

**AGENDA**

**Council Meeting Agenda Forum**

**Tuesday, 12 November 2024**

**Notice of Meeting**

Mayor & Councillors

A Council Meeting Agenda Forum of the City of Nedlands is to be held on Tuesday, 12 November 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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Description automatically generated

**Keri Shannon | Chief Executive Officer**

**7 November 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 3 minutes. Members of the public must complete the online registration form available on the City’s website: [Public Address Registration Form | City of Nedlands](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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**Table of Contents**

[1. Declaration of Opening 5](#_Toc181883879)

[2. Present and Apologies and Leave of Absence (Previously Approved) 5](#_Toc181883880)

[3. Public Question Time 5](#_Toc181883881)

[4. Deputations 5](#_Toc181883882)

[5. Requests for Leave of Absence 5](#_Toc181883883)

[6. Petitions 5](#_Toc181883884)

[7. Disclosures of Financial Interest 6](#_Toc181883885)

[8. Disclosures of Interests Affecting Impartiality 6](#_Toc181883886)

[9. Declarations by Members That They Have Not Given Due Consideration to Papers 6](#_Toc181883887)

[10. Confirmation of Minutes 6](#_Toc181883888)

[11. Announcements of the Presiding Member without discussion 7](#_Toc181883889)

[12. Members Announcements without discussion 7](#_Toc181883890)

[13. Matters for Which the Meeting May Be Closed 7](#_Toc181883891)

[14. Minutes of Council Committees and Administrative Liaison Working Groups 7](#_Toc181883892)

[14.1 Minutes of the following Committee Meetings (in date order) are to be received 7](#_Toc181883893)

[15. Audit Committee Reports 7](#_Toc181883894)

[16. Divisional Reports - Planning & Development 8](#_Toc181883895)

[16.1 PD68.11.24 Consideration of Development Application – Change of Use – “Office” to “Small Bar” – 136 Stirling Highway, Nedlands 8](#_Toc181883896)

[16.2 PD69.11.24 Consent to Advertise draft Local Planning Policy 7.9: Percent for Art 16](#_Toc181883897)

[16.3 PD70.11.24 Consent to Advertise Mt Claremont Master Plan 21](#_Toc181883898)

[16.4 PD71.11.24 Consent to Advertise draft Local Planning Policy 3.4: Tree Retention - R25 to R80 28](#_Toc181883899)

[16.5 PD72.11.24 Consideration of draft Local Planning Policy 7.8: Natural Ground Level 32](#_Toc181883900)

[16.6 PD73.11.24 Consideration of amendments to Local Planning Policy 4.1: Parking for the purpose of advertising 37](#_Toc181883901)

[16.7 PD74.11.24 Schedule of Strategic Planning Projects 42](#_Toc181883902)

[16.8 PD75.11.24 LATE REPORT - Consideration of Responsible Authority Report for 95 Broadway, Nedlands 47](#_Toc181883903)

[16.9 PD76.11.24 LATE REPORT – Deed of Variation, 22 Jutland Parade, Dalkeith 47](#_Toc181883904)

[17. Divisional Reports - Technical Services 48](#_Toc181883905)

[17.1 TS33.11.24 Hackett Hall – Demolition 48](#_Toc181883906)

[17.2 TS34.11.24 Parking Management Policy 56](#_Toc181883907)

[17.3 TS35.11.24 RFT Monash Avenue Roadway Rehabilitation 63](#_Toc181883908)

[18. Divisional Reports – Community Services & Development 64](#_Toc181883909)

[18.1 CSD09.11.24 Proposed expansion of Tresillian services to Mt Claremont Community Centre 64](#_Toc181883910)

[19. Divisional Reports – Corporate Services 68](#_Toc181883911)

[19.1 CPS47.10.24 Monthly Financial Report – September 2024 68](#_Toc181883912)

[19.2 CPS53.11.24 Monthly Financial Report – October 2024 68](#_Toc181883913)

[19.3 CPS54.11.24 Monthly Investment Report – October 2024 68](#_Toc181883914)

[19.4 CPS55.11.24 List of Accounts Paid – October 2024 68](#_Toc181883915)

[19.5 CPS56.11.24 Report to Adopt Integrity Framework 69](#_Toc181883916)

[20. Reports by the Chief Executive Officer 72](#_Toc181883917)

[20.1 CEO46.11.24 Register of Outstanding Council Resolutions 72](#_Toc181883918)

[20.2 CEO47.11.24 Elected Members Information Bulletin 74](#_Toc181883919)

[21. Council Members Notice of Motions of Which Previous Notice Has Been Given 74](#_Toc181883920)

[22. Urgent Business Approved by the Presiding Member or By Decision 74](#_Toc181883921)

[23. Confidential Items 74](#_Toc181883922)

[24. Declaration of Closure 74](#_Toc181883923)

# 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.

# 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.

# Audit Committee Reports

None to be discussed or received.

# Divisional Reports - Planning & Development

## PD68.11.24 Consideration of Development Application – Change of Use – “Office” to “Small Bar” – 136 Stirling Highway, Nedlands

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 26 November 2024 |
| **Applicant** | Sky Lounge Pty Ltd |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter.  There is no financial or personal relationship between City staff involved in the preparation of this report and the proponents or their consultants. |
| **Report Author** | Chantel Weerasekera – A/Coordinator Planning Approvals |
| **Director** | Tony Free – Director Planning and Development |
| **Attachments** | 1. Aerial Image and Zoning Map 2. Development Plans dated 4 June 2024 3. Management Plan dated 11 October 2024 4. Acoustic Report dated 8 August 2024 5. Traffic Impact Statement dated 19 August 2024 6. Main Roads WA Referral Advice dated 19 September 2024 7. CONFIDENTIAL - Schedule of Submissions |

**Purpose**

The purpose of this report is for Council to consider a development application for a partial change of use to ‘small bar’ at 136 Stirling Highway, Nedlands. The small bar space will occupy the top floor of the existing office building on site. This application is being presented to Council for consideration as objections have been received.

**ADMINISTRATION 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 11 October 2024 for a partial change of use to a “Small Bar” at 136 Stirling Highway, Nedlands, subject to the following conditions:**

1. **This approval is for the use of the portion of the development outlined in blue on the approved plans, being the entirety of the third storey, as a “Small Bar”, as defined in the City of Nedlands Local Planning Scheme No.3. Any alternative use of the premises may require development approval.**
2. **This approval is for a maximum of 50 patrons.**
3. **All sound attenuation measures and stipulations contained within the Acoustic Report prepared by Stantec, date stamped 8 August 2024, shall be implemented and undertaken in perpetuity to the satisfaction of the City of Nedlands.**
4. **The “Management Plan” documents date stamped 11 October 2024 form part of this approval and shall be complied with at all times to the satisfaction of the City of Nedlands.**

**Main Roads**

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

**a. During daytime, the maximum luminance levels shall be 300 cd/m2.**

**b. During the night, the maximum luminance levels shall be 150 cd/m2.**

1. **The sign must not flash, pulsate or chase.**
2. **The device must not contain fluorescent, reflective or retro-reflective colours or materials.**

**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** | Mixed Use |
| **R-Code** | R-AC1 |
| **Floor Area** | 200m2 |
| **Land Use** | Small Bar |
| **Use Class** | ‘A’ |

The site is located at 136 Stirling Highway and is zoned ‘Mixed Use’ with a density coding of R-AC1 (**Attachment 1**). The small bar is proposed to be located on the top floor of the existing three storey office building on the corner of Stirling Highway and Doonan Road.

**History**

In May 2021, The City approved additions and alterations to the building at 136 Stirling Highway, including the addition of the third storey ‘lounge’ space. At the time of approval, there was no proposed change from the existing office use and the third storey lounge was (and currently is) to be used for the occupants of the office tenancies as a meeting or break space. This lounge area on the third storey is the space that is proposed to be converted to a small bar.

**Application Details**

The application involves the conversion of a lounge space within the office building at 136 Stirling Highway to a small bar called ‘The Sky Lounge’. The lounge space is approximately 200m2 in size and is located on the third floor of the existing office building.

The ‘small bar’ use will be a separate business operated by the current owners of the building. The small bar will be open to the public, however, due to the design of the building and location of the small bar on the second floor, patrons will have to be admitted to the bar via a single lift at the discretion of the bar’s security staff. The ‘small bar’ use will allow for the service of liquor over the bar without the need to be seated or have an accompanying meal. The application proposes a limit of 50 patrons.

A small bar land use requires discretionary approval and public advertising. The purpose of this report is to consider the submissions received and provide a recommendation regarding the exercise of discretion to grant approval for the small bar use. Should planning approval for a small bar be granted, the City will ensure that the development approval is consistent with the liquor licence application.

**Discussion**

**Assessment of Statutory Provisions**

**Local Planning Scheme No. 3**

A “small bar” is an ‘A’ use within the Mixed-Use zone in accordance with the LPS 3 Clause 17 Zoning Table. This means that the use is not permitted unless the Local Government has exercised its discretion by granting approval after conducting public consultation. In considering the approval of a discretionary land use, the proposal must be consistent with the objectives of the zone. The objectives primarily relate to the facilitation of well-designed development of an appropriate scale which provides a variety of complementary uses that are not detrimental to the amenity of the area.

It is considered that the ‘small bar’ use meets the objectives of the ‘Mixed Use’ zone as the intent of this application is to operate a ‘high-end’ bar which caters to both local residents and the business community. The building has been recently refurbished and presents a modern façade to the street. The application does not propose any external façade changes apart from signage as detailed in this report.

At 50 patrons and 200m2, the small bar use is a moderate scale of development that is deemed appropriate within the Stirling Highway Activity Corridor. The controlled nature and limit of the patronage as well as the parking arrangements (discussed further below) will ensure that the use does not adversely affect the nearby residential zone.

The proposed noise minimisation measures negate any adverse effect on the amenity of the surrounding area. A condition is recommended which requires adherence to the recommendations of the Acoustic Report prepared by Stantec (**Attachment 4**) which demonstrates that the proposed use will meet the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). Compliance with the Noise Regulations is achievable as:

* The use will be integrated within the office building and the majority of the small bar space is enclosed;
* All music is controlled internally and as specified in the management plan and acoustic report, the music will be set to a ‘conversational’ level that will not exceed patron noise;
* Live music will be acoustic (non-amplified) after 7pm and when played will consist typically of a single piano or guitar;
* A Management Plan has been prepared which aims to minimise any impacts to anti-social behaviour through a capacity limit and expected behaviour of patrons; and
* Noise modelling in the Acoustic Report shows that noise from a full capacity small bar will spill northwards into the Stirling Highway corridor, rather than south towards residential development on Doonan Road. The modelling shows that the decibel levels will be within Noise Regulations limits for any residential uses across the highway to the north on Weld Street.

**Local Planning Policy 4.1: Parking**

Car parking requirements for commercial uses are defined within the City’s Local Planning Policy 4.1: Parking (LPP 4.1). LPP 4.1 is not clearly applied where a single tenancy contains multiple land uses. For the purposes of this assessment, the 167m2 of small bar area proposed (public area excluding toilets) has been considered as detailed in **Table 1**.

|  |  |  |  |
| --- | --- | --- | --- |
| **Table 1: Parking LPP Assessment** | | | |
| Land Use | LPP provisions | Required Car Bays | Available on Site |
| Small Bar | 1 per 1.3m2 of bar and public areas (excluding toilets); and 1 per employee. | 132 | 45 |

It should be noted that the 45 parking bays on site are for all tenants of the building in its entirety and not for the exclusive use of the small bar tenancy. While the proposal results in a car parking shortfall, the development is considered to meet the objective of the Parking LPP as there is sufficient parking and alternative transport available to facilitate the development.

It is acknowledged that it is not feasible to provide 132 car bays on site for the exclusive use of the tenancy, especially given the patron limit of 50 persons. In this instance, LPP 4.1 requires approximately 2.5 car parking bays per patron for the small bar use proposed, which is excessive and unrealistic. A maximum parking provision of 53 total bays, equating to one bay for each patron and staff member at full capacity, could be considered. Applying this modified parking requirement means that most, if not all, the parking demand from the small bar use is able to be accommodated by the existing parking on site.

The 45 car bays on site are used by the office tenancies from approximately 8am to 5pm on weekdays. A majority of car bays are available for use during weekends and after 5pm on weekdays. The availability of the car park after 5pm on weekdays is demonstrated through security camera footage included as part of the TIS (**Attachment 5**). The Sky Lounge proposes to open from 4pm until midnight. It is anticipated that many office occupants will have left the premises by 5pm, and that the majority of small bar patrons arrive after 5pm, thereby parking conflicts between the office occupants and small bar patrons will be minimal. As part of this proposal, the building owner will introduce a new parking policy for the premises that ensures that the 45 car parking bays are available for patrons, with specific bays allocated for bar staff and clear signage indicating that parking is for use of the Sky Lounge after 5pm (**Attachment 3**).

Parking requirements are further reduced by the nature of the ‘small bar’ use. Typically, a portion of bar patrons do not drive their own vehicles to the venue but will instead travel to the premises as a group in one car or use a taxi or commercial ridesharing service that does not require on site parking.

Furthermore, there are 13 on-street car bays on Doonan Road for public use directly in front of the building. The public car bays will contribute to the alleviation of any parking issues in the unlikely event that all on site bays are occupied. Public transportation also reduces the need for car bays for the development. The nearest bus stop is approximately 40m from the small bar. There are currently three bus routes that run along Stirling Highway serving a range of destinations. In the evening, between 5pm – 8pm, a bus arrives at the nearest bus stop every 15 minutes. The bus route operates until 11pm.

Given the availability of on-site parking during small bar trading hours, public off-site parking and public transportation routes, the development is considered to meet the objective of the Parking LPP as there is a sufficient parking within the locality to service the use.

**Local Planning Policy 2.1: Signage and Advertisements**

One sign for the small bar is proposed to be mounted on the third storey wall of the building, facing Stirling Highway. The sign proposed is defined by LPP 2.1 as a ‘wall sign’. The sign will have a length of 2.1m and a height of 1.2m, with a total size of 2.5m2. The dimensions and placement of the sign satisfy all development provisions of LPP 2.1. Main Roads WA have recommended several conditions of approval related to the signage to ensure that it does not affect road safety.

**Main Roads**

The site is located on land which is on and abutting a Category 2 ‘Primary Regional Road’ reserve. In accordance with Table 2 (2) of the Instrument of Delegation (2022/03), the proposal was forwarded to Main Roads WA (MRWA) for comment. MRWA supported the application subject to standard conditions being imposed on any approval. The conditions relate to the potential future resumption of the land for road widening, capacity of the venue, and signage requirements. The advice from MRWA can be viewed as **Attachment 6**

**Consultation**

The development application was advertised in accordance with the City’s Local Planning Policy 7.3: Consultation of Planning Proposals to 509 affected landowners and occupiers within a 200m radius of the site. The application was advertised for a period of 14 days from 26 August 2024 to 9 September 2024. After the initial advertising period, ten submissions were received, eight objections and two supportive statements.

In response to these submissions, the application was amended to update the management plan and on-site parking policy in the following manner:

* Specification that the operating hours of the Small Bar would be 4pm – midnight.
* The parking bays on site will be for the use of the small bar from 5pm onwards.
* Clarifying that access to the Sky Lounge is controlled through security personnel and is via lift only.
* Images of the parking lot after 5pm have been included to demonstrate the availability of onsite parking spaces.

The plans were re-advertised directly to those who had previously made submissions. At the close of the second round of advertising, ten submissions were maintained but had changed to seven objections, two supportive statements and one non-objection.

The comments or concerns raised during the submission period and the response to each concern are below:

|  |  |
| --- | --- |
| **Table 1: Public Consultation** | |
| **Issue Raised** | **Officer Comment** |
| There is insufficient parking on the street and on site to accommodate existing land uses in the locality. A new small bar will exacerbate these parking issues. | The management plan for the small bar and the building’s parking policy have been updated to specify that all on site parking bays will be available for use by patrons of the bar after 5pm. Signage will be posted on site to make it clear to drivers that parking for the bar is available on the premises from 5pm. As the use will be subject to a limit of 50 patrons at any given time, the provision of 45 car bays on site is considered adequate to accommodate parking for the bar. The need for on-site car parking is further reduced with the availability of street parking and public transport options. |
| The small bar may result in excessive noise at unacceptable times of the day or night. | An acoustic report has been prepared which confirms that the use will comply with the noise limits set by the Noise Regulations. The acoustic report presents modelling which demonstrates that noise generated by a full capacity bar (including background music) with the roof terrace doors open will be under the required decibel limit when it is perceived by the nearest residential lots on Doonan Road and Weld Street. |
| The small bar may result in an increase in anti-social behaviour due to inebriated patrons. | The Management Plan submitted includes a code of conduct which specifies a zero-tolerance approach to disorderly behaviour. The code of conduct requires strict adherence to the responsible service of liquor and limiting service to visibly intoxicated patrons. The Management Plan also details the nature of the use in terms of access – ‘walk-ins’ are not possible as all patrons must be admitted to the bar through the lift that is controlled by security personnel on site. This provides the opportunity for the bar staff security to ensure that patrons satisfy the dress and behaviour code as specified in the Management Plan. |
| The location for the small bar is inappropriate. | The Mixed Use zoning allows for the contemplation of a small bar use provided that the objectives of the zone are met. The small bar is considered to satisfy these objectives as it is a moderate scale of development which complements the mixed-use nature of Stirling Highway. Further, the small bar does not result in an adverse amenity impact in terms of parking and noise. |
| The small bar is supported. | Noted. |

**Strategic Implications**

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

**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 use can proceed after receiving necessary clearances and approvals.

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 City’s Local Planning Scheme No.3. Similarly, should an applicant be aggrieved by one or more conditions of approval, this can be reviewed by the Tribunal.

**Conclusion**

The application is referred to Council for determination in accordance with Delegation 9.2.1, being an application for a change of use to ‘small bar’ that has received objections during advertising. The proposal is considered to meet the objectives of the ‘Mixed Use’ zone and will not have an adverse impact on the local amenity, particularly with respect to parking and noise.

Accordingly, it is recommended that the application be approved by Council, subject to conditions of Administration’s recommendation.

**Further Information**

Nil.

## PD69.11.24 Consent to Advertise draft Local Planning Policy 7.9: Percent for Art

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 26 November 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 in this matter. |
| **Report Author** | Tony Free – Director Planning and Development |
| **Director** | Tony Free – Director Planning and Development |
| **Attachments** | 1. Draft Local Planning Policy 7.9 Percent for Art |

**Purpose**

The purpose of this report is for Council to consider adoption of the draft Local Planning Policy 7.9: Percent for Art (the Policy), found at **Attachment 1**, for the purpose of advertising.

**ADMINISTRATION RECOMMENDATION**

**That Council:**

1. **ADOPTS the draft Local Planning Policy 7.9 Percent for Art (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.**
2. **NOTES that the upon conclusion of advertising, the Policy will be presented to Council for determination and will be accompanied by draft Guidelines outlining the procedures to be followed in satisfying the requirements of the Policy.**

**Voting Requirement**

Simple Majority

**Background**

Public Art is an increasingly integral part of the built environment in Western Australia and Local Governments across the State have been leading the charge. Since the introduction of the Percent for Art Scheme by the State Government in 1989 local governments have taken inspiration from this scheme to require developer contributions towards public art. The City of Nedlands has not yet had a public art contributions policy and until recently has faced limited large scale development.

The introduction of Local Planning Scheme No. 3 (LPS3) in 2019 spearheaded medium and high density residential and mixed-use development. The number of new buildings and increased residential density brings with it a new streetscape character. The draft Percent for Art Local Planning Policy could greatly enhance the future character of the City by ensuring that large developments make a positive cultural and social impact to the City through the provision of art.

Public art adds interest to the streetscape, can help to create a new identity for an area, reflect existing identities and assist with wayfinding by differentiating areas within the City.

**Discussion**

**Importance of Public Art**

Public art improves the built environment and contributes towards a sense of place. Public art can be made up of various mediums designed for public spaces, including sculpture, painting, installations, multimedia, sound, or performance. Additionally, it can be incorporated into architectural features and landscaping.

Public art can also include temporary or ephemeral displays, however for the purpose of this policy, public art shall only include permanent artworks so those artworks required by the policy are more likely to contribute to the community for the life of the developments that they are associated with.

**State Government Guidance**

The State Government has implemented a Percent for Art Scheme in government projects since 1989. This scheme applies to state government projects and has been the inspiration and guidance behind local government policies that have come since then.

Whilst Percent for Art has occurred around the world and does occur in the eastern states, Western Australia is unique in its proliferation of Percent for Art policies across local government. Local Governments followed the State by introducing Percent for Art policies in the late 1990s and early 2000s. Private developments in Ellenbrook and East Perth have included Percent for Art contributions in the early 2000s.

By 2019 there were 18 of 25 local governments in the Perth Metropolitan Area with Percent for Art Policies. The City of Nedlands remains one of few local governments in the Perth Metropolitan Area that does not have a Percent for Art Policy.

The Percent for Art Scheme run by the State Government follows detailed guidelines that outline the process that government departments must follow in procuring public art. The process covers topics such as procurement, selection of artists and even includes procedures for the maintenance of artworks and eventual decommissioning of artworks if required. Guidelines are necessary to convey important information about procedure, recommendations, and best practice that are not appropriate for inclusion in a policy. Officers are in the process of preparing Guidelines to accommodate the Percent for Art Local Planning Policy. These Guidelines will guide developers in both the cash-in-lieu and on-site contribution options.

**Policy Measures**

The draft Policy will apply to all development with a cost of development of $2 Million or more. Exemptions apply to wholly residential developments with less than 10 dwellings, additions and alterations to existing developments which have a cost of development of less than $4 Million, developments within the Shenton Park Hospital Redevelopment Improvement Scheme Area, development within Metropolitan Region Scheme that is reserved for a purpose other than urban and development comprised solely of demolition, site works or other servicing infrastructure.

Developments will be required to provide public art to a value of 1% of the development cost. Developers may provide the art themselves or provide cash-in-lieu to the City for the City to spend on public art in the area.

The draft Policy sets out the requirements for developers to satisfy either option. This includes the process to gain approval for public art installations and the specifications for the types of art, performance standards and information to be provided with applications.

Officers are recommending that the policy include a discount of 15% on cash-in-lieu for developments with a cost of $10 Million or under. This discount would encourage developers of such projects to provide a cash-in-lieu contribution where the artworks would otherwise be smaller in size and value. Collection of cash-in-lieu from multiple developments would allow the City to pool funds, allowing the City to procure public art that is of a larger scale, value and impact.

**Framework for Public Art Contributions**

Development Approval conditions relating to public art have been successfully challenged in the State Administrative Tribunal. Challenges have been successful for a number of reasons including, Percent for Art policies failing to demonstrate how a proposal necessitated public art, how the community benefited and how the approach of the policy was considered and proportionate.

In preparing a Percent for Art policy, the City needs to consider how to make the Policy robust in its requirements. An appropriate supporting framework that explains the need for public art and in particular where and how cash-in-lieu will be spent is crucial. A strategy provides relevance and justification for the policy.

Without a Public Art Strategy guiding the implementation of the draft Policy and spending of cash-in-lieu funds, the Policy may lack the legal weight to require contributions.

Where the City receives funds from developers as cash-in-lieu , the City needs to justify the collection of the funds. A Public Art Strategy would provide a plan for the spending of cash-in-lieu funds over a period of time in a considered way. A strategy would be developed in consultation with the community and identify locations where public art would be beneficial. A Strategy would ensure cash-in-lieu funds are spent responsibly, in a way that has been carefully planned and to which the community has had the opportunity to be consulted on. While the City could negotiate with applicants for desirable public art outcomes, there’s no assurance of their implementation or clarity on what might be provided without a Public Art Strategy.

Should Council seek to advertise this draft Policy, the development of a Public Art Strategy will need to be prioritised.

**Consultation**

The Policy will require developers to make a significant monetary contribution when applications are received for larger developments. It is recommended that the Policy be advertised to the public in order to gauge opinion on the Policy’s potential impacts. 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 | 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**

The preparation of the Policy and Guidelines is occurring in house and has no budget or financial implications beyond the normal operations of the City.

Advertising and subsequent adoption of the Local Planning Policy has minimal budget and financial implications, but it is expected that once the policy is on operation, the City will receive funds from developers who opt for the cash-in-lieu option to fulfil the Policy’s requirements. Funds received through the policy are to be used by the City exclusively for public art projects with spending in accordance with the draft Policy and any Public Art Strategy or Master Plan prepared by the City.

The draft Policy states that funds are to be spent within seven years of their receipt.

**Legislative and Policy Implications**

Clause 3(1) of the Deemed Provisions of Schedule 2 of the [Planning and Development (Local Planning Schemes) Regulations 2015](https://www.wa.gov.au/system/files/2024-03/planning-and-development-local-planning-schemes-regulations-2015.pdf) allows the City to prepare a local planning policy in respect to any matter related to the planning and development of the Scheme area.

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 City will not proceed with the Policy.

**Conclusion**

The draft Local Planning Policy 7.9: Percent for Art has been prepared to enhance the streetscape and contribute to a sense of place by requiring public art contributions as part of certain developments. It is recommended that Council adopt the Policy for the purpose of advertising.

**Further Information**

Nil.

## PD70.11.24 Consent to Advertise Mt Claremont Master Plan

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 26 November 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. |
| **Report Author** | Tony Free – Director Planning and Development |
| **Director/CEO** | Tony Free – Director Planning and Development |
| **Attachments** | 1. Greenways Plan – Figure 11 from the Master Plan 2. Draft Mt Claremont Master Plan |

**Purpose**

The purpose of this report is for Council to consider the endorsement of a Master Plan for the wider Mt Claremont area (Attachment 2) for the purpose of community consultation. The Master Plan includes eastern areas of Mt Claremont and smaller sections of Shenton Park, Karrakatta and Floreat.

The Master Plan is a non-statutory document which outlines the City’s vision for the area and provides a platform for advocacy associated with elements of the Plan.

**ADMINISTRATION RECOMMENDATION**

**That Council:**

1. **ENDORSES the Draft Mt Claremont Master Plan (Attachment 2) for the purpose of advertising.**
2. **NOTES that the advertising period will be for a minimum of 28 days.**

**Voting Requirement**

Simple Majority.

**Background**

At the December 2020 Ordinary Council Meeting, Council considered quotations received from consultants for the drafting of a Mt Claremont Master Plan. At that time the City was also undertaking a number of other projects involving Waratah Village and Broadway precinct plans and Council resolved to cease current work on the project pending completion of other priorities.

Work on the Master Plan was halted until subsequent developments renewed the importance for some form of vision document for the area. In early 2021 the State Government received a Market-led Proposal (MLP) for the redevelopment of a portion of the Graylands Hospital site for infill housing and to implement an odour management and solar power solution at the Subiaco Wastewater Treatment Plant (WWTP). This MLP has reached stage 2 of the process with the applicant being invited to lodge a detailed business case to support its application.

The City has not been privy to the details of the MLP although City Officers understand that, at this point in time, the MLP may only affect the southern portion of the Graylands Hospital site. However, the possibility of further development in other locations within the wider Mt Claremont area reinforces the importance for Council to consider endorsing a Master Plan for the area.

**Discussion**

Mt Claremont is in close proximity to the Fremantle/Airport Rail Line as well as public and private schools and regional playing fields. The Mt Claremont area is unique in its combination of land uses, and includes a Wastewater Treatment Plant, University/CSIRO research facilities, charitable organisations, Council depots, schools, State health facilities, an electrical grid transformer station and a military barracks. The rationale for placing some of these land uses in Mt Claremont no longer applies, and from a pragmatic land use perspective, the area should be re-imaged with a long-term vision.

The Master Plan has been prepared as a high-level planning tool, not a specific statutory instrument. Detailed plans for roads, road width and the specific location of public open space would fall into the domain of structure plans and are also dealt with at the rezoning and subdivision stages of development. The Master Plan comes into play in providing an overall planning context to existing and proposed land uses to guide the merits, or otherwise, of rezoning and structure plan applications. It also helps to identify potential land use conflicts, constraints, and opportunities while setting out Council’s vision for the future of the area.

**Opportunities**

The location and size of the Master Plan area, with significant facilities and local amenity in the form of schools, parks, recreation and public transport, presents substantial opportunities. The plan identifies where urban development opportunities exist and what connections can be made to enhance pedestrian, cycling and vehicle access. It also includes consideration of protecting existing vegetation, and enhancement and establishment of greenways linking Kings Park, Bold Park, Lake Claremont, Shenton Bushland and the Underwood Avenue Bushland.

**Constraints**

The Subiaco WWTP odour buffer zone is the largest constraint to development as it covers 55% of the Master Plan area and prevents development of sensitive land uses. The Master Plan assumes capping of the WWTP in line with the MLP scenario and has allocated land uses that would allow residential development within the existing buffer area. A reduced buffer for amenity is thereafter maintained through a belt of service commercial, education and community uses. The existing Irwin Barracks also buffers the WWTP. These uses would provide a visual buffer, once odour is controlled. It is unknown how much the MLP would be able to reduce the odour buffer area and so the land use plan is flexible in terms of boundaries between uses.

Additionally, it is not expected nor recommended that the UWA Sports Park, secondary schools and the Christ Church Grammar School playing fields relocate. These facilities are important to retain as they provide valuable open space, recreation, education and fitness opportunities. Facilities like the UWA Sports Park (particularly with the Western Australian Institute of Sport) provide specialised services that can justify high density development and attract visitors to the area.

The Railway Line is another example of a constraint that has a large benefit. The regional connection that the railway offers is an opportunity but also a constraint at the local level due to its separation of the two sides of Karrakatta and Shenton Park suburbs. Improvements to the Active Transport and Vehicle Access networks can help address some of these issues along with upgrades to the stations along the railway line which will need to consider provision of additional overpasses/underpasses outside of the ticketed (paid) concourses.

**Greenways**

The main purpose of greenways is to provide ecological support for endemic species of flora and fauna that rely on being able to move seasonally between the coast and the river. The protection of greenways and provision of associated infrastructure such as green bridges can facilitate safe movement of fauna through the suburban area, protected from vehicles and people.

The greenways plan (see attachment 1) incorporates existing regional greenways with broad linkages of existing patterns of tree canopy and natural, remnant bushland. These broad linkages are important as they allow the movement of fauna between different habitats promoting genetic diversity. In the master planning process, two broad linkages were identified; between Shenton Bushland and the Underwood Avenue Bushland, and between Lake Claremont and Brockway Road following existing canopy patterns. Two other broad linkages relating to the Western Suburbs Greening Plan have been proposed. The first following Underwood Avenue and Selby Street, and the second following McGillivray Road and Lemnos Street.

**Road Links**

A key issue to be addressed prior to any future urban development in the Master Plan Area is dealing with the resulting increased traffic flows. Currently there is considerable traffic congestion on Brockway Road resulting from school drop-offs and pick-ups at John XXIII College and to the east on Selby Street where student drop-offs and pickups occur at Shenton College despite its proximity to Shenton Park Station.

The Master Plan proposes the creation of additional east-west road links as well as improved walking and cycling connections throughout the area. Connections to residential areas on the south and the Sports Park in the north need to be improved to prevent the funneling of traffic on Brockway Road. If the Australian Defence Force ever contemplated reducing the size of the Irwin Barracks or introducing high density defence housing, there may be opportunity for an east-west road across the site.

Detailed traffic studies will be required prior to a rezoning of land for urban development and updated as different land uses emerge that may have different traffic impacts. Such traffic modelling would allow full consideration of the traffic linkages necessary for the effective management of traffic in this potentially significant redevelopment area.

**Advocacy**

The Master Plan will act as a guiding document in the City’s negotiations with stakeholders regarding land use, movement networks and green space. It also outlines the context associated with any future rezoning and re-development proposals that may affect the existing and future community. The Master Plan represents a broad planning vision for the area. As development opportunities are contingent on third-party action, and any future large-scale development has the potential to be carried out by State agencies (such as Development WA) with little input from the City, a more fine-grained plan would not be a productive use of resources at this time.

The Master Plan has the potential to be the basis of an advocacy program focused on the following outcomes:

1. The reservation of the Underwood Avenue Bush Forever site as “Environmental Conservation” under the Metropolitan Region Scheme.
2. Advocacy to the Minister for Transport for the upgrade of Shenton Park, Karrakatta and Loch Street train stations, to ensure full pedestrian access and provision of cycling facilities.
3. Funding for the upgrade of the following intersections;

* Brockway Road and Camelia Avenue / Quintilian Road
* Brockway Road and John XXIII Avenue
* Brockway Road and Lemnos Street
* Underwood Avenue / Hay Street and Selby Street.

1. Encourage the use of best practice sustainable practices when landowners are undertaking developments.

**Concept Forum 19 March 2024**

An earlier version of the Mount Claremont Master Plan was presented to Elected members at the Concept Forum of 19 March 2024. Elected members discussed the Master Plan and several ideas, themes and concerns arose which Officers have sought to address in the Master Plan, including the following;

* More information about road works was requested
  + The Master Plan identifies intersections that require upgrades and treatments. The Master Plan can therefore be further evidence of need when the City applies for grants or other funding for road upgrades.
* More greenways
  + The Master Plan now reflects greenways between Lake Claremont and the UWA Sports Park and between John XXIII College and the intersection of Lemnos Street and Brockway Road. Improvements to the existing greenways plan have aligned greenways to follow existing remnant vegetation, tree canopy and bushland.
* More information about Whadjuk Walking Trails, Greenways and the Underwood Avenue Bushland
  + Information about existing and future Whadjuk trails have been added the Master Plan text. Additional information has been provided on Greenways, and the current protection status of the Underwood Avenue Bushland and heritage sites within the Underwood Avenue Bushland have been identified.
* Defence Housing
  + The Master Plan now identifies suitable locations for defence housing on the south and eastern sides of the Irwin Barracks. These locations will increase the density around Karrakatta Station.
* Identification of further constraints
  + The Fremantle/Airport Rail Line has been identified as a barrier for local connections and recommendations added for upgrades of pedestrian crossings at stations. The constraints map also identifies areas that will not accommodate development, noting that not all constraints are negatives as some uses will increase in importance as the nearby residential population increases.
* Better integration of Montario Quarter with the vehicle access network
  + The vehicle access plan has been amended to include a new road connecting Montario Quarter to Brockway Road via Bedbrook Place and planned community uses. A shared path will also follow this route.
* Pushback on station closures and advocate for upgrades
  + The inclusion of Defence Housing and the identification of a prime site at the northern end of Stubbs Terrace will assist the City in advocating for the retention and upgrade of Shenton Park and Karrakatta Stations. Loch Street Station is also included in the advocacy recommendations.
* Information about Sustainability
  + The Master Plan Area being relatively unconstrained by existing utilities and service infrastructure makes it a candidate for integrating sustainability from day one. A new section of the Master Plan Text identifies how similar developments have integrated sustainability and how they could apply to the Master Plan Area.
* Seek activation of the northern end of Stubbs Terrace
  + The northern end of Stubbs Terrace being opposite Shenton Park Station and Montario Quarter’s Mixed-Use Development means that the area is suitable for high density mixed-use development. The Master Plan also identifies that the location near the border with the City of Subiaco and the Railway line means that a collaborative approach to more detailed planning may be required in this area.

**Consultation**

As a vision document with no statutory standing, there is no requirement to advertise the Master Plan. However, Officers have considered that given the Master Plan is the beginning step towards a potential redevelopment of the area, the community and affected landowners should have the opportunity to comment.

The use of the Master Plan as an advocacy document means that the document may have an impact on future decisions for the area including for structure planning, rezoning and infrastructure projects. Bringing the community on board prior to any statutory proposals provides the community with an opportunity to provide input on the planning of the area prior to detailed planning and assessment of specific proposals.

Officers recommend the Master Plan be advertised for 28 days. The advertising is to be undertaken with a public notice on the City’s Your Voice webpage. In addition, letters are to be distributed to all landowners within the Master Plan Area and within 200 metres of the Master Plan area.

**Strategic Implications**

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

**Pillar** **Place**

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

7. Attractive and welcoming places.

8. A city that is easy to get around safely and sustainably.

**Budget/Financial Implications**

The adoption of a Master Plan carries no financial implications for the City.

**Legislative and Policy Implications**

The proposed Master Plan has no statutory standing. Its value stems from the understanding it brings to the issues confronting residential development in the wider Mt Claremont area, and its use as a guiding document for any City negotiations around significant redevelopment with landowners or the State government. It also provides an appreciation of the short and long-term opportunities for this area to accommodate either residential or mixed-use development. Pragmatically, the Master Plan does not exclude the continuation of some land uses for which relocation is not either contemplated, viable or desirable such as Irwin Barracks.

A Master Plan for Mt Claremont provides useful information to landowners in the locality and any potential developer who would need to gain an appreciation of the opportunity and constraints that affect both their land and the locality.

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

1. Endorse the Master Plan,
2. Endorse the Master Plan with Modification, or
3. Not endorse the Master Plan.

**Decision Implications**

Should Council resolve to endorse the Master Plan, the document shall be advertised to the community for comment.

Should Council resolve to modify the Master Plan, the document will be modified and then advertised to the community for comment.

Should Council resolve not to proceed with the Master Plan, Officers will not proceed, leaving the City with no high level planning document to provide guidance for future development within the wider Mt Claremont area.

**Conclusion**

The draft Master Plan fulfills an important planning function by providing background information and a broad vision (which also includes indicative land use, movement networks and green space) for the wider Mt Claremont area in the event the current constraints are removed or ameliorated.

A Master Plan for Mt Claremont does not commit Council to future land uses or burden landowners. Endorsement of the Master Plan provides the City with a guiding document to inform decisions on development in the medium to long term in the Mt Claremont area. A Master Plan can be considered a living document and may be updated as circumstances change. It is on this basis that the recommendation includes a provision that it be reviewed at least every five years or as circumstances dictate.

**Further Information**

Nil.

## PD71.11.24 Consent to Advertise draft Local Planning Policy 3.4: Tree Retention - R25 to R80

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 26 November 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 in this matter. |
| **Report Author** | Tony Free – Director Planning and Development and Keri Shannon – Chief Executive Officer |
| **Director** | Tony Free – Director Planning and Development |
| **Attachments** | 1. Draft Local Planning Policy 3.4: Tree Retention – R25 to R80 |

**Purpose**

The purpose of this report is for Council to adopt for advertising the draft Local Planning Policy 3.4: Tree Retention – R25 to R80 (the policy), found at Attachment 1.

**ADMINISTRATION RECOMMENDATION**

**That Council ADOPTS the draft Local Planning Policy 3.4: Tree Retention – R25 to R80 (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**

At its meeting on 26 April 2022, following a Notice of Motion (Item 18.8), Council resolved:

The Council requests the Chief Executive Officer provide a report to Council for the purposes of preparing an amendment to Local Planning Scheme No. 3 to require development approval for the removal of trees that meet certain criteria on all lots zoned R25 to R80 inclusive.

This proposed scheme amendment is to be presented to Council at the 27th September 2022, Ordinary Council Meeting, and no later.

In July of this year Council adopted Local Planning Policy 3.3: Tree Retention. This policy provides a planning mechanism for the protection of regulated trees on Residential lots coded R20 and below within the City. The draft policy seeks to extend these protections to regulated trees on Residential lots coded R25 to R80.

**Discussion**

In line with the adopted tree retention policy, this policy:

* Sets objectives to guide the City and applicants in promoting and facilitating tree protection throughout all development stages.
* Defines tree damaging activities and identifies regulated trees (i.e., trees covered by the policy).
* Specifies when a development application is necessary and outlines exemptions for tree damaging activities, such as pruning, that do not require City approval.
* Details the information applicants must provide for development applications involving tree damaging activities, including an arborist report.
* Lists the considerations and elements the City will evaluate when assessing development applications.
* Establishes criteria for any new trees required to replace regulated trees.

This policy applies to all Residential zoned land with a density of R25 to R80. It applies to any tree damaging activity involving a regulated tree on affected lots, even if other site works are exempt from approval under *Schedule 2 Part 7 Clause 61 of the Planning and Development (Local Planning Schemes) Regulations 2015.* Therefore, a Single House that meets the deemed-to-comply requirements of the R-Codes Volume 1 would still need development approval for the removal of a regulated tree.

City Officers recommend Council not progress with the draft policy for a period of 12 months. This would allow for a review of the implementation and provisions of the adopted policy. In addition, it would also allow for a review of resourcing required to expand the policy to a larger area of the City.

**Alternative Option**

Should Council wish to proceed with the draft policy prior to a review of the adopted tree retention policy a proposed resolution is provided below:

That Council adopts the draft Local Planning Policy 3.4: Tree Retention – R25 to R80 (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.

**Consultation**

If Council resolves to adopt the policy for advertising at this stage it will be advertised in accordance with the City’s Local Planning Policy – Consultation of Planning Proposals, which involves the following methods of consultation:

* Minimum 21-day advertising period
* Notice in a local newspaper
* Notice on the City’s notice board
* Notice on the City’s Your Voice engagement portal
* Notice on the City’s social media channels

Letters will be sent to all affected owners on land coded Residential R25 to R80.

**Strategic Implications**

This item is strategically aligned to the City of Nedlands Council Plan 2023-33 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. |
|  | 5. Climate resilience. |

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

**Budget/Financial Implications**

If the City proceeds with the policy, advertising costs are within the current FY budget. After adoption, there may be instances when the City will need to seek third-party advice on proponents’ arborist reports but these will be handled on a case by case basis and are expected to be infrequent.

**Legislative and Policy Implications**

Clause 3(1) of the Deemed Provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 allows the City to prepare a Local Planning Policy in respect to any matter related to the planning and development of the Scheme area. Once Council resolves to prepare a Local Planning Policy, in accordance with Clause 4 of the Deemed Provisions it must publish a notice of the proposed policy for a period of not less than 21 days and seek submissions. Further detail on the advertising of the policy is provided in the Community Consultation section above.

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

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

**Decision Implications**

Should Council support the Officers recommendation, the policy will not be progressed for a period of 12 months.

Should Council resolve to adopt the policy for advertising, it will be advertised in accordance with the process outlined above.

**Conclusion**

It is recommended that Council does not proceed with the draft Local Planning Policy 3.4: Tree Retention R25 to R80 for a period of 12 months, allowing for the a review of the adopted Local Planning Policy 3.3: Tree Retention.

**Further Information**

Nil.

## PD72.11.24 Consideration of draft Local Planning Policy 7.8: Natural Ground Level

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| **Meeting & Date** | Council Meeting – 26 November 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 in this matter. |
| **Report Author** | Tony Free – Director Planning and Development |
| **Director** | Tony Free – Director Planning and Development |
| **Attachments** | 1. Draft Local Planning Policy – Natural Ground Level |

**Purpose**

The purpose of this report is for Council to consider the draft Local Planning Policy 7.8 – Natural Ground Level (the Policy), found at **Attachment 1** and the officer Recommendation not to proceed.

**ADMINISTRATION RECOMMENDATION**

**That Council DOES NOT PROCCED with the Local Planning Policy 7.8 – Natural Ground Level as it is contrary to the definitions within Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.**

**Voting Requirement**

Simple Majority.

**Background**

In August 2024, Council requested that a local planning policy be created establishing the definition of ‘natural ground levels’ for the purpose of assessing height within development applications. There are two existing definitions of ‘natural ground level’ within the State planning framework, which are imposed on local governments.

The definition of 'natural ground level’ in the Residential Design Codes (R-Codes) is:

“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.”

The definition of ‘natural ground level’ within Schedule 2 (Deemed provisions) of the *Planning and Development (Local Planning Schemes) Regulations 2015* is:

“the ground level specified in either of the following that applies to the land (or, if both of the following apply to the land, the more recent of the following) —

(i) a condition on an approval of a plan of subdivision that specifies a ground level;

(ii) a previous development approval for site works on the land that specifies a ground level;

or

(b) if paragraph (a) does not apply — the level of the land before any disturbance to the land relating to the development”

**Discussion**

The Policy is contrary to the definitions within the State planning framework and is therefore invalid as well as being unnecessary.

The two definitions above need to be read in conjunction with one another. To ignore one in favour of the other is to erroneously construe the planning framework. In this case, the Deemed provisions provide context to the R-Codes and make it clear that, if there is an existing development setting out ground levels and those levels have been approved by the local government or through a plan of subdivision, those approved levels become the natural ground level of any future development.

This was tested in Prosser and Town of Cottesloe [2021] WASAT 115, which affirmed that natural ground levels are to be taken from any development approved by the City which establishes natural ground levels. The approval does not have to be specifically for ‘site works’. As long as the levels are shown on the approved plans, those levels are taken to be approved by the local government. The Prosser case also clarifies that the approved development must be enacted in order to be valid. A proponent cannot simply stack proposed developments on top of each other until they achieve their desired height.

Further, because the definitions specifically reference approved development, site works shown on a deemed-to-comply application are not considered to change the natural ground level. This is because a successful deemed-to-comply application does not result in an approval issued by the local government. For such applications, the local government simply provides a written confirmation that no approval is needed because the single house development ticks all the boxes. This means, again, that a proponent could not simply stack deemed-to-comply applications on top of each other until they achieve their desired height.

In regard to subdivision levels, the City already provides a modified condition to the Western Australian Planning Commission (WAPC), which the WAPC has accepted and continues to place on proposed subdivisions at the City’s request. This condition requires that site levels respect the natural ground levels at the boundaries. In this way, a proponent cannot place fill on the lot to whatever height they desire but must instead match the height of all adjoining boundaries to the City’s satisfaction.

Where the City has identified that fill has been placed on a lot prior to a subdivision survey, the City can advise the WAPC through the conditional subdivision approval that the site works have not been approved and are unauthorised. This allows the City to take action to rectify the works before they get established within an approved plan of subdivision.

The Department of Planning, Lands and Heritage provided the following advice:

The definition in the Town of Cambridge’s LPP is clearly at odds with the definition in the Deemed Provisions. The Department’s view is that there is no power for a local government to apply its own definition of a term through an LPP, where that term is already defined in the Deemed Provisions. It should be noted that:

* local planning schemes (including the Deemed Provisions) are subsidiary legislation and therefore prevail over any conflicting provisions of a local planning policy;
* the above is reflected in clause 3(5) of the Deemed Provisions, which requires LPPs to be given regard only to the extent the policy is consistent with the applicable scheme (which includes the Deemed Provisions itself); and
* clause 3(3) of the Deemed Provisions requires LPPs to be based on sound planning principles - the creation of a LPP that is inconsistent with the planning scheme it is prepared under (i.e – the Deemed Provisions) would be inconsistent with sound planning principles.

Legal advice has been provided to Officers supporting the position that a local government can enact the Policy. This advice opines that the R-Codes definition is read above that of the Deemed provisions. This advice seems to make a distinction between definitions and specific provisions within the Deemed provisions. It opines that the definitions in the Deemed provisions only apply to the Deemed provisions, not to planning schemes or policies, including the R-Codes. Through this logic, a local government may vary the definitions within the Deemed provisions. However, the Deemed provisions are the instrument for creating a local planning policy, and a local planning policy which contradicts the instrument used to create it would be of no effect. Otherwise, local governments could vary any part of the Deemed provisions through a local planning policy simply by varying the definitions, which is manifestly incorrect.

**Alternate Approach**

Should Council wish to proceed with a valid version of the Policy, City Officers recommend it be amended to be consistent with the Deemed provisions. This would entail inserting a reference to Prosser and Town of Cottesloe to provide context in clause 1, and making clear in clauses 2, 4 and 5 that the natural ground levels set out within the Policy only apply where there are no enacted development approvals or plans of subdivision showing ground levels. A proposed resolution is provided below:

That Council modify the draft Local Planning Policy 7.8: Natural Ground Level as follows:

1. Modify clause 1.1 to append: “The State Administrative Tribunal in Prosser and Town of Cottesloe [2021] WASAT 115 determined that the natural ground level of a building site is its state existing prior to the date of the proposed development, as opposed to an artificially modified state. As per the Deemed provisions within the Planning and Development (Local Planning Schemes) Regulations 2015, the natural ground level is taken from the levels approved by the local government through a development application or plan of subdivision, provided those plans have been enacted.”
2. Modify clause 2.1 to read: “This policy applies to all development within the local government area where there are no enacted development approvals or plans of subdivision showing ground levels”
3. Modify clause 4.1 to read: “To provide guidance on the method of determining natural ground levels preceding development where there are no natural ground levels established as part of any approved and enacted development applications or plans of subdivision.”
4. Modify the first part of clause 5.1.1 to read “5.1.1 For the purpose of establishing the natural ground level of a site with no history of approved and enacted site works, ‘the levels on a site which precede the proposed development’ means the levels shown on the Department of Lands & Surveys 1975 Perth BG34 1:2000 series maps unless the local government determines that:”

**Consultation**

If Council resolves, contrary to Officer advice, to adopt the Policy for advertising it will be advertised in accordance with the City’s Local Planning Policy – Consultation of Planning Proposals, which involves the following methods of consultation:

* Minimum 21-day advertising period
* Notice in a local newspaper
* Notice on the City’s notice board
* Notice on the City’s Your Voice engagement portal
* Notice on the City’s social media channels

**Strategic Implications**

This item is not strategically aligned to the City of Nedlands Council Plan 2023-33 vision and desired outcomes.

**Budget/Financial Implications**

If Council does not proceed with the Policy, there will be no cost to the City.

If Council proceeds with and eventually adopts the Policy, enforcement of it through a development application may be challenged in the State Administrative Tribunal where the City would incur legal fees.

**Legislative and Policy Implications**

Clause 3(1) 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_46884.pdf/$FILE/Planning%20and%20Development%20(Local%20Planning%20Schemes)%20Regulations%202015%20-%20%5B00-o0-00%5D.pdf?OpenElement) allows the City to prepare a Local Planning Policy in respect to any matter related to the planning and development of the Scheme area. Once Council resolves to prepare a Local Planning Policy, in accordance with Clause 4 of the Deemed Provisions it must publish a notice of the proposed Policy for a period of not less than 21 days and seek submission. Further detail on the on the advertising of the Policy is provided in the Community Consultation section above.

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

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

**Decision Implications**

Should Council support the Officers’ recommendation, the Policy will not be enacted and the existing legislative framework will remain in place.

Should Council choose to support the Policy for advertising, the Policy will be advertised in accordance with the above. Should the Policy eventually be adopted, the Policy will likely be open to challenge as it contradicts the state planning framework and existing case law.

**Conclusion**

City Officers recommend that the Policy not proceed as the current definitions provide the City ability to enforce natural ground levels. Advice from the Department of Planning, Lands and Heritage leads to the conclusion that the Policy is invalid and open to challenge.

**Further Information**

Nil.

## PD73.11.24 Consideration of amendments to Local Planning Policy 4.1: Parking for the purpose of advertising

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 26 November 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Employee disclosure required where there is an interest in any matter of which the employee is providing advice or a report. |
| **Report Author** | Tony Free – Director Planning & Development |
| **Director** | Tony Free – Director Planning & Development |
| **Attachments** | 1. Draft Local Planning Policy 4.1: Non-residential Parking   Tracked changes – LPP 4.1: Parking |

**Purpose**

The purpose of this report is for Council to adopt for advertising the draft Local Planning Policy 4.1: Non-residential Parking (the policy), found at **Attachment 1**.

**ADMINISTRATION RECOMMENDATION**

**That Council ADOPT the draft Local Planning Policy 4.1: Non-residential Parking (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**

The City’s current Parking Local Planning Policy was adopted in September 2019. This policy has been reviewed as part of the ongoing schedule of review for the City’s suite of Local Planning Policies.

In 2022 Council considered the process of introducing cash in lieu of parking into the City’s planning framework. At the 22 March 2022 Ordinary Council Meeting the Council resolved:

The Chief Executive Officer be requested to present a report to Council outlining the process, requirements and implementations of introducing cash in lieu of car parking as part of the City of Nedlands planning framework.

This was followed by a report to Council at the 23 August 2022 Ordinary Council Meeting outlining the process to implement a payment in lieu of parking plan. The Recommendation below was deferred to allow additional time to consider the implications and opportunities of such a strategy:

That following the finalisation of the Integrated Transport Strategy, consideration be given to the provision of funds for a Car Parking Strategy as part of the preparation of the 2023/24 budget ahead of presentation to Council.

**Discussion**

In undertaking the review of the City’s Parking Local Planning Policy Officers have considered the State Government’s Car parking requirements for non-residential land uses in Perth and Peel – draft Interim Guidance document(Interim Guidance). The Interim Guidance was informed by evidence based research and developed to provide consistent provisions for parking ratios across the Perth and Peel region for non-residential land uses.

**Change of policy name**

The policy name has been updated to Local Planning Policy 4.1: Non-residential Parking to provide clarity and reflect the policy’s application to non-residential land uses.

**Objectives**

The objective of the policy is to support clear and consistent parking provisions associated with non-residential development proposals across the City. The policy ensures suitable parking is provided, appropriate for its location and to mitigate the reliance on on-street parking. The policy also supports the contemporary shift towards active and sustainable transport modes, through consideration of end-of-trip facilities; EV charging and vehicle sharing initiatives.

**Non-residential parking ratios**

The parking ratios for non-residential land uses have been updated to more closely align with those contained in the State Government’s Interim Guidance. Where a ratio has not been listed in the Interim Guidance ratios have been set based on similar land uses, the current policy provision and review of comparable local government local planning policies.

**Bicycle parking and End-of-trip facilities**

To promote active and sustainable modes of transport requirements for the provisions of bicycle parking and end-of-trip facilities have been added to the policy. As with the car parking requirements a ratio is provided for each non-residential land use. End-of-trip facilities are required for developments with a Floor Area of 1,500m2 or greater, or where 5 or more long-term bicycle bays are proposed. End-of-trip facilities include shower and changing room facilities and lockers for the storage of cycling attire and equipment.

**Electric vehicle parking**

The policy introduces requirements for the provision of electric vehicle parking bays and systems. These requirements only apply to new development proposals.

**Parking management plan**

A parking management plan template is provided in Appendix 1 of the policy which is required to be submitted by applicants when lodging development applications where a shortfall in the required minimum parking; shared or reciprocal parking arrangements; service bays and/or end-of-trip facilities are proposed between multiple businesses. The Parking Management Plan is a template to assist applicants and officers when considering and evaluating the parking needs of a development.

**Cash in lieu policy**

**Planning and Development (Local Planning Schemes) Regulations 2019**

Cash-in-lieu of car parking is governed by Part 9A of the Regulations. Clause 77G(2) states that the Local Government must not impose cash-in-lieu as a condition of development approval unless there is a Parking Plan in effect. In accordance with the Regulations, application of a Parking Plan is limited to:

* Non-residential development;
* A development or use that requires development approval; and
* A shortfall of at least 2 bays is proposed.

It is important to note that the Regulations do not extend to cash-in-lieu for residential development, nor non-residential development which is exempt from development approval. A Parking Plan is valid for a period of 10 years, unless otherwise approved by the Western Australian Planning Commission (WAPC).

**Preparation of a Payment in Lieu of Parking Plan**

Clause 77J of the Regulations requires a Parking Plan to be prepared in the manner and form approved by the WAPC. Two critical elements of the manner and form is that a Parking Plan must have a sound strategic and financial basis.

Payment in lieu of car parking can be applied for either public parking infrastructure, other transport infrastructure or ancillary or incidental purposes. However, it is important that the need for parking and/or other infrastructure is demonstrated through sound strategic supporting documents. At present the City does not have any strategic documents which validate a need for parking or related infrastructure. In this regard prior to preparing a Parking Plan, a City-wide Car Parking Strategy is required to be adopted to demonstrate parking demand and opportunities for City-owned parking investment.

Further, a Parking Plan needs to have a sound financial basis and the City needs to include items proposed to be obtained with cash-in-lieu funds within its Integrated Planning and Reporting (IPR) framework. The Parking Plan should also relate directly back to the relevant IPR documents.

Given the above, the City is not currently in a position whereby it could prepare and adopt a Payment in Lieu of Parking Plan in the manner and form approved by the WAPC.

It should be noted that in the event of Council adopting a Parking Plan, this would have no effect in residential areas. Requesting cash-in-lieu via a Parking Plan requires a direct link between the specific development proposed and an identified parking need. A Parking Plan may be effective in areas such as Hampden Road or Broadway.

**Residential Car Parking**

Part 9A of the Regulations limits application of a Parking Plan to non-residential development only. Car parking for residential development is managed by the Residential Design Codes Volume 1 and 2. There is currently no planning framework applicable for which cash in lieu of residential car parking can be implemented.

**Preparation of a City-wide Parking Strategy**

A City-wide Parking Strategy would assess the City’s management of parking – including the use of the timed parking, the potential for the introduction of paid parking, the use of technology in the enforcement of the City’s parking requirements. The Strategy would also identify locations of expansion or improvements of the City’s parking infrastructure and other transport related infrastructure. The Strategy would inform the City’s Long Term Financial Plan, which illustrates a commitment to the project for which funds can be requested via the payment in lieu provisions of the Parking Plan. The creation of a Parking Strategy would have potential implications for the organisation beyond the creation of a Parking Plan to collect cash in lieu of parking provision.

The City’s Technical Services Department have prepared a Parking Management Policy (Item TS34.11.24) which if adopted would provide a framework for the development of a Strategy. It should be noted that as part of this process a review of the City’s car parking requirements for particular land uses would be required to ensure they reflect contemporary standards.

**Consultation**

Should Council resolve to adopt the policy for advertising it will be advertised in accordance with the City’s Local Planning Policy - Consultation of Planning Proposals, which involves the following methods of consultation:

* Minimum 21-day advertising period
* Notice in a local newspaper
* Notice on the City’s notice board
* Notice on the City’s Your Voice engagement portal
* Notice on the City’s social media channels

**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. |
|  | 8. A city that is easy to get around safely and sustainably. |

**Budget/Financial Implications**

If the City proceeds with the policy, advertising costs are within the current FY budget.

**Legislative and Policy Implications**

Clause 5(1) of the Deemed Provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015 allows the City to amend a Local Planning Policy. Once Council resolves to amend a Local Planning Policy, in accordance with Clause 4 of the Deemed Provisions it 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 and 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 would be advertised in accordance with the process outlined above.

If Council resolves not to endorse the recommendation, the policy will not be advertised. Doing so will leave the City with parking provisions for non-residential development that is not in line with the contemporary needs of users or State Government guidance.

**Conclusion**

The policy has been reviewed to provide contemporary provisions for non-residential development within the City. It is recommended that Council adopts the Recommendation to formally advertise the policy.

**Further Information**

Nil.

## PD74.11.24 Schedule of Strategic Planning Projects

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 26 November 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | The author, reviewers and authoriser of this report declare they have no financial or impartiality interest with this matter. |
| **Report Author** | Tony Free – Director Planning & Development |
| **Director** | Tony Free – Director Planning & Development |
| **Attachments** | Nil. |

**Purpose**

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

**ADMINISTRATION RECOMMENDATION**

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

**Voting Requirement**

Simple Majority.

**Background**

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

**Discussion**

The current schedule of strategic planning projects for November 2024 is found in the table below. The schedule has been updated to reflect ongoing progress of projects.

| **Project** | **Summary** | **Status / Council resolution of August 2024** | **Update** |
| --- | --- | --- | --- |
| LPP 4.1 Parking | Collection of cash-in-lieu requires a parking plan/strategy setting out where the money is to be spent.  Policy would update non-residential car parking standards to contemporary ratios | Council resolution of August 2024 for policy to be presented to Council September 2024. | Presented to Council November 2024. |
| New LPP – Percent for Public Art | Policy to promote public art within development or through developer contributions. | Council resolution of August 2024 for policy to be presented to Council September 2024. | Presented to Council November 2024. |
| Scheme Amendment 14: Vehicle Access | Restricts vehicle access to a single crossover for corner lots in the R60 areas within the NSHAC Residential precinct. | Advertised for community comment from 6 September to 18 October 2024.  Council resolution of August 2024 for policy to be presented to Council October 2024. | Expected to be presented to Council in December 2024, to allow for consideration of community feedback. |
| New LPP - Natural Ground Level Policy | To clarify natural ground level | Council resolution of August 2024 for policy to be presented to Council September 2024. | Presented to Council November 2024. |
| New LPP – Verges and Street Trees | Setting out protection of verges and street trees. | Council resolution of August 2024 for policy to be presented to Council October 2024. | Expected to be presented to Council in early 2025 for approval to advertise. |
| Mount Claremont Master Plan\* | Sets out the vision for the future land use, transportation and green networks for the Brockway Road area and surrounds once the Waste Water Treatment Plant is capped. | Council resolution of August 2024 for master plan to be presented to Council October 2024. | Presented to Council November 2024. |
| Heritage Areas |  | Completed. Council resolution of September 2024. | n/a |
| Local Planning Strategy and Scheme Review\* | The Strategy and Scheme are to be reviewed every 5 years as per State legislation. Substantial background reports will be required to research housing needs and estimating housing projections. | Council resolution of August 2024 for strategy to commence in February 2025. | Not yet commenced.  Important to commence in 2024/25 if desire is to avoid a new scheme. |
| UWA-QEII Improvement Plan\* | Working with the DPLH and City of Perth to create an Improvement Scheme for the area. | Not yet commenced | n/a |
| New LPP – Construction Management Plans | New policy setting out requirements and processes for construction of new development. | Policy being prepared. | Expected to be presented to Council in early 2025 for approval to advertise. |
| LPP 3.2: Waste Management | Existing policy sets out waste criteria but is already covered by existing legislation. Policy will not be supported by the WAPC and is redundant. Policy will be revoked with technical specifications for development provided as a publicly available administrative document. | In progress. | Expected to be presented to Council in early 2025 to revoke. |
| Public Open Space Strategy\* | Expand the strategy to include the whole of the City as per the Council resolution. | Commencement dependant on budget. | The cost to undertake this work is estimated to be $65,000. This is to be allocated in the  25-26 budget and subject to a procurement process. |
| New LPP: Commercial | New policy setting out built form and other criteria for non-residential development. | Not yet commenced. | Expected to be presented to Council in first half 2025 |
| Scheme Amendment 16: Fast Food | Scheme Amendment making Fast Food an ‘X’ use within the City. | Will require a Council resolution, which should be considered in conjunction with the commercial policy. | Expected to be presented to Council in first half 2025 |
| Local Heritage Survey and Heritage List\* | The LHS and the Heritage List are required to be periodically reviewed. | Not yet commenced | Expected to be presented to Council in first half of 2025. |
| New LPP: Broadway Public Realm | Establish guidelines for the public realm. | Not yet commenced | n/a |
| New LPP: Percent for Canopy | Policy to promote tree canopy through developer contributions. | Not yet commenced | n/a |
| LPP 1.1: Residential Development\* | Amended policy reflecting recently gazetted R-Codes changes. Sets out built form criteria for areas not covered by LPP 5.14: Precincts. | Advertised for community comment from 20 September –to11 October 2024. | Expected to be presented to Council late 2024. |
| Scheme Amendment:  Short-term rental accommodation | Update scheme text to introduce new and revised land use classes and general definitions to facilitate State Government reforms for short-term rental accommodation. | Yet to commence. | n/a |

**Consultation**

Nil.

**Strategic Implications**

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

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

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

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

**Budget/Financial Implications**

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

**Legislative and Policy Implications**

The [Planning and Development Act 2005](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_47508.pdf/$FILE/Planning%20and%20Development%20Act%202005%20-%20%5B04-aa0-00%5D.pdf?OpenElement) requires that the scheme and strategy be reviewed every 5 years, and that local planning policies be regularly reviewed.

**Decision Implications**

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

**Conclusion**

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

**Further Information**

Nil.

## PD75.11.24 LATE REPORT - Consideration of Responsible Authority Report for 95 Broadway, Nedlands

This item will be dealt with at the Council Meeting.

## PD76.11.24 LATE REPORT – Deed of Variation, 22 Jutland Parade, Dalkeith

This item will be dealt with at the Council Meeting.

# Divisional Reports - Technical Services

## TS33.11.24 Hackett Hall – Demolition

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 26 November 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Matthew MacPherson, Director Technical Services |
| **Director** | Matthew MacPherson, Director Technical Services |
| **Attachments** | 1. CONFIDENTIAL – Indicative Quotations Received 2. Hackett Hall Photo Deck |

**Purpose**

Hackett Hall, Lawler Park, has been dilapidated for a number of years, and was closed to access and full use in January 2023.

A report was presented to the Ordinary Council meeting on Tuesday 22 October 2024, where no position was resolved, hence the report is before Council to reconsider a suitable position.

A decision from Council is required for action regarding Hackett Hall in the short term while long term preparations are made. After recent inspection of the Hall, the dilapidation is such that the building is in worse condition than what was expected after such time, and a immediate decision is advised.

**ADMINISTRATION RECOMMENDATION**

**That Council Request the CEO:**

1. **NOTIFY the community regarding the proposed demolition of Hackett Hall, Lawler Park; and**
2. **INCLUDE as part of the 2024/25 mid-year financial review, a capital budget provision for approximately $68,500 the demolition of Hackett Hall, Lawler Park.**

**Voting Requirement**

Absolute Majority.

**Background**

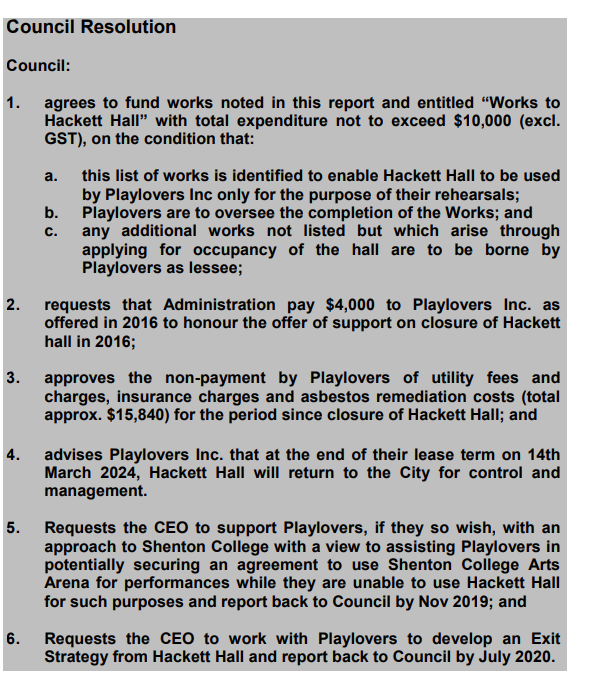
Hackett Hall, Lawler Park, (built in 1956) has been in a state of dilapidation for a long period of time, and in early 2023 was in such a compromised state that safety of patrons and public was of sufficient enough concern to warrant closure of the building.

**Closure History**

* As far back as late 2016, structural concerns arose about the condition of Hackett Hall, at the time prompting a closure and beginning of discussions with elected members.
* Thereafter it is understood that minor works were undertaken from circa 2017 to 2019 in an effort to improve the condition of the building.
* On Friday, 16th December 2022 the Playlovers Inc. provided notification to the City that a Laminated Timber (Glulam) beam within the Hall was showing signs of fatigue.
* The notification also provided copies of a termite inspection report conducted on the 27th June 2022 identifying termite activity in the internal and external timbers, including subfloor areas where timber elements are in direct contact with soil. The Report recommended that further investigation and treatment be undertaken which was to be arranged by Playlovers Inc under the agreement at their cost. This subsequently occurred and confirmed termite activity.
* On Friday, 6th January 2023, the Playlovers Inc provided notice to the City that the Laminated Timber beam that was showing signs of fatigue had failed, dropping approximately 300mm. The ceiling surrounding the beam also failed due to the movement, with a section falling to the ground. The failure of this beam has also caused damage to the roofing which is now seen as a bow in the ridgeline and creased metal sheeting.
* On Friday 6th January 2023, a Structural Engineer was engaged by the City to review and provide advice for making the area safe the City engaged a Structural Engineer.
* On 9th January 2023 a Structural Engineers report recommended temporary propping of beam to make are safe and closure of the building till further notice. This occurred and the area under the compromised beam and access to the room was restricted.
* On 20th March 2023 City advised Playlovers Inc are no longer permitted to use Hackett Hall from Tuesday, 21 March 2023 but the City has approved non-exclusive use of Dalkeith Hall pursuant to the City’s terms of hire for shared use facilities.
* On 21st March 2023, temporary site fencing was installed with boarding up of the windows beginning 24th March 2023. Site access has been restricted since.

**Playlovers Inc.**

* Hackett Hall was leased to Playlovers Inc for the permitted purpose of Community Hall and uses reasonably ancillary thereto.
* A resolution in respect to Hackett Hall and Playlovers was resolved in July 2019 as follows:



* Point 4 of the resolution of July 2019 outlines that the City did not intend to extend the lease for Hackett Hall to Playlovers Inc. Points 5 and 6 of the resolution were either not undertake, undertaken but not adequately recorded, or not relevant anymore due to the current situation.
* As stated previously, the City worked with Playlovers Inc. to provide alternative accommodation at Dalkeith Hall for rehearsal and storage – which was the main use of Hackett Hall of recent years.
* Playlovers maintain an interest in bespoke theatre seating which is held within the building and unable to be removed given the building’s current state without interim supporting works or action.
* It is understood that the seating may be able to be sold, but will incur a cost to dismantle and re-assemble the seating, which will impact the overall profit which may be realised.
* Discussions with Playlovers Inc. has been ongoing in regard to the seating with previous staff, however, no agreement has been reached prior to those staff departing.
* A report was presented to the Ordinary Council meeting on Tuesday 22 October 2024, however no formal position of Council was adopted.
* The CEO decided to bring this item back to the council to allow the matter to be considered with further information provided which includes recent photographs showing the building in its current state (Attachment 2 refers).

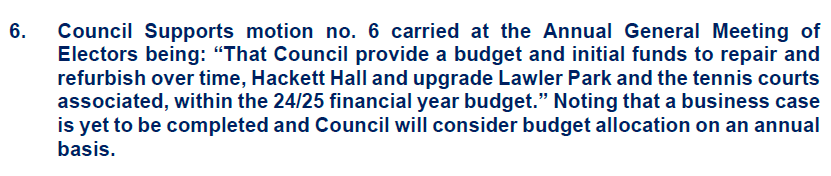
**Discussion**

**Exploring Options**

* In June 2023 the City sought indicative demolition and construction costs from several building companies who have delivered renovation and construction works of community facilities for local governments in the metropolitan area.
* A number of broad options were costed, including:
  + Option 1 – a refurbishment of the building to bring it back to a useable and habitable building with minor compliance improvements.
  + Option 2 – A rebuild of the building like for like but to newer standards and materials.
  + Option 3 – A rationalization of all buildings on site – combining separate buildings into a new combined facility
* An additional two options were also considered and priced using figures from the square meter rates of Option 3, and the City’s own schedule of rates respectively for Options 4 & 5, being:
  + Option 4 – An upgraded, consolidated building, with additional rooms and facilities on one site.
  + Option 5 – Removal and no replacement of the building.
* Option 4 was included for consideration based on interest for a renewed and expanded facility from a number of current and potential future stakeholders, seeking suitable accommodation for their offices, and may provide ongoing or initial revenue to offset costs.
* When considered from a purely financial perspective, option 5 logically represented the most prudent option. This however did not give consideration to the intangible value a well designed and used facility may bring to the community.
* These were presented to a Concept Forum held 7 November 2023 for Council discussion.

**Proposed Direction**

* The Hall itself has significant structural defects which will be significant to make good. Combined with the current age of the building, any renewal of certain parts of the building, will lead to renewal of associated portions, effectively making work to retain portions just as costly as re-building them entirely.
* The community has increasingly questioned the status of Hackett Hall, with the most recent, formal position put forth at the Annual General Meeting of Electors held 29 April 2024 and subsequently considered at the May 2024 ordinary Council, where it was resolved that:

**

* However, due to budget constraints, allocation for refurbishment or the Hall or the nearby Courts could not be facilitated within the 2024/25 financial year budget adoption.
* With this in mind, a step common the almost all the options is demolition of Hackett Hall, and given the inability to fund other options at this time, is before Council to consider.
* Subsequently, a group of interested community members have sought to progress action, and provided the City with a quotation from a reputable demolition contractor. This was provided to the City following a discussion between the CEO, Mayor and community members following the September 2024 Ordinary Council Meeting.
* The CEO had requested further information from the potential contractor, and requested administration obtain additional quotes over the week beginning 14 October with the aim to receive quotations by 18 October.
* At the time of writing, one additional quote has been received from the additional contractors approached, with another quote expected to be received the day of the October Ordinary Council Meeting and will be tabled if received in time.
* The quotes received can be found in Confidential attachment 1 for Council perusal.

**Consultation**

* At present, no consultation of a widespread or formal nature with the community has occurred regarding demolition. Only isolated discussions between the City and various individuals has taken place and of a broad nature regarding the perceptions and history of the precinct area.
* Council will need to give consideration to notifying and engaging with the immediate community and interested parties as part of this decision process. It is therefore recommendation that comment be sought from the community pending budget for the demolition of Hackett Hall to allow the community opportunity to be informed.
* The City, since the original item to Council at the October OCM has received at least one additional piece of correspondence from a resident in the community previously not engaged with the City with reference to a previous stakeholder regarding the prospective demolition and the support for that option.
* It is reasonable to assume that the public will continue to express opinions regarding Hackett Hall, and it will be important that the City facilitate such discussion with relevant information.

**Urgency of Action**

* Recent further inspections which resulted in the photographs as per Attachment 2 indicate that the level of degradation of the roof structure is considerable.
* The compromised beam is being supported by props as much as possible, however, the unfortunate location of the folding seating prevents direct propping of the beam in a conventional manner.
* A visual assumption by officers at a distance is that the original deflection of the hall roofline in early 2023 was approximately 100mm. At present, this deflection looks to be closer to 400mm, an estimated increase of 300mm over a circa 21 month period.
* On a very rudimentary assumption that the roof will continue to sag at a rate of at least 100mm every 7 months, if not more, an immediate decision is required.
* Without professional structural assessment, the Officers have no indication as to what extent the building may remain intact without catastrophic failure, whereby the roof itself will completely collapsed and likely fall in on itself.
* While the Council still has the opportunity to commission a current structural assessment, it may be advisable that any available funds be directed to tangible action.
* There is asbestos present throughout portions of the building, and should collapse occur, there may be a risk of contamination of non-asbestos material or the site.
* Demolition in a managed and planned fashion will allow the risk of any contamination to be mitigated.

**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. |
|  | 2. A healthy, active and safe community. |

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

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

**Budget/Financial Implications**

* Options considered and presented to Council included whole of life costing as estimated for each option based on broad figures and assumptions. Consideration of whole of life costing is considered best practice for long-life infrastructure investment decisions, such as significant renewal of facilities.
* With the implementation of underground power leveraging and maximizing the City’s borrowing capacity, it is unlikely that the City of Nedlands will have the financial capacity to undertake significant works to Hackett Hall at Lawler Park until underground power is completed.
* Current estimations indicate the underground power works is estimated to be finalised in the 2026/27 financial year, with the debt trailing until repaid in the years following. Without action now, Hackett Hall will stand derelict for another three (3) to four (4) years at a risk to the community and the City.
* This reality in mind, the City may remove the Hall, and use the coming years to scope the needs for the precinct and examine the options still available in further detail, with the hope to garner funding contributions from interested stakeholders who may become tenants, or seek grants through established programs such as lottery west, or secure funding commitments as part of the 2028 state government or federal government elections with clear project scoping, support and timelines for delivery.
* Pricing received varies due to the uncertain nature of the site, and the extent of damage, asbestos, and overall integrity while attempting to remove remaining equipment. At present, the most competitive submission, with inclusion of an organisational overhead component (20%) and a modest contingency (10%), is approximately $68,500.
* It should be noted that the exact management of the asbestos on site will need to be carefully considered by the preferred contractor, and whether there is financial, environmental and safety benefit in either attempting to remove asbestos prior to
* Should Council decide to proceed with demolition, a suitable budget allocation will be required to be adopted within the budget, either now or at mid-year budget review.

**Legislative and Policy Implications**

Nil.

**Decision Implications**

If adopted as recommended, comment on the future of Hackett Hall will be invited for a suitable period. During which time, refined pricing can be confirmed and a mid-year budget allocation be adopted for immediate implementation and engagement of a suitable contractor.

Council may also wish to proceed immediately with the removal and engage the community at a later and more appropriate date during the development of long-term proposals.

Alternatively, Council may wish to consider the matter further and request additional information to aid their decision.

**Conclusion**

It is the officer’s opinion that at present, the City does not have the overarching strategy or funding in place to pursue immediate action regarding Hackett Hall, other than demolition of the current dilapidated building.

Additional photos taken following the October OCM (attachment 2 refers) indicate the Hall’s current condition, however, these photos do not show the full extent of dilapidation and damage which is visible upon closer inspection, and to attempt to do so would merely generate hundreds of photographs.

There is an ever-increasing urgency for action on the site, not just from a risk to the community and environment with the asbestos present on site, but also to the City’s reputation regarding the failure of one of its many already compromised assets without pro-active intervention.

There are additional buildings on Lawler Park, which should also be considered long term, and given the Playlovers Inc. presently has alternative arrangements, time permits for the City to take a detailed examination into the needs of the precinct.

**Further Information**

Nil.

## TS34.11.24 Parking Management Policy

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting – 26th November 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil. |
| **Report Author** | Jana Jegathesan – Acting Coordinator Transport and Development  Tina Le - Administration & Business Support Officer |
| **Director** | Matthew MacPherson, Director Technical Services |
| **Attachments** | 1. Public Parking Management Policy |

**Purpose**

For Council to consider adopting a “Public Parking Management Policy,” to balance the needs and benefits of residents, businesses, visitors, and other stakeholders. The purpose of this Policy is to create a clear guideline to be able to regulate, control and manage parking throughout the City of Nedlands.

**ADMINISTRATION RECOMMENDATION**

**That Council:**

1. **ENDORSE the draft “Public Parking Management Policy” as proposed in Attachment 1 to proceed to city wide community consultation.**
2. **REQUEST the CEO report comments received on the Public Parking Management Policy following community consultation for further consideration.**

**Voting Requirement**

Simple Majority.

**Background**

* The City of Nedlands continuously face challenges when it comes to parking, when it comes to the demand across residential, commercial and industrial areas.
* Despite existing regulations under the *Parking and Parking Facilities Local Law 2013,* it is suggested that the City implements a comprehensive guideline to enhance the effectiveness and equity of parking management in the public realm.
* The demand for parking, particularly near key locations, such as UWA, Hampden Road, Broadway and Monash Avenue have a significantly high demand.
* These locations generate a high demand and a need for regular turnover to access the relevant precincts.
* The increased demand for parking has led to vehicles extending onto residential streets, contributing to congestion and raising concerns about pedestrian safety.
* Many other local governments have implemented their own parking policy, which has influenced the proposed “Public Parking Management Policy”.
* It has been proposed that the City implement a series of general parking controls, such as paid parking, time-restricted parking and permit parking to help manage parking in areas that require such demand on a case-by-case basis.
* Currently the City operates time restricted parking, and residential permit parking arrangements, but does not fully detail expectations and processes, nor has any consideration for paid parking.
* To help guide this and improve consistency and transparency, provisions for each type of parking control, as well as conditions and requirements has been identified as a need.
* It has also been proposed that there is guideline and criteria for stakeholders seeking to construct additional parking bays, including provisions for City funding assistance.
* The City has allocated funding to undertake an area wide parking strategy. The key objective of this strategy is to provide a strategic citywide parking framework for the short, medium and long terms. Another objective is to identify a comprehensive action plan (including priorities and order of costs) to assist in the future preparation of parking controls in the City.
* The strategy should help identify:
  + The utilisation of parking that’s available within walking distance to key destinations.
  + Surveying parking demand patterns.
  + The utilisation of paid parking in locations with high demand.
  + The under-utilisation of parking in locations.
  + Greater compliance relating to time restrictions and fees.
  + Potential for more effective technology and traffic/parking management resources in the management of parking.
  + Active Transport solutions to be applied for new and existing developments.
  + Surplus parking income and cash-in-lieu could be used to fund improved access.
  + Encourage end of trip facilities for new and existing developments.

**Discussion**

**Importance of a Parking Management Policy**

An adopted Public Parking Management Policy will provide the following benefits:

1. Greater clarity and consistency around permits:

The implementation of parking permits will address the specific needs of both residents and the broader community. Given the limited parking availability due to time-restricted areas, these permits will provide essential accommodations for those requiring longer parking durations, such as residents and other stakeholders.

By offering residential and visitor parking permits, we enhance resident satisfaction by enabling them to park close to their properties without the concern of receiving penalties for non-compliance with local signage.

Additionally, non-residential and temporary permits will be available for purchase, creating potential revenue for the City, pending upon the approval of relevant applications. This initiative not only generates income for the City but also benefits various stakeholders by facilitating easier access to their businesses, construction sites, or special events.

1. Implementing paid parking encourages turnovers of parking bays:

The implementation of paid parking is expected to encourage consistent turnover of parking spaces and increased availability at any one time.

A constant turnover of parking spaces will support local businesses by increasing foot traffic, as new visitors will have the opportunity to park and explore the area.

Additionally, this approach will optimise the use of available parking, creating greater accessibility throughout the day and welcoming more visitors to the City.

The City may also consider maximising the use of parking areas to transition vehicles off adjoining residential streets that may create access and amenity issues.

1. Revenue income generated:

The City’s proposal to offer the first hour of parking free will allow individuals to extend their stay in the parking bays, by paying the applicable fees for any additional hours. This approach is expected to generate a new source of revenue for the City to help improve with any City infrastructure and future projects either for parking amenity or alternative transport.

Additionally, individuals who fail to comply with the paid parking requirements will receive infringement notices for non-compliance.

1. Encouragement for use of active transportation:

The proposed implementation of paid parking controls may encourage individuals to consider alternative transportation methods for community to work, school, or other activities to save money.

Given the rising cost of living, many may opt for more affordable options such as bicycling or public transportation. This shift not only reduce parking demand but also promotes individual health and contributes positively to the environment by improving air quality, lower greenhouse gas emissions, and reducing traffic congestion. The endorsement of the Long-Term Cycle Network will further promote and encourage the use of Active Transport and providing end of trip facilities for developments.

**Need for a Policy**

It is proposed that the City adopt a ‘Public Parking Management Policy’ which will help provide guidelines when it comes to regulating, controlling and managing parking, within the City of Nedlands.

General parking controls, such as time-restricted parking and designated parking zones, will be beneficial as it will contribute to efficient space utilisation and reduces illegal parking, ultimately encouraging a more organised and accessible City.

Implementing a ‘Parking Management Policy’ is essential for the City’s growth and sustainability. As urban areas become more densely populated, the demand for limited parking resources increases, leading to congestion, frustration among residents and visitors, and negative impacts on local businesses. A well-structured parking management policy can optimise parking space utilisation, reduce traffic congestion, and enhance accessibility for all users.

The draft policy which provides details on the different Parking Controls that has been proposed, as well as strategies to help manage parking, can be found in **Attachment 1**.

**Parking Management Policy Informing an overarching Strategy.**

The parking management policy if adopted will help set a positional framework and statement for development of a City wide Parking Strategy. For instance, if there is a general resistance to a specific proposed arrangement with respect to permits, this can be considered in a different light in development of the strategy.

Such an approach will allow the best outcome for the strategy and not spend time investigating options and avenues for positions which the community may fundamentally oppose.

Upon development of the Parking Strategy, a subsequent review of the initial parking management policy would be advised to ensure that there is alignment between the strategy and the policy.

The City has allocated funding to undertake an area wide parking strategy. As previously mentioned, the parking strategy would enable to the City to provide a strategic citywide parking framework for the short, medium and longer terms and help identify a comprehensive action plan (including priorities and order of costs) to assist in the future preparation of Parking Control Areas (PCA) plans.

The strategy development should take into consideration, but not limited to, Council’s history and background relating to the management of parking, an analysis of existing and future demand and SWOT analysis. Further, the strategy will help inform how to best utilise existing parking arrangements and how to cater for future demands.

As part of the strategy, it will be essential to conduct an audit that thoroughly addresses the parking challenges in the City of Nedlands. This audit should include a comprehensive analysis of current parking patterns, user behaviour, and peak demand times to identify areas of congestion and underutilisation.

In conjunction with the Integrated Transport Strategy, the Parking Strategy will provide efficient and effective alternatives to car access and a policy/strategy to support sustainable transport for e.g. the integration of commuter parking with public transport that could reduce dependency on cars and as mentioned previously, the implementation of formalised bicycle paths, quality end-of-trip bicycle facilities including improvements to pedestrian links and access.

**Consultation**

It is proposed as part of the recommendation to Council that the draft policy provided in attachment 1 be used for the purpose of community engagement to help inform future e decisions and input into Council decision making.

There is no proposal to implement parking restriction changes outside of the regular process whilst the policy is being developed and potentially implanted. Further consultation can be undertaken after the City receives feedback from the draft policy and throughout the development of the Parking Strategy.

**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** | 2. A healthy, active and safe community. |
|  | 3. A caring and supportive community for all ages and abilities. |

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

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| --- | --- |
| **Pillar** | **Place** |
| **Outcome** | 7. Attractive and welcoming places. |
|  | 8. A city that is easy to get around safely and sustainably. |

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| --- | --- |
| **Pillar** | **Prosperity** |
| **Outcome** | 9. A vibrant local economy. |
|  | 10. Active participation in education and lifelong learning. |

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

**Budget/Financial Implications**

No financial implications have been identified associated with the recommendation as written.

The City currently has an allocation of $50,000 in the 2024-25 financial year budget for the development of a City wide Parking Strategy.

Activities relating to compliance and enforcement of the Parking are within the existing operational budget and resource allocation.

Some extremely high-level financial modelling has been developed for a small number of locations and instances throughout the City, but are a ‘proof’ of concept in effort to develop a model in house. However, confidence in the model with current information is not at the level at which it would be recommended to the Council to aide in decision making.

It is strongly recommended that should Council consider paid parking as a viable policy position, that dedicated modelling occur as part of the development of the parking strategy to provide greater understanding of the benefits and cost of this type of management.

At present however, the sample modelling developed is limited in opportunity for a net positive financial return on investment, although there is opportunity to offset costs, and provide increased benefits with greater parking management options in terms of overall benefit to the community.

For instance current sample usage data for:

* Dalkeith Hall off-street carpark indicates a small overall net profit of $163 per annum with the introduction; as opposed to an estimated -$1,884 loss per annum.
* Clifton Street on-street parking indicates the potential to generate an net profit of approximately $7,500 per annum.
* Charging for additional residential parking permits indicates the potential to generate a net profit of approximately $4,000 per annum.

Again, this is very high-level modelling, and uses a large range of assumptions pertaining to likely behaviour of patrons. It will be critical to define priority locations and management options, as well as fully understand the cost profile of parking management and create a series of scenarios to assess whether the potential income outweighs the setup costs.

**Legislative and Policy Implications**

The relevant legislation that has been referred to ensure that the proposed Policy has followed the relevant laws, would be the:

* [*Local Government Act 1995*](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_46813.pdf/$FILE/Local%20Government%20Act%201995%20-%20%5B07-aj0-01%5D.pdf?OpenElement#:~:text=Local%20Government%20Act%201995%20Contents%20As%20at)
* [*Parking and Parking Facilities Local Law 2013*](https://www.legislation.wa.gov.au/legislation/prod/gazettestore.nsf/FileURL/gg2013_190.pdf/$FILE/Gg2013_190.pdf?OpenElement#:~:text=PARKING%20AND%20PARKING%20FACILITIES%20LOCAL%20LAW)
* [*Road Traffic Code 2000*](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_44431.pdf/$FILE/Road%20Traffic%20Code%202000%20-%20%5B05-w0-00%5D.pdf?OpenElement#:~:text=Road%20Traffic%20Code%202000%20Contents%20As%20at%2004)

The relevant documentation that has also been taken into consideration, would include the [Parking Permit Information](https://www.nedlands.wa.gov.au/documents/688/parking-permit-information-guide) Guide, as accessible by the community.

**Decision Implications**

Should the Council endorse the proposed Public Parking Management Policy, a clear guidance for regulating, controlling and managing parking and vehicles throughout the City, will be implemented.

If the Council chooses to oppose the proposed Public Parking Management Policy, the Council will be able to make amendments to the Policy, and consider it at a later stage.

Council, following feedback from the community, may also wish to implement aspects of the policy in certain isolated locations to help inform the development of the Parking Strategy and gauge community sentiment toward various avenues like paid parking. For instance, the Council may decide to adopt the policy, and implement paid parking at a location like Dalkeith Hall, or Cooper Street carpark in a manageable way to gain better understanding of implementation and impacts.

**Conclusion**

Adoption of the “Parking Public Management Policy,” will be beneficial to the City. This Policy is to create a guideline of the City would regulate, control, managing and introduce paid parking.

The introduction of paid parking into the City can enhance accessibility for residents, support local businesses, ad promote efficient use of public spaces. This Policy not only promotes a more organised urban environment but also generates revenue that can be reinvested into community improvements.

**Further Information**

Nil.

## TS35.11.24 RFT Monash Avenue Roadway Rehabilitation

This item will be dealt with at the Council Meeting.

# Divisional Reports – Community Services & Development

## CSD09.11.24 Proposed expansion of Tresillian services to Mt Claremont Community Centre

|  |  |
| --- | --- |
| **Meeting & Date** | Council Meeting - 26 November 2024 |
| **Applicant** | City of Nedlands (unless otherwise) |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | Nil |
| **Report Author** | Lisa Macfarlane Reid, Coordinator Tresillian Arts Centre |
| **Director/CEO** | Keri Shannon, CEO |
| **Attachments** | Nil. |

**Purpose**

This report is being presented to Council in response to NOM44.10.24 which requested the CEO to develop a plan to expand Tresillian services to Mt Claremont Community Centre.

**ADMINISTRATION RECOMMENDATION**

**That Council APPROVE the plan and associated costs to run a trial program of School Holiday workshops at Mount Claremont Community Centre, to commence in the 2025 July School Holidays.**

**Voting Requirement**

Simple Majority.

**Background**

At the October 2024 ordinary Council meeting, council voted in favour of NOM44.10.24, instructing the CEO and Tresillian management to develop a plan to relocate and or expand Tresillian course offerings to Mount Claremont Community Centre.

**Discussion**

Since the first discussions to develop the new Council Plan 2023-33, there has been some consideration for expanding Tresillian programming to different locations in the City. Mt Claremont Community Centre could be a suitable location to trial such an expansion as the Tuart Room could be repurposed for art classes. This is the only suitably sized room with non-carpet flooring.

Local Government services are provided to cover a gap and cannot be in competition with private industry in the local area. The only gap identified at MCCC is provision of workshops and courses for children and youth. There are already several programs running at MCCC for adult fitness and language courses.

The school holiday program may engage with the many young families in the Mt Claremont area. A Trial School Holiday program of workshops for July would include weekday workshops from 7 – 18 July 2025. These workshops would be aimed at children aged 5 – 16 years.

Council may like to consider the risks of expanding the Tresillian service, against the benefits of engaging with the families in Mt Claremont.

The School Holiday program at Tresillian Arts Centre is very popular with the community but is the lowest cost recovery area in the Tresillian programme. The school holiday program averages about $16,000 annual revenue after tutor costs. This revenue does not take into account costs for materials, FTE and other admin costs.

Attendees at the Tresillian School holiday program include residents from the Mt Claremont community. Splitting the program between the Tyrell St Arts Centre and the Mt Claremont Community Centre could potentially split the attendance and reduce the cost recovery further. However, it may make possible a new service for Mt Claremont families who are unable to get to Tresillian during the school holidays.

**Consultation**

No consultation has occurred for this proposed expansion. The proposed expansion is in response to Councillor request for the expansion. The community has not been engaged for comment on this proposal. The trial sessions of School Holiday programming from July onwards would be a method for engaging community support and interest in the expansion of Tresillian Service Delivery.

**Strategic Implications**

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

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| --- | --- | --- |
| **Vision** | **Sustainable and responsible for a bright future** | |
| **Pillar** | | **People** |
| **Outcome** | | 1. Art, culture and heritage are valued and celebrated. |
|  | | 2. A healthy, active and safe community. |
|  | | 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** | | 12. A happy, well-informed and engaged community. |

**Budget/Financial Implications**

The proposed expansion of Tresillian services has budget and financial implications. There is currently no budget or FTE for this project. Some associated costs/loss of revenue:

1. Loss of revenue from existing rentals of the Tuart Room estimated at **$12,500** for 4 quarterly sessions of School Holiday workshops in the 2025/26 financial year.
2. Cost to set up a workstation and associated IT for a staff member to be based at MCCC. An onsite dedicated staff member is essential for children’s programming as it ensures Duty of Care. **$6000**
3. FTE allocation to facilitate the programming and on site duty of care – 0.2 FTE at Level 4 - **$20,000**
4. Material resourcing for delivery of children’s art programs - **$2000**
5. Promotion resources to promote the new offerings at MCCC - **$1500**

Initial costs to trial this expansion of services is estimated at **$42,000.**

The potential revenue from an annual School Holiday program at MCCC is estimated at **$5,000 - $10,000,** taking into account the ‘growth period’ required to get numbers up to speed for new programming/engaging with a new community.

**Legislative and Policy Implications**

The proposed expansion has no legislative or policy implications.

**Decision Implications**

If Council endorses the proposed expansion of Tresillian services at Mt Claremont, there will be financial implications including loss of revenue from external hire rental, increased FTE, and budget allocation for resources. There is also a risk of splitting the audience for the Tresillian School Holiday program, by spreading attendance across two venues within the City. However, a new program of school holiday workshops for families in Mt Claremont may support Mt Claremont families who are unable to attend Tresillian Arts Centre.

If Council doesn’t endorse the recommendation, the current School Holiday programming at Tresillian Arts Centre will continue to be on offer for all members of the community. There will be no extra budget allocation required to continue Tresillian services at Tresillian Arts Centre.

**Conclusion**

Tresillian Arts Centre has been in operation for 45 years, with substantial goodwill and longstanding community engagement. Replicating the Tresillian model at a satellite location does not guarantee a sustainable outcome. Council would need to support and commit to the resourcing of trialing this approach. Administration would need to review the trial programming at MCCC over a 12-month period to establish if it is financially sustainable and of ongoing benefit to the community.

**Further Information**

Nil.

# Divisional Reports – Corporate Services

## CPS47.10.24 Monthly Financial Report – September 2024

This item was deferred from October to November and will be dealt with at the Council Meeting.

## CPS53.11.24 Monthly Financial Report – October 2024

This item will be dealt with at the Council Meeting.

## CPS54.11.24 Monthly Investment Report – October 2024

This item will be dealt with at the Council Meeting.

## CPS55.11.24 List of Accounts Paid – October 2024

This item will be dealt with at the Council Meeting.

## CPS56.11.24 Report to Adopt Integrity Framework

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| --- | --- |
| **Meeting & Date** | Council Meeting – 26 November 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** | Keri Shannon – Chief Executive Officer |
| **Director/CEO** | Keri Shannon – Chief Executive Officer |
| **Attachments** | 1. Integrity Framework |

**Purpose**

For Council to consider endorsement of the City of Nedlands Integrity Framework.

**ADMINISTRATION RECOMMENDATION**

**That Council ENDORSES the Integrity Framework as contained in Attachment 1.**

**Voting Requirement**

Simple Majority.

**Background**

The Public Sector Commission (PSC) is responsible for strengthening the efficiency, effectiveness and capability of the public sector to deliver high quality services.

To meet these objectives, the PSC adopted the Integrity Strategy for WA Public Authorities 2020 – 2023. The Strategy focuses on four key improvement areas with actions and controls to promote integrity and help prevent misconduct and corruption. These include –

1. Plan and act to improve integrity
2. Model and embody a culture of integrity
3. Learn and develop integrity knowledge and skills
4. Be accountable for integrity

The PSC has encouraged all public authorities to develop and implement an Integrity Framework.

The implementation of the framework will assist the City to identify any areas of concern, prioritise actions and manage processes across the City.

**Discussion**

A public authority is responsible to act in the interest of the community and to operate with integrity using its power responsibly for the purpose for which it is intended.

The attached Framework guides the City in providing the highest level of integrity for its community, and brings together the instruments, processes and structures within the organisation that foster integrity and help prevent corruption and misconduct from taking place.

The draft Integrity Framework was developed utilising the PSC’s framework resources, and will apply to all employees and elected members.

The Framework outlines the City’s approach to act with honesty and transparency, to prevent and address misconduct, and to operate with integrity.

The draft Framework, if endorsed by Council, will be reviewed on a regular basis.

**Consultation**

The draft Integrity Framework was tabled at EMT in May 2023. It has not been subsequently reviewed or amended since that time.

**Strategic Implications**

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

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| --- | --- |
| 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*.

*Public Sector Management Act 1994*.

*Corruption, Crime and Misconduict Act 2003*.

*Public Interest Disclosure Act 2003*.

*Risk Management Policy*.

**Decision Implications**

The endorsement of the Integrity Framework by Council will ensure the City is compliant with better practices adopted in this area.

**Conclusion**

The framework provides guidance for the City and aligns the City’s practices in this area with the PSC requirements for public sector authorities.

**Further Information**

Nil.

# Reports by the Chief Executive Officer

## CEO46.11.24 Register of Outstanding Council Resolutions

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| --- | --- |
| **Meeting & Date** | Council Meeting – 26 November 2024 |
| **Applicant** | City of Nedlands |
| **Employee Disclosure under section 5.70 Local Government Act 1995** | No officer involved in the preparation of this report has a declarable interest. |
| **Report Author** | Sara Bloomfield – Governance Officer (Council Support) |
| **Director/CEO** | Keri Shannon – Chief Executive Officer |
| **Attachments** | 1. Register of Outstanding Council Resolutions |

**Purpose**

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

**ADMINISTRATION RECOMMENDATION**

**That Council RECEIVES the Register of Outstanding Council Resolutions dated October 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 2023-33 vision and desired outcomes as follows:

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

**Budget/Financial Implications**

Nil.

**Legislative and Policy Implications**

*Local Government Act 1995*.

**Decision Implications**

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

**Conclusion**

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

**Further Information**

Nil.

## CEO47.11.24 Elected Members Information Bulletin

This item will be dealt with at the Council Meeting.

# 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.