislation.

1.2 Strategic Community Plan

KFA: Natural and Built Environment
 KFA: Governance and Civic Leadership

2.0 Background

Property address	Lot 346 (No. 11) Bedford Street, Nedlands
Lot area	1011m ²
Zoning:	R10
Metropolitan Region Scheme	Urban
Town Planning Scheme No. 2	Residential

The subject site is located on the north-western corner of the intersection of Bedford Street and Baird Avenue, Nedlands (Attachment 1).

An existing two (2) storey residential dwelling is located on the northern half of site, addressing Baird Avenue. Planning approval for this dwelling was granted in December 2002 and the construction was completed in April 2004.

The southern half of the site has been vacant for the past 10 years. It has been used for casual parking associated with nearby businesses. The landowners have recently erected fencing along the street frontages to restrict parking on the vacant portion of the site.

2.1 Key Relevant Previous Council Decisions

In November 2001, the Council adopted a Local Housing Strategy which proposed the creation of fifteen precincts where higher density would be permitted within the City. One of these was the Bedford Street Precinct which the subject site is located in. For the Bedford Street Precinct, the Strategy recommended a split R10/R20 density coding, allowing corner lots such as the subject site to be subdivided under the R20 code.

Based on the vision of the Strategy the owners elected to construct their new dwelling such that a subdivision could occur once the Local Housing Strategy was adopted.

In February 2004, the recommendations of the Local Housing Strategy were amended to remove reference to the R10/20 coding from the Bedford Street Precinct.

The Draft Stirling Highway Special Control Area provisions were adopted on 13 October 2009. The Draft provisions rezone the land abutting Stirling Highway and surrounding street, the border for the special control area includes nearby properties.

2.2 Proposal Detail

The proposed amendment of Town Planning Scheme No. 2 (TPS2) is to provide Lot 346 (No. 11) Bedford Street, Nedlands with an additional use that will allow the site to accommodate two single houses.

This proposal facilitates the subdivision of the site into two (2) lots, one containing the existing house and one that can be developed with a new single house.

The amendment is supported by a Local Area Plan (LAP) (Refer Attachment 2) comprising of mandatory provisions that will ensure that the buildings ultimately constructed on these lots will blend into the existing streetscape.

The LAP complements the development standards of the R10 density code which is proposed to be retained and provides different development parameters for each of the proposed lots as follows:

Lot 1 (currently accommodates existing dwelling)

There are no particular design requirements for any replacement building on the northern portion of the site, given the modern design of the existing dwellings, and the varied streetscape of Baird Avenue.

Detail	Specification	Comment
Dwelling Orientation	The dwelling must address Baird Avenue as the primary street.	Standard as per R codes
Design elements	Nil.	-
Street setbacks	Minimum primary street setback is 3m (no averaging). Secondary street setback not applicable.	Variation from R Codes where average of 6m and minimum of 3m is required.
Lot boundary setbacks	Minimum rear setback of 4m, side setbacks in accordance with the R Codes.	The rear setback is a variation to the R Codes which requires 6m.
Landscaping	A requirement for a landscaping plan at development assessment stage providing a minimum of 30% landscaping.	This is a further requirement to the R Codes and Town Planning Scheme.
Parking	Provided off Baird Avenue.	This is a further requirement to the R Codes and Town Planning Scheme.
Street wall and fences	No variation.	-

Lot 2 (currently vacant lot located on the corner of Bedford Street and Baird Avenue)

Detail	Specification	Comment
Dwelling Orientation	Any new dwelling is required to address Bedford Street as the primary street.	This is a further requirement to the R Codes and Town Planning Scheme.
Design elements	Any new dwelling shall include minimum ceilings heights of 2.8m and a minimum pitched roof form of 25 degrees with gables in order to match the existing houses in the locality.	This is a further requirement to the R Codes and Town Planning Scheme.
Street setbacks	A 9m primary setback from Bedford street and a setback of 1.5m from Baird Avenue as the secondary street. The proposed secondary street setback is a variation from the Residential Design Codes for an R10 dwelling, which requires a setback of 3m from the secondary street.	The 9m front setback is standard under the Town Planning Scheme. The side setback is a variation to the R Codes which requires 3m.
Lot boundary setbacks	Average 6m rear setback and a minimum of 3m to the rear boundary, side setbacks in accordance with the R Codes.	Rear setback is a variation to the R Codes which requires 6m absolute.
Landscaping	A requirement for a landscaping plan at development assessment stage providing a minimum of 30% landscaping and 4 mature trees.	This is a further requirement to the R Codes and Town Planning Scheme.
Parking	Provided off Bedford Street.	This represents a variation from the R Codes which would require that vehicle access from the site is from the secondary street.
Street wall and fences	Front walls and fences less than 0.9m along the Bedford Street boundary for a distance of 12m. The remainder of the fencing to be as per the R Codes. No fencing permitted within the front setback area or 6m from Bedford street adjacent to Baird Avenue.	This is a further requirement to the R Codes and Town Planning Scheme.

2.2 Legislation / Policy

- *Planning and Development Act 2005*
- State Planning Policy 3.1: Residential Design Codes

- City of Nedlands Town Planning Scheme No. 2

3.0 Consultation Process

3.1 What consultation process was undertaken?

Required by legislation:

Yes

No

Required by City of Nedlands policy:

Yes

No

At this stage of the process there is no need for public consultation. If Council initiates this proposed amendment to TPS2 and a favourable response is received from the Environmental Protection Agency, it will be advertised for 42 days in accordance with legislative requirements.

4.0 Budget / Financial Implications

Scheme Amendments have no financial implications for the City as all costs incurred in relation to the amendment will be recovered by the applicant.

5.0 Risk management

The risk to the City if Council decides not to initiate this scheme amendment proposal is that the council can be instructed by the Minister for Planning under s76 of the *Planning and Development Act 2005*, to progress the proposed amendment.

6.0 Discussion

6.1 Historical Context

In its original form the Local Housing Strategy proposed corner lot subdivision and it is on the strength of this principle that the existing dwelling on the subject lot was located in the northern portion of the site in order to allow for the future subdivision under the proposed R10/20 coding.

By the time the dwelling was virtually complete, Council resolved to amend the recommendations of the Local Housing Strategy for the Bedford Street Precinct by deleting reference to the R10/20 coding for corner lots.

As a result of the changes, the R10 density coding has remained, leaving the southern portion of the site vacant and unable to be developed with another dwelling as the minimum land area requirements of the R10 code is 1000m² per dwelling.

This has created an awkward anomaly in the area.

6.2 Future Planning Controls

The Draft Stirling Highway Special Control Area Provisions (currently included in Draft Town Planning Scheme No.3) proposes an increase in housing diversity along

the Stirling Highway corridor and nearby lots. The border of the Special Control Area is located diagonally from to the subject site. The subject site is not directly affected however; the character surrounding area in general is likely to change with subdivision being allowed meaning the proposed outcome of the amendment will blend in the proposed character for the area.

6.3 Proposed zoning

The proposal for Residential with an additional use is a mechanism that has been widely used within the City and is acceptable. The development can be controlled with more rigor though the use of the Local Area Plan rather than if the site was simply changed to a higher density coding.

Local Area Plan Provisions

The Local Area Plan provided will guide the built form on any new dwellings on either proposed lot. The Local Area Plan provides variations to the Town Planning Scheme and R Codes in conjunction with further requirements for a sympathetic built form on the proposed lot. The impact is minimised by creating as much continuity of the current streetscape as possible in terms of setbacks, design elements, parking and landscaping. This parking provision allows for only one crossover on each street for the site as a whole. This is seen to be proper planning as it minimises the disruption of footpaths and does not require another crossover onto Baird Avenue.

The high landscaping requirements for both lots is a major component of the amendment. The requirement exceeds what is required under the R Codes and Town Planning Scheme. This element alone will significantly reduce any potential negative impacts of the proposal.

Lot 1

The proposed provisions of the Local Area Plan for Lot 1 reflects the current existing dwelling. This means that any replacement dwelling will have the same impact on the streetscape as the current dwelling. The limited variations proposed are acceptable.

Lot 2

The proposed provisions of the Local Area Plan for the proposed Lot 2 include variations to the R Codes in ways to minimise the impacts upon the street and enhance the streetscape as follows:

Any new dwelling on Lot 2 is to address Bedford Street and incorporate design elements characteristic of the locality this exceeds the provisions of the R Codes. This has the effect of minimising the impact of the subdivision on the streetscape.

The 9m setback that is characteristic of the greater Nedlands area is to be maintained. This will ensure that any proposed dwelling addresses Bedford Street in the same manner as the rest of the street.

The 1.5m secondary street setback variation will have minimal impact on Baird Street.

The variation to allow an averaged rear setback on the proposed dwelling will allow flexibility in the design while maintaining certainty of the minimum allowed. This is acceptable as it will not affect the streetscape.

The fencing provisions mandates for a more open fence than required in the R Codes and Town Planning Scheme. This allows for better interaction between the dwelling and the street.

As a result of the above provisions the built form allowed on the proposed new lot will address the intersection in the same manner as would be permitted under the current planning controls.

6.4 Conclusion

The proposed scheme amendment to rezone Rezone Lot 346 (No. 11) Bedford Street, Nedlands from 'Residential R10' to 'Residential R10 with Additional Use' will facilitate the development of a second dwelling on the vacant southern portion of the subject site, as envisaged when the City of Nedlands granted planning approval for the existing house over 10 years ago.

A Local Area Plan has been provided to ensure the development of any new dwelling on the vacant part of the site is sympathetic to the existing neighbourhood character. This includes street setbacks and the spacing of buildings within a well landscaped setting.

The outcome of this scheme amendment takes into account the surrounding area and allows a use for an undevelopable area of land that will remain vacant for the foreseeable future under the current planning legislation.

7.0 Attachments

1. Locality plan
2. Scheme Amendment Proposal
3. Stirling Highway boundary alignment

PD59.13	Lease of Premises at Charles Court Reserve, Esplanade by Nedlands Rugby Union Football Club Inc.
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Committee	03 December 2013
Council	10 December 2013
Applicant	City of Nedlands
Owner	City of Nedlands
Officer	Rebecca Boley – Property Management Officer
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File Reference	IFM/426-12
Previous Item	Item CM14.06 on 28 March 2006

1.0 Executive Summary

In 2012, the Nedlands Rugby Union Football Club Inc. completed a full redevelopment of their leased premises at Charles Court Reserve – Esplanade, Nedlands. The Club has now applied to the City to surrender their current lease with expiration in 2021, in favour of a Lease with the maximum term of 21 years. Council is now asked to consider the draft Lease which has been negotiated by Administration and the Club.

1.1 Recommendation to Committee

Council:

1. **accepts the Nedlands Rugby Union Football Club Inc. surrender of Lease of premises at Charles Court Reserve (commencement date 29 March 2006 and term of 10 years with further term of 5 years); and**
2. **agrees to enter into the Deed of Lease with the Nedlands Rugby Union Football Club Inc. for a term of 21 years as per Attachment 1.**

1.2 Strategic Community Plan

KFA: Governance and Civic Leadership

Council’s policy relating to ‘Access to Council Services, Facilities and Functions’ has the objective *‘to facilitate the use of Council facilities by the community’*. The policy further provides that if a sporting group requires exclusive use of the facility Council will require it to enter into a standard lease agreement where the lessee will have free use but will be required to accept responsibility for all associated maintenance and utility costs.

2.0 Background

The Nedlands Rugby Union Football Club Inc. has been in occupation of the pavilion at Charles Court Reserve, Esplanade Nedlands since 1951. The Club was formed in 1934 and have won 73 premiership flags across the colts and senior grades, including 15 premier grade trophies in their history. The Club's original facilities in 1951 comprised a public toilet and small change rooms. Since the Clubrooms redevelopment completed in 2012, the facilities now boast video, conferencing and security systems, a modern and well equipped kitchen, dishwashing area, bar, meeting room, storerooms, separate change rooms for players and referees, disabled access and toilet facilities, female restrooms and an improved social area that is available to the club and community groups. The Club has stated that the bill for the redevelopment would have surpassed \$1million if not for the generosity of members and supporters offering their expertise, materials and time to keep costs down. The redevelopment was further supported by a \$160,000 Community Sport and Recreation Facilities Fund grant and \$50,000 from the City. The Club funded the balance.

The Club's current lease has commencement date 29 March 2006 and a term of 10 years with a further term of 5 years. The Club's lease of premises prior to this had a term of 21 years which expired in 1999.

The Club's leased premises are located at the Charles Court Reserve, Esplanade Nedlands. The premises comprise buildings; land on which building is located and immediately surrounding landscaped area. It does not include land for playing fields. The lease area is that for exclusive use by the Club. The leased premises are located on Class A Reserve 22527 which has purpose of recreation. The City is vested with management and control of this reserve and the associated management order (Management Order) contains a power to lease the land for any term not exceeding 21 years subject to the Minister for Lands consent.

The City's standard lease contains an initial term of 10 years plus further term of 5 years for complying tenants.

2.1 Key Relevant Previous Council Decisions

Item CM14.06 was considered by Council at its meeting of 28 March 2006 and Council resolved to approve the Club's current lease which expires in 2021.

2.2 Legislation / Policy

S.18 of the *Land Administration Act 1997* requires that a lease of Crown land must be approved by the Minister for Lands.

Council policy as detailed above provides for sporting clubs to achieve exclusive use of Council facilities where necessary and on the terms of the City's standard lease.

3.0 Consultation Process

3.1 What consultation process was undertaken?

Required by legislation: Yes No
 Required by City of Nedlands policy: Yes No

The City has negotiated with the Nedlands Rugby Union Football Club Inc. to agree the terms of the draft Lease now presented to Council.

In accordance with s.18 of the *Land Administration Act 1997* the City received a letter dated 28 October 2013 granting the Minister for Lands 'in-principle' approval to lease the land on the terms as now presented to Council.

4.0 Budget / Financial Implications

Within current approved budget: Yes No
 Requires further budget consideration: Yes No

The negotiation of the draft Deed has incurred costs for legal fees in preparation of the documentation as well as professional fees for the production of a new sketch of lease premises. These costs have been agreed to be borne by the Club as lessee.

5.0 Risk management

Any risk associated with this proposal is managed through the terms of the City's standard lease agreement which this draft Deed accords. Being that this lease is more recently negotiated terms are updated and improved and the survey of lease area is professionally produced and more comprehensive than previously thereby reducing associated risk.

6.0 Discussion

Following a major redevelopment of the Nedlands Rugby Club lease premises at Charles Court Reserve, Esplanade, Nedlands, which the Club has for the most part fundraised, with grants made by the Department of Sport and Recreation and the City of Nedlands the Club has now applied to the City for a Lease with maximum term. The Club have noted that in alignment with their large investment in the site both financially and other the Club wish to secure their future for the longest term possible. The Club make known that their clubrooms are also for community use, thereby fostering the Club's strong association with the local community.

The draft Lease accords the City's standard lease terms for the most part and the variations from the standard terms are discussed below.

Maximum Term

Administration considers the Club's notable investment into redeveloping the lease premises as worthy of a lease agreement with the maximum term permitted by the

Management Order, a term beyond the City's standard lease term of 10 years plus a further 5 year term. Other such examples of non-standard lease agreements are: Swanbourne Nedlands Surf Life Saving Club (21 years), Cottesloe Golf Club (21 years + 21 years) Dalkeith Tennis Club (21 years), Naked Fig Cafe (21 years + 10 years), Mattie Furphy House (21 years) and W.A Bridge Club (15 years + 5 years).

The Club's draft Lease includes the surrender of their current lease in favour of a lease for a term of 21 years. The draft lease is based on the City's standard approach to leasing to not-for-profit sporting and community groups, that the premises be for the group's exclusive use at a peppercorn rental with the group assuming responsibility for all outgoings and insurances as well as maintenance of the premises.

Building Maintenance Fund

The Administration has agreed with the Club to modify the standard requirement for a Building Maintenance Fund in that the draft Lease now presented does not require the Club to keep a nominal amount in a separate bank account. The draft Lease provides more generally that the Club provide for sufficient funds in order to maintain the premises in accordance with the terms of the Lease. The draft Lease further provides that where it is found the Club are not achieving this requirement the City may make reasonable requirements of the Lessee in regard to establishing a separate Maintenance Fund. The City agreed to this amendment of the City's standard terms as requested by the Club on the basis that the Club has recently fundraised approximately 80% of total costs and managed the complete redevelopment of their lease premises with a bill totalling an estimated \$1 million. The lease premises are now essentially brand new premises and would likely have a very low requirement for maintenance at least in the short term. Further, the Club have stated that as part of the redevelopment they now maintain a record of building expenditure which could suffice as a "check" on expenditure as well as the basic requirement for the Club to maintain the premises pursuant to the Lease.

Nedlands Foreshore Management and Enhancement Plan (The Plan)

The Plan in its current form (but which is subject to periodic review) contains a series of recommendations for the enhancement and ongoing management of the Nedlands foreshore. One of the recommendations is that where it is found necessary for all active sporting in the area to be located at Charles Court Reserve there may be a rationalisation of the use of facilities and potentially the development of new facilities. The draft Lease maintains the condition of lease as contained in the Club's previous lease for Club as lessor to co-operate with any investigations conducted as a result of the Plan and its revisions.

Bruce Trust Deed

The land subject of the Bruce Trust Deed (Trust land) is located in close proximity to the lease premises and forms part of playing fields on which the Club plays their club games. Due to this close proximity in location the draft Lease provides the City with remedies (restrictions on use of sporting grounds and use of premises) where the

Club's activities are found to negatively impact the enjoyment of the Trust land and those properties abutting the Esplanade where it adjoins the Trust land.

6.3 Conclusion

The Administration and Nedlands Rugby Union Football Club have agreed the terms of the draft Lease now presented to Council for consideration. The terms accord for the most part the City's standard terms of lease by community and sporting groups. Where there is deviation from the City's standard the Administration considers this acceptable in the context of continuing to ensure a workable framework for leasing the premises at Charles Court Reserve and at the same time maintaining the City's principles for leasing Council facilities.

7.0 Attachments

1. Draft Deed of Lease of Premises by Nedlands Rugby Union Football Club Inc. – Portion of Reserve 22527

PD60.13	Big Day Out Concert – Sunday 2 February 2014
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Committee	03 December 2013
Council	10 December 2013
Applicant	Department of Environment and Regulation
Owner	N/A
Officer	Andrew Melville – Manager Health and Compliance
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File Reference	IFM/426-12
Previous Item	Nil

1.0 Executive Summary

This report is before Council because the Acting Director General of the Department of Environment and Regulation (DER) has received an application from Altered State (WA) Pty Ltd to hold the Big Day Out music festival at the Claremont Showgrounds on Sunday 2 February 2014.

This application has been made under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997*. Regulation 18 allows an event to proceed which would otherwise lose its character or usefulness if it were required to comply with the prescribed neighbourhood noise levels.

Council's role is to determine whether it agrees with the conditions applicable to the approval pursuant to Regulation 18 (12) of the Regulations which state:

'An approval must not be granted unless the local government of each district in which the noise emissions received from the event are likely to fail to comply with the standard prescribed under regulation 7 agrees to the proposed conditions applicable to the approval'

1.1 Recommendation to Committee

Council, pursuant to Regulation 18 (12) of the *Environmental Protection (Noise) Regulations 1997*, agrees to the Department of Environment and Regulation's proposed conditions, (refer to attachment 1) for the Big Day Out music festival to be held at the Claremont Showgrounds on Sunday 2 February 2014 subject to the Department of Environment and Regulation or Altered State (WA) Pty Ltd notifying the City of Nedlands Health Section of any noise complaints received from City of Nedlands residents, within 7 days after the event.

1.2 Strategic Community Plan

KFA 4: Community Wellbeing

The Big Day Out is supported by KFA 4.4 in that it provides an opportunity for young adults in the community to enjoy music from a variety of their favourite artists without having to travel far and incur additional expense. They are able to interact socially and enjoy the festival with those who have a similar musical taste.

KFA 5: Governance

In agreeing to the conditions imposed by the Department of Environment and Regulation for the Big Day Out, the City is fulfilling a statutory requirement under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997*.

2.0 Background

The Big Day Out is a national touring concert series that showcases bands that appeal to a teenage and young adult audience. Given the events history in Perth, it can be considered as Perth's mainstay summer concert before the start of the school year. Perth is the final host city for this national touring event in 2014.

Historically, the Big Day Out music festival has generally been held at the Claremont Showgrounds after approval being granted by the Town of Claremont under Regulation 18 of the *Environmental Protection (Noise) Regulations 1997*. However, in line with recent years, the Town of Claremont Council decided not to approve this year's application in line with the Town's 'Framework for Noise Approvals for Non – Conforming Events at the Claremont Showgrounds'. Prior to its return to the Showgrounds in 2013, it is noted that the Big Day Out Festival in 2012, was not held at the Claremont Showgrounds.

Where the governing Local Government Authority rejects an application for approval, the promoter may make application to the Department of Environment and Regulation for approval.

The Department of Environment and Regulation is bound by the same requirement to seek approval of the conditions from those local governments whose residents will receive noise emissions from the event.

In 2013 however, there were 16 complaints registered from City of Nedlands residents, where the event managers have been required to provide a complaints response service which comprises of at least two (2) telephone lines that are to always be answered by an operator. An answering machine is not accepted.

2.1 Key Relevant Previous Council Decisions

Nil

2.2 Legislation / Policy

Environmental Protection (Noise) Regulations 1997

The Regulations stipulated above describe the process of approval for noisy events.

3.0 Consultation Process

Nil

3.1 What consultation process was undertaken?

Required by legislation:

Yes

No

Required by City of Nedlands policy:

Yes

No

3.2 How and when was the community consulted?

Nil

4.0 Budget / Financial Implications

Within current approved budget:

Yes

No

Requires further budget consideration:

Yes

No

5.0 Risk management

Conditions applicable to approval are considered by Council and agreed to as required in accordance with the *Environmental Protection (Noise) Regulations 1997*. The conditions applicable to approval are considered adequate in minimising the possibility of the City receiving noise complaints from its residents.

6.0 Discussion

6.1 Introduction

The Big Day Out music festival is scheduled for Sunday 2 February 2014 from 11.00am to 11.00pm at the Claremont Showgrounds. The two main stages will have a finishing time of no later than 10:30pm.

The Department of Environment and Regulation has imposed conditions to facilitate noise control at the event (Refer to Attachment 1, Schedule – Conditions of Approval). These conditions are more comprehensive than those which have previously been imposed by the Town of Claremont for the Big Day Out events prior to 2012. Furthermore, they align with those imposed on the 2013 event approved by the Department of Environment and Conservation.

Notably in these conditions, the Department of Environment and Regulation is applying additional 'C' weighted noise limits to help further control any noise impact, as well as requiring the implementation of a DER approved Noise Management Plan

which has not been required in previously approved conditions. The Noise Management Plan will be required to address arrangements for minimising the noise disturbances by attendees following the event.

As required by Regulation 18, in order for the approval of the event to be granted, the Department of Environment and Regulation has sought comment from surrounding Local Government Authorities (to agree to the conditions it has imposed). Noise from the event will incorporate amplifiers and public address systems. Residents who may be affected by noise from the event will be notified via an information leaflet which is to be distributed no later than Wednesday 29 January 2014. The residential notification area is as per Attachment 2 - Residential Notification Area. Details of the event and the details pertaining to the complaint response service will also be publicised in the Western Suburbs Weekly and the Post newspapers in the editions immediately prior to the event.

The Town of Claremont has made contact with the City to advise of their amenity related concerns with the proposed Conditions of Approval (see Attachment 3). The concerns relate to the view that the conditions relating to Finishing Times, Sound Level Limits, and the Noise Complaint Line are inadequate. The City of Nedlands Administration's recommendations contained within this report align with those previously adopted by Council for this event.

The Town of Claremont are asking that the concert cease at 10pm where the two main stages finish at 9pm with no capacity to extend time. They have also raised concerns regarding the allowable sound pressure level exceedences of up to 5dB(A) and the 15% time limitation. Finally the Town has raised concerns with the Noise Complaint line where they prefer that the condition requires an additional noise complaint line with call waiting (3 in total), and that the line is managed by an independent third party not attached to the promoter or venue.

Issue: Noise likely to be heard at some residences in the City of Nedlands

Requirement:	That Council agrees to the conditions applicable to approval for the Big Day Out music festival at the Claremont Showgrounds, Sunday 2 February 2014	Acceptable development and performance criteria
Applicants Proposal:	To seek agreement from Council of the conditions applicable to approval.	
Applicant justification summary:	The Department of Environment and Regulation is required to have agreement from the City of Nedlands Council for the conditions applicable to approval, so that approval can be granted.	
Officer technical comment:	The Department of Environment and Regulation's application to seek agreement from the City of Nedlands Council over conditions applicable to approval is considered	

	<p>to comply as per the requirement to do so under the <i>Environmental Protection (Noise) Regulations 1997</i>.</p> <p>The City considers that the noise control measures which form the conditions applicable to approval should include the Department of Environment notifying the City of Nedlands Health Section of any noise complaints received from residents in the City of Nedlands, within 5 days after the event.</p>
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6.2 Consultation

Nil

6.3 Conclusion

The *Environmental Protection (Noise) Regulations 1997* recognise the likelihood that noise levels from the Big Day Out music festival will be above the normal allowable neighbourhood sound levels. The regulations allow for this, provided the regulatory process is followed. In the case of the Big Day Out music festival, the Department of Environment and Regulation has sought agreement from the City of Nedlands over the conditions it will impose for the festival. These conditions have been supplied to the City and when implemented, it is anticipated that the impact on City of Nedlands residents will be tolerable.

Council's role is to decide whether it agrees to the conditions of approval proposed by the Department of Environment and Regulation to control noise emissions at the event.

7.0 Attachments

1. Schedule - Conditions of Approval
2. Residential Notification Area
3. Letter from Town of Claremont – Proposed Conditions of Approval

PD61.13	Sustainable Nedlands Committee
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Committee	03 December 2013
Council	10 December 2013
Applicant	City of Nedlands (unless otherwise)
Owner	N/A
Officer	Andrew Melville – Manager Sustainable Nedlands
Director	Peter Mickleson – Director Planning & Development
Director Signature	
File Reference	IFM/426-12
Previous Item	Item 2.4 Special Council Meeting 22 October 2013

1.0 Executive Summary

This item is before Council following the Resolution at the Special Council Meeting held on 22 October 2013 where Council agreed to allow the new Sustainable Nedlands Advisory Committee to review the Terms of Reference and to consider them at a Councillor workshop for further discussion.

1.1 Recommendation to Council

Council adopt the Terms of Reference of the Sustainable Nedlands Committee.

1.2 Strategic Community Plan

KFA: Governance and Civic Leadership

The Sustainable Nedlands Advisory Committee provides Council with current information and ideas relating to sustainability from interested and knowledgeable members of the community. The committee provides community members to be involved in the process of local government decision-making.

2.0 Background

The Sustainable Nedlands Committee is a committee of Council that has been in existence since 1997. The Committee brings together Councillors and local residents who are knowledgeable in various areas, relevant to sustainability.

The committee have achieved their primary objective of integrating sustainability into the City's Strategic Plan and programs. The committee now focus on policy review and community programs.

In terms of membership, the current committee has 7 community members and the Council delegate and has operated with this number for the past three years. A

committee of 8 has adequately dealt with the issues. A clause exists to ensure committee members are representatives of the City of Nedlands community.

In the previous term the Committee generally met every 2 months. The Committee has operated well within this framework and meets voluntarily in the alternative months to engage in less formal discussions aimed at facilitating ideas.

The City has now integrated sustainability into the strategic documents and other City programs. The City is increasingly capable of dealing with sustainability related issues.

There are a number of Sustainability Committees within the Western Suburbs where collaboration will likely improve collective knowledge and sustainability outcomes.

2.1 Key Relevant Previous Council Decisions

Item 2.4 Special Council Meeting 22 October 2013

‘Council appoints Councillor Hay as delegate and Councillor Shaw as deputy delegate to the Sustainable Nedlands Advisory Group, and that the Committee’s Terms of Reference and resources are referred to a Councillor workshop for further discussion’

2.2 Legislation / Policy

Local Government Act 1995

3.0 Consultation Process

3.1 What consultation process was undertaken?

Required by legislation:

Yes

No

Required by City of Nedlands policy:

Yes

No

3.2 How and when was the community consulted?

The draft Terms of Reference referred to at the Special Council Meeting held on 22 October 2013 were discussed by members of the Sustainable Nedlands Committee appointed in the previous term, at a meeting at the City of Nedlands Administration on Monday 4 November 2013 in accordance with Council’s resolution of 22 October 2013. The Draft Terms of Reference are stated in Attachment 1.

Following that meeting, suggestions made by those members were discussed in a Councillor workshop on Tuesday 19 November where those Committee members were invited to attend and participate in structured discussion.

4.0 Budget / Financial Implications

Within current approved budget:

Yes

No

Requires further budget consideration:

Yes

No

5.0 Risk management

The Sustainable Nedlands Committee is a long standing committee within the City of Nedlands. The Committee have solid community support and there may be a perception of a lack of transparency in certain aspects of the City's decision making if they lost the support of Council.

6.0 Discussion

6.1 Introduction

Following from a draft Terms of Reference document that was prepared by the City's Administration, the members were asked to provide comments in relation to that document. The aim of the draft document was to provide the Committee with a simpler Agenda and Minutes structure whilst providing an equal level of outcome both in debate of issues and recommendations to Council.

Another process change has been suggested by Administration which includes which changes a clause within in the new Terms of Reference document. This amendment proposes to change the appointment process of Committee members. Previously, Members were appointed by Council, however, the application process and transition through the Council meeting process is time consuming. It is suggested that members are appointed by the Chief Executive Officer to speed up the appointment process.

6.2 Consultation

There were a number of suggested changes that were made by those members present at the meeting held on 4 November 2013 and these are listed below:

1. That the Committee retain its name as the 'Sustainable Nedlands Committee';
2. That the Committee operate under the requirements of the City of Nedlands; Standing Orders Local Law 2011;
3. That the Committee provide advice and recommendations to Council on the following areas; and
 - Energy efficiency;
 - Waste management;
 - Water quality and conservation;
 - Environmentally responsible design;
 - Transport;

- Natural environment;
 - Built environment; and
 - Air quality and management
4. That the Committee consist of 10 members (8 community members and 2 Councillor) members.

Following the discussions held at the Councillor workshop held on Tuesday 19 November 2013 there were other items that were discussed and Councillors provided the Administration with guidance regarding what additional modifications they would like to see made to the draft Terms of Reference. These additions included:

1. The addition of a definition of ‘Sustainability’;
2. The addition of an 11th member who was to be a secondary school student who may have an interest in matters relating to sustainability. Correspondingly, the Quorum has been increased to six (6); and
3. That the Terms of Reference include ‘Social Sustainability’ within the Scope section of the document.

The Administration remains of the view that it is not necessary that the Sustainable Nedlands Committee be required to adhere to the City of Nedlands Standing Orders Local Law 2011. It would be sufficient that the Committee has Agendas and Minutes prepared by the Administration where they are available to those who wish to view them, and that meetings are held in a matter fitting such a Committee where the Chairperson controls the meeting.

6.3 Conclusion

Following the discussions requested by Council in response to their receipt of the draft Terms of Reference of the Sustainable Nedlands Committee there were a number of changes that have been requested. These changes along with the removal of the clause relating to the requirement to comply with the City of Nedlands Standing Orders Local Law 2011 have been incorporated into a new Sustainable Nedlands Committee Terms of Reference as stated below:

Terms of Reference of the Sustainable Nedlands Committee

Purpose

To provide research and advice to Council on sustainability issues as they relate to the City’s Strategic Community Plan, projects, programmes, services and operations. Sustainability is defined as being:

‘Able to be sustained; designed or developed to have the capacity to continue operating perpetually, by avoiding adverse effects on the natural environment and depletion of natural resources’ (Macquarie Dictionary 5th Edition).

Scope

The City of Nedlands Sustainable Nedlands Committee will:

1. Provide advice and recommendations to Council in the following areas:
 - Energy efficiency
 - Waste management
 - Water quality and conservation
 - Environmentally responsible design
 - Transport
 - Natural environment
 - Built environment
 - Air quality management
 - Social Sustainability
2. Monitor progress on issues for a productive and healthy community and report back to Council on developments;
3. Foster links with kindred groups and interested parties to maximise benefits to the City of Nedlands;
4. Advocate public education and awareness; and
5. Provide advice on alternate funding options for the implementation of the Strategic Community Plan Corporate Business Plan, as they relate to sustainability.

Membership

1. Total Membership of 11 Committee members;
2. Two (2) Councillors of the City of Nedlands (to be approved / appointed by Council with a nominated proxy);
3. Members are to be residents or ratepayers of the City of Nedlands or own a business located within the City of Nedlands where 1 member position is allocated to a Secondary Student who resides within the City and has an interest in sustainability; and
4. Members are appointed to the group by the City's Administration for a period to the term of the current Council, however if the Member fails to attend three (3) consecutive meetings, their membership status will be revoked.

Procedure

1. Committee members will be appointed for a term expiring at the conclusion of the next Local Government election;

2. The Committee will meet at least bi-monthly, where Administration will prepare agendas and supply minutes to the City's administration which will be provided to Councillors;
3. One Councillor appointed to the Committee shall be elected as the Presiding Member of the Committee;
4. The quorum of the Committee will be five (6);
5. Meetings of the Committee will be open to the public;
6. If a quorum is not reached by the 15 minutes following the scheduled meeting commencement time the meeting will be abandoned; and
7. The City's Administration will make a venue and modest catering available for meetings where a minimum of 2 weeks' notice is provided for a meeting.

7.0 Attachments

1. Sustainable Nedlands Advisory Group Draft Terms of Reference