

**AGENDA**

**Council Meeting Agenda Forum**

**Tuesday, 11 June 2024**

**Notice of Meeting**

Mayor & Councillors

A Council Meeting Agenda Forum of the City of Nedlands is to be held on Tuesday, 11 June 2024 in the Council chambers at 71 Stirling Highway Nedlands commencing at 7pm.

This meeting will be livestreamed [Livestreaming Council & Committee Meetings » City of Nedlands](https://www.nedlands.wa.gov.au/council/council-meetings/livestreaming-council-committee-meetings.aspx)

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**Keri Shannon | Chief Executive Officer**

**6 June 2024**

**Information**

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

**Public Question Time**

Public Questions are dealt with at the Ordinary Council Meeting.

**Deputations**

Members of the public may make presentations or ask questions on items contained within the agenda. Presentations are limited to 5 minutes. Members of the public must complete the online registration form available on the City’s website: [Public Address Registration Form | City of Nedlands](https://www.nedlands.wa.gov.au/public-address-registration-form)

**Disclaimer**

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

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# Declaration of Opening

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

# Present and Apologies and Leave of Absence (Previously Approved)

**Leave of Absence** Nil.

**(Previously Approved)**

**Apologies** None as at distribution of this agenda.

# Public Question Time

Public questions will be dealt with at the Ordinary Council Meeting

# Deputations

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

# Requests for Leave of Absence

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

# Petitions

Petitions will be dealt with at the Ordinary Council Meeting.

# Disclosures of Financial Interest

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

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

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

# Disclosures of Interests Affecting Impartiality

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

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

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

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

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

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

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

This item will be dealt with at the Ordinary Council Meeting

# Confirmation of Minutes

This item will be dealt with at the Ordinary Council Meeting

# Announcements of the Presiding Member without discussion

This item will be dealt with at the Ordinary Council Meeting

# Members Announcements without discussion

This item will be dealt with at the Ordinary Council Meeting

# Matters for Which the Meeting May Be Closed

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

# En Bloc Items

This item will be dealt with at the Ordinary Council Meeting

# Minutes of Council Committees and Administrative Liaison Working Groups

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

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

This item will be dealt with at the Ordinary Council Meeting

# Divisional Reports - Planning & Development

## PD41.06.24 Consideration of Development Application – Single House at 254 Marine Parade, Swanbourne

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 25 June 2024 |
| **Applicant** | Element Advisory |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff involved in the preparation of this report and the proponents or their consultants. |
| **Report Author** | Nathan Blumenthal – A/Manager Urban Planning |
| **Director** | Tony Free – Director Planning and Development |
| **Attachments** | 1. Zoning Map 2. Development Plans 3. Architectural Perspectives 4. CONFIDENTIAL – Submissions |

**Purpose**

The purpose of this report is for Council to consider a development application for a single house at 254 Marine Parade, Swanbourne. The proposal is being presented to Council for consideration due to the proposal receiving objections within the consultation period. Council is specifically requested to exercise its judgement in considering the merits of the application against the design principles for the following aspects of the proposal:

* Northern, Eastern and Southern lot boundary setbacks (see report section Lot Boundary Setbacks)
* Open space (see report section Open Space)
* Building height (see report section Building Height)
* Visual privacy (see report section Visual Privacy)

**Recommendation**

**That Council:**

**In accordance with Clause 68(2)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, approves the development application in accordance with the plans date stamped 2 February 2024 for a single house at 254 Marine Parade, Swanbourne (DA23-90866), subject to the following conditions:**

1. This approval relates only to the development as indicated on the approved plans dated 2 February 2024. It does not relate to any other development on this lot and must substantially commence within 2 years from the date of the decision letter.
2. All works indicated on the approved plans shall be wholly located within the lot boundaries of the subject site.
3. Prior to the issue of a demolition permit, a Demolition Management Plan shall be submitted and approved to the satisfaction of the City. The approved Demolition Plan shall be observed at all times through the demolition process to the satisfaction of the City.
4. Prior to the issue of a building permit, a Construction Management Plan shall be submitted and approved to the satisfaction of the City. The approved Construction Management Plans shall be observed at all times throughout the construction and demolition processes to the satisfaction of the City.
5. Prior to the commencement of works, a Dilapidation Report shall be submitted to the City of Nedlands and the owners of the adjoining properties listed below detailing the current condition and status of all buildings (both internal and external together with surrounding paved areas and the existing boundary wall), including ancillary structures located upon these properties:

a. Lot 23 (No. 256) Marine Parade, Swanbourne

b. Lot 21 (No. 141) North Street, Swanbourne

c. Lot 18 (No. 17) Walba Way, Swanbourne

d. Lot 17 (No. 15) Walba Way, Swanbourne

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

1. Prior to the issue of a building permit, stormwater disposal plans, details and calculations catering for the 1% AEP storm event of 60min duration shall be submitted for approval by the City and thereafter implemented, constructed and maintained to the satisfaction of the City of Nedlands.
2. Prior to occupation, new walls on or adjacent to lot boundaries are to be finished externally to the same standard as the rest of the development in:

a. Face brick;

b. Painted render;

c. Painted brickwork; or

d. Other clean finish as specified on the approved plans.

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

1. Prior to occupation, the upper floor southern balcony and all other screening as shown on the approved plans shall be screened in accordance with the Residential Design Codes by either;
2. fixed and obscured glass to a height of 1.6 metres above finished floor level; or
3. fixed screening devices to a height of 1.6 meters above finished floor level that are at least 75% obscure and made of a durable material; or

c. a minimum sill height of 1.6 metres above the finished 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.

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

**Voting Requirement**

Simple Majority.

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

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

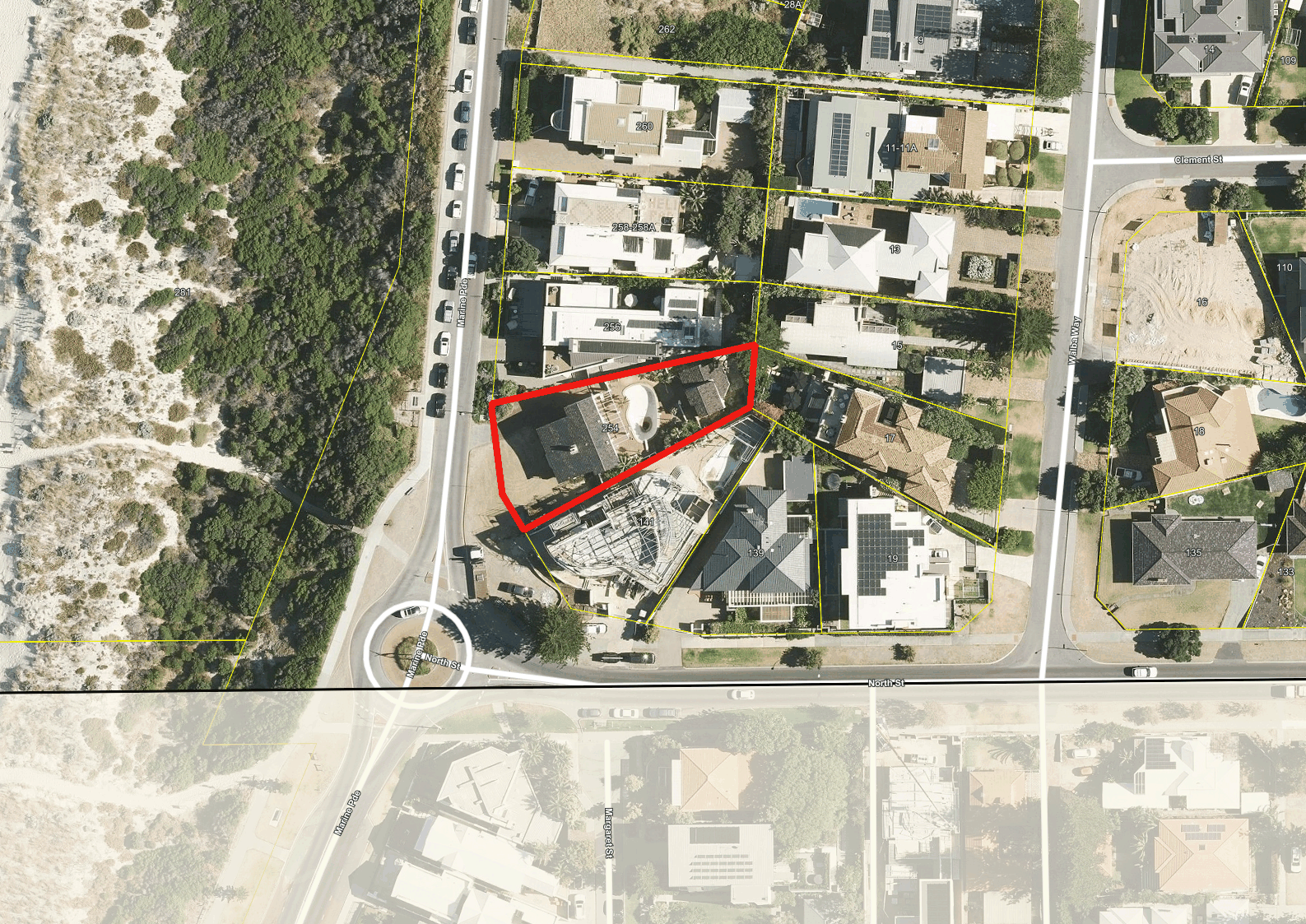
Discretionary considerations and judgments in the decision must be confined to those permitted to be considered under the laws and polices applicable to the matter and given such weight in making the decision as the relevant laws and polices permit them to be given.

**Background**

**Land Details**

|  |  |
| --- | --- |
| **Metropolitan Region Scheme** | Urban |
| **Local Planning Scheme Zone** | Residential |
| **R-Code** | R12.5 |
| **Land area** | 936m2 |
| **Land use** | Residential – Single House |
| **Use class** | ‘P’ – Permitted Use |

The site is located at 254 Marine Parade, Swanbourne. The lot is irregular in shape with an area of 936m2 and a 25.6m street frontage to Marine Parade. The site slopes down 6m from the east (rear) to the west (front). The site is an oceanfront lot with unobstructed views of the water. The site features an existing two storey single house which is proposed to be demolished as part of this proposal.

****

**Figure 1**: Aerial image of 254 Marine Parade, Swanbourne.

**Application Details**

The application seeks development approval for a two-storey single house with an undercroft at 254 Marine Parade, Swanbourne. The application was originally lodged on 17 November 2023. Following the initial consultation period, the applicant submitted amended plans on 21 December 2023, and 2 February 2024 (Attachment 2). The amendments were made to address concerns raised by the City and public submissions.

The changes proposed by the amended plans dated 2 February 2024 are summarised as follows:

* Solid fencing within the front setback area reduced to a maximum of 1.2m in height above natural ground level.

**Discussion**

**Assessment of Statutory Provisions**

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

**Local Planning Scheme No. 3**

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

**State Planning Policy 7.3 - Residential Design Codes – Volume 1**

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

The proposed development is seeking a design principle assessment pathway for parts of this proposal relating to lot boundary setbacks, building height, open space and visual privacy. As required by the R-Codes, Council, in assessing the proposal against the design principles, should not apply the corresponding deemed-to-comply provisions.

**Lot Boundary Setback (Clause 5.1.3)**

The development requires a design principles assessment for the northern, southern (side) and eastern (rear) lot boundary setbacks. The design principles for lot boundary setbacks consider the impact of building bulk on adjoining properties, providing adequate sun and ventilation and minimising overlooking. The proposal meets the design principles for the following reasons:

* All walls feature multiple articulations with variations in setbacks. The walls include openings, balcony elements and courtyards to break up the perception of building bulk.
* In relation to the south, the adjoining lot at 141 North Street is retained at a higher level than 254 Marine Parade. As a result, the northern upper floor wall will be perceived as 4.6m in height. Furthermore, the wall addresses the lot boundary at an angle, meaning the setback of the wall increases as one moves further west.
* Bulk is further reduced for the southern lot as the height of the wall varies for its length due to the sloping natural ground level.
* In relation to the north, any impact of bulk is further reduced as the subject ground floor study and upper floor living room walls are adjacent to the entrance pathway on the neighbouring lot.
* The setbacks do not adversely affect the visual privacy of adjoining lots as the openings in the walls are either screened or satisfy the design principles of the visual privacy design element (see Visual Privacy below). Further, no objections were received from any adjoining landowners regarding the lot boundary setbacks.
* The setbacks do not result in undue impacts to solar access, and the proposal meets the deemed-to-comply overshadowing provisions.

**Open Space (Clause 5.1.4)**

The design principles for open space consider the development’s compatibility with its setting, impact of building bulk, provision of adequate sun and ventilation and ability to use external spaces for outdoor pursuits and recreation. The proposed open space meets the design principles for the following reasons:

* Site coverage is broadly consistent with that seen on other properties in the vicinity and is commensurate with the bulk and scale of housing adjacent to the ocean. The development results in a high quality, architecturally designed house that is contemporary in nature and contributes to the existing streetscape.
* The development responds to the 6m slope of the site with a proposal that is approximately 7.3m height for the majority of the building’s length. This is a typical and expected height for a two-storey building with a concealed roof. A minor portion of the building towards the front of site reaches a maximum height of 8.7m due to the undulation of the land. Due to the slope upwards from Marine Parade to Walba Way, the building’s height from the east (rear) will be perceived as 6.3m in height and ensure that views of the ocean are maintained.
* Adequate landscaping is provided throughout the site, including the front setback area, which is comprised of 57% ‘soft’ landscaped elements. The pool is proposed to be obscured by hedges planted near the front lot boundary.
* Sufficient external space is provided for residents for outdoor pursuits. Open space of 180m2 in aggregate is provided in the front and rear of the lot. This open space includes a swimming pool.
* All habitable rooms within the dwelling are provided with major openings across all floors. This ensures appropriate access to natural light and ventilation for inhabitants.
* Adequate space is provided on site for external fixtures and essential facilities.

**Building Height (Clause 5.1.6)**

The application proposes a maximum building height of 8.7m to the top of the concealed roof. The design principles for building height consider the impact on the amenity of adjoining properties and public spaces in relation to access to direct sunlight into buildings and open spaces, access to direct sunlight into habitable rooms and access to views of significance.

The proposal meets the design principles for the following reasons:

* Due to the slope of the property, the greatest building height is located at the front of the lot, with overall height reducing as the dwelling gets closer to the rear of the site.

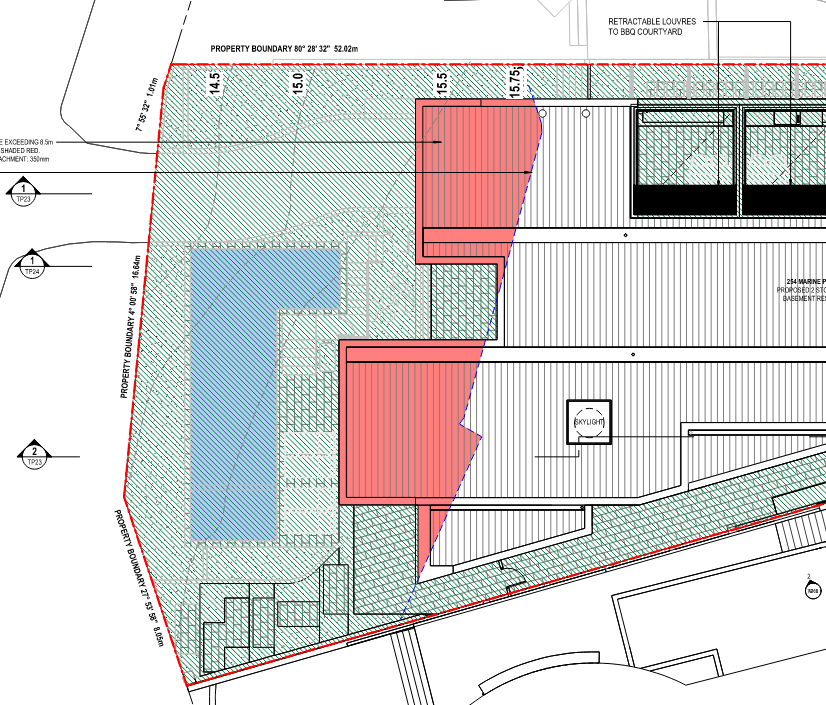


Figure 2: Building height diagram depicting the portions of roof above 8.5m (in red).

* In relation to amenity, the proposed height does not unduly restrict access to sunlight or ventilation for adjoining properties. Overshadowing from the proposal at mid-winter meets the deemed-to-comply provisions. Further, the adjoining southern lot sits higher than 254 Marine Parade, reducing the impact of any shadow cast.
* The proposed height is not considered to have a detrimental impact on the streetscape, as Marine Parade is characterised by large, elevated houses. Specifically, the lots immediately north and south of the site both have similar building heights. 141 North Street features a house with a concealed roof height of 10m.
* In considering views of significance, as outlined above, due to the slope upwards from Marine Parade to Walba Way, the building’s height from the east (rear) will be perceived as 4.5m in height and ensures that views of the ocean are maintained. It should be noted that the design principle is not focused on maintaining views exactly as they exist prior to the development. Rather, there is a need to maintain access to views, which is achieved as described above.

**Visual Privacy (Clause 5.4.1)**

The Living Room and Outdoor Courtyard on the upper floor overlook the adjoining northern lot and the Sitting Room on the upper floor overlooks the adjoining southern lot. The design principles for visual privacy consider the minimal overlooking of active habitable spaces and outdoor living areas of adjacent dwellings and maximum visual privacy to side and rear boundaries. The proposed overlooking is considered to meet the design principles for the following reasons:

* Visual privacy to the north is maintained as the outdoor courtyard and living room overlook a blank wall and a non-habitable roof top garden on the adjoining lot.



Figure 3: View of the non-habitable rooftop garden on 256 Marine Parade.

* The design of the major openings restricts overlooking. The living room features privacy fins to the northern portion of the window in order to partially obscure views. After discussion with the adjoining northern landowner, the northern portion of the Outdoor Courtyard features a planter and bench 900mm in width to restrict the ability to stand at the edge of the courtyard area, reducing the cone of vision.
* Visual privacy to the south is maintained as the sitting room overlooks the entrance pathway of the adjoining lot. The entrance pathway is non-habitable and infrequently occupied. No objection was received from the southern landowner regarding visual privacy.
* The southern balcony has a view of the southern lot’s outdoor living area. As such, a condition requiring screening is recommended to protect the visual privacy of the occupants.

**Minor Variations**

The key elements of the development proposal which require Council consideration have been outlined above. The application also involves technical variations to street fencing (Clause 5.2.4), the rear lot boundary setback (Clause 5.1.3) and site works (Clause 5.3.7). These are all minor variations with no adverse impact on the amenity of adjoining properties or surrounding area.

**Consultation**

The application is seeking assessment under the design principles of the R-Codes for lot boundary setbacks, open space, building height and visual privacy.

The development application was advertised in accordance with the City’s Local Planning Policy - Consultation of Planning Proposals to four adjoining landowners and occupiers from 29 November 2023 to 14 December 2023. At the close of the advertising period, three objections were received.

Following the initial consultation period, the applicant submitted amended plans to address concerns raised by the City and public submissions. The following is a summary of the concerns and comments raised and the officer response and action taken in relation to each issue.

1. The pool within the front setback area results in a solid wall higher than 500mm. The bulk from the pool structure will adversely affect the streetscape.

Amended plans have been submitted which limits solid fencing to a height of 1.2m within the front setback area. This meets deemed-to-comply. As per clause 61(1) of the Planning and Development (Local Planning Schemes) Regulations 2015, swimming pools are exempt development on lots which are not heritage listed. The City cannot refuse to grant development approval or request alteration to the swimming pool structure as swimming pools are not subject to the development application process.

1. Excavation may have an adverse effect on adjoining lots. Request that any excavation involve bore piling as opposed to sheet piling.

The planning approval cannot compel a specific method of excavation or piling. A condition of approval is recommended which requires dilapidation reports be prepared for each adjoining lot to ensure adverse impact of construction is minimised.

1. Overlooking from the outdoor courtyard on the upper floor is only permissible if there is a planter 800mm in width placed along the northern portion of the terrace.

The proposal includes a planter box 900mm in width along the northern side of the Outdoor Courtyard to restrict the ability to directly overlook the northern adjoining lot.

1. The height of the building may have an adverse impact on the adjoining lots.

The proposal is consistent with the established built form of the area and maintains access to views. The proposed building height is lower than the approved building height of the houses either side of the subject site and respects the topography of the street as viewed from Marine Parade. Due to the slope of the site, the building is higher towards the front of the lot. The house will be perceived as 4.3m in height from the lots on Walba Way, ensuring that access to views is preserved.

**Strategic Implications**

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

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

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

**Budget/Financial Implications**

Nil

**Legislative and Policy Implications**

Council is requested to make a decision in accordance with clause 68(2) of the [Deemed Provisions](https://www.dplh.wa.gov.au/getmedia/6e4785e3-d40f-45cd-95e8-85d3115ee32e/PD_LPS_Deemed_Provisions). Council may determine to approve the development without conditions (cl.68(2)(a)), approve with development with conditions (cl.68(2)(b)), or refuse the development (cl.68(2)(c)).

**Decision Implications**

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

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

**Conclusion**

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

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

**Further Information**

Nil.

## PD42.06.24 Consideration of Development Application – Extension of Time to an Existing ‘Display Home’ at 20 Curlew Road, Dalkeith

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 25 June 2024 |
| **Applicant** | Webb & Brown-Neaves |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff involved in the preparation of this report and the proponents or their consultants. |
| **Report Author** | Nathan Blumenthal – A/Manager Urban Planning |
| **Director** | Tony Free – Director Planning and Development |
| **Attachments** | 1. Zoning Map 2. Development Plans 3. SAT Determination Letter 4. CONFIDENTIAL ATTACHMENT – Submissions 5. CONFIDENTIAL ATTACHMENT – Map of Submissions |

**Purpose**

The purpose of this report is for Council to consider a development application for an extension of time of 6 months for the existing ‘Display Home’ use and the associated sign at 20 Curlew Road, Dalkeith. The application is being presented to Council as objections have been received during the consultation period.

**Recommendation**

**That Council:**

**In accordance with Clause 77(1) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, approves the development application in accordance with the plans date stamped 06 March 2024 for an amendment to the approved ‘Display Home’ use at 20 Curlew Road, Dalkeith (SAT No. DR102-22)), subject to the same conditions as approved except where set out below:**

**Condition 1 be modified to state:**

1. This approval is valid until 7 February 2025. The sign is to be removed, and the use of the site as a display house will revert to a single house at the end of the approval period.

**All other conditions and advice notes of the original approval remain in effect.**

**Voting Requirement**

Simple Majority.

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

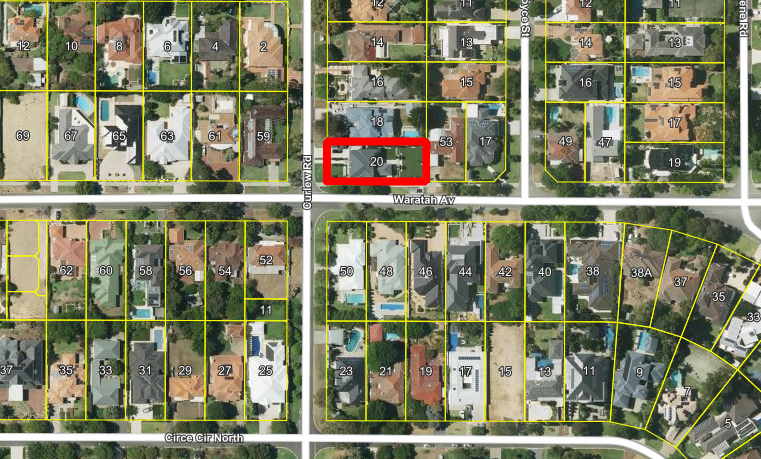
The decision must be made in a manner that is impartial, free from bias, and in accordance with the principles of natural justice. The decision must be made in having regard to the facts of the matter under consideration, and in accordance with the relevant laws and policies as they apply to that matter.

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

**Background**

**Land Details**

|  |  |
| --- | --- |
| **Metropolitan Region Scheme Zone** | Urban |
| **Local Planning Scheme Zone** | Residential |
| **R-Code** | R10 |
| **Land area** | 1,011m² |
| **Land Use** | Display Home |
| **Use Class** | Use not Listed |

The subject site is located at 20 Curlew Road, Dalkeith, approximately 300m east of the Dalkeith Village shopping centre. The site is a corner lot and has dual frontage to Curlew Road and Waratah Avenue. On 22 November 2019, the City approved a development application for a two storey, single house on the site. The lot is regular in shape, with a 20m frontage and a total area of 1,011m².**Figure 1**: Aerial image of 20 Curlew Road, Dalkeith

On 23 August 2022, Council refused a development application for a change of use from ‘Single House’ to ‘Display Home’ at 20 Curlew Road, Dalkeith. The development application was appealed and ultimately overturned at the State Administrative Tribunal (SAT). SAT granted approval for the ‘Display Home’ use at the site for 18 months from 7 February 2023 to 7 August 2024 with the following conditions:

a. This approval relates only to a temporary change of use from a single house to a display house, one fixed sign and one portable A-frame sign. It does not relate to any other development on this lot.

b. The Operational Management Plan is to be fully implemented at all times to the satisfaction of the City of Nedlands, including the following:

(i) Hours of operation to be strictly Wednesdays 2.00 pm - 5.00 pm and Saturdays and Sundays 12.00 pm - 5.00 pm.

(ii) Maximum of one (1) employee on the premises at any one time.

(iii) Maximum of six (6) adult visitors on the premises at any one time.

(iv) Visitation by appointment to be encouraged at all times, including provision on the operator's website for bookings.

(v) Employee parking to be located within the garage or the property.

(vi) Visitor parking to be located on the driveway of the property.

(vii) Signage is to be limited to one fixed sign 1200 millimetres wide by 700 millimetres high and maximum overall height of 1050 millimetres with posts, to be displayed only for the life of this approval and one portable A-frame sign to be displayed during hours of operation only.

(viii) A visitor log to be maintained at all times with details of name, contact and vehicle registration. This log to be made available for inspection by the City of Nedlands upon request.

(ix) The complaints procedure outlined in the Operational Management Plan to be documented and displayed within the display home at all times so that employees, visitors and neighbours are made aware of the procedure.

c. Prior to the commencement of operations, a scaled dimensioned Site Layout Plan is to be prepared and then submitted to and approved by the City of Nedlands, outlining:

(i) The location of proposed employee and visitor car parking bays.

(ii) The location of the fixed sign.

(iii) The location of the portable A-frame sign.

d. Prior to the commencement of operations, a scaled dimensioned signage plan is to be prepared and then submitted to, and approved by, the City of Nedlands, outlining:

(i) The height, width and depth of the portable A-frame sign.

(ii) The colours and materials to be used.

(iii) The height of the portable A-frame sign above ground level.

**Application Details**

The application seeks development approval to modify condition 1 of the approval and allow for an extension of time for the existing approved use of a ‘Display Home’ for a extra period of 6 months (until 7 February 2025), after which the site will revert back to a single house.The remaining conditions from the original SAT decision (DR 102/2022) will remain the same, including the current signage, visitor and employee parking and visitor limits, and hours of operation.

**Discussion**

**Assessment of Statutory Provisions**

Clause 77 (1) of the Planning and Development (Local Planning Schemes) Regulations 2015, provides the owner of the land in which development approval has been granted to make a further application to the Local Government. The development application for an extension of time for a ‘Display Home’ at 20 Curlew Road, Dalkeith was made for the purpose of granting the following:

* To amend or delete any condition to which the approval is subject;
* To amend an aspect of the development approved which, if amended, would not substantially change the development approved.

In considering an extension to the time of development approval, consideration is given to the following matters:

1. Whether or not the planning framework has changed substantially since the development approval to which the extension application relates was granted.

The planning framework has not substantially changed since development approval was granted on 7 February 2023. The subject site remains zoned ‘Urban’ under the Metropolitan Region Scheme (MRS) and ‘Residential’ under the City of Nedlands Local Planning Scheme No. 3 (LPS 3). The site has remained a density coding of R10 and no changes have been made to the associated land uses. A ‘Display Home’ use remains a ‘Use not Listed’ within the Scheme.

No amendments to Local Planning Policy 4.1: Parking (LPP 4.1) and minor amendments to Local Planning Policy 2.1: Signage and Advertisements (LPP 2.1) have occurred since approval was granted. The amendments adopted to LPP 2.1 does not substantially alter the assessment criteria for the associated signage with this development application.

1. Whether the approved development would likely receive approval today.

In considering the minor changes to LPP 2.1: Signage and Advertisments since the original approval date, the proposal would likely still receive development approval today.

1. Whether the applicant has actively and relatively conscientiously pursued implementation of the approved development.

The application relates to an extension of time for an approved use which has been actively pursued since the decision date of the original approval. The applicant seeks to extend the temporary approval time stipulated in condition (1(a)) of the SAT decision. The requested extension until the 7th February 2025 is reasonable given the minor impact of the ‘Display Home’ use to the local amenity.

1. Whether a material change has occurred to either the subject site or to the surrounding locality since the development approval was granted.

There has been no significant change to the surrounding locality since the approval which would alter the appropriateness of the approved ‘Display Home’ use. Notwithstanding the comments received, the City has no record of any complaints in relation to parking or amenity impacts since the use of this site has been approved as a ‘Display Home’.

**Consultation**

The development application was advertised in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 and the City’s Local Planning Policy - Consultation of Planning Proposals. The application was advertised for a period of 28 days from 12 April 2024 to 10 May 2024. A sign was placed on site and letters inviting comment were sent to a total of 185 owners and occupiers within a 200m radius of the site. At the close of the advertising period, two objections and one statement of support were received.

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

1. There has been an increase in vehicular congestion due to public street parking to view the Display Home.

In the original application for the change of use to a ‘Display Home’ at 20 Curlew Road, Dalkeith, the applicants provided a Traffic Impact Statement (TIS) for the proposed 2 car parking space shortfall. It was determined that the car parking ratio will have minor impact on local amenity due to the nature of the proposal and surrounding similar display homes. The City has not received any complaints regarding traffic and/or parking since approval was granted for the ‘Display Home’ use at the site.

1. The City has provided reasonable time for the display home.

As noted above, the City has not received any complaints for the use of a ‘Display Home’ at this site since its operation. The ‘Display Home’ is limited in terms of its operation times and number of visits which will remain the same, extending the approved display home use for a further six months will have minimal detriment to the local amenity.

1. The location is not appropriate for a display home and the relative signage.

The City’s Local Planning Scheme No. 3 allows for some non-residential uses within a Residential zone provided they are complementary to the area and do not have detrimental impact on amenity. The original proposal was assessed on its individual merit and was determined as appropriate within a residential setting.

1. Concerns on further works at the site to display newer designs.

The proposal was applied for the purpose of extending a temporary approval for a ‘Display Home’ use. There are no proposed works included with this application. If there are to be any future works at this site for the purpose of showing updated designs, the proponent will be required to submit this to the City for further assessment.

**Strategic Implications**

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

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

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

**Budget/Financial Implications**

Nil

**Legislative and Policy Implications**

Council is requested to make a decision in accordance with clause 68(2) of the [Deemed Provisions](https://www.dplh.wa.gov.au/getmedia/6e4785e3-d40f-45cd-95e8-85d3115ee32e/PD_LPS_Deemed_Provisions). Council may determine to approve the development without conditions (cl.68(2)(a)), approve with development with conditions (cl.68(2)(b)), or refuse the development (cl.68(2)(c)).

**Decision Implications**

If Council resolves to approve the proposal, the ‘Display Home’ use can proceed until 7 February 2025.

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

**Conclusion**

The application to amend condition 1 to allow a six month extension of time for an existing ‘Display Home’ use has been presented for Council consideration due to objections being received. The proposal is considered to meet the current planning framework and, as such, is unlikely to have a significant adverse impact on the local amenity of the area.

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

**Further Information**

Nil

## PD43.06.24 Consideration of Change of Use from ‘Single House’ to ‘Display Home’ and associated Signage at 53 Stanley Street, Nedlands

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 25 June 2024 |
| **Applicant** | CF Town Planning and Development |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. There is no financial or personal relationship between City staff involved in the preparation of this report and the proponents or their consultants. |
| **Report Author** | Nathan Blumenthal – A/Manager Urban Planning |
| **Director** | Tony Free – Director Planning and Development |
| **Attachments** | 1. Zoning Map 2. Development Plans 3. Cover Letter 4. CONFIDENTIAL ATTACHMENT – Schedule of Submissions and Applicants Response 5. CONFIDENTIAL ATTACHMENT – Map of Submissions |

**Purpose**

The purpose of this report is for Council to consider a development application for a temporary change of use from a ‘Residential - Single House’ to ‘Display Home’ and an associated sign at 53 Stanley Street, Nedlands. The application is referred back to Council as no decision was made at the previous Council meeting. The application was originally presented to Council as objections have been received during the advertising period.

**Recommendation**

**That Council:**

**In accordance with Clause 68(2)(b) of the Deemed Provisions of the Planning and Development (Local Planning Schemes) Regulations 2015, approves the development application in accordance with the plans date stamped 17 November 2023 for a change of use from ‘Residential – Single House’ to ‘Display Home’ and associated signage at 53 Stanley Street, Nedlands (DA23-90352) subject to the following conditions:**

1. This approval is valid for 18 months commencing from the soonest of:
   1. The date of the completion of the construction works at 53 Stanley Street, Nedlands; or
   2. 12 months of the date of this decision notice.

**After such time the signs are to be removed and the use will revert to a residential single house.**

1. This approval relates only to a temporary change of use from Residential – Single House’ to ‘Display Home’ and one sign. It does not relate to any other development on this lot.
2. The operation of the Display Home is limited to the following:
3. Monday to Friday – appointments only.
4. Saturday and Sunday – 2:00pm to 4:00pm.
5. Signage associated with the land use shall be limited to the following:

**a. One (1) fixed sign with a maximum width of 0.72 metres by a maximum height of 0.7 metres and a maximum overall height of 2.04 metres with posts, to be displayed only for the life of this approval.**

**All signage is to be located wholly inside the property boundaries.**

1. A maximum of 6 visitors and 1 employee are permitted on site at any one time.
2. All staff shall park within the garage and visitors instructed to park on the property where available by the staff of the display home during opening hours.

**Voting Requirement**

Simple Majority.

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

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

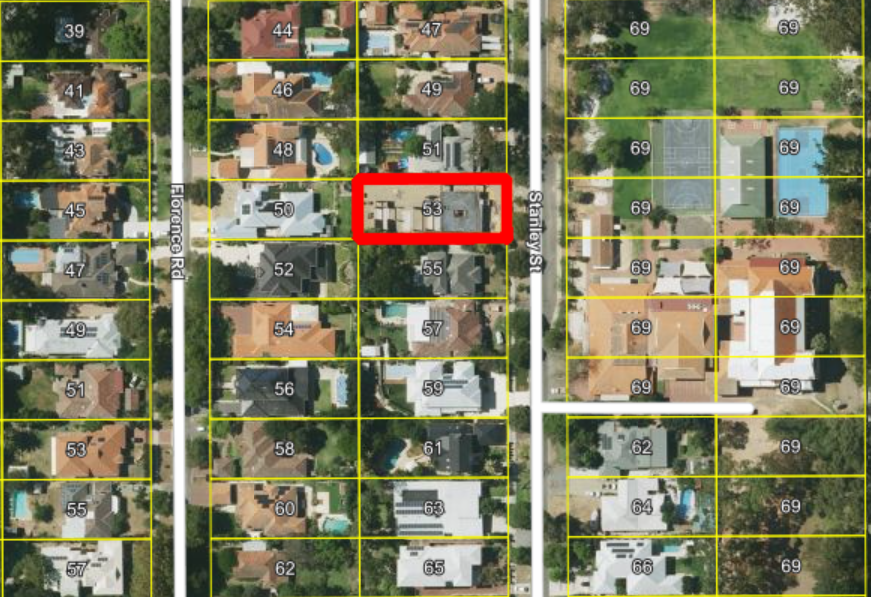
Discretionary considerations and judgments in the decision must be confined to those permitted to be considered under the laws and polices applicable to the matter and given such weight in making the decision as the relevant laws and polices permit them to be given.

**Background**

**Land Details**

|  |  |
| --- | --- |
| **Metropolitan Region Scheme Zone** | Urban |
| **Local Planning Scheme Zone** | Residential |
| **R-Code** | R10 |
| **Land area** | 1,011m² |
| **Land Use** | Existing – Single House  Proposed – Display Home |
| **Use Class** | Use not Listed – ‘A’ use |

The subject site is located at 53 Stanley Street, Nedlands, directly opposite the former Loreto Primary School (Figure 1). The site is located on the western side of Stanley Street, Nedlands. On 18 January 2023, the City granted development approval for a two-storey, single house on the site. The house is currently under construction. The lot is regular in shape, with a 20m frontage and a total area of 1,011m².

**Figure 1**: Aerial image of 53 Stanley Street, Nedlands

At the Ordinary Council Meeting on 28 May 2024, the motion to move the Officers’ recommendation for approval was lost. However, no alternate recommendation was put and therefore the application remains unresolved. This report is being referred back to Council for a decision.

**Application Details**

The application seeks development approval for a temporary change of use from ‘Single House’ to ‘Display Home’ for a minimum period of three years, after which the site will revert back to a single house.

Details of the proposed Display Home have been outlined in the attached cover letter. These are as follows:

* Hours of operation:

Monday to Friday – Appointments only.

Saturday and Sunday – 2pm to 4pm.

* Employees on site

One staff member at any given time and a second may attend on occasions.

* Visitors

The estimated patronage is between two and six persons at any one time.

* Signage

A ‘monolith’ type sign with a height of 3m and a width of 1.4m is proposed. The proposed sign is further discussed below.

**Discussion**

**Local Planning Scheme No. 3**

Schedule 2, Clause 67(2) (Consideration of application by Local Government) – identifies those matters that are required to be given due regard to the extent relevant to the application. Where relevant, these matters are discussed in the following sections. Overall, the development is considered to meet these objectives, and the impact on the local amenity will be minimal for the reasons discussed in the below section.

A Display Home is considered a ‘use not listed’ by the City of Nedlands Local Planning Scheme No.3 (the Scheme). As per clause 18 (4)(b), uses that are not specifically listed may be considered for approval having regard to the objectives of the zone. The proposal has been assessed against, and is considered consistent with, the below relevant objectives of the ‘Residential’ zone.

To provide for a range of non-residential uses, which are comparable with and complimentary to residential development.

* Display homes are complimentary to the Residential zone as they can typically be found in suburban areas and are used by real estate agencies and building companies to facilitate the sale or design of houses.
* The proposed display home will be temporary in nature. Although three years has been applied, City Officers recommend that an initial 18-month approval period be conditioned. This is in line with other Display Homes previously considered by Council. After the Display Home use lapses, the land use will default back to a single house. The proponent also has the ability to apply for an extension in the future.

To ensure development maintains compatibility with the desired streetscape in terms of bulk, scale, height, street alignment and setbacks.

* The proposed development is compatible with the character of the area as it pertains to a two-storey single house that will not physically alter the low-density residential streetscape appearance of the locality.

* The use will be limited in operational hours and number of visitors to eliminate any potential detrimental impact to neighbourhood amenity.
* Six parking bays are provided on site to accommodate visitors and staff.

**Local Planning Policy – Parking**

A Display Home use is a ‘use not listed’ within the Scheme. In accordance with Clause 4.2.1 of the Local Planning Policy-Parking, where a land use is not listed, the parking ratio will be determined having regard to similar and surrounding uses. The Display Home use can be considered similar to a home business use as staff and customers will be arriving and leaving the property during operational hours. Therefore, the parking requirements (as per Table 1 of LPP 4. 1) are informed by the number of staff and customers expected to visit the property at any given time.

The proposal identifies that the Display Home will comprise of one staff member and up to six visitors at any given time which requires a total of seven bays. This is a ‘worst case’ scenario that assumes that all visitors will come in separate vehicles. The site will be serviced by three bays in the garage and three bays in the property’s driveway which will provide a total of six car parking bays on site. This indicates that there will be a one car parking bay policy shortfall.

Parking arrangements are considered acceptable for this site due to the following reasons.

* The site is serviced by a crossover from the site to Stanley Street which will be able to facilitate one extra parking bay.
* Visitation during the week will be by appointment only, which limits the number of people arriving and leaving throughout the opening hours.
* Most visitors are likely to be in groups arriving together in a single vehicle reducing the need for multiple parking bays.
* The use will mostly operate outside of peak hours and when on-street parking availability is at its highest. This includes seven bays directly opposite the site, in front of the former Loreto Primary School.

**Local Planning Policy – Signage and Advertisements**

The proposal includes the erection of a ‘monolith’ advertising sign within the front setback of the site for the purpose of advertising the display home. The sign is proposed to have a height of 3m and a maximum width of 1.4m, with the sign to be displayed for the entirety of the duration of the Display Home use. In accordance with Local Planning Policy – Signage and Advertisements, the sign is determined as a ‘monolith’ sign, which is not permitted within a ‘Residential’ zoned area. Therefore, the sign is required to be assessed against the objectives of the policy identified in section 3.0.

The sign does not contain any flashing details which would adversely impact the amenity of the surrounding area and the display details are consistent with the temporary use for the site. The location is sited to not impact sight lines.

City Officers do however recommend that the sign should be reduced in size to a maximum height of 2.04m and width of 0.72m – this is reflected in a recommended condition and is commensurate to a standard door size. This size is slightly larger than other approved Display Home signage, however, the difference relates to the construction of the front fence. Applying a smaller sign of the standard 1m would not be visible to visitors. This site is appropriate for a fixed sign given the proposed location of the sign is positioned behind the front fence and will be relatively small in comparison to the originally proposed ‘monolith’ sign.

**Consultation**

The development application was advertised in accordance with the Planning and Development (Local Planning Schemes) Regulations 2015 and the City’s Local Planning Policy - Consultation of Planning Proposals. The application was advertised for a period of 28 days from 9 February 2024 to 8 March 2024. A sign was placed on site and letters inviting comment were sent to a total of 157 owners and occupiers within a 200m radius of the site. At the close of the advertising period, two objections were received.

The following is a summary of the concerns/comments raised and City Officers’ response and action taken in relation to each issue. Comments relating to the housing crisis, compensation and tax dispensations cannot be considered by the planning framework.

1. Use of the land for Display Home is not in accordance with the City of Nedlands By-Laws and Local Planing Scheme No.3 with a density coding of R10.

As per clause 18(4)(b) of LPS 3, a ‘Use not listed’ can be considered for approval through a development application. The development application will be determined having regard to the objectives of the Scheme, the objectives of any relevant local planning policy and the submissions received during advertising. In this case, the proposal satisfies all relevant local planning frameworks.

1. The period requested for a Display Home is not clear and should not be longer than 1 year.

As per condition 1, the approval period shall be no longer than 18 months. This timeframe is aligned with previous Council and SAT decisions for other display homes.

1. A commercial operation is not permitted within the ‘Residential’ zone.

LPS 3 allows for some non-residential uses within the ‘Residential’ zone provided the proposal is complimentary to the area and does not have a detrimental impact on amenity. The determination of all applications is assessed on individual merit. The nature of the operation is considered to meet the planning framework.

**Strategic Implications**

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

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

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

**Budget/Financial Implications**

Nil

**Legislative and Policy Implications**

Council is requested to make a decision in accordance with clause 68(2) of the [Deemed Provisions](https://www.dplh.wa.gov.au/getmedia/6e4785e3-d40f-45cd-95e8-85d3115ee32e/PD_LPS_Deemed_Provisions). Council may determine to approve the development without conditions (cl.68(2)(a)), approve with development with conditions (cl.68(2)(b)), or refuse the development (cl.68(2)(c)).

**Decision Implications**

If Council resolves to approve the proposal, the ‘Display Home’ use can proceed.

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

**Conclusion**

The application for a change of use from a ‘Residential – Single House’ to ‘Display Home’ has been presented for Council consideration due to objections being received. The proposal is considered to meet the objectives of the ‘Residential’ zone within the Local Planning Scheme No. 3 and the relevant local planning policies. The development is unlikely to have significant adverse impact on the locality’s amenity. The proposal is recommended for a temporary approval of 18 months and to reduce the size of the display signage.

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

**Further Information**

Nil.

## PD44.06.24 Consent to Advertise Local Planning Policy 1.1 - Residential Development

|  |  |
| --- | --- |
| **Meeting & Date** | Ordinary Council Meeting – 25 June 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. |
| **Report Author** | Nathan Blumenthal – Acting Manager Urban Planning |
| **Director** | Tony Free – Director Planning & Development |
| **Attachments** | 1. Draft Local Planning Policy 1.1 – Residential Development 2. Change Notes 3. Current Adopted Local Planning Policy 1.1 – Residential Development |

**Purpose**

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

**Recommendation**

**That Council adopts the draft Local Planning Policy 1.1: Residential Development (Attachment 1) for the purpose of advertising in accordance with Clause 4 of the Deemed Provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.**

**Voting Requirement**

Simple Majority.

**Background**

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

At the 28 May 2024 Ordinary Council Meeting, it was resolved that the policy be deferred to the 25 June Ordinary Council Meeting due to concerns regarding wall height within the policy that is above the height within the Residential Design Codes (R-Codes).

The gazettal of the Residential Design Codes Volume 1 on 10 April 2024 introduced a new set of provisions (Part C) to be used in the assessment of Single Houses R50 and above, Grouped Dwellings R30 and above and Multiple Dwellings R30 to R60.

The policy has been drafted to be compatible with Part C. In addition, a number of the provisions included in Part C have been viewed as innovative and an improvement on the previous Residential Design Codes Volume 1.

In Officers’ experience, some medium density development in the City tends to be constructed with poor thermal performance and amenity, limited vegetation and excessive hardstand and roof cover.

The Policy seeks to implement some of the improvements in Part C to single dwellings coded R30 to R40 including private open space, size and layout of dwellings, solar access, ventilation, waste management and siteworks and retaining walls.

The policy review has resulted in amendments to a number of existing policy provisions as well as introducing new measures.

A summary of the amendments are as follows:

* Formatting and division of the policy into three major sections to make clear the application of each policy measure and to be consistent with the R-Codes Volume 1 and draft Local Planning Policy: Precincts;
* The addition of clause 6.2 with Deemed-to-Comply criteria and Design Principles for R30 to R40 Single Dwellings adopted from Part C;
* Additional Local Housing Objectives to ensure consistency in officer interpretation;
* Clarification regarding impervious surfaces, soft landscape and deep soil area;
* Removed definitions that are unused or covered by the R-Codes Volume 1 and included additional definitions;
* Additional figures relating to Clause 6.2 and policy measures not applicable in the St John’s Wood Estate;

The amended Policy will apply to all development to which the R-Codes Volume 1 applies. Where there is any inconsistency with a Local Development Plan, Structure Plan, Precinct Plan or Local Planning Policy that applies to a specific site, precinct, area or density code, the provisions of that specific instrument shall prevail for the extent of the inconsistency. This ensures that the Residential Development Policy does not inhibit the planning of specialised areas such as infill areas, precinct areas, master planned estates or character areas.

In reviewing the Local Planning Policy, two resolutions from Council relating to the policy have been addressed in the review. The resolutions are as follows:

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

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

The above resolutions have been considered and new Local Housing Objectives for the protection of outdoor living areas and solar collectors from overshadowing are proposed. However, adding or altering the Deemed-to-Comply criteria for this element would trigger the requirement for Western Australian Planning Commission (WAPC) approval. The City considers that it is unlikely that WAPC approval would be granted. Verbal communications with WAPC have indicated that support for these elements is unlikely.

Local Housing Objectives for the assessment of building heights are proposed to accompany the building height criteria of the existing policy. The existing building heights in the current policy are well established in the low-density suburbs of Swanbourne and Dalkeith. They are tailored to the Nedlands context with the heights allowing for dwellings to be built easier on land that slopes down to the river or the ocean. Reducing building heights would lead to inconsistent streetscapes.

**Discussion**

The draft Policy differs from the current adopted version (**Attachment 3**). The proposed changes are discussed in detail below.

**Layout and Formatting of Policy**

The revised Policy has been drafted to distinguish how each policy measure applies and make navigation easier. This has been done with the use of colour coding, a table format and inclusion of a schedule of amendments.

**Building Height**

The amended Policy proposes to maintain the same wall and roof height as the existing Policy. A comparison between the building height criteria of the existing Policy and the R-Codes Volume 1 are shown in the below table:

**Table 1**: Policy versus R-Codes Vol 1 heights

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

Should Council adopt the height settings of the R-Codes Volume 1, it would reduce the Deemed-to-Comply wall heights across the City down from their historic heights. It is recommended that the height settings of the existing policy remain. Further to this:

* The City of Nedlands height controls were originally enshrined in Council’s former Town Planning Scheme No. 2. Dwellings have been developed to this greater Deemed-to-Comply allowance for several decades, with the design response well enshrined throughout the City.
* The areas of Swanbourne and Dalkeith tend to have larger houses, owing to the steep slope of the natural ground level of the sites (particularly near the river and the ocean) and the general expectations of residents. Reducing the current Deemed-to-Comply heights to meet the R-Codes would disadvantage newer houses and additions to existing houses compared to any immediate neighbours. The Deemed-to-Comply height reduction would also impact any house on a lot with steeply sloping ground level, particularly those near the Swan River and the ocean. Any reduction in the current height criteria is likely to result in more houses seeking a Design Principles assessment.
* The City of Nedlands traditionally has higher quality development with better amenity than the R-Codes allows. A key measure of indoor liveability is floor to ceiling heights. Larger floor to ceiling heights make house interiors seem more spacious, and allow for better sunlight access and ventilation through the use of larger windows. Retaining the increased building heights will continue to encourage high quality housing.
* The Policy seeks to introduce a Local Housing Objective for solar access on adjoining sites. This will reduce the effect that building height has on existing solar collectors and outdoor living areas on neighbouring properties.

Given the longstanding nature of the height controls in place in Nedlands, their general acceptance by the community, and the improved internal amenity outcomes, removal of the local planning policy height provisions is not recommended.

Building height is measured from the natural ground level directly below each portion of the building. The R-Codes define “natural ground level” as:

The levels on a site which precede the proposed development, excluding any site works unless approved by the decision-maker or established as part of subdivision of the land preceding development.

A proponent may add up to 500mm of fill to a residential lot without requiring planning approval. However, adding ground fill to the lot without approval would not change the natural ground level for building height purposes. For development assessment in these instances, the natural ground level would remain as the levels preceding the addition of fill because the fill was not approved by the decision-maker. This is due to the fact that for a deemed-to-comply development, the local government does not issue a decision of planning approval; the local government just determines that planning approval is not needed and provides confirmation to that effect. For the same reasons, a proponent could not simply incrementally add 500mm of fill per year to their lot and claim that no planning approval is required each time.

**Solar Access for Adjoining Sites**

A new Local Housing Objective is proposed to encourage protection of existing solar collectors and outdoor living area on adjoining lots.

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

**Interpretation of R-Codes Definitions**

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

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

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

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

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

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

The following elements have been added to the draft Policy:

* Private Open Space
  + Although the R-Codes Volume1 requires open space in any residential development, there is a lack of criteria about how that space is laid out. The private open space element includes requirements such as minimum dimensions, maximum permanent cover, and tree planting requirements which ensure open space is usable and that there is a balance of shade, solar access and provision of tree canopy.
* Size and Layout of Dwellings (excluding storage)
  + The element specifies ceiling heights, maximum depth of primary living space vs ceiling height, minimum internal floor area, a mix of dwelling sizes in large developments and protection of internal amenity.
* Solar Access and Natural Ventilation
  + This element ensures that each habitable room in a dwelling has sufficient daylight and natural ventilation, and the dwellings are responsive to the warm temperate climate.
* Waste Management
  + This element requires provision of waste facilities, screening of bins and protection of the streetscape, major openings and primary garden areas from the amenity impacts of waste storage.
* Site Works and Retaining Walls
  + This element requires that any excavation, fill and retaining is done with respect to the site’s natural ground level, the amenity of adjoining properties and can respond to the drainage requirements of the land and need for natural light.

**Tree Retention**

In order to encourage retention of mature canopy trees, an additional clause has been included allowing discretion to be afforded on the basis of retention of a mature tree, provided the discretionary criteria meets the design principles and objectives of the Policy and the R-Codes.

**Deleted or Modified Clauses**

The review of the policy has not only included new requirements that improve the quality of development in the City but has also sought to remove clauses that are not necessary and add complexity. The policy also modifies some existing clauses. **Attachment 2** provides detailed notes on how policy measures in the current adopted policy have been changed. The following policy measures have been deleted or modified:

* Lot boundary setback
  + Clause 4.4.1 C3.1vii of the existing policy regarding the assessment of swimming pool fences and pool pump screens behind the street setback line has been deleted. The treatment of this scenario will be included in an internal Statutory Planning Practice document to ensure consistent assessment and thus is no longer required in policy.
* Street Setback
  + The draft Policy proposes to modify the provisions relating to street setback of minor incursions to allow for flexibility of building positioning without impacting on soft landscaping.
* Dividing Fences
  + The dividing fences section of the policy and definitions relating to dividing fences have been removed from the policy as they were advice only and held no statutory weight.
* Building Heights
  + Two footnotes regarding the measurement of external walls for gable walls, and roof ridges, have been removed to maintain consistency with the current R-Codes Volume 1.
* Street Walls and Fences
  + Clause 4.6.1 C4.1ii has been removed as passive surveillance to the street is already maintained under clause 5.2.3 C3.1 of the R-Codes.
* Laneway Widening Provision
  + The provision in the current Policy to increase lot boundary setbacks to accommodate future laneway widening has been found to be unenforceable without WAPC approval as it varies Clause 5.1.3 Lot Boundary Setbacks in the R-Codes. It is recommended that consideration of future laneway widening should form part of the assessment of any varied lot boundary setbacks. The consideration of laneway widening has been moved to Clause 7 and is to be used as a Local Housing Objective rather than Deemed-to-Comply criteria.

**Revocation of Existing Policy at Adoption**

Officers are of the opinion that the draft Policy is different enough from the current adopted Policy to warrant treatment as a new policy. Amending policies should generally result in few changes and where such changes exist, they should apply to existing clauses or include small additions and deletions.

As the draft Policy proposes multiple additions, deletions and reorders the policy provisions, it warrants treatment as a new Policy. Officers have proposed that upon conclusion of advertising, the existing adopted Policy be revoked and the draft Policy be adopted in its place.

Officers recommend the draft Policy retains the name of the existing adopted Policy as this accurately describes the Policy’s application.

**Consultation**

Although advertising of an amended policy took place in December 2022, the Policy has changed significantly with some proposed clauses being removed, others added and various changes in the state and local planning framework over the course of 2023. No advertising has taken place for the current version of the draft Policy.

It is recommended that Council adopt the policy for the purpose of advertising.

If Council adopts the Policy for the purpose of advertising, it will be advertised in accordance with the City’s Consultation of Planning Proposals Local Planning Policy.

**Strategic Implications**

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

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

|  |  |
| --- | --- |
| **Pillar** | **Planet** |
| **Outcome** | 5. Climate resilience. |

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

**Budget/Financial Implications**

Nil

**Legislative and Policy Implications**

Clause 4 of the Deemed Provisions of the [Planning and Development (Local Planning Schemes) Regulations 2015](https://www.wa.gov.au/government/document-collections/planning-and-development-local-planning-schemes-regulations-2015#:~:text=Planning%20and%20Development%20%28Local%20Planning%20Schemes%29%20Regulations%202015,4%20Local%20Government%20exemptions%20from%20advertising%20requirements%20) provides the procedure for preparation of a Local Planning Policy. Where a Local Planning Policy is advertised, the City must publish a notice of the proposed policy for a period of not less than 21 days and seek submissions.

Following the advertising period, the Policy will be presented back to Council to consider any submissions received to:

1. Proceed with the Policy without modification;
2. Proceed with the Policy with modification; or
3. Not proceed with the Policy.

**Decision Implications**

If Council resolves to adopt the Policy for advertising, it will be advertised in accordance with the process outlined above.

If Council resolves to adopt the Policy for advertising with modifications, the policy will be amended to include the modifications and will be advertised to the public. If any modifications require approval of the Commission, they will be referred to the Commission for approval.

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

**Conclusion**

The draft Local Planning Policy 1.1: Residential Development has been prepared to enhance and protect the existing Nedlands streetscape, improve the quality of dwellings and increase the quantity of vegetation on residential land. It is recommended that Council adopt the draft Local Planning Policy 1.1 – Residential Development for the purpose of advertising.

**Further Information**

Nil

## PD45.06.24 Adopt Amendments to Local Planning Policy 5.2 Old Swanbourne Hospital Precinct

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 25 June 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. |
| **Report Author** | Nathan Blumenthal – Acting Manager Urban Planning |
| **Director** | Tony Free – Director Planning & Development |
| **Attachments** | 1. Draft Local Planning Policy 5.2 Old Swanbourne Hospital Precinct 2. Schedule of Submissions |

**Purpose**

The purpose of this report is for Council to consider the amended Local Planning Policy 5.2 Old Swanbourne Hospital Precinct (the Policy) post advertising for adoption.

**Recommendation**

**That Council adopt the amended Local Planning Policy 5.2 Old Swanbourne Hospital Precinct (Attachment 1) in accordance with Clause 5 of the Deemed Provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.**

**Voting Requirement**

Simple Majority.

**Background**

The Policy was adopted for advertising at the 26 March 2024 Ordinary Council Meeting and subsequently advertised.

**Discussion**

The Policy was reviewed as part of the current suite of Local Planning Policy reviews. Provisions contained in the Policy were reviewed to ensure they reflect contemporary policy requirements.

As all development outlined in the current version of the Policy, adopted on 9 October 2007, has come to fruition the Policy proposes removing reference to the developer. Instead, the Policy ensures that provisions contained therein reflect the desire to maintain the character and historic integrity of the Old Swanbourne Hospital Precinct.

The Policy has also been updated to include provisions resulting from the JDAP determination of 9 October 2023 which increases the capacity limit of Montgomery Hall.

**Changes post consultation**

Minor changes have been made to the Policy post advertising. These include:

1. The Policy area map has been amended to include Annie Dorrington Park which was omitted from the advertised version of the Policy.
2. A provision has been added which does not permit subdivision of the heritage buildings.
3. Removed the provision relating to a maximum of 28 residential dwellings being permitted to being developed on the site. This provision formed part of the original Outline Development Plan for the precinct prior to the refurbishment of the heritage buildings. As such this provision is no longer required.
4. Removed reference to real tennis and rhythmic gymnastics from 5.11.2 as reference to these uses are outdated and specific. The Policy maintains Montgomery Hall shall only be used for ‘low-key’ uses.
5. Removed reference to the ‘covered way’ being used for parking or a courtyard. The ‘covered way’ has been enclosed to form the reception of the Montgomery House aged care residence. The Policy maintains the use of the ‘covered way’ is to be sensitive to its heritage values.
6. Provision relating to undercroft parking at Montgomery Hall has been removed as it no longer exists.
7. Reference to the Existing Hospital Buildings” has been replaced with “Old Hospital Buildings” as these buildings no longer function as hospital buildings.

**Consultation**

The Policy was advertised in the in line with the City’s Consultation of Planning Proposals Local Planning Policy from the 12 April to 2 May 2024. Five submissions were received during this period, three in support and two objecting to the Policy. The full submissions as well as officer responses are found at **Attachment 2.**

Two of the objections received related to events held at Montgomery Hall. The conditions of the JDAP decision relating to events held at Montgomery Hall, which have been included in the Policy.

Officers are recommending minor changes to the advertised version of the Policy.

**Strategic Implications**

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

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

|  |  |
| --- | --- |
| **Pillar** | **People** |
| **Outcome** | 1. Art, culture and heritage are valued and celebrated. |

|  |  |
| --- | --- |
| **Pillar** | **Place** |
| **Outcome** | 6. Sustainable population growth with responsible urban planning. |
|  | 7. Attractive and welcoming places. |

**Budget/Financial Implications**

Nil

**Legislative and Policy Implications**

Clause 5 of the Deemed Provisions of Schedule 2 of the [Planning and Development (Local Planning Schemes) Regulations 2015](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_47069.pdf/$FILE/Planning%20and%20Development%20(Local%20Planning%20Schemes)%20Regulations%202015%20-%20%5B00-p0-00%5D.pdf?OpenElement) allows the City to amend a local planning policy. Following the consultation period Council must consider any submissions received and resolve to:

* Proceed with the Policy without modification;
* Proceed with the Policy with modification; or
* Not proceed with the Policy.

**Decision Implications**

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

If Council resolves not to proceed, the current version of the Policy will remain in effect without the amendments proposed in the advertised version.

**Conclusion**

It is recommended that Council proceed with adoption of the amended Local Planning Policy 5.2 Old Swanbourne Hospital Precinct.

**Further Information**

Nil.

# Divisional Reports - Technical Services

## TS19.06.24 Shirley Fyfe Gazebo – Final Decision

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 25th June 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Daniel Kennedy-Stiff, Manager City Projects and Programs |
| **Director** | Matthew Macpherson, Director Technical Services |
| **Attachments** | Attach only documents that have been referred to in the report.   1. Project Report – Project Report - Your Voice Nedlands - 12 Feb - 13 May 2024 2. CONFIDENTIAL - Email of Offer of Support 1 3. CONFIDENTIAL - Email of Offer of Support 2 |

**Purpose**

To address a Council Resolution arising from the ordinary council meeting held on November 2023 – TS 17.11.23 - Shirley Fyfe Park Gazebo Waratah Avenue, Dalkeith. In alignment with the resolution from the November Ordinary Council Meeting, Administration sought expressions of interest from the community for a period of three months. This report will present the results of this process and recommend the next steps for this project.

**Recommendation**

**The Council request the CEO to proceed with:**

1. option 2 being:
2. capture heritage information regarding the dilapidated gazebo for future record; and
3. remove the gazebo at Shirley Fyfe Park and reinstate the turf area.
4. allocate an additional $10,000 to the Shirley Fyfe Park budget to facilitate the removal of the gazebo.
5. accepts the Email of Offer of Support 2 for support into the historical research regarding the Shirley Fyfe Gazebo,
6. thanks the party responsible for the Email of Offer of Support 1 for their interest in supporting the project.

**Voting Requirement**

Absolute Majority.

**Background**

As reported to Council previously, the Gazebo is a historic bus stop, shaped as an octagonal timber framed shelter, on the corner of Waratah Avenue and Wavell Road.

It has aesthetic, historic, social, and cultural heritage value which is mentioned in the City of Nedlands Municipal Inventory 2013 which indicated that:

* The construction of the gazebo was between World War I and World War II.
* The gazebo has also been utilised as a polling booth during past elections, with this it has aesthetic, historic, social, and cultural heritage values.
* There is a bus stop nearby and it is possible this structure is used for shelter by patrons on occasion.

It is currently in very poor condition, is currently closed to the public with security fencing preventing access and has been previously recommended for removal. A structural assessment of the gazebo found the following repair works are required:

* Roof tiles and rafters can be kept and re-used for reconstruction where possible (roof timbers are to be inspected by a qualified professional for presence of pests).
* Roof fixings are significantly corroded and require replacement.
* Roof battens appear significantly weathered and therefore require replacement.
* Wall cladding is very damaged by water and pests and will require replacement.
* Timber stud and wall elements are to be fully replaced to prevent the possible retention of pest-ridden timbers being re-introduced to the new structure.
* The surrounding park area and trees to be inspected for timber attacking pests.
* The park irrigation system be reviewed to minimise spray onto the structure.
* the soil and grass level adjacent the shelter be brought down to below the slab level to allow a sufficient weather step to protect the future structure.
* A certified pest barrier or protection method shall be installed to suit the new structure and deter future pest damage.

Given the current poor condition of the structure Council must decide about the gazebo’s long-term future.

Quotes to refurbish the gazebo were sought in 2023, with minimal responses being received. The previous quote to refurbish the gazebo was estimated at $60,000. However, the previous procurement process has now lapsed, and the City will need to go back to the market if Council elects to continue with the refurbishment. It is expected that a new procurement process will be more expensive given ongoing market conditions being experienced in other tender processes.

Two reports have been presented on the Shirley Fyfe Gazebo as follows:

**TS09.08.23 - – Shirley Fyfe Park Gazebo – Waratah Avenue, Dalkeith**

The resolution from the first report:

**That Council requests the CEO:**

1. to enter into negotiations with the Claremont Men’s Shed to undertake the restoration of the Shirley Fife Gazebo; and

**2. if negotiations are successful, enter into an agreement for the Claremont Men’s Shed to restore the Gazebo, with the City funding:**

1. The cost of the materials; and

**b. A donation to the Claremont Men’s Shed.**

**TS17.11.23 – Shirley Fyfe Park Gazebo – Waratah Avenue, Dalkeith**

The resolution from the latest report is as follows:

**That Council:**

1. request the CEO seek expressions of interest from the community for a period of three months, inviting;
2. Opportunities from interested community members to support the renewal of the Shirley Fyfe gazebo by way of a memorial in accordance with the City’s Memorials in Public Places Policy; and
3. Offers for financial or material donations to be put toward renewal of the Shirley Fyfe gazebo.
4. request the CEO to pursue community grant opportunities in partnership with the Claremont Men’s Shed;
5. pending the outcome of the expressions of interest period, request the CEO;

a. Present any written opportunities and offers to Council for further consideration as part of the 2024-25 budget development.

**4. undertake community consultation on the heritage value of the Gazebo.**

**Discussion**

In accordance with the November 2023 Council Resolution, the Administration undertook an Expression of Interest campaign to seek community support for the gazebo.

A YourVoice page was established and open for public comment from 12th February - 13th May 2024. The Your Voice page was supported by the following adverts and media items:

* City of Nedlands website.
* Social media (Facebook).
* Printed in the Nedlands News in the Post Newspapers.
* Included in the Nedlands News e-newsletter.
* Printed poster placed at the Gazebo and on council noticeboards.

The below table shows the community participation with the Your Voice page:

|  |  |
| --- | --- |
| Participation type | Numbers |
| Total page visits | 151 |
| Downloaded a document | 6 |
| Visited page multiple times | 9 |
| Submitted survey | 0 |

As a result of the expression of interest process the City has received two (2) offers of support as follows:

1. Offer of Support 1 has offered a donation of $20,000 to support the refurbishment of the gazebo.
2. Offer of Support 2 has offered historical research support to research and report on the gazebo’s history and significance.

Both offers were received verbally within the final week of the 3-month advertising period and formalised in writing after the closing period.

No grant funding opportunities have been identified to date which may be used to support the refurbishment of the Shirley Fyfe Gazebo.

The City currently has a backlog of rehabilitation works of approx. $50-60 million. The importance of the Shirley Fyfe gazebo needs to be balanced with the other competing infrastructure renewal requirements across the City.

**Potential long-term options:**

Originally put to Council were four options for consideration and these remain valid options at the present time:

1. Replacement / repair like for like (by a commercial builder / trades person)
2. Remove and not replace.
3. Remove and replace with fit-for purpose, ‘off the shelf’ structure, including heritage aspects.
4. Design of a new structure improving on material durability and including heritage aspects.

A summary of these are provided below, with all costs outlined in the Financial Implications section of this report:

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| --- | --- | --- |
| OPTION 1: Replacement / repair like for like (commercial builder) | | |
| **Summary** | The Gazebo would be surveyed and re-designed/drawn to a more modern standard where required but re-built as a heritage style structure in all other regards. This would return the structure to an all, but ‘as-new’ state and the look would be similar to the 2018 re-furbished outcome as seen in Figure 2 herein. Works would be undertaken by a Commercial Builder.  Fifteen-year costs = **$226,965** | |
| **Positives** | | **Negatives** |
| * Retains all heritage aspects save for modern enhancements for longevity. * Is familiar and likely to be generally well received by the community. * Can provide incidental benefit of shelter to nearby park and bus users. | | * Relatively costly compared to off-the-shelf products. * Initial flaws of passive surveillance and enclosed nature will be retained. * Materials, namely tiles, will become increasingly hard to source. * Materials used will have the same weaknesses of the initial structure. * No guarantee of the funding and long-term management to avoid history repeating. |
| **Comments** | A re-built structure is an attractive addition to the local area, but there is little support to justify significant spend on an asset for which the use and benefit beyond the heritage values can be warranted over and above other assets which are reaching the end of their useful life and are more in demand by the community for regular usage. As such this is not the recommended option. | |

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| OPTION 2: Remove and not replace | | |
| **Summary** | The Gazebo would be decommissioned and de-constructed with certain elements / materials and photographs retained to be included into a historic record for potential future presentation. Fifteen-year costs = **$12,014** | |
| **Positives** | | **Negatives** |
| * Decreases the cost of the asset to zero. * Allows funding to be directed to other assets for the community. | | * Retains only fragments of historic record. * Does not provide incidental shelter use in the same location. * Community generally do not favour reduction in assets / services. |
| **Comments** | Since the fencing of the location in February 2023, there has been little demand for its use or concern at its current state until it was highlighted from a heritage perspective. Therefore, there is little evidence for the need of a structure of any type in the nearby area, and any retention would be for heritage only – something the City has received limited feedback in regard to the gazebo being closed. In an effort to balance limited funds to where it best services the community, Council may wish to consider this as a regrettable loss in favour of higher quality retention elsewhere. This is not the recommended option. | |

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| OPTION 3: Remove and replace with an ‘off the shelf’ gazebo with additional heritage elements | | |
| **Summary** | The Gazebo would be decommissioned and de-constructed. Certain elements which can be retained. A new ‘off the shelf’ Gazebo can be installed providing the bones of a re-built gazebo to which heritage elements could be added to, to give acknowledgement to the previous form. This could be by potentially using salvaged cladding, which was replaced in 2018, introducing new cladding and copying the historic colour palette of white and orange. Interpretive history signage with past photos and presenting previous materials can be installed alongside the new structure – which is not uncommon with older buildings that fall beyond repair or not fit for purpose and need of significant renovation. Fifteen-year costs = **$95,201** | |
| **Positives** | | **Negatives** |
| * Easy to source and install quickly. * Scale-able to budget in terms of element inclusions. * Still retains heritage elements. * Increased longevity of modern materials and replacement parts. * Least whole of life cost for any replacement option. * Structure / incidental usage still available to the community. * Can be relocated nearby and re-oriented for better passive surveillance and community use. | | * Retains fragments of historic record and overall aesthetic but not the structure itself * Cost still would be at the expense of other assets which are subject to greater demand and use. |
| **Comments** | With such a significant asset backlog, the City should treat every full replacement in a similar manner to a new asset. This includes ensuring the asset meets demand but is provided in a way that is sustainable long term. By their bespoke nature and age, heritage structures and buildings, are more difficult and costly to maintain. Council would be best served in ensuring assets provide the services for which they are intended for the best value possible. That said, history is important to the City and the community, and this option goes some way to acknowledge history in a modern way. On the balance of these considerations, this option is the recommended option. | |

A gazebo in a park

Description automatically generated

Figure 1: 'Brookdale' prefabricated shelter from Exteria – potential base structure for Option 3

|  |  |
| --- | --- |
| A picnic table in a park  Description automatically generated |  |



Figure 2 & 5: 'Goulburn’ prefabricated shelter from Landmark – potential base structure for Option 3 showing custom cladding arrangements

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| --- | --- | --- |
| OPTION 4: Remove and completely re-design a new structure with all modern materials | | |
| **Summary** | The Gazebo would be decommissioned and de-constructed. A new custom gazebo would be designed and built to 2023 standards and materials. It would be painted in a similar colour scheme to the 2018 refurbishment. Fifteen-year costs = **$183,689** | |
| **Positives** | | **Negatives** |
| * Still retains heritage elements. * Increased longevity of modern materials and replacement parts. * Structure / incidental usage still available to the community. * Can be relocated nearby and re-oriented for better passive surveillance and community use. | | * Retains fragments of historic record and overall aesthetic but not the structure itself. * Cost still would be at the expense of other assets which are subject to greater demand and use. * Will take time to design and certify, tender, and build from custom parts. * Likely significant capital costs relative to other options. |
| **Comments** | This option creates several benefits compared to other options, at a slightly greater cost. It is the officer’s opinion however that such an option does not go significantly beyond the benefit provided in Option 3. As the Gazebo is a traditional, octagonal shape, readymade alternatives which can be added to would be better value than a modernization which may have been favored if the original structure was of an architectural design. This is not the recommended option. | |

**Consultation**

A YourVoice page was established and open for public comment from 12th February to the 13th May 2024.

**Strategic Implications**

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

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

|  |  |
| --- | --- |
| **Pillar** | **People** |
| **Outcome** | 1. Art, culture and heritage are valued and celebrated. |

|  |  |
| --- | --- |
| **Pillar** | **Place** |
| **Outcome** | 7. Attractive and welcoming places. |

**Budget/Financial Implications**

If the Officer recommendation is approved, it is estimated that approximately $10,000 would be required to safely remove the gazebo and remediate the area.

The following table outlines the budget implications of proceeding with the Officer alternate options of refurbishment or replacement of the Shirley Fyfe Gazebo. This assumes a donation of $20,000 if option 1 is desired and no change to the estimated construction costs from mid-2023. If Council elect to proceed with options 1, 3 or 4 a procurement process will need to be undertaken and the total cost of the project is likely to change.



**Legislative and Policy Implications**

Depending on the decision of Council, the City officers may be required to undertake a procurement process in line with the Council’s Procurement Policy. This will add delay to undertaking any works whilst this occurs, unless Council determine that these works can occur outside the policy and process. As the works are unlikely to go beyond the tender requirements, the Council’s policy is the determining document.

**Decision Implications**

The decision of Council in respect to the structure will have implications on either financial requirements or local heritage, which will be determined based on the preferred option.

With one of the responses having a financial figure associated with it, there is the opportunity to reconsider the previous option 1.

Informing this report City officer reconsidered an alternate recommendation in line undertaking the refurbishment of the Shirley Fyfe Gazebo as per Option 1 and accepting the offers to date constituting Option 5, being:

**That Council:**

1. accepts the submitted offers of support for the Shirley Fyfe Gazebo:
   1. $20,000 donation; and
   2. Historical research support.
2. instructs the CEO to undertake:
   1. Replacement of the gazebo like for like.
3. makes an allowance of $104,000 for the refurbishment of the Shirley Fyfe Gazebo in the 24/24 Capital Works Program comprising of:
   1. a $20,000 donation;
   2. $84,000 in municipal funding.
4. instructs the CEO to undertake historical research on the Shirley Fyfe Gazebo

If an alternate recommendation is selected there will be an impact on other projects listed for consideration in the 2024/25 Capital Works Program.

**Conclusion**

The Shirley Fyfe gazebo is currently in very poor condition and has been closed to the public for a significant amount of time. Although the City has received an offer of financial support to refurbish the gazebo, when considered alongside the City’s other refurbishment priorities the Gazebo is recommend for removal.

**Further Information**

Nil.

## TS20.06.2024 Removal and Replacement of Trees – 8 Taylor Road, Nedlands

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| --- | --- |
| **Meeting & Date** | Council Meeting – 25th June 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Jac Scott, Manager Urban Landscape and Conservation |
| **Director** | Matthew MacPherson, Director Technical Services |
| **Attachments** | 1. Arborist Tree Survey – 3Edge - 8 Taylor Road Nedlands 2. 8 Taylor Road Landscape Plan Extract. |

**Purpose**

Two verge trees at 8 Taylor Road are proposed for removal to support the development of 8 Taylor road, and the objective of improved outcomes in both the development and the adjoining public space.

Approval of a tree of this size for removal is no longer an administrative decision following a Notice of Motion passed at the Ordinary Council Meeting held on 28th November 2023.

**Recommendation**

**That Council approves the removal and subsequent stump grinding of a *Callistemon viminalis* (Bottlebrush) and a *Brachychiton populneous* (Kurrajong) from the verge of 8 Taylor Road, Nedlands to support the upgraded landscaping proposed by the developer of 6-8 Taylor Road.**

**Voting Requirement**

Simple Majority.

**Background**

The current Street Tree policy, approved at the April 2024 Council Meeting, requires:

*“Any verge tree above 5 metres in height which is not dead, diseased or dying must be presented to Council for decision.”*

**Discussion**

A landscaping plan has been submitted along with the development plans for 8 Taylor Road. This landscaping plan also includes substantial planting of new trees in the Main Roads WA sump of 6 Taylor Road immediately adjacent the site. The proponent has received in-principal support for this sump beautification from Main Roads WA. In addition to the planting in the sump, the landscaping plan also proposes three new *Corymbia ficifolia* (Red Flowering Gum) across the verge of 6 & 8 Taylor Road. Replacing the two existing street trees.

The trees proposed for removal are in relatively poor condition and health. The report in Attachment 1 commissioned by the developer has been reviewed by City Officers. The City has not commissioned its own report, considering this report to provide a valid basis for decision making, and that any further report is unlikely to provide significantly different advice. Given the condition and health of the tree’s removal and replacement at the cost of the developer would provide an improved outcome in the mid and longer term for the City.

The *Brachychiton populneous* (asset id 9210) is recorded in City records as being in poor condition and of poor performance. It has not grown significantly in height since at least 2007. Arborist advice is that it is in poor structural condition. Whilst not formally registered as a weed, in Kings Park this species has moved from cultivation to become a weed in the adjoining bushland reserve.

The *Callistemon viminalis* (asset id 9209) is confirmed to exhibit significant dead wood and broken limbs. This tree does not provide significant contribution to the urban canopy and is not likely to significantly increase further in size given its mature age.

Three *Corymbia ficifolia* would supply a potential canopy of 235.5m2. The species is relatively fast growing. This is significantly in excess of the 75m2 currently present on site, with minimal opportunity for further growth in the two existing trees. Accordingly, the current proposal represents a significant improvement opportunity for canopy cover in the immediate area within the mid-term.

The proposed replacement plantings are detailed in attachment 2. In addition, the developer is planting 12 additional trees (*Corymbia ficifolia nana* and *Callistemon sp.*) within the adjacent Main Roads Sump of 6 Taylor Road, that forms adjacent public land. It is proposed that this be accepted as sufficient to meet the 2 for 1 development replacements – with 15 replacements proposed in total within public land to replace the 2 street tree removals. Should this not be considered sufficient the developer could alternatively be asked to fund a further street tree planting, planted as close as possible to the development site. The current cost of this is $530 per tree.

The trees are proposed for removal on the basis of them being in decline, with no further remedial techniques appropriate. The alignment of this request to the requirements of the Street Tree Policy is open to interpretation in this instance, given the potential period of life remaining for both trees. Officers are therefore seeking Council approval, and not directly refusing the request, as would be the usual approach where a removal is not considered to meet Policy requirements.

It is noted that recent refusals made by staff in accordance with policy subsequently escalated to Notices of Motion supporting removal. This decision will therefore provide some clarity on the requirements of the Policy as intended by Council. The decision taken will provide guidance to Officers as well as precedence for consideration of similar future requests.

**Consultation**

Nil

**Strategic Implications**

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

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

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| --- | --- |
| **Pillar** | **Planet** |
| **Outcome** | 4. Healthy and sustainable ecosystems. |

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| --- | --- |
| **Pillar** | **Place** |
| **Outcome** | 7. Attractive and welcoming places. |

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

**Budget/Financial Implications**

Removal – Nil - The developer will be invoiced for the cost of the removal and subsequent replacements. Internal staff labour was spent on the formalisation of this report.

**Legislative and Policy Implications**

This decision may not be considered to fully align to the Street Tree Policy for permitted reasons for removal – however this is open to interpretation. The removal and replacement would result in an outcome that meets the Context and Policy Statement, and hence is being escalated to Council for a decision.

**Decision Implications**

Should Council not endorse the removal and replacement the existing street trees will remain.

**Conclusion**

That Council support the removal of one *Brachychiton popolneus* and one *Callistemon viminalis*, that are each in decline, to support an improved environmental and aesthetic condition at this location. The trees are to be replaced with three verge trees and twelve sump trees.

**Further Information**

Nil

# Divisional Reports – Community Services & Development

## CSD03.06.24 Child Safe Awareness Policy

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting - 25 June 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil |
| **Report Author** | Sally De Freitas – Acting Community Development Manager |
| **Director** | Keri Shannon – Chief Executive Officer |
| **Attachments** | Attach only documents that have been referred to in the report.   1. Child Safe Awareness Policy |

**Purpose**

To provide a framework for local government to support community organisations to create safe environments for children and young people, by ensuring child-safe messages, information and resources are accessible to them.

**Recommendation**

**That Council approve the Child Safe Awareness Policy as per Attachment 1.**

**Voting Requirement**

Simple Majority.

**Background**

The Child Safe Awareness Policy has been developed by the Department of Communities in response to Recommendation 6.12 from the Royal Commission into Institutional Responses to Child Sexual Abuse.

In 2018, the State Government of Western Australia accepted, or accepted in principle all 310 Royal Commission recommendations applicable to WA, including Recommendation 6.12. The Royal Commission identified the opportunity to utilise the established responsibilities of local governments within their broader role of supporting their community to protect the safety and wellbeing of children and young people.

The Child Safe Awareness Policy template has been provided to local governments in Western Australia. The template is focused on the role of local governments in building and maintaining child safety awareness and knowledge.

The Policy applies to all, employees, volunteers, trainees, work experience students, interns, and anyone else who undertakes work on behalf of the City of Nedlands, regardless of their work related to children or young people. It applies to occupants of the City of Nedlands facilities and venues, including visitors, contractors and suppliers.

**Discussion**

The City of Nedlands has a leadership role in our community to support relevant organisations to be child-safe and promote child-safe practices.

Although the City of Nedlands is not legally responsible for providing oversight of compliance with child-safe practices, it will take any reasonable steps to engage with persons who utilise the City of Nedlands’ facilities to operate in alignment with the Child Safe Awareness policy.

This policy will be reviewed every two years or upon the introduction of other relevant policy or legislation related to the safety and wellbeing of children and young people.

**Consultation**

N/A

**Strategic Implications**

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

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

**Pillar** People

**Outcome**  3. A caring and supportive community for all ages and abilities.

**Pillar**  Prosperity

**Outcome** 10. Active participation in education and lifelong learning.

**Pillar**  Performance

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

**Budget/Financial Implications**

Nil.

**Legislative and Policy Implications**

The City of Nedlands will determine which roles across the organisation will directly support the implementation of the Child Safe Awareness policy.

**Related City of Nedlands Policies**

City of Nedlands policies that may be impacted by this policy include –

* Employee Code of Conduct
* Complaints Management Policy
* Record Keeping Policy
* Council Plan 2023 – 2033

**Related Legislation and Policy**

The following Acts and frameworks inform the City’s requirements in this area –

* *Child Care Services Act 2007*
* *Children and Community Services Act 2004*
* *Civil Liability Act 2002*
* *Corruption, Crime and Misconduct Act 2003*
* *Equal Opportunity Act 1984*
* *Freedom of Information Act 1997*
* *Local Government Act 1995*
* National Principles for Child Safety Organisations
* *Parliamentary Commissioner Act 1971*
* *Public Interest Disclosure Act 2003*
* *Public Sector Management Act 1994*
* United Nations Convention on the Rights of the Child (CRC)
* *Work Health and Safety Act 2020*
* *Working with Children (Criminal Record Checking) Act 2004*

**Decision Implications**

Should Council not endorse the policy the City will not meet the minimum requirement to meet Recommendation 6.12 of the Royal Commission into Institutional Responses to Child Sexual Abuse. Recommendation 6.12 states –

Local government

Recommendation 6.12

With support from governments at the national, state and territory levels, local governments should designate child safety officer positions from existing staff profiles to carry out the following functions:

a. developing child safe messages in local government venues, grounds and facilities

b. assisting local institutions to access online child safe resources

c. providing child safety information and support to local institutions on a needs basis

d. supporting local institutions to work collaboratively with key services to ensure child safe approaches are culturally safe, disability aware and appropriate for children from diverse backgrounds.

The policy provides for a local government to meet the minimum requirement by integrating awareness into business processes and providing information for the organisations that operate in the district.

**Conclusion**

The Department of Communities developed the Child Safe Awareness Policy in response to Recommendation 6.12 from the Royal Commission into Institutional Responses to Child Sexual Abuse.

The Policy emphasizes the vital role of local governments in promoting child safety within their communities. The Policy template upon which the City’s policy is based, was designed to help local governments in Western Australia enhance child safety awareness and knowledge. It applies to all employees, volunteers, trainees, interns, and anyone working on behalf of the City of Nedlands, as well as visitors, contractors, and suppliers using City facilities.

This comprehensive approach ensures that all individuals associated with the City of Nedlands are aware of and committed to protecting the safety and wellbeing of children and young people.

**Further Information**

[Department of Local Government Child Safe Awareness Template](http://www.dlgsc.wa.gov.au/department/publications/publication/child-safe-awareness-policy-template)

[Royal Commission Report into Institutional Responses to Child Sexual Abuse 2012](https://www.childabuseroyalcommission.gov.au/final-report)

# Divisional Reports - Corporate Services

## CPS28.06.24 Differential Rates 2024/25 - Approval to Advertise

This item will be dealt with at the Council Meeting.

## CPS29.06.24 Monthly Financial Report – May 2024

This item will be dealt with at the Council Meeting.

## CPS30.06.24 - Monthly Investment Report - May 2024

This item will be dealt with at the Council Meeting.

## CPS31.06.24 - List of Accounts Paid - May 2024

This item will be dealt with at the Council Meeting.

# Reports by the Chief Executive Officer

## CEO20.06.24 Establishment & Appointment of Members – CEO Performance Review Committee

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 25 June 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Libby Kania – Coordinator Governance and Risk |
| **CEO** | Keri Shannon - Chief Executive Officer |
| **Attachments** | 1. Proposed CEO Performance Review Committee Terms of Reference. 2. Chief Executive Officer Performance Review Policy |

**Purpose**

The purpose of this report is to appoint members of the Chief Executive Officer’s Performance Review Committee and adopt the terms of reference.

**Recommendation**

**That Council:**

1. appoints the Mayor and Councillors (insert names) (four - one from each Ward) to the CEO Performance Review Committee for the period ending immediately prior to the next Local Government Ordinary elections in 2025;
2. appoints the Deputy Mayor and Councillors (insert names) (four - one from each Ward) as Deputy Members to the CEO Performance Review Committee for the period ending immediately prior to the next Local Government Ordinary elections in 2025;
3. requests the CEO to call for expressions of interest for an independent Consultant;
4. adopts the Terms of Reference of the CEO Performance Review Committee as contained in Attachment 1; and
5. amends the Chief Executive Officer Performance Review Policy as contained in Attachment 2.

**Voting Requirement**

Absolute Majority.

**Background**

Following the October 2023 Ordinary Local Government Elections, the CEO Performance Committee was not established. A CEO Recruitment committee was established to recruit and appoint a new CEO for the City.

With the commencement of the new CEO in May 2024, it is now required that the Council reconstitute the CEO Performance Review Committee in accordance with the *Local Government Act 1995*, policy and guidelines.

**Discussion**

**5.38. Annual review of employees’ performance**

* 1. A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.
  2. The CEO must ensure that the performance of each other employee who is employed for more than 1 year is reviewed.
  3. A review under subsection (1) or (2) must be conducted at least once in relation to each year of the person’s employment.

The Chief Executive Officer’s Performance Review Committee meets from time to time on an as required basis.

Council needs to be aware that the *Local Government Amendment Act 2023* will see the deletion of s. 5.38 above and the following included –

**5.38. Annual review of CEO’s performance**

(1) A local government must review the performance of the CEO if the CEO is employed for a term of more than 1 year.

(2) A review under subsection (1) must be conducted at least once in relation to each year of the CEO’s employment.

(3) If a local government reviews the performance of the CEO under subsection (1), the local government must —

(a) prepare a report of the review; and

(b) provide a copy of the report to the CEO; and

(c) give the CEO a reasonable opportunity to respond to the report.

(4) The report under subsection (3)(a) must include, for publication under section 5.39AA(1)(b), a statement that —

(a) sets out each performance criterion against which the CEO’s performance was reviewed; and

(b) for each performance criterion, summarises the outcome of the review; and

(c) includes any prescribed information.

(5) The CEO’s response under subsection (3)(c) may include, for publication under section 5.39AA(1)(c), a statement responding to the statement under subsection (4).

(6) A report or response under subsection (3)(a) or (c), including any statement under subsection (4) or (5), must comply with any prescribed requirements relating to its form or content.

As a consequence, it is deemed prudent to update the Terms of Reference to ensure alignment with the new provisions. The proposed Terms of Reference have been amended to provide greater clarity around the process.

The Chief Executive Officer Performance Review Policy has also been updated to take into account the City’s Council Plan 2023 – 2033 (Attachment 2). Minor amendments have been made to the Policy to align it with the new Plan.

**Consultation**

N/A.

**Strategic Implications**

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

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

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

**Budget/Financial Implications**

Nil.

**Legislative and Policy Implications**

[Local Government Act 1995](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_43454.pdf/$FILE/Local%20Government%20Act%201995%20-%20%5B07-t0-00%5D.pdf?OpenElement)

**Decision Implications**

If the Council establishes this Committee and endorses the Terms of Reference, then Council will be able to fulfil its responsibilities and review the performance of the CEO annually.

If Council does not establish this Committee, it will be unable to review the performance of the CEO annually and will be in breach of the *Local Government Act 1995*.

**Conclusion**

It is recommended that Council establish the CEO Performance Review Committee, appoint members and deputy members and adopt the Terms of Reference to enable to review of the CEO’s performance and ensure compliance with the *Local Government Act 1995*.

**Further Information**

Nil.

## CEO21.06.24 Outstanding Council Resolutions

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 25 June 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | No officer involved in the preparation of this report has a declarable interest. |
| **Report Author** | Libby Kania – Coordinator Governance and Risk |
| **Director/CEO** | Keri Shannon – Chief Executive Officer |
| **Attachments** | 1. Register of Outstanding Council Resolutions |

**Purpose**

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

**Recommendation**

**That Council receives the Register of Outstanding Council Resolutions dated June 2024.**

**Voting Requirement**

Simple Majority.

**Background**

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

**Discussion**

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

The report has been updated by officers when required.

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

1. have been completed since the last update and
2. have not yet been fully implemented. Reasons for any delays or unforeseen challenges are included.

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

**Consultation**

Nil.

**Strategic Implications**

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

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

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

**Budget/Financial Implications**

Nil.

**Legislative and Policy Implications**

*Local Government Act 1995*.

**Decision Implications**

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

**Conclusion**

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

**Further Information**

Nil.

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

This item will be dealt with at the Council Meeting.

# Urgent Business Approved By the Presiding Member or By Decision

This item will be dealt with at the Council Meeting.

# Confidential Items

There were no confidential items at distribution of this agenda.

# Declaration of Closure

There being no further business, the Presiding Member will declare the meeting closed.